

Chapter 9 Responses to Comments

9.1 Introduction

This chapter lists the comments received on the DEIR and Recirculated Partial DEIR, provides copies of the individual comments, and responds in turn to each comment related to environmental issues. The master responses referenced below are found in the preceding Chapter 8, *Master Responses*.

The supporting materials submitted with some of the comments have not been included in this chapter for space reasons. The supporting materials are considered part of the administrative record and are available for review at the County office listed in Chapter 1, *Introduction and Scope* and online at the County's TGPA/ZOU website:

http://www.edcgov.us/Government/LongRangePlanning/LandUse/TGPA-ZOU_Main.aspx.

Table 9-1. Draft Environmental Impact Report Comment Letters Received

# Assigned	Comment Letter No.	Commenter	Date
Regional Agencies			
271044	R-1	El Dorado County Airport Land Use Commission, Woody Deloria	July 14, 2014
271047	R-2	Diamond Springs and El Dorado Community Advisory Committee, Robert Smart and Dale Pierce	July 22, 2014
271048	R-3	El Dorado Hills Area Planning Advisory Committee, John Hidahl	July 22, 2014
271053	R-4	El Dorado Hills Community Services District, Kevin A. Loewen	July 17, 2014
271054	R-5	El Dorado County Air Quality Management District, Adam Baughman	July 23, 2014
270155	R-6	El Dorado County Transportation Commission, Woodrow E. Deloria	July 23, 2014
271056	R-7	El Dorado County Transportation Commission, Jerry Barton	July 23, 2014
271057	R-8	El Dorado County Farm Bureau, Valerie Zentner and James E. Davies	July 23, 2014
State Agencies			
270978	S-1	Caltrans District 3, Susan Wilson	March 25, 2014
270979	S-2	Caltrans District 3, Susan Wilson	March 25, 2014
270981	S-3	California Public Utilities Commission, Ken Chiang, P.E.	March 27, 2014
270986	S-4	Central Valley Regional Water Quality Control Board, Trevor Cleak	April 4, 2014

# Assigned	Comment Letter No.	Commenter	Date
271046	S-5	Board of Forestry & Fire Protection, Edith Hannigan	July 17, 2014
271058	S-6	California Department of Transportation, Marlo Tinney	July 23, 2014
271065	S-7	Governor's Office of Planning and Research, Scott Morgan	July 24, 2014
311120	S-Recirc-1	Central Valley Regional Water Quality Control Board, Trevor Cleak	February 27, 2015
301126	S-Recirc-2	State of California, Department of Transportation, Eric Fredericks	March 16, 2015
301129	S-Recirc-3	State of California, Department of Transportation, Marlon Flournoy	May 5, 2015
Tribes			
270998	T-1	United Auburn Indian Community, Gene Whitehouse	June 4, 2014
271045	T-2	Shingle Springs Band of Miwok, Kara Perry	July 11, 2014
271074	T-3	Tumelay Nissenan Miwok, El Dorado Miwok, Kimberly ShiningStar Petree	August 14, 2014
271073	T-4	United Auburn Indian Community of the Auburn Rancheria, Gene Whitehouse	August 14, 2014
Local Agencies			
271064	L-1	CEDAC-EDH, John Hidahl and Noelle Mattock	July 22, 2014
301124	L-Recirc-1	El Dorado Hills Area Planning Advisory Committee, John Hidahl	March 16, 2015
Organizations			
271052	O-1	Rural Communities United (RCU), Thomas P. Infusino, Esq.	July 23, 2014
271063	O-2	Sierra Pacific Industries, Cedric Twight	July 16, 2014
291112	O-Recirc-1	Rural Communities United (RCU), Ellen Van Dyke	March 16, 2015
	O-Recirc-1-Attachment A	AB 1739	
	O-Recirc-1-Attachment B	AB 3030	
	O-Recirc-1-Attachment C	Bulletin 118	
	O-Recirc-1-Attachment D	CA Sport Fishing Alliance & EID	
	O-Recirc-1-Attachment E	CA Water Blog	
	O-Recirc-1-Attachment F	Cal Water Boards	
	O-Recirc-1-Attachment G	CED Chico	

# Assigned	Comment Letter No.	Commenter	Date
	O-Recirc-1-Attachment H	Cosumnes River Streamflow	
	O-Recirc-1-Attachment I	Cosumnes River Fall Flows	
	O-Recirc-1-Attachment J	DWR Groundwater Shortages	
	O-Recirc-1-Attachment K	EDC 2013 GP Annual Progress Report	
	O-Recirc-1-Attachment L	EDC Chapter 15.32 Private Sewage	
	O-Recirc-1-Attachment M	EDC Environmental Management Definition of Community Water Systems	
	O-Recirc-1-Attachment N	EDC Environmental Management Definition for Small Water Systems	
	O-Recirc-1-Attachment O	EDC Environmental Management, Septic System Minimum Setback Requirements	
	O-Recirc-1-Attachment P	EDC Environmental Management	
	O-Recirc-1-Attachment Q	EDC Final Draft Proposed Well Ordinance	
	O-Recirc-1-Attachment R	EDC Sampling Requirements	
	O-Recirc-1-Attachment S	EDC Slideshow	
	O-Recirc-1-Attachment T	EDC Small Water System Program	
	O-Recirc-1-Attachment U	EDCWA	
	O-Recirc-1-Attachment V	EDCWA WRDMP	
	O-Recirc-1-Attachment W	EID Board Policies	
	O-Recirc-1-Attachment X	El Dorado County Adopted ROIs	
	O-Recirc-1-Attachment Y	El Dorado County NOP	
	O-Recirc-1-Attachment Z	EPA Aquatic Buffer	
	O-Recirc-1-Attachment AA	EPA Asbestos in Drinking Water	
	O-Recirc-1-Attachment BB	EPA ECHO Data	
	O-Recirc-1-Attachment CC	EPA Water on Tap	
	O-Recirc-1-Attachment DD	EPA Asbestos Report	

# Assigned	Comment Letter No.	Commenter	Date
	O-Recirc-1-Attachment EE	Managing Surface Water-Groundwater to Restore Fall Flows in the Cosumnes River	
	O-Recirc-1-Attachment FF	Folsom SPA Water Supply Assessment	
	O-Recirc-1-Attachment GG	General Plan EIR Land Use Chapter 5	
	O-Recirc-1-Attachment HH	Groundwater & Rural Homeowner	
	O-Recirc-1-Attachment II	GVA and SSCA Public Comment	
	O-Recirc-1-Attachment JJ	Human Health & Private Wells	
	O-Recirc-1-Attachment KK	Riparian Setback Guidance	
	O-Recirc-1-Attachment LL	LUPPU Parcel Changes	
	O-Recirc-1-Attachment MM	LUPPU sample	
	O-Recirc-1-Attachment NN	LUPPU sample page 1	
	O-Recirc-1-Attachment OO	LUPPU sample sheet	
	O-Recirc-1-Attachment PP	CR Lines Won't Change Anytime Soon	
	O-Recirc-1-Attachment QQ	Stanford Report	
	O-Recirc-1-Attachment RR	Sawyer Primer	
	O-Recirc-1-Attachment SS	SB 1168	
	O-Recirc-1-Attachment TT	RWQCB Riparian Buffers	
	O-Recirc-1-Attachment UU	The Cup's Half Full	
	O-Recirc-1-Attachment VV	SWRCB Communities Rely on Contaminated Water	
	O-Recirc-1-Attachment WW	SWRCB Guide for Domestic Well Owners	
	O-Recirc-1-Attachment XX	SWRCB Well Assessment Project	
	O-Recirc-1-Attachment YY	Water Supply Assessment Marble Valley SB 610	
	O-Recirc-1-Attachment ZZ	Typical Water Demands for Rural Parcels	
	O-Recirc-1-Attachment AAA	USGS Contamination Fractured Rock Aquifers	

# Assigned	Comment Letter No.	Commenter	Date
	O-Recirc-1-Attachment BBB	USGS Fractured Rock Aquifers	
	O-Recirc-1-Attachment CCC	USGS Groundwater Pumping Streamflow	
	O-Recirc-1-Attachment DDD	USGS Groundwater Surface Water Single Resource	
	O-Recirc-1-Attachment EEE	USGS Primer on Water Quality	
	O-Recirc-1-Attachment FFF	USGS Quality of Ground Water	
	O-Recirc-1-Attachment GGG	USGS Streamflow Depletion by Wells	
	O-Recirc-1-Attachment HHH	USGS Tahoe & Martis Basins	
	O-Recirc-1-Attachment III	Water is Way Below Allotments	
291113	O-Recirc-2	Friends of El Dorado County, Bernard Carlson, Henry Batsel, and Dennis Jordan	March 16, 2015
301125	O-Recirc-3	El Dorado County Farm Bureau, Renee Hargrove and Jim Davies	March 16, 2015
Individuals			
250964	I-1	Tom Infusino	March 25, 2014
250977	I-2	Ellen Van Dyke	April 1, 2014
250980	I-3	Rob and Gloria Vernon	April 1, 2014
250982	I-4	William and Jo Ann Hoffman	April 2, 2014
250983	I-5	Geoffrey Wilson	April 2, 2014
250984	I-6	Sean McGinness	April 23, 2014
260989	I-7	Joyce Bennett	April 28, 2014
260990	I-8	Thomas R. Van Noord	April 30, 2014
280967	I-9	Rob & Gloria Vernon	March 31, 2014
280968	I-10	Lawrence & Jane Alexander	April 9, 2014
280969	I-11	Bill Draper	April 13, 2014
280970	I-12	Richard Boylan, PhD.	April 16, 2014
280971	I-13	Jim Copeland	April 1, 2014
280972	I-14	Jake Lee	April 18, 2014
280973	I-15	Diane Lehr	April 18, 2014
280974	I-16	Aaron Klinger	April 19, 2014
280975	I-17	Scott Keeling	April 14, 2014
280976	I-18	Katie Huff	April 27, 2014
250994	I-19	Chuck Beckwith	July 1, 2014
251004	I-20	Kathy McCoy	July 1, 2014
250996	I-21	Pam Sheil	July 7, 2014
251003	I-22	Gregory Rezak	July 7, 2014
260991	I-23	Larry T. Ring	June 12, 2014

# Assigned	Comment Letter No.	Commenter	Date
250997	I-24	Gregory Rezak	July 7, 2014
250995	I-25	Kathy McCoy	July 1, 2014
251005	I-26	Charlene Hensley	July 21, 2014
251006	I-27	Cheryl Langley	July 21, 2014
251007	I-28	Cedric Twilight	July 22, 2014
251008	I-29	Kimberly Hatch	July 22, 2014
251009	I-30	Greg and Jill Larner	July 21, 2014
251010	I-31	Karen Warner	July 22, 2014
251011	I-32	Ellen Katz	July 22, 2014
251012	I-33	Ellen Obradovic	July 22, 2014
251013	I-34	Julie Mack	July 22, 2014
251014	I-35	Dave Hammond	July 22, 2014
251015	I-36	Richard and Connie Cashdollar	July 22, 2014
261017	I-37	Kathleen M. Prevost	July 21, 2014
251016	I-38	Shelley Wiley	July 23, 2014
251018	I-39	David Pava	July 22, 2014
251019	I-40	Mr. and Mrs. Michael Mueller, RCDD	July 22, 2014
251020	I-41	Jennifer Zraick	July 22, 2014
251021	I-42	Ashley Blinn	July 22, 2014
251022	I-43	Larry Patterson	July 22, 2014
251023	I-44	Steve Cogburn	July 22, 2014
251024	I-45	Steve Clark	July 22, 2014
251025	I-46	Carole W. and Jeffrey W. Browne	July 22, 2014
251026	I-47	Theresa and Dana David	July 23, 2014
251027	I-48	Michael Ann and Jerry M. Sizemore	July 23, 2014
251028	I-49	Edward and Linda Mattson	July 23, 2014
251029	I-50	Lindell Price	July 23, 2014
251030	I-51	Stanley Price	July 23, 2014
251031	I-52	Karen Mulvany	July 23, 2014
	I-52 - Attachment	Karen Mulvany	
251032	I-53	Karen Mulvany	July 23, 2014
	I-53-Attachment	Karen Mulvany	
251033	I-54	Karen Mulvany	July 23, 2014
	I-54-Attachment	Karen Mulvany	
251034	I-55	Karen Mulvany	July 23, 2014
	I-55-Attachment	Karen Mulvany	
251035	I-56	Lindell Price	July 23, 2014
251036	I-57	Stanley Price	July 23, 2014
251037	I-58	Francesca Duchamp	July 23, 2014
251038	I-59	Joel Ellinwood, AICP LEED-AP	July 23, 2014
281040	I-60	Sue Taylor	July 23, 2014
281041	I-61	Shelley Wiley	July 23, 2014

# Assigned	Comment Letter No.	Commenter	Date
281042	I-62	Teddy McGraw	July 23, 2014
251050	I-63	Dejan Obradovic	July 23, 2014
271067	I-64	Steve Ferry	July 31, 2014
271066	I-65	Debbie Manning	July 31, 2014
	I-Recirc-1	Jeanne Harper	January 29, 2015
	I-Recirc-2	Richard Boylan, PhD	January 30, 2015
	I-Recirc-3	Betty Peterson	March 6, 2015
	I-Recirc-4	Charlet N. Burcin	March 6, 2015
	I-Recirc-5	Christine Librach	March 6, 2015
	I-Recirc-6	F.A. Librach	March 6, 2015
	I-Recirc-7	Karen Adams and Souza Drive	March 6, 2015
	I-Recirc-8	Lisa Tomaino	March 6, 2015
	I-Recirc-9	Mike Freire	March 6, 2015
	I-Recirc-10	Michelle Lane	March 6, 2015
	I-Recirc-11	Tami Teshima	March 7, 2015
	I-Recirc-12	Craig Campbell	March 6, 2015
	I-Recirc-13	Don Larson	March 9, 2015
	I-Recirc-14	Dan and Corrine Taylor	March 10, 2015
	I-Recirc-15	Mary Lou Giles	March 10, 2015
	I-Recirc-16	Janna Buwalda	March 12, 2015
	I-Recirc-17	Karen Schiro	March 14, 2015
	I-Recirc-18	Barbara Jensen	March 15, 2015
291108	I-Recirc-19	Bernard Carlson	March 16, 2015
	I-Recirc-20	Cheryl Langley	March 16, 2015
	I-Recirc-20- Attachment 20a	Cheryl Langley	
	I-Recirc-20- Attachment 20b	Special Animal List	
	I-Recirc-20- Attachment 20c	DFG Special Animals	
	I-Recirc-20- Attachment 20d	EPIC of Western EL vs. County of El Dorado	
	I-Recirc-20- Attachment 20e	California Farmland Conversion Report 2008- 2010	
	I-Recirc-20- Attachment 20f	Fully Protected Animals	
	I-Recirc-20- Attachment 20g	Setback Recommendations to Conserve Riparian Areas and Stream in Western Placer County, Jones & Stokes	
	I-Recirc-20- Attachment 20h	El Dorado Irrigation District, SB 610 Water Supply Assessment for the Village of Marble Valley Specific Plan	

# Assigned	Comment Letter No.	Commenter	Date
	I-Recirc-20-Attachment 20i	Sacramento Bee, California poised to tighten water restrictions	
	I-Recirc-20-Attachment 20j	A Primer on California Water Rights	
	I-Recirc-20-Attachment 20k	Sacramento Bee, Water is way below allotments	
	I-Recirc-21	Eva Robertson	March 16, 2015
	I-Recirc-22	Henry Batsel	March 16, 2015
	I-Recirc-23	Sue Taylor	March 16, 2015
	I-Recirc-24	Kathy Prevost	March 16, 2015
	I-Recirc-25	Gerald W. Lillpop	August 16, 2014

9.2 Regional Agencies

Letter R-1—El Dorado County Airport Land Use Commission, Woody Deloria



TGPA-ZOU ZOU <tgpa-zou@edcgov.us>

Fwd: EDC ALUC Review of General Plan Update

1 message

Shawna Purvines <shawna.purvines@edcgov.us>
To: TGPA-ZOU ZOU <TGPA-ZOU@edcgov.us>

Mon, Jul 14, 2014 at 8:03 PM

----- Forwarded message -----

From: **Woody Deloria** <wdeloria@edctc.org>
Date: Mon, Jul 14, 2014 at 2:22 PM
Subject: EDC ALUC Review of General Plan Update
To: Shawna Purvines <shawna.purvines@edcgov.us>

Shawna,

As the ALUC we are required to review the General Plan (LUPPU) Update currently out for public review. I have been working with Aaron Mount of County Planning on the proposed General Plan Amendment which will make the General Plan consistent with the Airport Land Use Compatibility Plan (ALUCP). However, I still need to follow the process and comment on the current General Plan update. Therefore, the attached letter serves that purpose. You will note it outlines all the steps needed in order for the General Plan to be consistent or for the County to overrule the ALUCP. Aaron and I have already been working through these as I provided the department a cheat sheet of sorts back in 2013 to help the process along. I have included this guidance letter as well as an attachment to this email. Please let me know if you have any questions or concerns. As always I am available to help with this effort in any way that I can be of assistance.

R-1-1

Thanks,

Woodrow E. Deloria

Senior Transportation Planner

El Dorado County Transportation Commission

530-642-5263 phone

530-642-5266 fax

www.edctc.org

--

Shawna L. Purvines

Principal Planner

County of El Dorado

Community Development Agency

Long Range Planning

2850 Fairlane Court

Placerville, CA 95667

Phone:(530) 621-5362/Fax: (530) 642-0508

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Thank you.

2 attachments**LUPPU ALUC Letter.pdf**

167K

**EL Dorado County General Plan Memo.pdf**

77K



2828 Easy Street Suite 1, Placerville, CA 95667 530.642.5263 www.edctc.org
 Councilmembers Representing City of Placerville | Supervisors Representing El Dorado County
 Patty Borelli, Carl Hagen, Wendy Thomas | Ron Briggs, Ron Mikulaco, Norma Santiago, Brian Veerkamp
 Sharon Scherzinger, Executive Director

July 11, 2014

Shawna Pervines
 El Dorado County Community Development Agency, Long Range Planning
 2850 Fairlane Court,
 Placerville, CA 95667

Re: Targeted General Plan Amendment (TGPA) & Zoning Ordinance Update (ZOU) Draft Environmental Impact Report (EIR)

Dear Ms. Purvines:

The El Dorado County Airport Land Use Commission (ALUC) staff has reviewed the El Dorado County TGPA and ZOU Draft EIR for consistency with the El Dorado County Airport Land Use Compatibility Plan (ALUCP) adopted on June 28, 2012. In accordance with Public Utility Code, the ALUC shall review the general plans, specific plans, zoning ordinances, and building regulations of affected local jurisdictions to determine their consistency with the ALUCP. Within 180 days of the ALUC's adoption or amendment of the ALUCP, each local agency affected by the plan must amend its general plan and any applicable specific plan to be consistent with the ALUCP or, alternatively, provide required notice, adopt findings, and overrule the ALUC. ALUC staff is currently working with Development Services staff reviewing a separate Draft General Plan Amendment to make the General Plan consistent with the ALUCP, it is important that the process and steps are followed with regard to the TGPA and ZOU currently underway. The TGPA and ZOU Draft EIR does not make the necessary changes to the General Plan to be consistent with the adopted ALUCP.

R-1-2

The purpose of the ALUCP is to protect public health, safety, and welfare by ensuring the orderly expansion of airports and the adoption of land use measures that minimize the public's exposure to excessive noise and safety hazards within areas around public airports to the extent that these areas are not already devoted to incompatible uses. The Government Code establishes that each county and city affected by an airport land

R-1-3

use compatibility plan must make its general plan and any applicable specific plans consistent with the ALUC's compatibility plan. Alternatively, local agencies can undertake the series of steps listed in the Public Utilities Code to overrule the ALUC policies. The other responsibility of local agencies is to refer their plans and certain other proposed land use actions to the ALUC for review so that the ALUC can determine whether those actions are consistent with its compatibility plan. Proposed adoption or amendment of general plans, specific plans, zoning ordinances, and building regulations always must be referred to the ALUC. However, other actions, such as those associated with individual development proposals, are subject to ALUC review only until such time as the agency's general plan and specific plans have been made consistent with the ALUC plan or the agency has overruled the ALUC.

R-1-3
Cont.

A general plan does not need to be identical with the ALUC plan in order to be consistent with it. To meet the consistency test, a general plan must do two things:

- It must specifically address compatibility planning issues, either directly or through reference to a zoning ordinance or other policy document; and
- It must avoid direct conflicts with compatibility planning criteria.

R-1-4

Compatibility planning issues can be reflected in a general plan in several ways:

- Incorporate Policies into Existing General Plan Elements
- Adopt a General Plan Airport Element
- Adopt ALUCP as Stand-Alone Document
- Adopt Airport Combining District or Overlay Zoning Ordinance

R-1-5

ALUC staff provided guidance on how the El Dorado County General Plan may be updated to be found consistent with the ALUCP. This guidance is attached with this submittal.

R-1-6

The only other course of action available to local agencies is to overrule the ALUC. If the ALUC has determined that a local agency's general plan is inconsistent with the ALUCP and the local agency wishes to adopt the plan anyway, then it must overrule the ALUC. The statutes are explicit in the spelling out the steps involved in the overrule process. These same steps also apply if the local agency intends to overrule the ALUC with regard to a finding of inconsistency on proposed adoption or approval of a specific plan, zoning ordinance or building regulation, or airport master plan, or, if referral to the ALUC was mandatory, an individual development proposal. First, the local agency must make specific findings that the proposed local action is consistent with the purposes of Article 3.5 of the California Public Utilities Code. Such findings may not be adopted as a matter of opinion, but must be supported by substantial evidence. Specifically, the governing body of the local agency must make specific findings that the proposed project will not:

- Impair the orderly, planned expansion of the airport;
- Adversely affect the utility or capacity of the airport; or
- Expose the public to excessive noise and safety hazards.

R-1-7

Prior to proceeding with an overrule action, the local agency must provide to the ALUC and the Caltrans Division of Aeronautics a copy of the proposed decision and findings to overrule the ALUC at least 45 days prior to the hearing date. The ALUC and the Division of Aeronautics may provide comments to the local agency within 30 days of receiving the proposed decision and findings. The local agency must hold a public hearing on the matter with notice provided in a manner consistent with the agency's established procedures. A decision to overrule the ALUC must be made by a two-thirds vote of the local agency's governing body. If the overrule is approved, any comments received from the ALUC or Caltrans Division of Aeronautics must be included in the public record of the final decision.

R-1-8

A final aspect of a decision to overrule the ALUC involves liability implications. The statutes say that, if a local agency other than the airport owner overrules the ALUC, the agency that owns and operates the airport shall be immune from liability for damages to property or personal injury caused by or resulting directly or indirectly from the public agency's decision to override the commission's action or recommendation.

R-1-9

EDCTC staff is available to assist in any way necessary with the amendment of the General Plan to become consistent with the adopted ALUCP. Please feel welcome to call on me if you have any questions about the review.

R-1-10

Sincerely,



Woodrow Deloria
Senior Transportation Planner



2828 Easy Street Suite 1, Placerville, CA, 95667 530.642.5260 www.edctc.org

To: Peter Maurer, El Dorado County Planning
From: Woodrow Deloria, El Dorado County Transportation Commission
Date: May 23, 2013
Re: El Dorado County General Plan Consistency Checklist and Action Items

On June 28, 2012, the El Dorado County Airport Land Use Commission (ALUC) adopted a revised Airport Land Use Compatibility Plan (ALUCP) for three airports in Dorado County: Cameron Airpark Airport, Placerville Airport, and Georgetown Airport. The Airport Influence Area (AIA) associated with each airport includes unincorporated areas within the County.

R-1-11

State law requires each local agency having jurisdiction over land uses with the ALUC's planning area to modify its general plan and any affected specific plans to be consistent with the compatibility plan. The law says that the local agency must take this action within 180 days of when the ALUC adopts or amends its plan (Government Code Section 65302.3).

R-1-12

As described in Chapter 1 of the ALUCP, a general plan or specific plan does not need to be identical with the ALUC plan to be consistent with it, but it must do two things:

R-1-13

- Specifically address compatibility planning issues, either directly or through reference to a zoning ordinance or other policy document: and
- Avoid direct conflicts with compatibility planning criteria.

Attachment 1 to this memorandum presents a copy of Table 5-A, "General Plan Consistency Checklist" from the *California Airport Land Use Planning Handbook*. The table provides general guidance to local agencies when modifications are necessary to make their local plans and policies consistent with the ALUCP. The remainder of this memorandum identifies specific items that would be required to provide consistency between to the adopted El Dorado County General Plan (2004) and the recently adopted ALUCPs for the Cameron Park, Georgetown, and Placerville Airports. Much of the information presented in this discussion is based on the CEQA analysis prepared prior to ALUCP adoption.

R-1-14

General Approach to Consistency

A jurisdiction may provide compatibility through one of the following approaches:

- Incorporate policies into existing General Plan Elements
- Adopt a General Plan Airport Element
- Adopt the ALUCP as a Standalone Document
- Adopt an Airport Combining District or Overlay Zoning Ordinance

R-1-15

The 2004 General Plan for El Dorado County Plan incorporates ALUCP policies in two ways: by incorporating policies into existing General Plan Elements and through the use of an Airport Combining District as defined in Chapter 17.038 of the County's Zoning Ordinance. The following discussion provides a recommended approach for providing consistency among the ALUCP, General Plan, and Zoning Ordinance.

R-1-16

Overall Consistency between the El Dorado County General Plan and ALUCP

None of the proposed ALUC policies associated result in direct conflicts with the County of El Dorado's general plan; three general plan elements provide specific policies in support of airport operations and ALUCP consistency/compliance:

- **Land Use Policy 22.5.13** states that "the land uses adjacent to or surround airport facilities shall be subject to location, use, and height restrictions consistent with the Comprehensive Airport Land Use Plan."
- **Transportation and Circulation Policy TC-7a** states that "the County shall continue to support federal and state regulations governing operation and land use restrictions related to airports in the County."
- **The Public Health, Safety and Noise Element and its implementation measures**, which underscore the need to ensure that projects are evaluated against the guidelines and noise standards within the ALUC polices, and state that the County shall develop an airport combining zone district within the County Zoning Ordinance to discourage incompatible development.

R-1-17

Despite this general agreement, the County of El Dorado will need to amend or supplement its general plan and zoning ordinances to provide consistency where site-specific variations in policy may occur. Specific modifications include, but are not limited to, the following:

- Reference the new ALUCP by name and adoption date;
- Establish the process which the County will follow when forwarding certain land use actions to the ALUC for review and defining what types of actions will be forwarded;
- Define the process which the County will follow when reviewing proposed land use development within each Airport Influence Area to ensure that the development will be consistent with the polices set forth in the ALUCP for each airport; and
- Incorporate the compatibility criteria, policies, and zones addressing noise, safety, airspace protection, and overflight hazards into the general plan itself or into the Airport Combining District Ordinance.

R-1-18

As identified in the CEQA documents prepared in support of the ALUCPs, the items identified in Table 1 policies should be revised to cite the 2012 adopted ALUCPs. Please note that the modifications in Table 1 are not exhaustive, but refer to policies in which the ALUCPs are already identified. Additional cross referencing may be incorporated as subsequent revisions are made to the General Plan or zoning code.

R-1-19

Responses to Letter R-1

R-1-1

This consists of introductory remarks and no comments on environmental issues. No response is necessary.

R-1-2

The commenter notes that the targeted general plan amendments (TGPA) and zoning ordinance update (ZOU) do not make the changes to the General Plan that are necessary to be consistent with the adopted Airport Land Use Compatibility Plan (ALUCP). The Airport Land Use Commission (ALUC) adopts the ALUCP, and under State law the County must submit any general plan amendments to the ALUC for a determination of consistency with the ALUCP.

The County Board of Supervisors on December 16, 2014 approved minor amendments to the General Plan necessary to achieve consistency between the General Plan and the ALUCP (Resolution 238-2014). On May 14, 2015 the TGPA and ZOU were submitted to the ALUC for review and comment.

In their letter of June 8, 2015, the ALUC informed the County that the ALUC had voted unanimously to find the TGPA consistent with the ALUCPs. The ALUC's letter notes that the ALUC has found the ZOU to be "conditionally consistent" with the ALUCPs, pending incorporation into the ZOU corrected references to the ALUCPs, the addition of language to the ZOU covering the elements of the ALUCPs, and the addition of definitions of the elements of the ALUCPs. The County will make these minor revisions to the ZOU at its adoption.

R-1-3

This comment describes the authority of the ALUC and the County's responsibilities under State law. It does not address environmental issues, so no response is necessary.

R-1-4

This comment describes the ALUCP/General Plan consistency test applied by the ALUC. It does not address environmental issues, so no response is necessary.

R-1-5

This comment identifies in general how the General Plan can be made consistent with the ALUCP. It does not address environmental issues, so no response is necessary.

R-1-6

This comment notes that ALUC staff has provided the County with guidance on how to update the General Plan so that it will be consistent with the ALUCP. The comment does not address environmental issues, so no response is necessary.

R-1-7

This comment describes the method by which a city or county may overrule the ALUC regarding ALUCP consistency. It does not address environmental issues, so no response is necessary.

R-1-8

Please see the response to comment R-1-7.

R-1-9

This comment notes that if a city or county overrules the ALUC regarding ALUCP consistency, then another agency that owns the airport in question will receive immunity from liability from later decisions of the city or county that would result in property damage or personal injury. The comment does not address environmental issues, so no response is necessary.

R-1-10

The ALUC staff offers their help in identifying amendments to the General Plan necessary for consistency with the ALUCP. The comment does not address environmental issues, so no response is necessary.

R-1-11

This comment notes that the ALUC adopted its current ALUCP in June 2012, encompassing the Cameron Airpark, Placerville, and Georgetown airports. The airport influence areas (AIAs) of the airports include unincorporated areas within the county. The comment does not address environmental issues, so no response is necessary.

R-1-12

Please see the response to comment R-1-3.

R-1-13

This comment states that, based on ALUCP policies, the General Plan does not have to be consistent with the ALUCP if it specifically addressed compatibility planning issues and avoids direct conflicts with compatibility planning criteria. The comment does not address environmental issues, so no response is necessary.

R-1-14

This comment refers the County to the California Airport Land Use Planning Handbook for guidance on how the General Plan can be made consistent with the ALUCP. The comment does not address environmental issues, so no response is necessary.

R-1-15

Please see the response to comment R-1-5.

R-1-16

The comment describes briefly how the 2004 General Plan incorporates ALUCP policies. The comment does not address environmental issues, so no response is necessary.

R-1-17

The comment identifies three existing General Plan policies that support airport operations and ALUCP consistency. The comment does not address environmental issues, so no response is necessary.

R-1-18

The comment identifies specific modifications to the General Plan that the ALUC believes are necessary in order to provide consistency between the ALUCP, General Plan, and ZOU:

- Reference the 2012 ALUCP by name and adoption date.
- Establish the process that the County will follow when forwarding qualifying land use actions to the ALUC for review.
- Define the process that the County will follow when reviewing proposed development projects located within an AIA to ensure that the project will be consistent with the ALUCP policies for the pertinent airport.
- Incorporate into the General Plan or an Airport Combining District the compatibility criteria, policies, and zones for noise, safety, airspace protection, and overflight hazard issues.

Please see response R-1-1.

Neither the General Plan nor the proposed Airport Safety combining zone includes the comprehensive set of compatibility criteria requested in the ALUC's fourth point. However, the required consistency with the ALUCPs in Policy 2.2.5.13 fulfills essentially the same purpose.

R-1-19

The comment requests that the General Plan include additional cross referencing to the ALUCPs. Please see response R-1-1.

Letter R-2—Diamond Springs and El Dorado Community Advisory Committee, Robert Smart and Dale Pierce



Committee Members

Deanne Johnson
Kathy McCoy
Larry Patterson
Erik Peterson
Dale Pierce
Bob Smart
Greg Webb

DIAMOND SPRINGS AND EL DORADO
COMMUNITY ADVISORY COMMITTEE

Diamond Springs Fire Station
501 Main Street
Diamond Springs, CA 95916
July 22, 2014

To: El Dorado County Community Development Agency
2850 Fairlane Court
Placerville, CA 95667

Attn: Shawna Purvine:

Subject: **Targeted General Plan Amendment**

The Diamond Springs-El Dorado Community Advisory committee supports the El Dorado County Mixed-use Design Manual (released March 19, 2014), and hopes this is a pathway to developing enforceable standards for local communities. The CAC also notes that this manual is consistent with the historic overlays proposed for the townships of Diamond Springs and El Dorado.

R-2-1

Sincerely,

Robert A. Smart, Jr.
Chairperson

Responses to Letter R-2

R-2-1

This comment supports the TGPA/ZOU. No response is necessary.

Letter R-3—El Dorado Hills Area Planning Advisory Committee, John Hidahl



El Dorado Hills
Area Planning Advisory Committee
 1021 Harvard Way
 El Dorado Hills, CA 95762

2014 Board
Chair
 John Hidahl
Vice Chair
 Jeff Haberman
Secretary/Treasurer
 Kathy Prevost

July 22, 2014

El Dorado County Development Services Department, Planning Services
 Attn: Shawna Purvines, Senior Planner
 2850 Fairlane Court, Building "C"
 Placerville, CA 95667

Subject: APAC Comments on the Draft Program Environmental Impact Report (DEIR)

Dear Shawna,

The El Dorado Hills APAC TGPA/ZOU subcommittee was established in February 2012, based upon notification from County of the intent to make modifications to the General Plan and Zoning Ordinance. The subcommittee has continued to follow the progress on the DEIR, and submits the attached analysis/response to the DEIR. Regrettably, the formatting of the DEIR was very difficult to follow relative to APAC's primary interests in Land Use and Zoning, and Traffic and Transportation. Specific responses to APAC's previous NOP submittal comments/questions could not be found in the DEIR, which means that all of the NOP inputs remain unanswered, and must be provided in the Final EIR. Unfortunately, this will make the Planning Commission and BOS public hearings very long/excruciating processes that will limit broad public input (due to time conflicts), while maximizing the influence by the 'direct beneficiaries', as in the 2004 proceedings.

R-3-1

Since APACs next General meeting will be held on Wednesday August 13th, the APACs subcommittee is submitting this report to meet the July 23rd timeline. Following the review of the subcommittee's report at our August 13th meeting, a final report will be submitted.

Attached is an updated Summary Matrix/Table of APAC's original submittal, which has an added column (far right) that provides the DEIR specific analyses/responses. In summary, we found the impact analysis and limited mitigations identified in the DEIR to be inadequate/incomplete in addressing/responding to APACs concerns.

R-3-2

We would like to acknowledge and thank the various members of the County Long Range Planning Department, who have helped locate and clarify applicable DEIR content/information.

If you have any questions on any of the comments and/or concerns expressed herein, please contact one of the TGPA & ZOU Sub-Committee Co- Chairmen; John Hidahl @ (916 933-2703) or Norm Rowett @ (916 933-2211)

APAC appreciates having the opportunity to comment.

Sincerely,

John Hidahl

John Hidahl,
 TGPA & ZOU Sub-Committee Co- Chairman, APAC

cc: BOS1, BOS 2, BOS 3, BOS 4, BOS 5
 Planning Commission
 APAC Read File

July 22, 2014

Issue	EDH-APAC Position	NOP Response	7.10.12 NOP Response	7.22.14 DEIR Analysis/Response
<p>Policy 2.2.1.2 and Table 2 Multi-Family Use: Consider amending density from 24 units per acre to 30 units per acre to comply with California Government Code 65583.2(c)(iv) and (e) which requires jurisdictions within Metropolitan Statistical Areas (MSA) of populations greater than 2,000,000 to allow for up to 30 units per acre when determining sites to meet the low and very low housing allocation categories. El Dorado County is located within the Sacramento MSA. Amend the Multi-Family land use to allow for commercial as part of a mixed use project. Amend the Multi-Family land use to encourage a full range of housing types including small lot single family detached design without a requirement for a Planned Development.</p> <p>High Density Residential Use: Consider deleting the requirement for a Planned Development application on projects of 3 or more units per acre.</p>	<p>Amending the density from 24 to 30 units would have a significant impact on site specific projects designated as multi-family use. This change would require that the infrastructure must be in place prior to development of the project.</p> <p>This may be appropriate for small developments on a single acre, but when creating more than 10 units in an area, a Planned Development is appropriate—especially if up to 8 units are on a single acre.</p>	<p>*Aesthetics The increase in size of the buildings to accommodate the additional units could overwhelm the surrounding area. How will this be prevented?</p> <p>*Air Quality The County already often exceeds the State air quality limits to avoid health risks associated with air pollution. This increase density will cause higher levels of air pollution. How will this be prevented?</p> <p>*Land Use/Planning The increase density could exceed the surrounding infrastructure and services. Please analysis this issue.</p> <p>*Noise The increase in density will cause additional noise at these sites. How will this be mitigated?</p>	<p>*Population/Housing The inclusion of the additional density per acre could exceed population balance for Community regional areas. How will this be prevented?</p> <p>This increase in density should be carefully analyzed to determine all of the impacts caused by increasing the density by 50%.</p> <p>*Transportation/Traffic The increase density could cause traffic congestion. An accurate traffic analysis using a traffic modeling program with current traffic conditions must be used to analyze this impact. Timely real world traffic mitigation measures should be provided to address these impacts.</p>	<p>Page ES-2, 2-7,3.6-5, 3.6-10, 3.7-7, 3.8-2 and 3.1--15. Confirming removal of MFR proposed change as “adoption of the Housing Element in October 2013, this increased density was determined to be unnecessary, and this proposed amendment is not being pursued.” Page 3.6-5. Disagree with change to allow residential use to precede commercial in mixed use developments. Facilitates inaccurate traffic modeling (mixed use) to be used for residential projects which may never see the commercial component built. Disagree with change in MFR that allows higher density without a PD. Allows too much discretion at the Planning department without public review/input. . Disagree with change in HDR that allows higher density without a PD. Allows too much discretion at the Planning department without public review/input. Disagree with Table 2-2 change that increases maximum residential densities for commercial/residential mixed use by 25%. INADEQUATE IMPACT ANALYSIS-NEEDS MITIGATION</p>

R-3-3

Issue	EDH-APAC Position	NOP Response	7.10.12 NOP Response	7.22.14 DEIR Analysis/Response
<p>Policies 2.2.3.1, 2.2.3.2 and 2.2.5.4- Consider amending the 30% open space requirement inside of Community Regions and Rural Centers to allow lesser area of “improved open space” on site, set criteria for options in meeting a portion of the requirement off-site or by an in lieu fee option as deemed necessary.</p>	<p>This would allow too many discretionary decisions by county policy makers on open space issues. The collection of in lieu fees would reduce open spaces which are highly desirable. Regardless of the “improvement” of the open space, a reduction from 30% open space will dramatically change the feel of an area. Even worse, allowing open space to be off-site completely removes the rural feel of an area that is being developed and again violates the fundamental principles of the county’s citizens.</p>	<p>*Aesthetics The lost of open space will detract from the visual appearance of housing project. Please address mitigation measures that will compensate for lost of open spaces on view shed.</p> <p>*Land Use/Planning If open space is not required, project design will put houses on less than desirable land. How will this be mitigated?</p>	<p>*Noise Vegetation and trees which are in most open spaces provide sound attenuation. How will this increase in sound and noise be mitigated when open space is removed from housing projects?</p> <p>*Air Quality The County already often exceeds the State air quality limits to avoid health risks associated with air pollution. This lost of open space will cause higher levels of air pollution. How will this be prevented?</p>	<p>Page ES-2 and 2-7, 2-8, 3.4-22, 3.4-29, 3.4-36, 3.8-4, and 3.8-7. Disagree with change to reduce open space requirement without a thorough impact analysis. Disagree that the impact is “less than significant”. The DEIR didn’t include projected new densities with the reduction of open space to determine impacts. INADEQUATE IMPACT ANALYSIS-NEEDS MITIGATION.</p>

R-3-4

Issue	EDH-APAC Position	NOP Response	7.10.12 NOP Response	7.22.14 DEIR Analysis/Response
<p>Policy 2.2.4.1 Consider amending the Density Bonus policy which allows incentive for the creation of open space as part of residential projects, and implement policy specifics through Zoning Ordinance.</p>	<p>Density Bonus has encouraged developers to request higher density projects for increased profits instead of better projects. The policy change must be clearly defined before an EIR can assess the impacts of this amendment.</p> <p>It is not appropriate to have a Density Bonus in Medium Density and Low Density Residential land use areas. Instead, an owner should apply for a change in land use designation and be evaluated on a case by case basis. Otherwise, a Density Bonus in these zones amounts to a change in land use and would significantly change the intention of the land use in the General Plan</p>	<p>*Aesthetics The increase density would remove natural vegetation and trees which provides a rural atmosphere and a more harmonious environment. Please assess the impact on aesthetics with the increase density from density bonuses.</p> <p>*Air Quality The County already often exceeds the State air quality limits to avoid health risks associated with air pollution. This increase density will cause higher levels of air pollution. How will this be prevented?</p> <p>*Land Use/Planning The increase density from density bonus could exceed the surrounding infrastructure and services. How will this be prevented?</p>	<p>*Noise The increase in density will cause additional traffic and other related noises. How will this be mitigated?</p> <p>*Population/Housing The density bonus will cause additional density per acre which could exceed population balance for Community regional areas. How will this be prevented?</p> <p>*Transportation/Traffic The increase density could cause traffic congestion. . An accurate traffic analysis using a traffic modeling program with current traffic conditions must be used to analyze this impact. Timely real world traffic mitigation measures should be provided to address these impacts.</p>	<p>Page ES-2, 2-8, 3.6-5. Disagree with change to Density Bonus provisions which will increase densities for residential development. No data was found in the DEIR that calculated the increase in density to determine the impact. INADEQUATE IMPACT ANALYSIS-NEEDS MITIGATION</p>
<p>Policy 2.2.5.4 Policy 2.2.5.4 All development applications which have the potential to create 50 parcels or more shall require the application of the Planned Development combining zone district. However, in no event shall a project require the application of the Planned Development combining zone district if all of the following are true: (1) the project does not require a General Plan amendment; (2) the project has an overall density of two units per acre or less; and (3) the project site is designated High-Density Residential. Consider deleting policy.</p>	<p>The requirement for a Planned Development belongs in the General Plan as it is one of the fundamental principles of our county that ensures preservation of open space as well as having infrastructure in-place prior to the development. It is too important to be moved from the most important planning document of the county, the General Plan.</p> <p>This is how to get rid of the 30% open space requirement. If a PD is not required, then I don't believe <u>any</u> open space is required to develop a property. Pack-um and stack-um! Could look like inner-city development on any parcels that are left to</p>	<p>*Aesthetics The loss of planned development could reduce open space and lower County design standards. Please address mitigation measures that will compensate for lost of open spaces and County design standards.</p>		<p>Page ES-2, 2-7,2-8, 3.6-8, 3.6-9 and 3.8-7. Disagree with change to remove PD requirement for subdivisions of 50 parcels or more. Allows too much discretion at the Planning department without public review/input. Disagree that “the impact is less than significant”. INADEQUATE IMPACT ANALYSIS</p>

R-3-5

R-3-6

Issue	EDH-APAC Position	NOP Response	7.10.12 NOP Response	7.22.14 DEIR Analysis/Response
	be developed. Question, can EDH CSD create more stringent requirements than the County? Maybe we have the CSD pass an overlay on all CC&Rs for the community region.			

R-3-6
Cont.

Issue	EDH-APAC Position	NOP Response	7.10.12 NOP Response	7.22.14 DEIR Analysis/Response
<p>New Policies 2.4.1.5 Consider setting criteria for and identify Infill sites and Opportunity areas that will provide incentives substantial enough to encourage the development of these vacant/underutilized areas</p>	<p>This could increase densities in infill areas without providing the required infrastructure.</p> <p>The proposed language by staff for “Promote Infill Development” item d) should have the following words added at the end of the sentence “, <u>but only after all infrastructure is in place that will support such future development</u>”.</p>	<p>*Noise The increase in density from infill sites will cause additional traffic and other related noises. How will this be mitigated?</p> <p>*Land Use/Planning The increase density from infill sites could exceed the surrounding infrastructure and services. How will this be prevented?</p>	<p>*Population/Housing The infill sites will cause additional density per acre which could exceed population balance for Community regional areas. How will this be prevented?</p> <p>*Transportation/Traffic The increase density from infill projects could cause traffic congestion. An accurate traffic analysis using a traffic modeling program with current traffic conditions must be used to analyze this impact. Timely real world traffic mitigation measures should be provided to address these impacts.</p>	<p>Page 2-8 and 3.4-29. Proposed “implementation measure” containing “incentives” is not adequately defined. May allow too much discretion at the Planning department without public review/input? Disagree that impact is “significant and unavoidable”. INADEQUATE IMPACT ANALYSIS--NEEDS MITIGATION</p>
<p>Policy TC-1a, TC-1b, and Table TC-1- Consider revising policies, and table to bring objectives into conformance with policy TC-1p, TC-1r, TC-1t, TC-1u, Tc-1w, TC-4f, TC-4i, HO-1.3, HO-1.5, HO-1.8, HO-1.18, HO-5.1, and HO-5.2, to allow for narrower streets and road ways and to support the development of housing affordable to all income levels.</p>	<p>Road widths should not be set by housing issues, but for public safety issues.</p> <p>Allowing narrower streets sacrifices safety of our citizens in a significant way. To do this for financial gain is not appropriate. Highway standards should be based strictly on safety and if a road cannot meet the standards, that becomes what limits the use and development of a parcel—we should not let the use and development of a parcel dictate the safety level</p>	<p>*Transportation/Traffic The decreasing of road widths will cause traffic accidents and safety issue for pedestrians and bicycles. A very high percentage of El Dorado County streets do not have sidewalks. If the streets widths are narrowed without sidewalks this will cause a safety issue. The EIR should analyze these impacts and provide detailed mitigation measures.</p>		<p>Page 2-8. Disagree with change to allow narrower streets and roadways. Current minimum street and roadway widths are based upon significant safety considerations, including emergency vehicle incident response. INADEQUATE IMPACT ANALYSIS-NEEDS MITIGATION</p>
<p>Policy TC-1m, TC-1n(B), TC-1w Consider amending policies to clean up language including; TC-1m delete “of effort” TC-1n(B) replace accidents with crashes; and TC-1w, delete word maximum.</p>	<p>Why replace the word “accidents” with the word “crashes”? Are they considered the same? Is one more inclusive of incidents that the other? Why not include both “accidents and crashes”? Or, are all accidents a subset of crashes? We need to make sure that this change does not reduce the need for safety improvements on our roads</p>	<p>No Comment at this time</p>		<p>Page 2-8. APAC’s concerns related to definitions and potential reductions in safety improvements were not addressed. INADEQUATE IMPACT ANALYSIS</p>

R-3-7

R-3-8

R-3-9

Issue	EDH-APAC Position	NOP Response	7.10.12 NOP Response	7.22.14 DEIR Analysis/Response
<p>Policy 7.1.2.1 Consider amending the restrictions for development on 30% slopes, and set standards in the Zoning Ordinance and Grading Ordinance.</p>	<p>Construction of homes on 30% grade would cause additional environmental impacts on the area (grading, water runoff, and erosion).</p> <p>The existing language in the General Plan seems appropriate. If there are additional exceptions that are appropriate but not currently included, then add them to the General Plan. Keeping this in the general plan allows a proper EIR to be performed.</p>	<p>*Hydrology/Water Quality Construction of homes on 30% or greater grades would cause additional environmental impacts on the area (grading, water runoff, and erosion). How will this be mitigated?</p>	<p>*Hazards & Hazardous Material Construction on steeper slopes will cause additional exposure to soil perturbations and will cause air born particles of dust and asbestos. Please analyze this issue and provide mitigation measures.</p>	<p>Page 2-10 and 3.4-29 & 30. Disagree with change without thorough impact analysis related to APAC's expressed concerns. Policy 7.4.2.2 does not go far enough, and implementation of Mitigation Measure BIO-1a is insufficient. Impacts could be very significant. INADEQUATE IMPACT ANALYSIS-NEEDS MITIGATION</p>
<p>Policy 2.2.1.2 <u>High Density Residential:</u> Consider analyzing the effects of increasing High Density Residential Land use density from a maximum of 5 units per acre to 8 units per acre</p>	<p>Increasing the density to 8 units per acre would put a tremendous load on the supporting infrastructure.</p> <p>This amounts to giving away the Density Bonus without earning it! The analysis for this type of density should be done through the Density Bonus provision.</p>	<p>*Aesthetics The increase density would remove natural vegetation and trees which provides a rural atmosphere and a more harmonious environment. Please assess the impact on aesthetics with the increase density from 5 units to 8 units/acre.</p> <p>*Air Quality The County already often exceeds the State air quality limits to avoid health risks associated with air pollution. This increase density will cause higher levels of air pollution. How will this be prevented?</p> <p>*Land Use/Planning The increase density from 5 to 8 units per acre could exceed the surrounding infrastructure and services. How will this be prevented?</p>	<p>*Noise The increase in density will cause additional traffic and other related noises. How will this be mitigated?</p> <p>*Population/Housing The 5 to 8 units per acre increase in density and will cause additional density per acre which could exceed population balance for Community regional areas. How will this out of balance condition be prevented?</p> <p>*Transportation/Traffic The increase density from 5 to 8 units per acre will cause traffic congestion. An accurate traffic analysis using a traffic modeling program with current traffic conditions must be used to analyze this impact. Timely real world traffic mitigation measures should be provided to address these impacts.</p>	<p>Page ES-2 and 2-7. Disagree with change to allow increased densities without a PD. Allows too much discretion at the Planning department without public review/input. INADEQUATE IMPACT ANALYSIS-NEEDS MITIGATION</p>
<p>Policy 2.1.1.1 and 2.1.2.1</p>	<p>These areas should be identified before</p>	<p>*Aesthetics</p>	<p>*Transportation/Traffic</p>	<p>Could not find any reference in</p>

R-3-10

R-3-11

Issue	EDH-APAC Position	NOP Response	7.10.12 NOP Response	7.22.14 DEIR Analysis/Response
Consider analyzing the possibility of adding new, amending or deleting existing Community Regions or Rural Center planning areas	analysis to determine public support for the change. The policy change must be clearly defined before an EIR can assess the impacts of this amendment.	<p>The changing or adding new areas in either the rural or Community Regions could have a major visual impact on the affect areas. Please analyze the visual impacts that would be caused in areas that would be subject to this policy.</p> <p>*Air Quality Please analyze the air quality impact of all possible change that could occur with the new policy.</p> <p>*Population/Housing Please analyze all of the population changes and impacts that will occur as result of the policy.</p>	<p>The change or adding of these centers could cause different traffic patterns. Please analyze all of the possible impacts to roads in any area that might be subject to this new policy.</p> <p>*Land Use/Planning Please analyze the entire existing infrastructure that would be affected by this policy.</p>	<p>the DEIR to these policy sections? Were they removed from consideration?</p>
<p>Policy 2.1.1.3 Mixed use developments which combine commercial and residential uses in a single project are permissible and encouraged within Community Regions. <u>The maximum residential density of 20 dwelling units per acre may only be achieved where adequate infrastructure, such as water, sewer and roadway are available or can be provide concurrent with development.</u></p>	Language should be added that stipulates that the number of APPROVED dwelling units will be dependent on approved traffic studies and the application of appropriate traffic mitigation measures concurrent with development.	No Comment at this time.		<p>Page ES-1, 2-6, and 3.4-22. Disagree with change to allow an increase in maximum residential density for mixed use development in community regions. 2004 EIR finding of (significant and unavoidable) needs to be re-evaluated given the TDM and other current traffic impact analysis tools. INADEQUATE IMPACT ANALYSIS-NEEDS MITIGATION</p>
<p>Policy 2.1.2.5 Mixed use developments which combine commercial and residential uses in a single project are permissible and encouraged within Community Regions. The maximum residential density shall be 10 dwelling units per acre in Rural Centers <u>in identified</u> mixed</p>	<p>Language should be added that stipulates that the number of APPROVED dwelling units will be dependent on approved traffic studies and the application of appropriate traffic mitigation measures concurrent with development.</p> <p>“Identified” mixed use areas must be</p>	No comment at this time.		<p>Page ES-1, 2-7, and 3.4-22. Disagree with change to allow an increase in maximum residential density for mixed use development in rural centers. 2004 EIR finding of (significant and unavoidable) needs to be re-evaluated given the TDM and other current</p>

R-3-12

R-3-13

R-3-14

Issue	EDH-APAC Position	NOP Response	7.10.12 NOP Response	7.22.14 DEIR Analysis/Response
<p>use areas as defined in the <u>Zoning Ordinance</u>. The residential component of a mixed use project may include a full range of single and/or multi family design concepts. <u>The maximum residential density of 10 dwelling units per acre may only be achieved where adequate infrastructure, such as water, sewer and roadway are available or can be provide concurrent with development.</u></p>	<p>disclosed in the Zoning Ordinance before an EIR is prepared.</p>			<p>traffic impact analysis tools. INADEQUATE IMPACT ANALYSIS-NEEDS MITIGATION</p>
<p>Policy TC-Xd, TC-Xe, and TC-Xf Consider revising the policies to clarify the definition of "worsen", what action or analysis is required if the threshold of "worsen" is met, clarification of the parameters of analysis (i.e. analysis period, analysis scenarios, methods), thresholds and timing of improvements.</p>	<p>This should be a scientific term that has a measurable value and infrastructure trigger points must be established to prevent reduction of traffic circulation and degrading of service.</p> <p>Is the term being revisited to dilute impacts of increased traffic caused by new developments?</p>	<p>*Transportation/Traffic The change of the definition of worsen could cause more projects to be approved with out the supporting infrastructure to prevent congestion. Please analyze all of the possible impacts to roads that would be subject to lessening of traffic standards in any area that might be subject to this new definition.</p>		<p>Page ES-18 and 3.9-10 contains comments that are very concerning "It should be noted that Caltrans is planning for LOS F on U.S. Highway 50 in the future, while El Dorado County is tasked with maintaining LOS E on U.S. Highway 50 where it runs through Community Regions and LOS D in all other areas of the County, as required by General Plan Policy TC-Xd and Policy 5.1.2.2." The EDCo BOS are mandated by Measure Y of the GP (not tasked) to prevent LOS F. INADEQUATE IMPACT ANALYSIS-NEEDS MITIGATION</p>

R-3-14
Cont.

R-3-15

Issue	EDH-APAC Position	NOP Response	7.10.12 NOP Response	7.22.14 DEIR Analysis/Response
<p>Policy 10.2.1.5 Don't see any ROI language indicating a desire to analyze a change in this policy</p>	<p>The way staff has proposed to change this policy violates another fundamental principle. The proposed word change from "shall" to "may" could result in existing citizens subsidizing developers for the cost of facilities, infrastructure, and services. All development applications for subdivision must require a Public Facilities and Services Financing Plan that assures cost burdens do not fall on existing residents.</p>	<p>No comment at this time.</p>		<p>Could not find any reference in the DEIR to this policy section? Was it removed from consideration?</p>
<p>Table TC-2, TC-Xb and, TC-Xd- Consider amending or deleting table TC-2 and maintain list outside of General Plan and amending any policies referring to Table TC-2.</p>	<p>Traffic is one of the two most observable items to people in the county. A list of these roads belongs in the General Plan. If they are removed, an EIR would have to be performed every time a new road segment was added to the list or the Maximum V/C ratio was changed. The EIR needs to know what to evaluate now and cannot anticipate future changes by the County.</p> <p>In addition, Policy TC-Xf should not have the item "<u>or (2) ensure the commencement of construction of the necessary road improvements are included in the County's 10-year (or 20-year) CIP</u>". This second item should be eliminated since the CIP changes frequently and is budget dependent. The improvements might never be constructed and then the citizens would have to live with unbearable traffic forever. Or, expecting citizens to tolerate traffic and safety problems for 10 or more years is unreasonable.</p>	<p>No comment at this time.</p>		<p>Page ES-3, 2-8, and 3.9-11, 3.9-16, 3.9-26. Concerned that moving Table TC-2 to another document (unspecified!) will dilute its effect/intent. . INADEQUATE IMPACT ANALYSIS</p>

R-3-16

R-3-17

Issue	EDH-APAC Position	NOP Response	7.10.12 NOP Response	7.22.14 DEIR Analysis/Response
<p>Policies 5.2.1.3 and 5.3.1. Consider amending policies to increase flexibility for the connection to public water and wastewater systems when projects are located in a Community Region.</p>	<p>The proposal is to remove the word “<u>shall</u>” and replace with the word “<u>may</u>” in requirement of connecting to public water and public wastewater. This is not appropriate for a Community Region! The whole idea of a Community Region is that infrastructure is readily available. If a development cannot connect to both public water and public wastewater, it does not belong in the Community Region—especially for high-density residential and multifamily residential development. The use of the word “<u>may</u>” might be appropriate in the case of medium-density residential, commercial, industrial, and research and development projects.</p> <p>Also, the addition of the words “<u>if reasonably available</u>” should be replaced with “<u>if appropriate</u>”, otherwise if public water and public wastewater are not “reasonably available” an applicant could claim that they are allowed to develop using well water and/or septic by right.</p>	<p>*Hydrology/Water Quality The change from shall to may will increase well water use and could cause a lowering of the water table to existing residents. How will this be prevented?</p> <p>*Land Use/Planning The increase density from these additional sites could exceed the surrounding infrastructure and services. How will this be prevented?</p> <p>*Population/Housing The additional sites approved from this change in policy will cause more houses in the Community region, which could exceed population balance for Community regional areas. How will this be prevented?</p>	<p>*Transportation/Traffic The increase housing from this policy change could cause traffic congestion. An accurate traffic analysis using a traffic modeling program with current traffic conditions must be used to analyze this impact. Timely mitigation measures should be provided to address these impacts.</p>	<p>Page 3.6-5, 3.6-10, 3.6-11 and 3.8-8. Disagree that the impact of this change is “less than significant”. The current drought SWRB surface water curtailments will most likely lead to State mandated ground water restrictions that could have enormous impacts on EDCo property owners. Many residents have already had to drill much deeper wells than were historically required to get an adequate residential water supply. This forces continued escalation and competition for surface and ground water. . INADEQUATE IMPACT ANALYSIS-NEEDS MITIGATION</p>

Issue	EDH-APAC Position	NOP Response	7.10.12 NOP Response	7.22.14 DEIR Analysis/Response
<p>Zoning Ordinance: ROI 183-2011- ;-</p> <p>6. Provide alternative means to any open space requirement as part of a planned development to provide more flexibility and incentives for infill development and focus on recreation in Community Regions and Rural Centers</p>	<p>This will allow too many discretionary decisions by county policy makers on open space issues.</p> <p>The policy change must be clearly defined before an EIR can assess the impacts of this amendment.</p>	<p>*Aesthetics The lost of open space will detract from the visual appearance of housing project. Please address mitigation measures that will compensate for lost of open spaces on view shed.</p> <p>*Land Use/Planning If open space is not required, project design will put houses on less than desirable land. How will this be mitigated?</p>	<p>Vegetation and trees which are in most open spaces provide sound attenuation. How will this increase in sound and noise be mitigated when open space is removed from housing projects?</p>	<p>Could not find any reference in the DEIR to this ROI zoning section? Was it removed from consideration?</p>

Responses to Letter R-3

R-3-1

Please see Master Response 10: Format of the EIR.

R-3-2

The comment is an introduction to a set of comments or otherwise advises that comments are being submitted. The comment is not on a significant environmental point, and therefore no response is necessary.

R-3-3

This comment addresses several issues related to the proposed amendments to the General Plan's multifamily and high-density residential use provisions. The proposal to increase the maximum density in the Multi-Family Residential (MFR) designation has been dropped from the TGPA and will not be considered by the Board of Supervisors.

The proposed amendment allowing residential use to precede commercial use in mixed use developments will not result in inaccurate traffic modeling. Because the proposed use would include both uses, the traffic analysis prepared for that project would be required to address traffic generation from the mix of uses. If a component of a future project is not built (and that assumption is completely speculative at this point), then less traffic would be generated. That would have a lesser impact, and therefore would not violate the California Environmental Quality Act's (CEQA's) requirement for the disclosure of impacts.

The commenter's disagreement with allowing higher density with a Planned Development is based on their opinion of how much discretion should be afforded the Planning Department. That relates to the policy, not its potential environmental impacts. No further response is necessary.

The commenter disagrees with the Table 2-2 change allowing higher maximum density for mixed use.

R-3-4

Please see the responses to comments O-1-87, O-1-89, and O-1-217 regarding changes to the open space requirement. This issue has been adequately analyzed in the TGPA/ZOU Draft Environmental Impact Report (DEIR).

R-3-5

Existing Policy 2.2.4.1 offers a density bonus as an incentive for setting aside an unspecified portion of a project site for "open space areas, parks, and wildlife habitat areas." The proposed amendment to density bonus Policy 2.2.4.1 would identify residential planned developments that provide a minimum of 30% open space as being eligible for consideration of a residential density bonus. California law requires the County to grant to projects that meet the requirements of Government Code Section 65915-65918 a density bonus and additional incentives of the County's choosing. The amendment to this policy would specify the proportion of a property that would be retained as open

space; however, it does not increase the residential density that may be allowed under a density bonus.

R-3-6

The comment relates to the commenter's opinion on the advisability of one or more of the policies or regulations being proposed as part of the TGPA/ZOU project. It does not address the adequacy of the DEIR or other environmentally related topic. State CEQA Guidelines Section 15132(d) requires the Final EIR (FEIR) to contain "[t]he responses of the Lead Agency to significant environmental points raised in the review and consultation process." The comment is not on a significant environmental point, and therefore no response is necessary.

R-3-7

Please see the response to comment R-3-3.

R-3-8

The referenced change to street widths will not be undertaken as part of the TGPA.

R-3-9

As explained in the Executive Summary discussion of the proposed Policy TC-1n(B) amendments on page ES-3 of the DEIR, the change in terminology from "accidents" to "crashes" is undertaken to be consistent with transportation industry standards.

R-3-10

Please see Master Response 5: Future Development Levels under the TGPA/ZOU regarding constraints on development on slopes.

R-3-11

Please see the response to comment R-3-3.

R-3-12

No general change to Community Region and Rural Community lines is proposed. The only proposed change is the proposed division of the Camino-Pollock Pines Community Region into three Rural Communities.

The TGPA/ZOU analyzed in this EIR does not include the proposed study of Policies 2.1.1.1 and 2.1.2.1 mentioned in the notice of preparation (NOP) for the purpose of considering changes to Community Region and Rural Community boundaries. The El Dorado County Board of Supervisors directed that this be deleted from the project at its November 14, 2011, meeting. The project description in Chapter 2 of the TGPA/ZOU DEIR accordingly does not include a study of Policies 2.1.1.1 and 2.1.2.1. Therefore, although the existing boundaries were taken into consideration in projecting future development levels for purposes of the EIR traffic impact analysis, the potential impacts of changing the boundaries were not studied as part of the project.

R-3-13

The commenter disagrees with increasing the maximum residential density allowed in mixed use development within Community Regions. Such development would continue to be subject to all traffic mitigation requirements and, as discussed in Master Response 5: Future Development Levels under the TGPA/ZOU, would be achieved in limited situations due to practical limitations on services. As discussed in Master Response 4: Scope of the Project, the County has seen only a limited demand for this type of development, so the effect of increasing the density is not expected to be substantial. Please see Master Response 2: Relationship of the TGPA/ZOU EIR to the 2004 General Plan EIR and 2004 Impact Analysis regarding the use of the 2004 General Plan EIR in analyzing the impact of the TGPA/ZOU. Taken in the context of future development under the General Plan, the TGPA will result in a significant impact on traffic. This is borne out by the traffic analysis in Section 3.9, Transportation and Traffic, of the TGPA/ZOU DEIR.

R-3-14

Please see the response to comment R-3-13. The response also applies to the proposed increase in density for mixed use development in Rural Centers.

R-3-15

The comment suggests revising statements on pages ES-18 and 3.9-10 of the DEIR regarding the application of Measure Y to clarify that it is a mandate. Although the referenced statements were correct, they have been revised in the FEIR to make it clear that Measure Y is a legislative mandate that is being followed and will continue to be followed by the County.

R-3-16

The following change is proposed to Policy 10.2.1.5:

Policy 10.2.1.5

A public facilities and services financing plan that assures that costs burdens of any civic, public, and community facilities, infrastructure, ongoing services, including operations and maintenance necessitated by a development proposal, as defined below, are adequately financed to assure no net cost burden to existing residents ~~shall~~ may be required submitted with the following development applications:

The revisions relate to the submittal of a financing plan for specific plans and certain sized development projects, but do not substantively affect County requirements for new development to pay its own way. Pertinent requirements for new development include, but are not limited to, the TIM fees relative to road improvements, Policy 5.1.2.3 requiring new development to pay its proportionate share of the cost of new infrastructure, Government Code Section 65451 requiring infrastructure financing measures to be included in any specific plan, and California constitutional protections under Proposition 13, Proposition 218, and others requiring popular vote before the enactment of special taxes and benefit assessments.

This proposed amendment was inadvertently left out of the Project Description. However, for the reasons listed above, that does not change the environmental analysis or conclusions in the EIR.

R-3-17

The proposed deletion of Table TC-2 has been dropped and will not be included in the TGPA.

R-3-18

Additional analysis of groundwater impacts was included in the Recirculated Partial DEIR (see revised Section 3.10, Water Supply and Groundwater Use and Supply). Impacts on individual property owners cannot be determined with any certainty due to the complexity of the groundwater aquifers underlying the western slope and the lack of available information on groundwater supplies within those aquifers. However, it can be generally concluded that the project will have a significant and unavoidable impact through development allowable under the General Plan.

R-3-19

The proposal to “provide alternative means to any open space requirement” is found in Section 17.28.050.B, Exemptions and Alternatives to the Onsite Open Space Requirement, of the ZOU. The impacts of this revision are discussed in the TGPA/ZOU DEIR in conjunction with the proposed amendments to Policy 2.2.3.1.

Letter R-4—El Dorado Hills Community Services District, Kevin A. Loewen

**EL DORADO HILLS
COMMUNITY SERVICES DISTRICT**



Date: July 17, 2014

To: El Dorado County Community Development Agency
Long Range Planning
Attn: Shawna Purvines
2850 Fairlane Court
Placerville, CA 95667

From: Kevin A. Loewen, Parks and Planning Director
El Dorado Hills Community Services District
1021 Harvard Way
El Dorado Hills, CA 95762

Re: El Dorado County Targeted General Plan Amendment & Zoning Ordinance
Update (TGPA-ZOU)

The El Dorado Hills Community Services District (EDHCSD) has conducted a review of the TGPA-ZOU documentation and is pleased to provide comments. It is evident that the County has committed many resources in performing their rigorous review related to the TGPA-ZOU. AS part of this process the County has provided their identified project impacts and their proposed mitigation measures. The EDHCSD's review has identified several areas of concern and/or impacts—which may have been addressed by the County, but which deserve additional analyses and/or consideration for alternatives that were not previously identified or not selected as the County's preferred action to take. A summary of the CSD review is provided in the following four pages.

R-4-1

Proposed Targeted General Plan Amendments

Section	Description	Potential Impact	Impact Area Reference
2.2.1.2	Maximum density of 24 <u>30</u> dwelling units per acre...	This density increase will exacerbate environmental impacts, such as those impacts on water resources, scenic impacts, traffic and traffic-related air quality affects, proportional to the increase on a per acre basis of the affected areas of this change. What steps will the County take in the form of policy to address the impact areas?	AES-1; AES-2; AES-3; AQ-2; LU-4; LU-5; PH-1; TRA-1; WS-1
2.2.1.3	Table 2-2 Land Use Densities and Residential Population Ranges	Data is from 1990 Census. Given the current update process and to adequately assess impacts related to population it is incumbent upon the County to utilize valid data (i.e., current and accurate). All changes within the TGPA-ZOU that are dependent to this data are unreliable given the outdated reference data. Potential impacts related to this may run the extent of all impact areas.	AES-1; AES-2; AES-3; AES-4; AG-1; AQ-1; AQ-2; ...AQ- ^N ;... All Impact Areas

R-4-2

R-4-3

<p>2.2.3.1</p>	<p>The following are exempt from the open space requirement: Infill projects...; Multi-family residential; Commercial/Mixed Use Developments...</p>	<p>The exemption removes best practices to encourage developers to incorporate open space and/or truly "green" elements into their design. This exemption reduces opportunities for open space. How will the County offset such losses of open space to their residents?</p>	<p>AES-1; AES-2; AES-3; AES-4; AQ-1; AQ-2; BIO-1; BIO-2; BIO-3; BIO-4; LU-4; LU-5; PH-1; TRA-1; WS-1</p>		<p>R-4-4</p>
<p>2.2.3.1</p>	<p>The common open space requirement may be reduced to 15% in High Density Residential (HDR)...</p>	<p>Qualifying private yards as part of the open space requirement has no positive environmental benefit. The current open space requirement establishes the County's commitment toward preserving open spaces. This change only benefits developers in reducing their total open space requirement, permitting increased population, and reduces the positive benefits of open space environments and habitats. Further, the scenic impacts may be avoided by deleting the proposed policy revision. Why is this policy change identified by the County? Who does it benefit? Why/how does it result in any community or environmental benefit?</p>	<p>AES-1; AES-2; AES-3; AES-4; AQ-1; AQ-2; BIO-1; BIO-2; BIO-3; BIO-4; LU-4; LU-5; PH-1; TRA-1; WS-1</p>		<p>R-4-5</p>

<p>2.2.4.1</p>	<p>Residential Planned Developments which provide a minimum of 30% commonly owned or publicly dedicated open space shall be allowed an open space density bonus of additional residential units...</p>	<p>Section 2.2.3.1 establishes a requirement for 30% open space. This "Density Bonus" incentivizes meeting the minimum requirement by increasing population densities, which will impact natural resources such as water. The impacts on scenic resources are avoidable if this change is not permitted. Further, consideration of circumstantial effects is eliminated by utilizing "shall" rather than "may". How will the County address these impacts via policy changes, action plans with measureable goals, and other imposed mitigation measures if the County does not meet those goals?</p>	<p>AES-1; AES-2; AES-3; AES-4; AQ-1; AQ-2; BIO-1; BIO-2; BIO-3; BIO-4; LU-4; LU-5; PH-1; TRA-1; WS-1</p>	<p>R-4-6</p>
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<p>2.2.5.4</p>	<p>Deletion of planned development policy.</p>	<p>This change would essentially give developers a free pass on many other requirements that are realized in the PD process. Impacts could include aesthetics, natural resource impacts, opens space impacts, etc. This change, when coupled with the density bonus and the proposed change to 2.2.3.1 (identified above) will reduce the "green" spaces that make El Dorado County so desirable. Will the County provide visual models of what a new developed areas will look like if a developer is to take advantage of all the changes proposed here? That is, will the County provide a conceptual design of one of the current proposed residential developments (i.e., Village of Marble Valley, Central El Dorado Hills, etc.)?</p>	<p>AES-1; AES-2; AES-3; AES-4; AQ-1; AQ-2; BIO-1; BIO-2; BIO-3; BIO-4; LU-4; LU-5; PH-1; TRA-1; WS-1</p>	<p>R-4-7</p>
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Responses to Letter R-4

R-4-1

The comment is an introduction to a set of comments or otherwise advises that comments are being submitted. The comment is not on a significant environmental point, and therefore no response is necessary.

R-4-2

Please see the response to comment O-1-239.

R-4-3

The comment notes that the persons per housing unit listed in General Plan Table 2-2, Land Use Densities and Residential Population Ranges, is based on 1990 Census data. These numbers are for informative purposes only and are not restrictions or limitations on the number of persons that may reside in the various land use designations on Table 2-2. The results of the 2010 Census indicate that the overall number of persons per housing unit in the unincorporated county is lower than the 2.8 persons per housing unit listed for the most common residential land use designations on Table 2-2. The El Dorado County Housing Element discusses housing density on page 4-7 under "Population Characteristics." It states the following:

The results of the 2010 Census report that the residents of unincorporated El Dorado County lived in 68,654 housing units, an increase of 23,126 units since 2000. Persons per household are determined by dividing the total number of occupied housing units by the population. The 2010 average countywide household size (persons/occupied unit) is 2.55. The number is only slightly lower in renter-occupied units, at 2.53. In the unincorporated areas only, the average household size is 2.59 persons per occupied unit.

R-4-4

As discussed in the response to comment O-1-321, there is not sufficient information to quantify the prospective amount of open space that would not be provided under the proposed amendment to Policy 2.2.3.1 in comparison to the amount that would be provided if the policy were not amended. In any case, CEQA does not allow a "plan-to-plan" comparison (*Environmental Planning and Information Council v. County of El Dorado* (1982) 131 Cal.App.3d 350). The TGPA/ZOU DEIR's analysis of impacts is based on the change that would occur in existing conditions as a result of development under the proposed TGPA, not the change in prospective conditions under the existing General Plan relative to the proposed TGPA.

R-4-5

Please see the response to comment O-1-217.

R-4-6

Existing Policy 2.2.4.1 offers a density bonus as an incentive for setting aside an unspecified portion of a project site for "open space areas, parks, and wildlife habitat areas." The proposed amendment to density bonus Policy 2.2.4.1 would identify residential planned developments that provide a minimum of 30% open space as being eligible for consideration of a residential density bonus.

California law requires the County to grant to projects that meet the requirements of Government Code Section 65915-65918 a density bonus and additional incentives of the County's choosing. The amendment to this policy would specify the proportion of a property that would be retained as open space; however, it does not increase the residential density that may be allowed under a density bonus.

R-4-7

The TGPA/ZOU EIR acknowledges that development under the General Plan, as amended by the TGPA will result in significant and unavoidable impacts on aesthetics, biological resources, and other environmental concerns. However, because this is a policy-level, program analysis and there are no site-specific development projects proposed, it is not feasible to describe at the parcel level how the TGPA/ZOU will change aesthetics and natural resources. Please see Master Response 1: Specificity of Environmental Review regarding the level of specificity in a program EIR. Such descriptions would be exercises in speculation due to the many unknown variables that must be known in order to provide a reasonable estimate or graphic presentation (i.e., size, location, and design of future development; effect of limited water and sewer at the time of development). Please see also the response to comment O-1-277.

The referenced privately initiated development projects are not a part of the TGPA/ZOU and are being analyzed under their own EIRs. The TGPA/ZOU EIR will not provide a conceptual design of one of these developments because they are not related to the TGPA/ZOU project, and whether they would be representative of future projects under the General Plan, as amended by the TGPA, and the proposed ZOU is unknown and speculative. The EIR will not engage in speculation (State CEQA Guidelines Section 15145).

Letter R-5—El Dorado County Air Quality Management District, Adam Baughman



TGPA-ZOU ZOU <tgpa-zou@edcgov.us>

Fwd: AQMD comments on TGPA DEIR

1 message

Shawna Purvines <shawna.purvines@edcgov.us>
To: TGPA-ZOU ZOU <TGPA-ZOU@edcgov.us>

Wed, Jul 23, 2014 at 5:06 PM

----- Forwarded message -----

From: Adam Baughman <adam.baughman@edcgov.us>
Date: Wed, Jul 23, 2014 at 2:22 PM
Subject: AQMD comments on TGPA DEIR
To: Shawna Purvines <shawna.purvines@edcgov.us>

Hi Shawna,

Attached are our comments. I know the answer to the first one about roundabouts is probably that the scope of the TGPA doesn't include that part of the Circulation Element or something akin but we wanted to get the idea into the public record that the District supports that idea.

R-5-1

Also, with respect to GHG, the regional group is very close to taking the thresholds to their respective boards for consideration and all districts hope to have them adopted by the end of the year. We may want to replace the unadopted (by AQMD or the County anyway) SLOAPCD GHG thresholds with a discussion about the draft GHG thresholds.

R-5-2

Adam Baughman
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Thank you.

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2 attachments



TGPA Ch_3-3_AQ_GG_Public Draft EIR-AQMD comments.doc
68K



Draft Regional GHG Thresholds July 2014.docx
29K

Revised GHG Regional Thresholds of Significance Concepts July 2014

Goals of GHG Thresholds Development

The Sacramento Regional GHG Thresholds Committee is proposing recommended greenhouse gas (GHG) thresholds to provide a uniform scale to measure the significance of GHG emissions from land use and stationary source projects in compliance with the California Environmental Quality Act (CEQA) and the Global Warming Solutions Act (AB32).

R-5-3

This document provides the GHG threshold concepts, which have been revised to address feedback received at the November 2013 public workshop and from the Governor's Office of Planning Research.

Proposed Revised GHG Thresholds Concepts

The Committee of air districts in the Sacramento Region¹ utilized guidance from the California Air Pollution Control Officers Association² to develop GHG threshold concepts. The goal was to capture at least 90 percent of GHG emissions from new stationary sources and land development projects. The proposed GHG thresholds include the following project types and emission levels:

R-5-4

- Stationary source projects - 10,000 direct metric tons of CO₂e per year
- Operation of a land development project - 1,100 metric tons CO₂e per year
- Construction phase of a project - 1,100 metric tons CO₂e per year

Land Development Projects

Land development projects with emissions exceeding the operational threshold of 1,100 metric tons CO₂e per year must either mitigate to the threshold or demonstrate a 21.7 percent reduction compared to a projected no action taken (NAT) scenario to demonstrate consistency with AB32 reduction goals. The 21.7 percent reduction is based on the California Air Resources Board's recalculated 2020 Business as Usual GHG emission level of 545 MMT CO₂e and the 2020 target GHG emissions level of 427 MMT CO₂e³.

R-5-5

To determine GHG emissions for a NAT scenario, the proposed method is to perform a 2020 operational year CalEEMod model run with the "Using Historic Data" option selected for energy, and transportation emissions factors that don't include Pavley and Low Carbon Fuel Standard emissions

R-5-6

¹ Sacramento region air districts include El Dorado County AQMD, Placer County APCD, Feather River AQMD, Yolo-Solano AQMD and SMAQMD.

² CEQA & Climate Change, January 2008, CAPCOA. <http://www.capcoa.org/wp-content/uploads/2012/03/CAPCOA-White-Paper.pdf>.

³ AB32 required CARB to adopt a Scoping Plan to describe the approach California will take to reduce GHG emissions to achieve the goal of reducing emissions to 1990 levels by 2020: The Scoping Plan can be downloaded at <http://www.arb.ca.gov/cc/scopingplan/scopingplan.htm>. The Final Supplement to the AB32 Scoping Plan Functional Equivalent Document was prepared on August 19, 2011, and included a revision to the 2020 BAU forecast to adjust in part to account for the challenging economic conditions in California.

reductions (available in the CalEEMod User’s Guide or from the SMAQMD). The proposed method to model the project scenario GHG emissions is less prescriptive since each project is unique. Projects should model their first year of operation if it is prior to 2020; projects with post-2020 operational years should model year 2020 to compare to NAT. Operational years beyond 2020 should also be analyzed, disclosed, and show a downward trajectory of emission reductions beyond 21.7%. All available project-specific information, including mitigation measures, should be included in the proposed project model runs. An adjustment to the energy intensity factor for the utility provider (i.e., SMUD, PG&E) in accordance with the Renewable Portfolio Standard for the operational year (or 2020) should be included in the proposed project analysis as well. GHG emissions from the project scenario will be compared to the NAT scenario to determine if a 21.7 percent reduction is achieved. Projects that reduce operational GHG emissions below 1,100 metric tons or by 21.7 percent, relative to the NAT scenario, would result in a less-than-significant impact on global climate change.

R-5-6
Cont.

Construction Projects

To provide consistency, GHG emissions from construction of both infrastructure and land development projects will be compared to the 1,100 metric tons CO₂e per year threshold to determine significance. Although a review of infrastructure projects in Sacramento over the last three years showed 75 percent of the emissions would be captured at the 1,100 metric ton level, it was important to have a consistent threshold for this global emission problem. Acknowledging the public benefit from infrastructure projects provides justification for the lower emission capture rate.

R-5-7

Summary

The information in this document briefly describes revisions to the originally proposed GHG emissions thresholds concepts. The revisions include the following:

- Recommending a bright line threshold for operational emissions of a land development project rather than the concept of showing “consistency with AB32 emission reduction goals,”
- Using 21.7 percent as an emission reduction target, and
- Adding a construction emissions bright line threshold.

R-5-8

R-5-9

R-5-10

Responses to Letter R-5

R-5-1

The TGPA/ZOU does not propose any roundabouts. A discussion of this specific road design is outside the scope of the TGPA/ZOU EIR.

R-5-2 through R-5-10

Comments R-5-2 through R-5-10 pertain to the same issue. The commenter indicates that the Sacramento Regional greenhouse gas (GHG) thresholds, rather than San Luis Obispo Air Pollution Control District's thresholds, should be used to evaluate climate change impacts GHG thresholds.

Page 3.3-23 has been revised as follows:

Methods of Analysis

The project would not fundamentally change the projected level of development expected to occur under the current General Plan. Also, the project does not propose adding substantially more residences beyond the approximately 20,000 theoretically allowed under the current General Plan. The primary effects of the project would be on regional traffic and trip distribution. Consequently, this impact analysis focuses on the effects of the project on mobile source emissions. Because there are no development projects proposed as part of the project, the impacts on air quality and GHG emissions are examined at a general level in this DEIR.

Pages 3.3-28 through 3.3-3.3-30 are revised as follows:

EDCAQMD Greenhouse Gas Thresholds

EDCAQMD's *Guide to Air Quality Assessment* does not currently contain any guidance for the analysis of climate change impacts (El Dorado County Air Quality Management District 2002). However, EDCAQMD is part of an effort to develop regional GHG thresholds with members of Sacramento Metropolitan AQMD, Placer County Air Pollution Control District, Yolo-Solano AQMD, and Feather River AQMD utilizing guidance from CAPCOA (2008) to develop draft threshold concepts for evaluating project-level GHG emissions (Huss pers. comm.). The goal was to capture at least 90% of GHG emissions from new stationary source and land development projects. The proposed draft regional GHG thresholds include the following project categories and emission levels.

- **Stationary source projects:** 10,000 direct metric tons of CO₂e per year.
- **Operation of a land development project:** 1,100 metric tons CO₂e per year.
- **Construction of a project:** 1,100 metric tons CO₂e per year.

Land development projects with emissions exceeding the operational threshold must mitigate emissions down to the 1,100 metric tons CO₂e mass emissions threshold or

demonstrate a 21.7% reduction from a projected no action taken (NAT) scenario¹ to show consistency with AB 32 reduction goals. The 21.7% reduction was derived by the air district threshold working group from ARB's recalculated 2020 business-as-usual (BAU) GHG forecast of 545 million metric tons CO₂e² and the statewide GHG reduction target of 427 million metric tons CO₂e.³ Projects that reduce GHG emissions below 1,100 metric tons or by 21.7%, relative to the NAT scenario, would result in a less-than-significant impact on global climate change.

Since there are no specific new land uses or stationary sources proposed as part of the project, the 10,000 metric ton CO₂e threshold does not apply to the proposed project. However, as changes in on-road motor vehicle activity would result from the project, the regional draft land development threshold (which accounts for motor vehicle trips) of 1,100 metric tons CO₂e was used to evaluate operational source emissions. Emissions in excess of this threshold are considered significant and would be required to be mitigated below 1,100 metric tons or reduced by 21.7%, relative to the NAT scenario, to result in a less-than-significant impact related to climate change.

The draft regional thresholds currently propose evaluating construction and operational emissions separately such that annual construction emissions are compared with the draft 1,100 metric ton CO₂e emissions threshold, and operational emissions are evaluated for reductions achieved relative to the NAT if they are in excess of the draft 1,100 metric ton CO₂e emissions threshold. However, consultation with EDCAQMD staff indicates that if construction emissions exceed the regional draft annual threshold of 1,100 metric tons CO₂e, the impact determination may consider an evaluation of combined construction and operational emissions in which construction emissions are amortized over the anticipated project lifetime (Baughman pers. comm.). This approach provides a method to assess whether the annual operational emissions savings that are achieved through project-level design and/or mitigation features are sufficient to reduce annual operational and amortized construction emissions by 21.7%, relative to the NAT. Projects that achieve annual reductions of 21.7%, relative to the NAT scenario, would result in a less-than-significant impact on global climate change.

The regional GHG thresholds are draft thresholds and have not been formally adopted by the EDCAQMD Board⁴. However, the thresholds are consistent with AB 32 and thus can be used as a benchmark to evaluate the significance of project-level GHG emissions (see *Citizens for Responsible Equitable Environmental Development (CREED) v. City of*

¹ The NAT scenario does not include any State regulations designed to reduce GHG emissions, including improvements to the Title 24 standards, RPS, LCFS, or Pavley Rules. LRVSP policies that would reduce project-level GHG emissions (e.g., renewable energy development) are likewise excluded.

² Forecast does not include emissions benefits (i.e., reductions) from Pavley or the RPS.

³ AB 32 required ARB to adopt a Scoping Plan to describe the approach California will take to reduce greenhouse gases to achieve the goal of reducing emissions to 1990 levels by 2020. The Final Supplement to the AB 32 Scoping Plan Functional Equivalent Document (FED) was prepared on August 19, 2011, and included a revision to the 2020 BAU forecast to adjust in part to account for the challenging economic conditions in California. Note that in February 2014, ARB released another update to the 2020 BAU forecast and revised the 1990 inventory. The update addressed changes in GWPs and did not affect underlying analysis assumptions; the revised forecast differs by less than 5%, relative to the FED. The regional draft GHG thresholds may be revised to reflect ARB's February 2014 analysis, but nothing formal has been released by the air district.

⁴ The SMAQMD adopted the regional GHG thresholds for application within Sacramento County on October 23, 2014.

Chula Vista [July 2011, 197 Cal.App.4th 327]]. It is also important to note that the mitigation target is based on the state's 2020 reduction goal,⁵ whereas buildout of the proposed project would not occur until approximately 2035. It is reasonably foreseeable that as California approaches the AB 32 milestone for 2020, future targets will be developed. However, no formal policy beyond 2020 has been adopted that is applicable to the proposed project.

In the interim, consultation with district staff indicates that use of San Luis Obispo Air Pollution Control District's (SLOAPCD) GHG thresholds, as identified in Table 3.3-9, are appropriate to evaluate impacts related to climate change (Baughman pers. comm.).

Table 3.3-9. SLOAPCD GHG Thresholds used by EDCAQMD to Evaluate Climate Change Impacts

GHG Emission Source Category	Operational Emissions
Non-stationary Sources	1,150 MTCO ₂ e/yr OR 4.9 MT CO ₂ e/SP/yr
Stationary Sources	10,000 MTCO ₂ e/yr
Source: Baughman pers. comm.	

⁵ The statewide 2020 GHG reduction target of achieving 1990 emissions levels by 2020 is outlined in AB 32.

Letter R-6—El Dorado County Transportation Commission, Woodrow E. Deloria



TGPA-ZOU ZOU <tgpa-zou@edcgov.us>

Fwd: TGPA

1 message

Shawna Purvines <shawna.purvines@edcgov.us>
To: TGPA-ZOU ZOU <TGPA-ZOU@edcgov.us>

Wed, Jul 23, 2014 at 5:06 PM

----- Forwarded message -----

From: Woody Deloria <wdeloria@edctc.org>
Date: Wed, Jul 23, 2014 at 2:52 PM
Subject: TGPA
To: Shawna Purvines <shawna.purvines@edcgov.us>

Shawna,

We had a few minor comments on the Transportation and Traffic element of the TGPA. Let me know if you have any questions.

Woodrow E. Deloria

Senior Transportation Planner

El Dorado County Transportation Commission

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--

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2618K

3.9 Transportation and Traffic

This analysis of the potential impacts of the project on the transportation system is based on the technical traffic modeling analysis prepared by Kimley-Horn and Associates (2014) provided in Appendix D.

3.9.1 Existing Conditions

Regulatory Setting

State

The California Department of Transportation (Caltrans) prepares transportation corridor concept reports (TCCRs) for State Highway Routes as long-range planning documents. These long range planning documents “identify existing route conditions and future needs, including existing and forecasted travel data, a concept [i.e., desired] level of service (LOS) standard, and the facility needed to maintain the concept LOS and address mobility needs over the next 20 years” (California Department of Transportation 2010).

In the TCCRs, facility information (e.g., roadway widths, number of lanes) is presented by segment along the highway corridor. The TCCR represents a preliminary approach to identifying potential system improvements and estimating the costs of those improvements. TCCRs are revised as conditions change and new information becomes available.

TCCRs are not regulatory documents. Their purpose is to help guide future investment in the transportation corridor and identify the types of improvements to be installed. Improvements are also programmed through the regional transportation planning process described below. The nature and the size of the improvements identified in the TCCR may change as the improvement project is planned and designed in more detail.

Caltrans also prepares corridor system management plans (CSMPs) for State Highway corridors. A CSMP is a comprehensive, integrated management plan for increasing transportation options, decreasing congestion, and improving travel times in a transportation corridor. Unlike a TCCR that focuses solely on a particular State Highway Route, a CSMP includes all travel modes in a defined corridor: highways and freeways, parallel and connecting roadways, public transit (bus, bus rapid transit, light rail, intercity rail) and bikeways. CSMPs also incorporate intelligent transportation technologies, which include ramp metering, coordinated traffic signals, changeable message signs for traveler information, incident management, bus/carpool lanes and car/vanpool programs, and transit strategies. Each CSMP identifies current management strategies, existing travel conditions and mobility challenges, corridor performance management, planning management strategies, and capital improvements (California Department of Transportation 2014).

LOS is a general measure of traffic operating conditions that assigns a letter grade from A (the best) to F (the worst). These grades represent the perspective of drivers and are an indication of the comfort and convenience associated with driving. The LOS grades are generally defined as follows.

- **LOS A**—free flowing conditions.

- **LOS B**—speeds at or near free-flow speed, but presence of other users begins to be noticeable.
- **LOS C**—speeds at or near free-flow speed, but freedom to maneuver is noticeably restricted.
- **LOS D**—speeds begin to decline slightly with increasing flow; freedom to maneuver is more restricted.
- **LOS E**—operating conditions at or near roadway capacity; even minor disruptions to the traffic stream can cause delay.
- **LOS F**—breakdown in vehicle flow; queues form quickly behind point in the roadway where the arrival flow rate temporarily exceeds the departure rate.

U.S. Highway 50

The *U.S. Highway 50 Transportation Corridor Concept Report (TCCR)* (California Department of Transportation 2010) presents travel data for U.S. Highway 50 from its origin at Interstate (I-) 80 near Sacramento to the Nevada state line. The TCCR only provides segment summaries for the portion of the highway from the Cedar Grove exit in El Dorado County to the Nevada state line. The *U.S. 50 Corridor System Management Plan* (California Department of Transportation 2009) serves as the TCCR for U.S. Highway 50 from its origin at I-80 in West Sacramento to the Cedar Grove exit (U.S. Highway 50 is the only highway in El Dorado County with a CSMP). Together, these reports establish the concept LOS for specific corridor segments. The long-range improvements are identified to bring the existing facility up to the design concept expected to adequately serve 20-year traffic forecasts. In addition, the ultimate design concept for the facility is also identified for conditions beyond the immediate 20-year design period. Table 3.9-1 shows the existing and concept LOS and facility improvements.

R-6-1

CSMP?

Table 3.9-1 U.S. Highway 50 Transportation Corridor Concept Report Data

R-6-2

Segment	Description	County	Current LOS	20-Year Concept LOS ^a	Existing Facility ^b	Concept Facility ^c	Ultimate Facility ^d
1	I-80 to Yolo/ Sacramento County Line	Yolo	F	F	8F (6F btw Jefferson Blvd ramps)	8F+2HOV+ Aux Lanes	8F+2HOV+ Aux Lanes
2	Yolo/Sacramento County Line to State Routes (SR) 99 and 51	Sacramento	F	F	8F	8F+2HOV+ Aux Lanes	8F+2HOV+ Aux Lanes
3	SR 99 and SR 51 to Watt Avenue	Sacramento	F	F	8F	8F+2HOV+ Aux Lanes	8F+2HOV+ Aux Lanes
4	Watt Avenue to Zinfandel Drive	Sacramento	F	F	8F	8F+2HOV+ Aux Lanes	8F+2HOV+ Aux Lanes
5	Zinfandel Drive to Sunrise Blvd	Sacramento	E	F	8F	8F+2HOV+ Aux Lanes	8F+2HOV+ Aux Lanes
6	Sunrise Blvd to Folsom Blvd	Sacramento	E	F	6F+2HOV to Hazel Ave, 4F+2HOV to Folsom Blvd	6F+2HOV+Aux Lanes to Hazel Ave, 4F+2HOV +Aux Lanes to Folsom Blvd	8F+2HOV+ Aux Lanes
7	Folsom Blvd to Sacramento/ El Dorado County Line	Sacramento	D	F	4F+2HOV	4F+2HOV+ Aux Lanes	6F+2HOV+ Aux Lanes
8	Sacramento/El Dorado County Line to Cameron Park Drive	El Dorado	E	F	4F	4F+2HOV+ Aux Lanes	6F+2HOV+ Aux Lanes
9	Cameron Park Drive to Missouri Flat Road	El Dorado	E	E	4F	4F+2HOV+Aux Lanes to Greenstone Rd, 4F+ Aux Lanes to Missouri Flat Rd	6F+2HOV+Aux Lanes to Green- stone, 4F+2HOV +Aux Lanes to Missouri Flat Rd
10	Missouri Flat Road to End of Freeway in Placerville	El Dorado	D	F	4F	4F+Aux Lanes	4F+Aux Lanes
11	End of Freeway in Placerville to Bedford Avenue	El Dorado	D	E	4E	4E	4E
12	Bedford Ave to Cedar Grove Exit	El Dorado	D	F	4F to Smith Flat Rd, 4E to Camino, 4F to Cedar Grove	4F+Aux Lanes to Smith Flat, 4E to Camino, 4F to Cedar Grove	4F+Aux Lanes
13	Cedar Grove Exit to 0.67 mile east of Sly Park Rd	El Dorado	D	F	4F	4F	4F

El Dorado County

Segment	Description	County	Current LOS	20-Year Concept LOS ^a	Existing Facility ^b	Concept Facility ^c	Ultimate Facility ^d
14	0.67 miles east of Sly Park Road to Ice House Road	El Dorado	C	C	3C, 2.0 miles 4E, 5.3 miles 3C, 0.3 mile	3C, 2.0 miles 4E, 5.3 miles 3C, 0.3 mile	4E
15	Ice House Road to Echo Summit	El Dorado	E	F	2C; 0.35 mile of 2-wy left-turn lane	2C; 0.35 mile of 2-way left-turn lane	2C; 0.35 mile of 2-way left-turn lane
16	Echo Summit to SR 89 South	El Dorado	D	F	2C	2C	2C
17	SR 89 South/Luther Pass Road to State Route 89 North/Lake Tahoe Blvd	El Dorado	E	F	2C, 4.23 miles 5C, 0.60 mile	2C, 4.23 miles 5C, 0.60 mile	4C, 4.10 miles 5C, 0.73 mile
18	SR 89 North/Lake Tahoe Blvd to State of Nevada	El Dorado	C	F	4C with 2-way left-turn lane	4C with 2-way left-turn lane	4C with 2-way left-turn lane

Source: California Department of Transportation 2010.

^a 20-Year Concept LOS: The minimum acceptable LOS over the next 20 years.

^b Facility Type Codes: C = Conventional Highway; E = Expressway; F = Freeway; HOV = High Occupancy Vehicle lanes; Aux = Auxiliary lanes.

^c Concept Facility: The future roadway with improvements needed in the next 20 years. If LOS F, no further degradation of service from existing F is acceptable, as indicated by delay performance measurement.

^d Ultimate Facility: The future roadway with improvements needed beyond a 20-year timeframe.

State Route 49

The *Transportation Concept Report, State Route 49* (California Department of Transportation 2000) contains the 20-year improvement concept for State Route (SR) 49. The route concept recognizes the unique nature of SR 49 in terms of historical and topographic constraints, which preclude the possibility of significantly improving SR 49 on the existing alignment. As such, SR 49 would remain as a two-lane conventional highway through El Dorado County. Some improvements, such as widening to the Caltrans 40-foot pavement standard, were identified to achieve the full concept facility. LOS F is the concept LOS south of the community of El Dorado (mileposts 0.00–9.494) and through Placerville (mileposts 13.984–15.685). All other segments have an LOS E concept. Ultimately, some segments are recommended to be widened to four lanes or include spot improvements (i.e., passing lanes or improvements for bicycle and pedestrian travel). Table 3.9-2 shows the existing and concept LOS and facility improvements for the SR 49 segments in El Dorado County.

State Route 193

Within El Dorado County, the *State Route 193 Transportation Concept Report* (California Department of Transportation 2011a) accepts the concept service level for SR 193 as LOS E “due to significant topographic and environmental constraints that make capacity enhancement projects financially infeasible.” SR 193 connects Cool to Georgetown and Georgetown to Placerville. The concept and ultimate facility remains at an existing two-lane conventional highway status. Although Caltrans does not forecast an increase in demand for this segment of SR 193, the concept report acknowledges the route’s physical constraints such as narrow, steep, and winding sections and the high percentage of heavy vehicles on the route during timber and agricultural harvests.

State Route 153

The *Transportation Corridor Concept Report, State Route 153* (California Department of Transportation 2011b) contains the 20-year improvement concept for SR 153. State Route 153 is a two-lane conventional highway extending 0.5 mile west from SR 49 near Coloma to the James Marshall Gold Discovery Monument. The concept service level is LOS E, and no improvements other than routine maintenance are planned for this route.

Regional

Funding for transportation planning is provided at the regional level through the regional transportation plan (RTP) and the regional transportation planning document developed by regional transportation planning agencies such as the El Dorado County Transportation Commission (EDCTC) in cooperation with Caltrans and other stakeholders (e.g., El Dorado County and the City of Placerville). RTPs are required to be prepared per state (Government Code Section 65080 et seq.) and federal statute (23 United States Code [USC] 134–135 et seq.). RTPs are developed to identify transportation needs and provide a clear vision of the regional transportation goals, policies, objectives, and strategies to meet those needs. This **must be included in** and within fiscal constraints. Transportation improvements that are expected to be funded from federal, state, or local sources—or any combination of all three sources—are included in the RTP’s list of fiscally constrained projects. In the language of transportation planning, “fiscally constrained” means capable of being financed.

which serves as the RTPA for the west slope of El Dorado County.

every 5 years

must be included in

R-6-3

Table 3.9-2. State Route 49 Transportation Concept Report Data

Segments in El Dorado	Description	Current Facility ^a	Current LOS	Concept Facility ^b	Concept LOS ^c	Improvements Towards Concept Facility	Ultimate Facility ^d
1	Amador/El Dorado County line to Union Mine Rd.	2C	E	2C	F	Widen to 40' standard	2C
2	Union Mine Rd. south of El Dorado to Sacramento St. south of Placerville	2C	E	2C	E	Widen to 40' standard	2/4 E
3	Sacramento St. south of Placerville to junction of SR 193	2C	F	2C	F	Improve capacity and operations at SR 49/U.S. 50 junction	2/4 E
4	Junction of SR 193 to El Dorado/Placer County Line	2C	E	2C	E	Widen to 40' standard	2/4 E

Source: California Department of Transportation 2000.

^a Facility Type Codes: C = Conventional Highway; E = Expressway; F = Freeway; HOV = High Occupancy Vehicle lanes; Aux = Auxiliary lanes.

^b Concept Facility: The future roadway with improvements needed in the next 20 years. If LOS "F", no further degradation of service from existing "F" is acceptable, as indicated by delay performance measurement.

^c 20-Year Concept LOS: The minimum acceptable LOS over the next 20 years.

^d Ultimate Facility: The future roadway with improvements needed beyond a 20-year timeframe.

In this same vein, the Sacramento Area Council of Governments' (SACOG's) *Metropolitan Transportation Plan/Sustainable Communities Strategy for 2035* is a federally-mandated, long-range, fiscally-constrained transportation plan prepared for the six-county area that includes El Dorado, Placer, Sacramento, Sutter, Yolo, and Yuba Counties. Most of this area is designated a federal nonattainment area for ozone, indicating that the transportation system is required to meet stringent air quality emissions budgets to reduce pollutant levels that contribute to ozone formation. To receive federal funding, transportation projects nominated by cities, counties, and agencies must be consistent with the Metropolitan Transportation Plan/Sustainable Communities Strategy (MTP/SCS). Consistency is measured based on whether the project was contained in the plan and its associated computer modeling of transportation and air quality impacts. In addition, any regionally significant transportation project planned for a city or county must be included in the MTP because of its potential effect on travel demand and air pollution. The MTP/SCS contains more than \$1.85 billion in regionally significant transportation improvements for El Dorado County (Sacramento Area Council of Governments 2012: Appendix A). El Dorado County's Regional Transportation Plan is included as part of the MTP.

The *2013/16 Metropolitan Transportation Improvement Program* (MTIP) is a list of transportation projects and programs to be funded and implemented over the next 3 years. SACOG submits this document to Caltrans and amends the program on a quarterly cycle. The MTIP and its amendments are subject to air quality conformity analysis under federal regulations, which limit the use of federal funds for regionally significant, capacity-increasing roadway projects, to those that do not conflict with the region's air quality management plan.

The El Dorado County Regional Transportation Plan 2010–2030 is El Dorado County's portion of the SACOG's Metropolitan Transportation Plan/Sustainable Communities Strategy for 2035 described above. The RTP consists of a Policy Element, Action Element, Financial Element, Air Quality Conformity, and an environmental document. The Policy Element describes the process for implementing the short- and long-term transportation strategies. The Action Element identifies the multi-modal projects that implement the RTP in accordance with the goals, objectives, and policies set forth in the Policy Element. Projects are included for both the short-term (up to 10 years) and long-term (20 years and beyond) horizons. Each transportation mode is addressed in the Action Element. The Financial Element summarizes the cost of implementing the projects in the RTP within a financially constrained environment. All anticipated transportation funding revenues are compared with the anticipated costs of the transportation projects identified in the Action Element. If shortfalls are identified, strategies are developed to potentially fund the otherwise unfunded projects. As the region's Metropolitan Planning Organization (MPO), SACOG has the responsibility for making findings of conformity required under section 176(c) of the federal Clean Air Act within the designated Sacramento Ozone Non-Attainment Area. Finally, the environmental document, a program EIR, is prepared for the RTP in accordance with CEQA.

Local

El Dorado County Parks and Trails Master Plan

The *El Dorado County Parks and Trails Master Plan* (El Dorado County 2012) was the first comprehensive Parks and Trails Master Plan to be prepared for the west slope area of El Dorado County. As directed by the Parks and Recreation Element of the 2004 El Dorado County General Plan, this master plan has been developed to provide long-term vision and direction for the

planning, implementation, and management of west slope park and trail resources provided by El Dorado County for the benefit of residents and visitors. The vision for parks and trails in El Dorado County is to offer access to a diverse selection of recreation opportunities that provide multiple benefits, including the following.

- Health and wellness for residents of all ages and abilities.
- Centers for community gathering and events.
- Enhanced sense of place and local identity.
- Protection for El Dorado County's unique natural and cultural resources.
- Economic development associated with recreation-based tourism and quality of life.

El Dorado County Bicycle Transportation Plan

The *El Dorado County Bicycle Transportation Plan* (El Dorado County 2010) provides a blueprint for the development of a bicycle transportation system on the western slope of El Dorado County. The El Dorado County Bicycle Transportation Plan that was adopted in 2010 by the El Dorado County Board of Supervisors is in compliance with California Streets and Highways Code (Sections 890–894.2, Appendix b), enabling the county to be eligible for State Bicycle Transportation Account funds.

The Bicycle Transportation Plan represents the efforts of the El Dorado County Transportation Commission ~~staff~~, the Bicycle Transportation Plan Advisory Committee, El Dorado County, El Dorado Hills Community Services District, and numerous dedicated citizens in the area. The plan was developed with the overall goal of providing a safe, efficient, and convenient network of bicycle facilities that establish alternative transportation as a viable option in El Dorado County and neighboring regions. The plan addresses the following specific issues and objectives pertaining to non-motorized transportation.

- Bicycle commuting—develop a bicycle transportation system that enhances the safety and convenience of bicycling to neighboring jurisdictions, employment centers, residential neighborhoods, campgrounds, parks, education, commercial and other activity centers in El Dorado County.
- Safety and education—maximize bicycle safety.
- Implementation and maintenance—identify detailed and prioritized improvements in the El Dorado County Bicycle Transportation Plan.
- Land use development—integrate bicycle and pedestrian planning with other regional and community planning, including land use and transportation.
- Multi-modal integration—maximize multi-modal connections to the bicycle transportation system.
- Funding—obtain all possible funding for plan implementation.
- Connectivity—develop a well-connected bikeway system.
- The El Dorado Trail—in usable segments, develop Class I Bike Paths on the El Dorado Trail.

The proposed bikeway system is slightly over 280 miles in length, and includes a strategy for development of Class I Bike Path along the entire Sacramento–Placerville Transportation Corridor,

also known as The El Dorado Trail. The development of the proposed system will provide better access to the County's transit network and activity centers as well as encourage increased use of the bicycle as a transportation mode. (Existing bike trails are described in *Environmental Setting* section.)

Sacramento-Placerville Transportation Corridor Draft Master Plan

The *Sacramento-Placerville Transportation Corridor Master Plan* (El Dorado County 2003) outlines a strategy for interim and long-term uses for the former Sacramento-Placerville railroad corridor. This corridor was purchased by the Sacramento-Placerville Transportation Corridor Joint Powers Authority (SPTC-JPA), which is composed of representatives of El Dorado County, Sacramento County, the Sacramento Regional Transit District, and the City of Folsom. The master plan identifies multiple uses including excursion trains, trails, and utility easements. The Master Plan is for the El Dorado County portion of the Sacramento-Placerville transportation corridor only. It is not intended as a study of the general feasibility or appropriateness of any mode of transportation in the County. It considers the feasibility of each interim use for the corridor as it was acquired.

El Dorado County Long Range and Short Range Transit Plans

The *El Dorado County Long Range Transit Plan* (El Dorado County Transportation Commission 2003) and *Western El Dorado County Short Range Transit Plan* (El Dorado County 2008) outline the long- and short-term planning steps necessary for public transit service in El Dorado County to respond to continued growth. The plans recommend a focus on commuters traveling within El Dorado County and to Sacramento County, as well as key markets such as elderly/disabled services and activity center shuttles.

R-6-4

Measure Y

The original Measure Y was approved by voters on November 3, 1998 and provided that it shall remain in effect for 10 years. It added the following five policies to the 1996 General Plan.

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. (Policy 3.2.2.5)

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. (Policy 3.2.2.4)

Traffic from residential development projects of 5 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. (Policy 3.5.1.6.1.)

The County shall not add any additional segments of U.S. Highway 50, or any other roads, to the County's list of roads that are allowed to operate at Level of Service "F" (gridlock) without first getting the voter's approval. (Policy 3.5.1.6.2)

Before giving approval of any kind to a residential development project of 5 or more units or parcels of land, the County shall make a finding that the project complies with the policies added by this

initiative. If this finding cannot be made, then the County shall not approve the project, or give final approval to a tentative subdivision map, until all these policy findings can be made, in order to protect the public's health and safety as provided by state law to assure that safe and adequate roads are in place as such development occurs. (Policy 3.2.1.5).

After Measure Y passed, the County and the Control Traffic Congestion Initiative Committee (the proponents of Measure Y) spent considerable time interpreting the new policies.¹ Those efforts culminated in a December 7, 1999, Board of Supervisors meeting at which the Board reviewed a range of options and voted on its preferred interpretations of the Measure Y policies.² Of particular note, the Board interpreted the term "worsen" (as used in Policy 3.5.1.6.1) to mean a measurable amount of traffic that is deemed by traffic engineering standards to have a perceptible impact on traffic congestion. Additionally, with respect to the issue of when traffic improvements needed to address aggregate impacts must be implemented, the Board concluded that, "The development project may proceed if the mitigation measures and roadway improvements are shown in the roadway plan adopted pursuant to General Plan Policy 3.5.1.1., are included in a Capital Improvement Plan which calls for the completion of the improvements within an identified, reasonable period of time, and funding sources have been identified for the full funding of the improvements and are reasonably anticipated to be available."

The Measure Y policies were later incorporated into the adopted 2004 General Plan along with alternative policies that would take effect if the Measure Y policies were not readopted by the voters at its 10-year expiration in 2008. The 2004 General Plan also included a number of other policies designed to further the goals of the General Plan and the Measure Y policies. Further refining its prior interpretation of the term "worsen," the Board included new Policy TC-Xe in the 2004 General Plan, which defined "worsen" as follows: (a) a 2% increase in traffic during a.m. peak hour, p.m. peak hour, or daily; (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. Clarifying the timing of necessary traffic improvements, the Board included new Policy TC-Xf:

Prior to 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 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.

Because Measure Y was to be in effect for only 10 years, in 2008, the Board put a successor measure (also identified as Measure Y) on the ballot. The successor measure proposed certain revisions to Policy TC-Xa, the most significant ones being that (1) the Board can, on a 4/5 vote, add roads to the list of roads allowed to operate at LOS F³; and (2) the County can use financial resources other than

¹ The 1996 General Plan was challenged in court and it was set aside by court order on February 5, 1999, but that order included the Measure Y policies among the policies to be applied in the interim period pending preparation of a new General Plan and EIR.

² Note that the Board's discretion in this regard was somewhat limited. It could not substitute its policy preferences for those of the voters, but could only interpret ambiguous provisions of the measure in accordance with the voters' intent.

³ Any such actions would be subject to review under CEQA.

developer fees to pay for necessary road improvements. The changes made to Policy TC-Xa in 2008 are as follows, in underline/strikeout format:

Traffic from single family residential subdivision 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.

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 or by a 4/5ths vote of the Board of Supervisors.

Developer-paid traffic impact fees combined with any other available funds 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.

~~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.~~

~~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.~~

The successor measure was placed on the November 8, 2008 ballot. It passed with 71.47% "yes" votes.

In addition to authorizing the successor measure, the Board also adopted a resolution (No. 194-2008) revising the associated traffic policies. The additional revisions became effective upon the voters' approval of the successor measure. The primary effect of those revisions was to clarify the timing of the Capital Improvement Program and the traffic improvement concurrency requirements. Specifically, Policy TC-Xf was revised in 2008 as follows:

At the time of approval of a tentative map for a single family residential subdivision of five or more parcels ~~Prior to 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~~ County shall do one of the following: (1) condition the project to 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 based on existing traffic plus traffic generated from the development plus forecasted traffic growth at 10-years from project submittal; or (2) ensure ~~adequate funding is identified and available~~ the commencement of construction of for the necessary road improvements are included in the county's 10 year CIP 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.~~

By clarifying the concurrency requirements, current Policy TC-Xf provides two ways for a single-family residential project that worsens traffic to mitigate its impacts. First, the County can condition the project to construct all road improvements necessary to maintain or attain the specified level of service standards. Second, the County can ensure that construction of the necessary road

R-6-5

R-6-6

improvements is in the 10-year CIP.⁴ In adopting the resolution authorizing those clarifications, the County recognized that allowing a project to rely on the 10-year CIP created the potential for short-term increases in traffic (since, theoretically, the residential project could be completed in Year 1, but the road improvements might not be constructed until Year 10). It was determined, however, that any such impacts would be offset by the ability to use additional financial resources to pay for necessary projects and by policies requiring more frequent CIP review, which would allow the County to better prioritize improvements to minimize any short-term level of service deficiencies.

The basic process is illustrated in Figure 3.9-1.

Traffic Impact Mitigation Fee Programs

The County had four adopted traffic impact mitigation (TIM) fee programs used to fund capital improvements to the road system to mitigate traffic impacts resulting from development.

- **West Slope Area of Benefit Traffic Impact Mitigation Fee Program.** This program was originally adopted in 1991. The Board adopted major revisions to the program in August 1996.
- **Transportation Impact Fee Program for the State System's Capacity and Interchanges.** This program was adopted in August 1996.
- **El Dorado Hills/Salmon Falls Area Road Impact Fee Program.** This program was originally adopted in 1984. The Board adopted major revisions to the program in August 1996 and December 2000.
- **Interim Transportation Impact Fee for U.S. Highway 50 Corridor Improvements.** This program was adopted in October 2002.

The County also previously adopted the 2005 Interim TIM fee program and the 2006 TIM fee program. In 2010 the El Dorado County Board of Supervisors adopted Resolution 070-2010, which updated the 2004 General Plan Traffic Impact Mitigation Fee Program and the traffic impact mitigation fee schedule. The fees that were adopted in 2010 were applied to all previous programs.

The fees set by the Board are tied to the cost of building the needed road improvements to accommodate the projected amount of expected growth during a defined time period (currently based on 20 years of growth). This implements one of the policies included in the original Measure Y, which says that new development fully pay for the needed road improvements to handle the traffic generated by that new development.

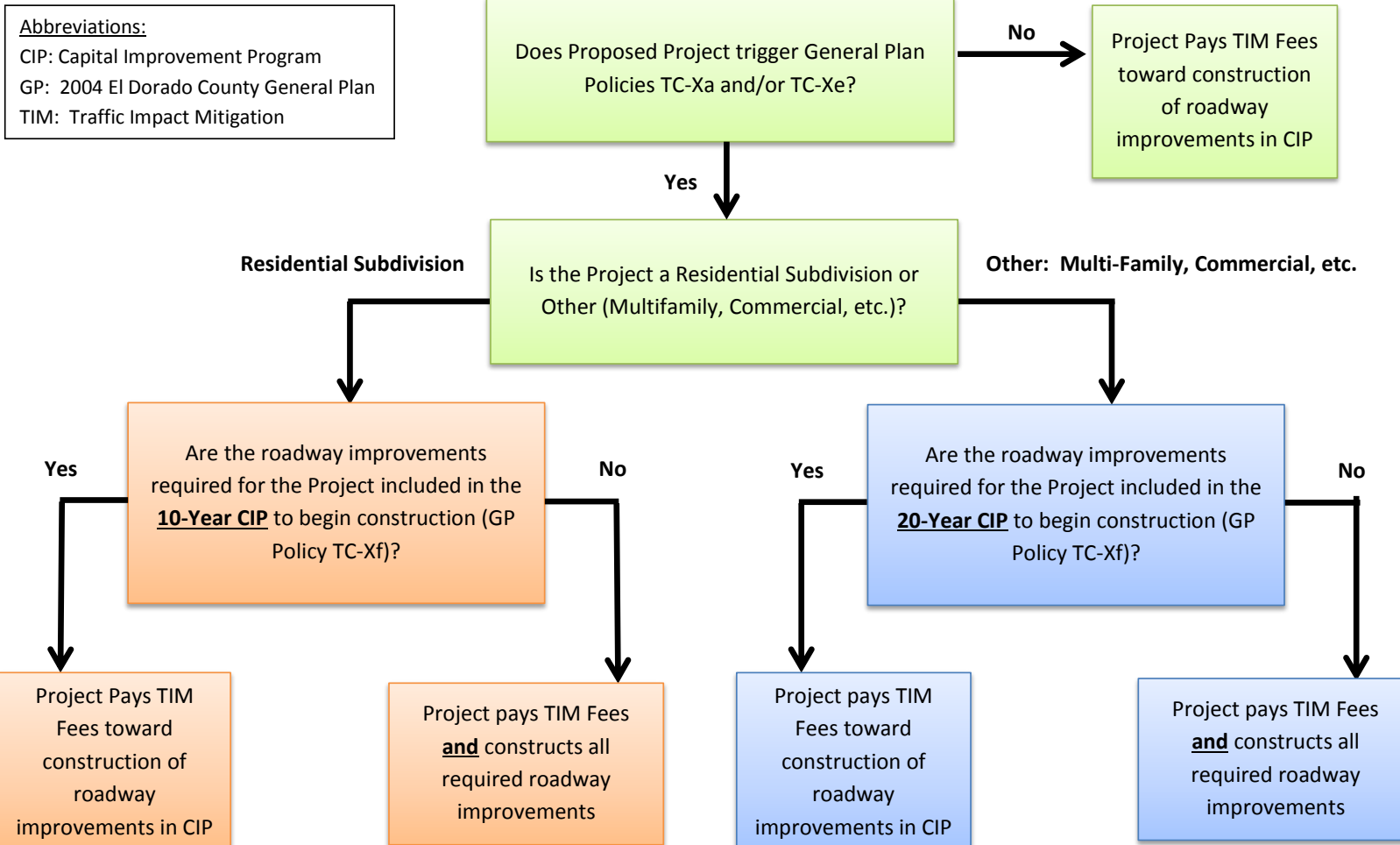
Generally, funds generated from the TIM fees are applied toward major improvements such as those listed below (El Dorado County 2013).

- All the interchanges from Ponderosa Road/South Shingle west to the County line, and the El Dorado Road and Missouri Flat Road interchanges.
- High occupancy vehicle (HOV) lanes on U.S. Highway 50 from Cameron Park Drive west to the County line.
- Improvements to the County's main arterial roads (e.g., Missouri Flat, Green Valley, Latrobe Road, Cameron Park Drive, Cambridge Road, Pleasant Valley Road, Mother Lode Drive, SR 49).

⁴ In contrast, the Board's prior interpretation of this policy required that the construction be completed in a reasonable period of time.

Abbreviated Flow Chart Showing How General Plan Policy TC-Xa (aka Measure Y) is Implemented when a Proposed Development Project is Submitted to County

Note: This flow chart shows a simplified summary of the basic steps for discussion purposes only; it is not a comprehensive representation of the process.



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Figure 3.9-1
 Abbreviated Flow Chart Illustrating Implementation of Policy TC-Xa

- Intersection improvements (e.g., Latrobe and White Rock, several along Cameron Park Drive).
- Transit requirements (e.g., purchase of additional commuter buses, park-and-ride lots).
- Safety improvements (e.g., South Latrobe Road improvements).
- Bridge improvements (e.g., Sly Park Road Clear Creek Bridge replacement).

The complete list of projects that are part of the TIM program is included in Exhibit B of the amended 2004 General Plan TIM Fee Program. All money generated from the TIM Fee payments is to be used for these projects.

General Plan

Pursuant to California Planning Law, a general plan must contain a circulation element “consisting of the general location and extent of existing and proposed major thoroughfares, transportation routes, terminals, any military airports and ports, and other local public utilities and facilities, all correlated with the land use element of the plan” (Government Code Section 65302[b]). The El Dorado County General Plan’s Transportation and Circulation Element establishes the key objectives and policies related to traffic. Some key policies are listed below; the rest are found in the General Plan’s Transportation and Circulation Element.

Policy TC-1a. The County shall plan and construct County-maintained roads as set forth in Table TC-1. Road design standards for County-maintained roads shall be based on the American Association of State Highway and Transportation Officials (AASHTO) standards, and supplemented by California Department of Transportation (Caltrans) design standards and by County Department of Transportation standards. County standards include typical cross sections by road classification, consistent with right-of-way widths summarized in Table TC-1.

Table TC-1. General Roadway Standards for New Development by Functional Class

Functional Class	Access Control		Cross Section	
	Public Roads Intersections (or Interchanges)	Abutting Property Driveways and Private Roads	ROW	Roadway Width
Six-Lane Divided Road	½ mile minimum spacing	Restricted	130'	108'
Four-Lane Divided Road	½ mile minimum spacing	Limited	100'	84'
Four-Lane Undivided Road				
Community Regions	½ mile minimum spacing	Limited	80'	64'
Rural Centers and Rural Regions	½ mile minimum spacing	Limited	80'	64'
Major Two-Lane Road				
Community Regions	1/4 mile minimum spacing	Limited	60'	64'
Rural Centers and Rural Regions	1/4 mile minimum spacing	Permitted	60'	40'
Local Road	1/4 mile minimum spacing	Permitted	60'	Varies

Notes:

- ¹ Access control and cross sections are desired standards. Details and waiver provisions shall be incorporated to the Design and Improvement Standards Manual (El Dorado County 1990).
- ² Notwithstanding these highway specifications, additional right-of-way may be required for any classification when a road coincides with an adopted route for an additional public facility (e.g., transit facilities, bikeways, or riding and hiking trails), or a scenic highway.
- ³ The County may deviate from the adopted standards in circumstances where conditions warrant special treatment of the road. Typical circumstances where exceptions may be warranted include:
 - ^a Extraordinary construction costs due to terrain, roadside development, or unusual right-of-way needs; or
 - ^b Environmental constraints that may otherwise entirely preclude road improvement to the adopted standards, as long as environmental impacts are mitigated to the extent feasible.
- ⁴ Travel ways for all highways should be 12 feet wide. Turning lanes should be 12 feet wide, but may be reduced to 10 feet based on topographical or right-of-way constraints. All travel ways on roads should be paved.

Policy TC-1b: In order to provide safe, efficient roads, all roads should incorporate the cross sectional road features set forth in Table TC-1.

Policies TC-1c through TC-1j: *intentionally blank*

Policy TC-1k: The County shall continue to work with the El Dorado County Transportation Commission, Sacramento Area Council of Governments, California Department of Transportation, Tahoe Regional Planning Agency, and other agencies to maintain a current Regional Transportation Plan, to identify funding priorities, and to develop expenditure plans for available regional transportation funds in accordance with regional, state, and federal transportation planning and programming procedures. Such regional programming may include improvements to state highways, city streets, and county roads.

Policy TC-1l: The County shall actively seek all possible financial assistance, including grant funds available from regional, state, and federal agencies, for street and highway purposes when compatible with General Plan policies and long-term local funding capabilities.

Policy TC-1m: The County shall ensure that road funds allocated directly or otherwise available to the County shall be programmed and expended in ways that maximize the use of federal and other matching funds, including maintenance of effort requirements.

Policy TC-1n: The County shall generally base expenditure of discretionary road funds for road uses on the following sequence of priorities:

- A. Maintenance, rehabilitation, reconstruction, and operation of the existing County-maintained road system;
- B. Safety improvements where physical modifications or capital improvements would reduce the number and/or severity of accidents; and
- C. Capital improvements to expand capacity or reduce congestion on roadways at or below County level of service standards, and to expand the roadway network, consistent with other policies of this General Plan.

Policy TC-1o: The County shall work with the cities of Placerville and South Lake Tahoe to establish a system of designated truck routes through urban areas.

Policy TC-1p: The County shall encourage street designs for interior streets within new subdivisions that minimize the intrusion of through traffic on pedestrians and residential uses while providing efficient connections between neighborhoods and communities.

Policy TC-1q: The County shall utilize road construction methods that seek to reduce air, water, and noise pollution associated with road and highway development.

Policy TC-1r: The County shall accept classified roads, as defined on Figure TC-1, into the County-maintained road system when constructed to County standards.

Policy TC-1s: Notwithstanding Policy TC-1r, the County shall only add new local roads into the existing County-maintained road system if maintenance for these local roads will be provided for through a County Service Area Zone of Benefit or other similar means acceptable to the Board of Supervisors.

Policy TC-1t: The County shall identify locations of needed future road rights-of-way, consistent with Figure TC-1, through analysis and adoption of road alignment plan lines where appropriate. Circumstances where road alignment plan line analysis and adoption are acceptable shall include the following:

- A. Where major roads or corridors are expected to require additional through lanes within a 20-year planning horizon;
- B. Where the future alignment is expected to deviate from the existing alignment, or to be developed asymmetrically about the existing section or centerline;

- C. Where the adjacent properties are substantially undeveloped, so that property owners may benefit from prior knowledge of the location of rights-of-way of planned roads before constructing improvements or developing property in a way that may ultimately conflict with identified transportation needs; and
- D. Future facilities as identified in Figure TC-1.

Policy TC-1u: 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.

Policy TC-1v: The County shall 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.

Policy TC-1w: New streets and improvements to existing rural roads necessitated by new development shall be designed to minimize visual impacts, preserve rural character, and ensure neighborhood quality to the maximum extent possible consistent with the needs of emergency access, on street parking, and vehicular and pedestrian safety.

Policy TC-1x: To reduce heavy truck traffic in residential areas and near noise sensitive land uses associated with discretionary projects, the County will review truck routes to ensure traffic noise impacts are minimized.

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.

Policy TC-Xa: The following policies shall remain in effect until December 31, 2018:

1. Traffic from single-family residential subdivision development projects of five or more 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 roads, to the County's list of roads that are allowed to operate at Level of Service F without first getting the voters' approval or by a 4/5ths vote of the Board of Supervisors.
3. Developer-paid traffic impact fees combined with any other available funds 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.

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

- A. Every year prepare an annual Capital Improvement Program (CIP) specifying expenditures for roadway improvements within the next 10 years. At least every five years prepare a CIP specifying expenditures for roadway improvements within the next 20 years. Each plan shall contain identification of funding sources sufficient to develop the improvements identified;
- B. At least every five years, prepare a Traffic Impact Mitigation (TIM) Fee Program specifying roadway improvements to be completed within the next 20 years to ensure compliance with all applicable level of service and other standards in this plan; and
- C. Annually monitor traffic volumes on the county's major roadway system depicted in the Circulation Diagram.

Policy TC-Xc: intentionally blank

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. The volume to capacity ratio of the roadway segments listed in Table TC-2 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.

Table TC-2. El Dorado County Roads Allowed to Operate at Level of Service F1 (through December 31, 2018)

Road Segment(s)		Max V/C ²
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 State Route 49	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
	Ice House Road to Echo Lake	1.16
State Route 49	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

Notes:

¹ Roads improved to their maximum width given right-of-way and physical limitations.

² Volume to Capacity ratio.

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: At the time of approval of a tentative map for a single family residential subdivision of five or more parcels that worsens (defined as a project that triggers Policy TC-Xe [A] or [B] or [C]) traffic on the County road system, the County shall do one of the following: (1) condition the project to construct all road improvements necessary to maintain or attain Level of Service standards detailed in this *Transportation* and Circulation Element based on existing traffic plus traffic generated from the development plus forecasted traffic growth at 10-years from project submittal; or (2) ensure the commencement of construction of the necessary road improvements are included in the County’s 10-year CIP.

For all other discretionary projects that worsen (defined as a project that triggers Policy TC-Xe [A] or [B] or [C]) traffic on the County road system, the County shall do one of the following: (1) condition the project to construct all road improvements necessary to maintain or attain Level of Service

standards detailed in this Transportation and Circulation Element; or (2) ensure the construction of the necessary road improvements are included in the County's 20-year CIP.

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.

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.

Policy TC-3a: The County shall support all standards and regulations adopted by the El Dorado County Air Quality Management District governing transportation control measures and applicable state and federal standards.

Policy TC-3b: The County shall consider Transportation Systems Management measures to increase the capacity of the existing road network prior to constructing new traffic lanes. Such measures may include traffic signal synchronization and additional turning lanes.

Policy TC-3c: The County shall encourage new development within Community Regions and Rural Centers to provide appropriate on-site facilities that encourage employees to use alternative transportation modes. The type of facilities may include bicycle parking, shower and locker facilities, and convenient access to transit, depending on the development size and location.

Policy TC-3d: Signalized intersections shall be synchronized where possible as a means to reduce congestion, conserve energy, and improve air quality.

Policy TC-4a: The County shall implement a system of recreational, commuter, and inter-community bicycle routes in accordance with the County's Bikeway Master Plan. The plan should designate bikeways connecting residential areas to retail, entertainment, and employment centers and near major traffic generators such as recreational areas, parks of regional significance, schools, and other major public facilities, and along recreational routes.

Policy TC-4b: The County shall construct and maintain bikeways in a manner that minimizes conflicts between bicyclists and motorists.

Policy TC-4c: The County shall give priority to bikeways that will serve population centers and destinations of greatest demand and to bikeways that close gaps in the existing bikeway system.

Policy TC-4d: The County shall develop and maintain a program to construct bikeways, in conjunction with road projects, consistent with the County's Bikeway Master Plan, taking into account available funding for construction and maintenance.

Policy TC-4e: The County shall require that rights-of-way or easements be provided for bikeways or trails designated in adopted master plans, as a condition of land development when necessary to mitigate project impacts.

Policy TC-4f: The County shall sign and stripe Class II bicycle routes, in accordance with the County's Bikeway Master Plan, on roads shown on Figure TC-1, when road width, safety, and operational conditions permit safe bicycle operation.

Policy TC-4g: The County shall support development of facilities that help link bicycling with other modes of transportation.

Policy TC-4h: Where hiking and equestrian trails abut public roads, they should be separated from the travel lanes whenever possible by curbs and barriers (such as fences or rails), landscape buffering, and spatial distance. Existing public corridors such as power transmission line easements, railroad rights-of-way, irrigation district easements, and roads should be put to multiple use for trails, where possible.

Policy TC-4i: Within Community Regions and Rural Centers, all development shall include pedestrian/bike paths connecting to adjacent development and to schools, parks, commercial areas and other facilities where feasible. In Rural Regions, pedestrian/bike paths shall be considered as appropriate.

Policy TC-5a: Sidewalks and curbs shall be required throughout residential subdivisions, including land divisions created through the parcel map process, where any residential lot or parcel size is 10,000 square feet or less.

Policy TC-5b: In commercial and research and development subdivisions, curbs and sidewalks shall be required on all roads. Sidewalks in industrial subdivisions may be required as appropriate.

Policy TC-5c: Roads adjacent to schools or parks shall have curbs and sidewalks.

Implementation Measure TC-A: Prepare and adopt a priority list of road and highway improvements for the Capital Improvement Program (CIP) based on a horizon of ten years. The Board of Supervisors shall update the CIP every year, or more frequently as recommended by the responsible departments. The CIP shall prioritize capital maintenance and rehabilitation, reconstruction, capacity, and operational and safety improvements. Non-capital maintenance activities need not be included in the CIP. The CIP shall be coordinated with the five-year major review of the General Plan and shall be included in the annual General Plan review. [Policies TC-1k, TC-1m, and TC-1n]

Implementation Measure TC-B: 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-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 for changes in project costs, and at least every five years with revised growth forecasts, revised improvement project analysis and list, and revised construction cost estimates to ensure the programs continue to meet the requirements contained in the policies of this General Plan. [Policies TC-Xa, TC-Xb, and TC-Xg]

Implementation Measure TC-C: Revise and update the Design and Improvement Standards Manual (DISM) to accomplish the following:

- Specify minimum rights-of-way and road surface widths for the County road system and other design requirements. [Policies TC-1a, TC-1b, TC-1p, and TC-4h];
- Specify minimum distance between access points onto the County road system [Policy TC-1a];
- Provide detailed specifications for new development improvements, including private roads dedicated to public use [TC-1a];
- Provide detail for bicycle facilities [Goal TC-4]; and
- Provide standards for the requirement of sidewalks in new development and capital improvement projects. [Goal TC-5]

Implementation Measure TC-L: The County shall develop a funding mechanism that requires new development to pay for additional park-and-ride lots identified by transit providers in the county or the California Department of Transportation. The County shall also work with transit providers in the county and other agencies to determine the need for additional or expanded park-and-ride lots,

identify additional sites for such lots, and to acquire necessary rights-of-way for them. [Policies TC-2b and TC-2d]

Implementation Measure TC-V(1): 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. [Policy TC-1u]

Implementation Measure TC-V(2): The County shall implement a 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-Xa through TC-Xe with the circulation diagram improvements assumed in place. As such, the measure should consider a variety of methods that control or limit traffic. 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.

Implementation Measure TC-V(3): 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 Circulation Map to include the identified right-of-way. [Policy TC-1v]

Environmental Setting

Regional Roadway System

Much of El Dorado County's roadway network is rural in character; the more suburbanized western portion of the county is the primary exception. U.S. Highway 50 is the primary transportation corridor extending through the county from west to east and directly serves all of the county's major population centers including El Dorado Hills, Cameron Park, Shingle Springs, Placerville, Camino, Pollock Pines, Diamond Springs, and South Lake Tahoe. Other state highways, county arterials, and a network of local public and private roads constitute the remainder of the roadway system. Access to property is either directly from fronting arterial roads or from public or private local roads, many of which are narrow and unpaved.

Commuting, shopping, recreation, and shipping are responsible for most of the travel demand on the transportation system. The Lake Tahoe Basin is a popular recreational attraction, as is the El Dorado National Forest, with destinations such as the Rubicon Trail, Desolation Wilderness, and several ski areas. Other attractions include the South Fork of the American River, Marshall Gold Discovery State Historic Park, Folsom Reservoir, Sly Park Reservoir, historic downtown Placerville, and Apple Hill. Visitors come primarily from population centers to the west of El Dorado County, such as Sacramento and the San Francisco Bay area. Employment for a large portion of El Dorado County's residents, particularly in the western portion of the county, is in the greater Sacramento area, for which U.S. Highway 50 serves as the main commute route.

The major routes in the regional roadway system are shown according to their functional classification in Figure 3.9-2. The classifications in Figure 3.9-2 indicate the operational hierarchy of the roadway system. This highway network plays an important role in regional travel by connecting to and complementing the local street network. The larger highway and arterial classifications predominantly serve through-travel rather than local trips. Smaller roads function as collectors

funneling traffic from local streets to the highways and arterials. Figure 3.9-3 displays the number of through-lanes on major roadways.

State Highways

State highways in El Dorado County include freeways, expressways, and conventional highways, which are operated and maintained by Caltrans. These highways are an integral part of the county's transportation system, serving inter-county and inter-city traffic. Interstate and U.S. numbered routes are also part of the State Highway System, which is maintained by Caltrans. El Dorado County contains one U.S. route (Highway 50) and four other State Routes (SRs 49, 89, 153, and 193) within its boundary.

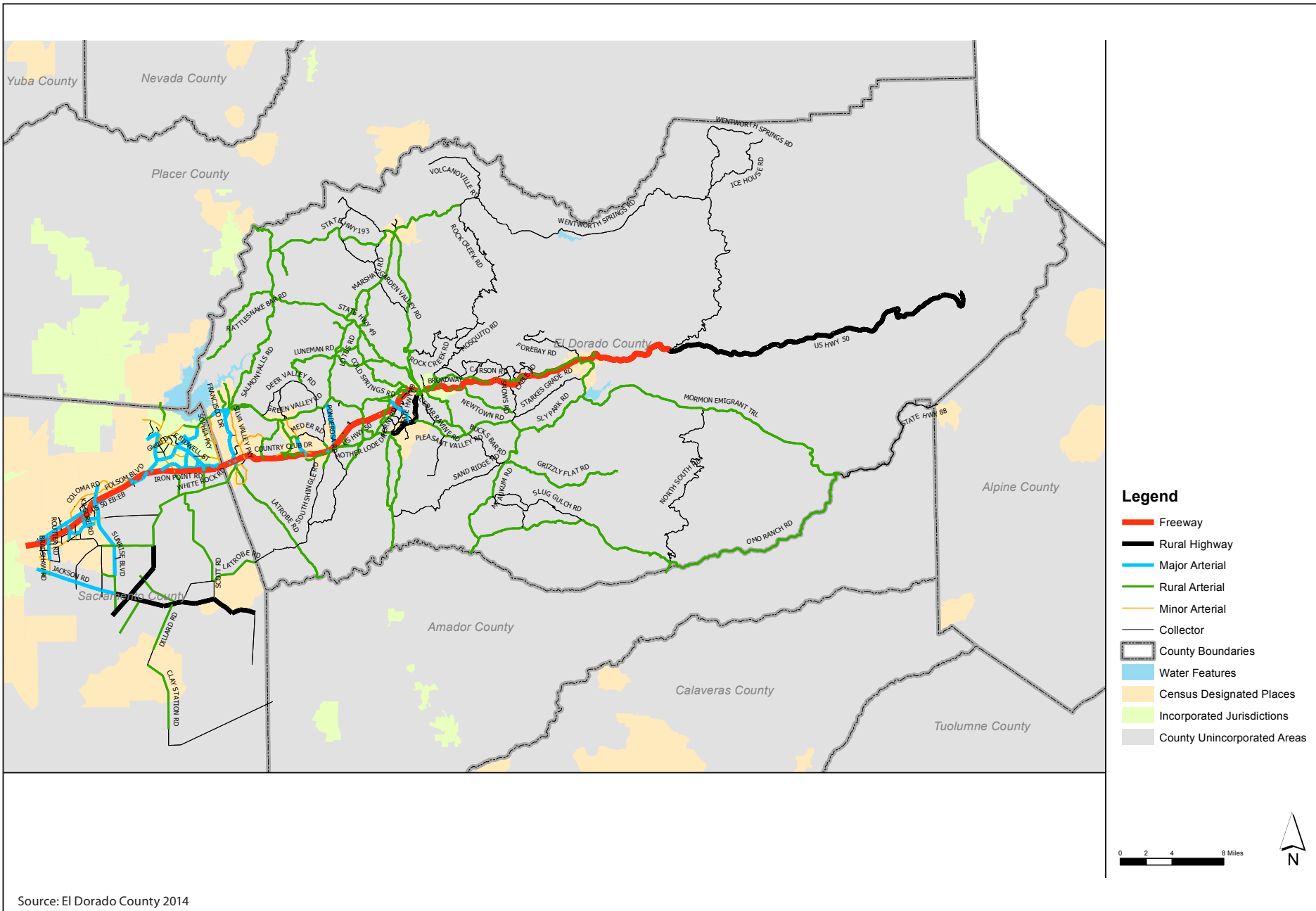
U.S. Highway 50 is the backbone transportation facility in El Dorado County, providing connections to Sacramento County and the state of Nevada. It accesses nearly all of the recreation areas and tourist attractions for visitors from Sacramento and the San Francisco Bay area. U.S. Highway 50 is also the major commute route to employment locations in the greater Sacramento area and the major shipping route for movement of goods by truck. From the Sacramento County line to Placerville, U.S. Highway 50 is a four-lane freeway with an eastbound auxiliary lane from the county line to the steep Bass Lake grade. HOV lanes extend from Watt Avenue in Sacramento County to the Cameron Park Drive interchange. HOV lanes are restricted to carpools (i.e., vehicles with two or more people), vanpools, buses, motorcycles, and electric vehicles during morning and evening peak hours. U.S. Highway 50 transitions to a conventional four-lane highway through Placerville with traffic signals at three major intersections. East of Placerville and extending into the Lake Tahoe Basin, U.S. Highway 50 is primarily an expressway (except for a short section of four-lane freeway between Camino and Pollock Pines) with unsignalized intersections east to Ice House Road near Riverton, where the highway narrows to two lanes with passing opportunities limited mostly to defined passing lanes and turnouts. U.S. Highway 50 is the most heavily traveled route in the County and also incurs the most traffic congestion. Westbound U.S. Highway 50 from El Dorado Hills Boulevard to the Sacramento County line is regularly subject to congestion for about an hour during the weekday morning peak period (i.e., 7 a.m.–8 a.m.).

Weekend-related travel on U.S. Highway 50 creates other problems. The portion of U.S. Highway 50 in Placerville is particularly affected on Fridays and during weekends when visitors are traveling to and from recreational attractions to the east. The three traffic signals on U.S. Highway 50 in central Placerville reduce the expressway's capacity compared to the approach segments. When Friday or weekend traffic volumes exceed the capacity of this portion of U.S. Highway 50, long queues form and delays increase substantially over typical weekday conditions.

SR 49 serves north-south traffic throughout the Sierra Nevada foothills. In and near El Dorado County, SR 49 runs from Plymouth in Amador County through Diamond Springs, Placerville, Coloma, Pilot Hill, and Cool to Auburn in Placer County. The portions of SR 49 between Plymouth and Placerville, Placerville and Coloma, and Cool and Auburn contain sections that are narrow, winding, and steep.

SR 193 runs from SR 49 in Placerville to SR 49 in Cool by way of Georgetown. This two-lane highway is generally 28 feet wide (less than the Caltrans 40-foot standard for this type of highway) except for a wider section near Georgetown and a narrower, steep, and winding section north of Placerville.

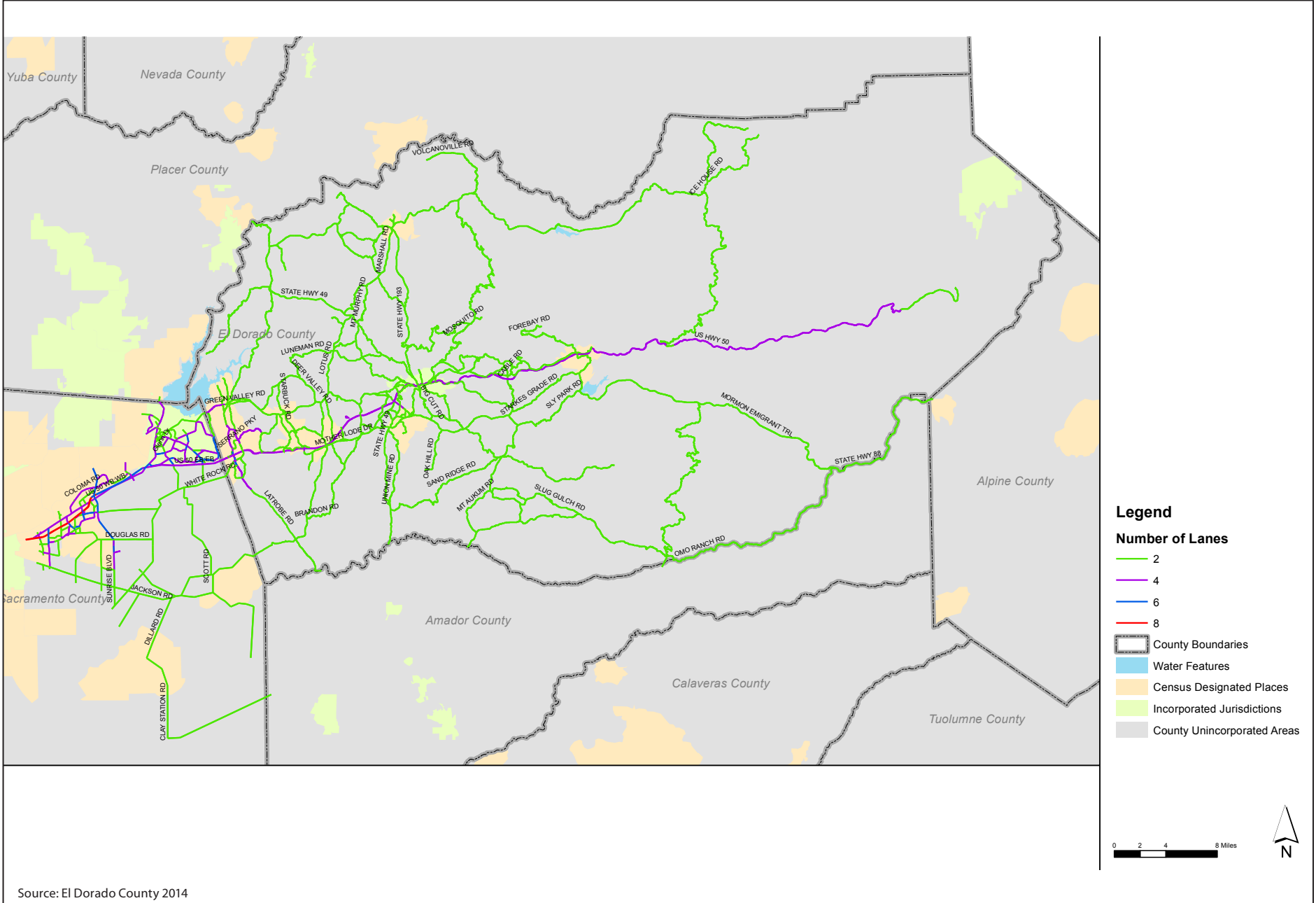
The other two state highways in El Dorado County are SR 89 and SR 153. SR 89, a north-south route in the northern Sierra Nevada, runs entirely within the Lake Tahoe Basin portion of El Dorado



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Figure 3.9-2
Existing Roadway Network Classification



Source: El Dorado County 2014

Figure 3.9-3
Number of Lanes for Existing Roadway Network



County, which is outside the study area for this section. SR 153, a 0.5-mile-long road that provides access from SR 49 to the Marshall Monument in Coloma, does not handle regional traffic and was not analyzed.

Major County Roadways

Major county roadways are also part of the regional roadway system and typically provide the arterial connections to U.S. Highway 50. These major county roadways connect to U.S., Highway 50 at the following interchanges:

- El Dorado Hills Boulevard/Latrobe Road.
- Bass Lake Road.
- Cambridge Road.
- Cameron Park Drive.
- Ponderosa Road/South Shingle Road.
- Shingle Springs Drive.
- Greenstone Road.
- El Dorado Road.
- Missouri Flat Road.

The entire list of county roadway segments included in this study is provided in Table 3.9-13 located at the end of the section.

Public Transportation System

Public transportation in western El Dorado County consists of the following services and facilities.

- El Dorado County Transit Authority (EDCTA).
- Commercial bus services.
- Taxi service.
- Vanpools and carpools.
- Park-and-ride facilities.

EDCTA serves the residents of western El Dorado County and provides scheduled fixed-route service, daily commute service to Sacramento, dial-a-ride service in Placerville and outlying communities, and chartered social service routes. Lifeline service is also provided to the elderly, the disabled, and Sacramento commuters.

In fiscal year 2012, EDCTA served over 423,000 riders; the commuter service was particularly well used with an annual ridership of approximately 139,000 (El Dorado Transportation Commission 2013). Commercial bus service is provided by Greyhound and Amtrak. Greyhound services Placerville customers with pickups and drop-offs at the Placerville Station on Mosquito Road. Greyhound will stop by reservation only on the way to and from Lake Tahoe. Amtrak also services customers at the Placerville Station who need to catch a bus to the Amtrak station in Sacramento, also by reservation only.

Several taxi companies provide service in El Dorado County and are available on demand or by reservation. Formal carpools and vanpools in El Dorado County are organized by the State of California and Vanpool Service, Inc. (VPSI). Six state vanpools are operated to Sacramento for state employees who reside in El Dorado Hills, Shingle Springs, Placerville, Pollock Pines, and Rescue. Five of these vanpools travel to downtown Sacramento while one travels to the Franchise Tax Board in Rancho Cordova. VPSI operates two vans originating in Placerville, both of which are destined for downtown Sacramento. Ridesharing through carpools and vanpools is expected to increase as HOV lanes are added to U.S. Highway 50 from El Dorado County to downtown Sacramento.

Park-and-ride lots provide a place for commuters in single-occupant vehicles to transfer to public transit or carpools. El Dorado County has seven park-and-ride facilities concentrated along U.S. Highway 50 (El Dorado Transit 2006). These parking sites are important in encouraging ridesharing by providing a safe, attractive, and convenient place to leave a personal vehicle in order to use public transportation or another form of ridesharing. Expansion of the existing parking lots or construction of new lots is planned as a result of population growth in El Dorado County, as well as to support the HOV lanes on U.S. Highway 50 and continued expansion of the commuter bus service.

Non-Motorized Transportation System

The non-motorized transportation system in El Dorado County is composed of local and regional bikeways and trails. Bikeways are classified into the following three types.

- Class I—off-street bike paths.
- Class II—on-street bike lanes marked by pavement striping.
- Class III—on-street bike routes that share the road with motorized vehicles.

El Dorado County has six segments of Class I bike path, and nine segments of Class II bike lanes. Generally speaking, the Class I bike paths are located along El Dorado Hills Blvd, and the Class II bike lanes are along the El Dorado Trail. A complete list of all of the bike facilities in the County is described in the El Dorado County Bicycle Transportation Plan (2010 Update) which can be found on the El Dorado County Transportation Commission website.⁵

Aviation System

There are four general aviation airports within the county. The Placerville Airport and the Georgetown Airport are both owned and operated by El Dorado County. Cameron Airpark Airport is owned and operated by the Cameron Park Airport District, a special district, and the Lake Tahoe Airport is owned and operated by the City of South Lake Tahoe. The County's airports are used by the general public as well as military and other government agencies for training flights, search and rescue missions, and fire suppression support.

3.9.2 Environmental Impacts

Note that the project is unlike most projects subject to CEQA analysis. Where most projects consist of specific actions that would directly affect the environment, the project proposes to amend the General Plan and the Zoning Ordinance and would have only indirect effects. The CEQA analysis

⁵ <http://www.edctc.org/3/CountyBikePlan2010.html>

examines the prospective changes that would occur as a result of implementation of the project (i.e., TGPA and ZOU) against existing (i.e., baseline) conditions to determine whether the project will result in one or more significant impacts on the environment.

Impact Mechanisms

The project does not include any site-specific development projects. For the most part, it consists of policy changes to the current General Plan and an update of the Zoning Ordinance. As a result, the traffic impact analysis is undertaken at a general level. In other sections of the DEIR, amendments to General Plan policies regarding the amount of open space required, the prohibition on developing on steep slopes, and other similar policies have been identified as impact mechanisms. While these may have some marginal effect on traffic generation, the lack of site-specific development projects that would apply to these amended policies would make a detailed traffic analysis largely speculative.

The following are the key potential impact mechanisms for the traffic analysis and a preliminary screening of the necessity for further review.

- Camino/Pollock Pines Community Region boundary amendment. This amendment would create three Rural Communities in place of the Community Region, but would not otherwise change current General Plan land use designations. Therefore, it would not change traffic generation or patterns and would not affect traffic impacts.
- Expansion of Agricultural Districts. This amendment rectifies the Agricultural District boundaries to add properties that have agricultural value and exclude those that do not. This would not change current General Plan land use designations and would therefore not result in an incrementally greater level of traffic generation. It would not affect traffic impacts.
- Amendments to Policies 2.1.1.3 and 2.1.2.5 and the Multifamily Residential (MFR) and High-Density Residential (HDR) land use designations increasing the maximum allowable residential density for mixed-use projects. These amendments would result in additional residential density where market conditions, site conditions, and available services make higher density practical. The potential impact of additional residential density was considered in the analyses that follow.
- New objective and policies encouraging infill development. Any future infill would be subject to the density and intensity limitations of the General Plan. As a result, this change would not incrementally alter land use patterns or intensity. Put another way, it would not alter the way in which development can occur under the current General Plan. The proposal would not affect traffic impacts.
- The proposed ZOU would allow development on slopes with a grade over 30%, subject to specific regulations regarding grading and erosion control. This would potentially allow additional development on existing parcels that is restricted by current General Plan and zoning provisions. However, this increase in development is expected to be small, particularly with implementation of Mitigation Measure BIO-1a which further limits its application. In addition, it would be limited by the General Plan designation of the site. As a result, this change would not alter the pattern or intensity of development that can occur under the current General Plan. The proposal would not affect traffic impacts.
- The project includes rezoning of individual parcels throughout the county as needed to make the zoning classifications on each property consistent with the property's General Plan designation. Where there is more than one zone classification that would be consistent with the General Plan,

these changes generally adopt the least intensive of those zones. The development potential of the parcels is currently determined by the densities and intensities established in the General Plan. The rezonings would not change the development potential. As a result, the rezonings would not change the expected traffic impacts that will occur as a result of implementation of the General Plan.

- The ZOU includes various uses that may be allowed by right or upon approval of a discretionary, administrative, or CUP (e.g., off-highway vehicle use on residential parcels over 5 acres, CUP for industrial use in a Timberland Preserve Zone [TPZ]) that are either not allowed by right or with a discretionary permit under the existing ordinance. This expands the list of the types of uses that could be approved. Although many of these would potentially generate traffic, they cannot be specifically analyzed because no development is being proposed at this time (any development proposal would result from an application by the landowner). As a result the number and types of development, site locations (and thereby the condition of the road system serving it), project designs, development intensity, or residential density cannot be known at this time. Therefore, any attempt to analyze the specific potential traffic impact of these components of the ZOU would be purely speculative.
- Proposed amendments to the Transportation and Circulation Element:

Provide flexibility to allow a reduction in standard roadway widths (Table TC-1) where necessary to accommodate *complete streets* pursuant to state law or mixed use development.

Move Table TC-1 from the General Plan to Standards Plans or Land Development Manual.

Methods of Analysis

A detailed discussion of the methods used in this analysis is presented in Appendix D, *Traffic Modeling Methodology*, of this DEIR.

For the project (i.e., TGPA/ZOU), LOS was determined by comparing existing and forecasted traffic volumes for selected roadway segments with peak-hour LOS capacity thresholds. These thresholds are shown in Table 3.9-3 and were developed based on the methodologies contained in the *Highway Capacity Manual* (HCM) (Transportation Research Board 2010). The HCM methodology is the prevailing measurement standard used throughout the United States. The most current HCM (2010) was used for this analysis.

Table 3.9-3. Level of Service Typical Traffic Volumes

Operational Class ^a	Class Code	Peak-Hour LOS Traffic Volumes ^d				
		A	B	C	D	E
Minor Two-Lane Highway ^b	2R, W20, W18	-	330	710	1,310	2,480
Major Two-Lane Highway ^b	2U	-	330	710	1,310	2,480
Two-Lane Arterial ^a	2A	-	-	850	1,540	1,650
Four-Lane Arterial, Undivided	4AU	-	-	1,760	3,070	3,130
Four-Lane Arterial, Divided	4AD	-	-	1,850	3,220	3,290
Six-Lane Arterial, Divided	6AD	-	-	2,760	4,680	4,710
Two Freeway Lanes ^c	2F	-	2,070	2,880	3,590	4,150
Two Freeway Lanes + Auxiliary Lane ^c	2FA	-	2,610	3,630	4,520	5,230
Three Freeway Lanes ^c	3F	-	3,100	4,320	5,380	6,230
Three Freeway Lanes + Auxiliary Lane ^c	3FA	-	3,640	5,070	6,320	7,310
Four Freeway Lanes ^c	4F	-	4,140	5,760	7,180	8,310

Source: Kimley-Horn and Associates 2014.

^a Roadways are classified based on their operational characteristics which do not necessarily correspond to their functional definition.

^b Only roadways meeting the HCM criteria, including those related to signal spacing, for Two-Lane Highways are designated as such.

^c Service volumes are for a single direction.

^d Some LOS thresholds may not be determinable/achievable depending on facility type.

Note:

The planning thresholds shown in this table are provided for the purpose of assisting in the identification of locations where operational problems may exist and are based on information provided in the 2010 HCM and other industry sources. These values are not appropriate for making detailed or final determinations regarding operational or design considerations. Those determinations should only be made after a detailed operational analysis, consistent with current HCM procedures, and/or other design evaluations are completed.

The transportation analysis is based on the AM and PM peak hours, as these represent the highest hourly volume during a typical weekday compared to using average daily trips (ADT). Peak hour volumes are better indicators of operational performance because they represent the highest volumes under normal conditions. Peak hour volume is used to design future roadways because of its regular weekday occurrence. Using a higher or lower volume hour could lead to inadequate or underused designs. The exception to exclusive use of the PM peak hour is U.S. Highway 50 from the Sacramento County line to Placerville city limits. This section of U.S. Highway 50 serves a high volume of commuter traffic during the AM and PM peak hours. In some cases, the AM peak-hour volume is higher than PM peak-hour volume. U.S. Highway 50 is a divided freeway where improvements can be made to only one direction, if warranted. Therefore, analyzing the AM peak hour was considered necessary to identify potential impacts that may occur only during this time period.

El Dorado County Performance Standard

The Transportation and Circulation Element of the County's General Plan includes Policy TC-Xd which implements the General Plan GOAL TC-X: "To coordinate planning and implementation of roadway improvements with new development to maintain adequate levels of service on County roads." As described earlier, Policy TC-Xd states:

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. The volume to capacity ratio of the roadway segments listed in Table TC-2 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.

Table 3.9-4. El Dorado County Roads Allowed to Operate at Level of Service F^a (General Plan Table TC-2)

Road Segment(s)		Max. V/C ^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 SR 49	1.28
U.S. Highway 50	Canal Street to junction of SR 49 (Spring Street)	1.25
	Junction of SR 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
	Ice House Road to Echo Lake	1.16
SR 49	Pacific/Sacramento Street to new four-lane section	1.31
	U.S. Highway 50 to SR 193	1.32
	SR 193 to county line	1.51

Source: El Dorado County 2004:Table TC-2.

^a Roads improved to their maximum width given right-of-way and physical limitations.

^b Volume to Capacity ratio.

Caltrans Performance Standard

U.S. Highway 50 is a Caltrans facility. Caltrans' threshold for highway segments of U.S. Highway 50 in El Dorado County is LOS F and E. The thresholds for U.S. Highway 50 are established in the *U.S. Highway 50 Transportation Corridor Concept Report* and *U.S. Highway 50 Corridor System Management Plan*. These reports provide the future or *concept* LOS for the segments in El Dorado County. Table 3.9-1 summarizes the concept LOS for U.S. Highway 50 segments in El Dorado County. Note that the improvements identified in the *U.S. Highway 50 Transportation Corridor Concept Report* and the *US 50 Corridor System Management Plan* have been incorporated into the traffic

demand model used to analyze the project. In addition to the Caltrans concept LOS designations, El Dorado County has a higher threshold for level of service on U.S. Highway 50. The threshold is LOS E in Community Regions, and LOS D in Rural Centers and Rural Regions.

State Route 49 is also a Caltrans facility, and is subject to the performance standards of Caltrans for assessing LOS. The threshold for highway segments of State Route 49 in El Dorado County is LOS E, which is established in the *State Route 49, Transportation Concept Report*, which in turn references the El Dorado County General Plan. Table 3.9-2 summarizes the concept LOS for SR 49 segments in El Dorado County. Improvements included in the future concept configurations have been incorporated into the traffic demand model for the applicable scenarios.

As noted in Section 3.9-1, the *State Route 193 Transportation Concept Report* accepts the concept service level for SR 193 as LOS E “due to significant topographic and environmental constraints that make capacity enhancement projects financially infeasible.” The segments of SR 193 included in the TDM are provided in Table 3.9-13.

Methodology Selected for This Analysis

There has been significant public discussion about current and projected future level of service (LOS) on U.S. Highway 50.

El Dorado County’s updated Travel Demand Model (TDM) was used to model six roadway network scenarios for the TGPA/ZOU project. This analysis indicates that U.S. Highway 50 will not reach LOS F in 2035 under any of the six roadway network scenarios analyzed.

The *U.S. 50 Corridor System Management Plan (CSMP)* (California Department of Transportation 2009) and draft information from the CSMP update process indicate that U.S. Highway 50 between the Sacramento/El Dorado County line and Cameron Park Drive is currently operating at LOS E and is projected to reach LOS F in the future. The California Department of Transportation (Caltrans) used SACOG’s Sacramento Regional Travel Demand Model (SACMET) model and other data inputs to determine transportation system performance for the CSMP. In a letter to the County dated September 25, 2013, Caltrans staff stated that the portion of the U.S. Highway 50 segment from the County Line to the El Dorado Hills Boulevard interchange currently operates at LOS F during the peak hour. Caltrans Operations staff has also stated that once the ramp metering for the westbound El Dorado Hills Boulevard on-ramp is operational, LOS on this segment should improve.

That these two studies reached different conclusions may be attributed to a number of factors. First, Caltrans used SACOG’s SACMET model and other data inputs for the CSMP, while El Dorado County used its updated TDM to model scenarios for the TGPA/ZOU project. SACMET’s land use and roadway network assumptions are somewhat general, while the County’s TDM is specifically tailored to El Dorado County. The EDC TDM consists of 625 Traffic Analysis Zones (497 in El Dorado County and 128 in Sacramento and Placer Counties). This superior zonal resolution (many times more than SACMET) enables a much more detailed analysis of county roadways. In addition, future land uses in the TDM more accurately reflect the County’s adopted General Plan land use categories as well as overall land use growth control totals. This is not the case for the SACMET/SACSIM models developed and maintained by SACOG. For example, SACMET’s land use identified the El Dorado Hills Business Park as “retail,” whereas EDC’s TDM more accurately depicts its uses as “industrial” and “office.” SACMET also showed golf courses, churches, and storage facilities in EDC as retail. Since retail uses result in higher trip generation rates than industrial, office, golf course, and church uses, these discrepancies could lead to differences in roadway impacts if not corrected.

Second, Caltrans and El Dorado County use different practices regarding how traffic counts are collected and used to model future transportation system performance. Caltrans' count data for freeways are counted throughout the year, with some locations counted continuously. Locations that are not counted throughout the year are sampled every 3 years at different times during the count year. Final volumes are adjusted by compensating for seasonal influence, weekly variation, and other variables that may be present. Caltrans counts are based on a 7-day week. El Dorado County collects traffic counts annually for more than 70 roads within the County. Count information is available in three formats: Hourly Traffic Count Reports, Annual Traffic Count Summary, and Five Year Traffic Count Summary (<http://edcapps.edcgov.us/dot/trafficcounts.asp>). Annual Daily Traffic Counts are calculated by taking the average of a 1- to 5-day, non-holiday weekday count, as required by the County's General Plan.

Third, Caltrans is planning for the future of the State Highway system while El Dorado County is tasked with the planning, improvement, and maintenance of the local network. It should be noted that Caltrans is planning for LOS F on U.S. Highway 50 in the future, while El Dorado County is tasked with maintaining LOS E on U.S. Highway 50 as required by the General Plan.

Caltrans and El Dorado County also differ in determining the amount and distribution of future development. Caltrans determines the annual growth from SACOG's models and applies the traffic growth to the baseline conditions to determine the 20-year volumes. El Dorado County determines an appropriate 20-year residential growth forecast by considering the amount and distribution of growth that has historically occurred within the County, future demand and market trends, General Plan policies regarding how and where to accommodate future growth, location and availability of developable parcels, as well as other factors. The County's TDM is used to model future transportation system performance based on forecasted residential, commercial, and employment growth and planned roadway improvements identified in the County's Twenty Year Capital Improvement Program (CIP).

For these reasons, El Dorado County has chosen to use its methodology in this analysis.

Thresholds of Significance

In accordance with Appendix G of the State CEQA Guidelines, the proposed project would be considered to have a significant effect if it would result in any of the conditions listed below.

- Conflict with an applicable congestion management program, including, but not limited to, level-of-service standards and travel demand measures or other standards established by the county congestion management agency for designated roads or highways.
- Conflict with an applicable plan, ordinance, or policy establishing measures of effectiveness for the performance of the circulation system, taking into account all modes of transportation, including mass transit and non-motorized travel and relevant components of the circulation system, including, but not limited to, intersections, streets, highways and freeways, pedestrian and bicycle paths, and mass transit.
- Result in a change in air traffic patterns, including either an increase in traffic levels or a change in location that results in substantial safety risks.
- Substantially increase hazards because of a design feature (e.g., sharp curves or dangerous intersections) or incompatible uses (e.g., farm equipment).
- Result in inadequate emergency access.

- Conflict with adopted policies, plans, or programs regarding public transit, bicycle or pedestrian facilities, or otherwise decrease the performance or safety of such facilities.

The County examined the following conditions in the EIR for the 2004 General Plan.

- Potential inconsistencies with LOS policies.
- Increase in daily and peak hour traffic.
- Short term unacceptable LOS conditions related to generation of new traffic in advance of transportation improvements.
- Insufficient transit capacity.

These conditions are addressed in the State CEQA Guidelines Appendix G thresholds, and because the thresholds are more comprehensive, they were used in this analysis. In addition, the current project differs from the 2004 General Plan EIR analysis as, prior to adoption of the 2004 General Plan the County's current policy and regulatory environment was quite different than it is today. At that time, the General Plan's current policies restricting development where it would result in an unacceptable LOS on the road system were not in effect. Similarly, the Traffic Impact Mitigation (TIM) fee and related Capital Improvement Program (CIP) had not been enacted. Furthermore, the mitigation measures identified in the 2004 Final EIR and incorporated into the General Plan had not been adopted. The current policy and regulatory environment includes measures that help reduce the impacts of future development under the General Plan on the road system and traffic levels. It should be noted that the County does not at this time have a congestion management plan, and it is not required to adopt one. The threshold the County uses is the County Performance Standard as expressed in Policy TC-Xd, described above.

Impacts and Mitigation Measures

2004 General Plan EIR Conclusions

The traffic and circulation impacts, mitigation measures, and level of significance after mitigation are summarized in Table 3.9-5.

Table 3.9-5. 2004 General Plan EIR Traffic and Circulation Summary

Impact	Adopted Mitigation Measures and Related General Plan Policy/Measure	Significance After Mitigation ^a	Discussion
5.4-1. Potential inconsistencies with LOS policies	5.4-1(a) – Policy TC-1u and Measure TC-V(1) 5.4-1(b) – Policy TC-1y and Measure TC-V1(2) 5.4-1(d) – Policy TC-1v and Measure TC-V(3) 5.4-1(e) – Goal TC-X and Policies TC-Xa through TC-Xi	LTS	Based on the analysis results, Latrobe Road and White Rock Road are projected to have three roadway segments with a 2025 LOS that would operate at LOS F. Congestion on the roadway segments projected to operate at LOS F could be severe enough to adversely affect adjacent roadways in El Dorado County, Sacramento County, and the City of Folsom. The combination of the mitigation measures, in particular those related to

Impact	Adopted Mitigation Measures and Related General Plan Policy/Measure	Significance After Mitigation ^a	Discussion
			policy changes and the revised circulation diagram, would reduce the impact to a less than significant level.
5.4-2. Increase in daily and peak hour traffic	5.4-1(a) 5.4-1(b) 5.4-1(d)	SU	LOS D or worse conditions are projected to occur for the 85 roadway segments under implementation of the General Plan. During at least one peak hour, 12 of those segments would operate at LOS E and four would operate at LOS F. For most segments, the existing LOS would degrade from an acceptable level (i.e., LOS A, B, or C) to LOS D, E, or F under 2025 conditions. In some cases existing LOS would be exacerbated.
5.4-3. Short term unacceptable LOS conditions related to generation of new traffic in advance of transportation improvements	5.4-3(a) – Implementation Measure TC-B 5.4-3(b) – Policy 2.2.5.20	SU	<p>The General Plan contains concurrency policies that preclude certain development from proceeding until needed roadway improvements have been made or financed. However, these policies may not apply to all new development. In addition, a portion of the transportation improvements called for in the proposed circulation diagrams are needed to address existing LOS deficiencies caused by existing or approved development, and these deficiencies may be exacerbated by increased traffic generated from development inside and outside the county that is not subject to the concurrency requirements. The County has not yet identified a funding mechanism to provide for these improvements.</p> <p>Policy TC-Xf of the General Plan includes modified language to allow a potential lag to occur between the issuance of use or occupancy permits and required roadway improvements as long as roadway improvements necessary to accommodate “existing plus project” traffic are programmed (i.e., fully funded). This lag would reduce the potential effect that immediate concurrency has on funding feasibility, but it would not eliminate the other components of the impact related to the uncertainty of generating sufficient funding to improve existing deficiencies.</p>

Impact	Adopted Mitigation Measures and Related General Plan Policy/Measure	Significance After Mitigation ^a	Discussion
5.4-4. Insufficient transit capacity.	5.4.4 – Implementation Measure TC-L	SU	The existing commuter bus service has capacity problems because of insufficient park-and-ride facilities. Population and employment growth under the General Plan would increase demand for transit service and exacerbate this existing transit capacity problem. With implementation of the mitigation measure, the potential impacts to transit would be reduced, but not to a less-than-significant level.

^a SU = significant and unavoidable; LTS = less than significant.

Project Impacts

The project would not substantially change the land use patterns set out in the current General Plan, nor does it propose any site-specific development projects that would generate traffic. As a result, the project impacts are not clearly distinguishable from the overall impacts of development pursuant to the current General Plan to the year 2035. As a result, the impacts identified in the following analysis discussions are almost fully the result of future development that could occur under the current General Plan, taking into account where possible, the increment in traffic generation that would result from the TGPA's increase in density for mixed use projects.

Roadway System Analysis

The results of the transportation analysis are described in the form of six study scenarios. For the roadway system, the analysis focused on modelled project impacts in 2025 and its contribution to 2035 cumulative conditions. Three baselines are represented in the scenarios: 2010, 2025 with future CIP/MTP road improvements (assumes that planned roadway improvements have been constructed), and 2035 cumulative impact. (Technical calculations are provided in Appendix D). These results focused on regional performance measures, which allow for a comparison of the TGPA to the baselines.

The modeling done for each of the six roadway network study scenarios was based on the following.

- Study Scenario 1 (2010 Baseline Conditions)—Existing conditions; includes 2010 road network.
- Study Scenario 2 (Project 2035 Impact)—2035 land use buildout (with 2010 road network) + Project (TGPA/ZOU buildout assumption) with 2010 CIP/RTP Improvements.
- Study Scenario 3 (2025 Baseline Conditions)—2010 road network with 2025 CIP/RTP Improvements.
- Study Scenario 4 (Project 2025 Impact)—2010 road network + Project (TGPA/ZOU buildout assumption) with 2025 CIP/RTP Improvements.
- Study Scenario 5 (2035 Baseline)—2010 road network with 2035 land use buildout outside of El Dorado County with 2010 CIP/RTP Improvements.

- Study Scenario 6 (Cumulative Conditions in 2035)—2035 road network + Project (TGPA/ZOU buildout assumption) with 2035 CIP/RTP Improvements.

For the transit, bicycle, pedestrian, and aviation systems, the analysis was limited to a review of the existing General Plan policies and implementation measures. If a potential inconsistency was discovered, a significant impact was identified.

With regard to the project's impacts on traffic and transportation, the key scenarios are Scenario 2, which describes the impact of the project in 2035, Scenario 4, which describes the impact of the project in the intermediate year of 2025, and Scenario 6, which describes the project's contribution to cumulative traffic impacts within western El Dorado County.

Regional Performance Measure Results

Regional transportation performance measures generated by the travel demand model are shown in Table 3.9-6 for each scenario. Key changes in regional travel demand that are projected to occur for each study scenario include an increase in daily vehicle trips, Vehicle Miles Traveled (VMT), and Vehicle Hours Traveled (VHT). Increases occur for both the absolute values of these performance measures, as well as per household values.

Table 3.9-6. Vehicle Miles Traveled Comparison of Study Scenarios

Performance Measure	Scenario 1	Scenario 2	Scenario 3	Scenario 4	Scenario 5	Scenario 6
Households (HH)	55,493	76,270	68,550	68,742	55,493	76,270
Employment	44,468	71,181	63,964	63,964	44,468	71,181
Daily Vehicle Trips	489,309	701,704	636,650	637,747	488,883	707,185
Daily Vehicle Miles Traveled (VMT)	3,931,502	5,349,491	4,948,626	4,951,639	4,123,778	5,462,258
Daily Vehicle Hours Traveled (VHT)	109,422	162,445	127,781	128,120	113,935	147,384
Daily Vehicle Trips per HH	8.82	9.20	9.29	9.28	8.81	9.27
Daily VMT per HH	70.85	70.14	72.19	72.03	74.31	71.62
Daily VHT per HH	1.97	2.13	1.86	1.86	2.05	1.93

Source: Kimley-Horn and Associates 2014.

Table 3.9-6 demonstrates that with an increase in the number of households, the VMT and VHT would increase. However, when looking at the increases on a per household basis, the difference is within 5% of the existing condition. This is generally because the TGPA/ZOU affects a limited area within the county and does not result in major changes to the General Plan's land use pattern.

Impact TRA-1: Conflict with an applicable congestion management program, including, but not limited to, level-of-service standards and travel demand measures or other standards established by the county congestion management agency for designated roads or highways (significant and unavoidable)

The travel demand model (TDM) analysis evaluated 227 roadway segments for each of the six study scenarios to evaluate effects on the County's roadway network. Table 3.9-12 LOS Summary Table, summarizing the analysis results is at the end of this chapter. Peak-hour traffic volumes from the

TDM were analyzed through a postprocessor which determines roadway segment LOS based on the LOS capacity thresholds shown in Table 3.9-3.

As a reminder, Study Scenarios 1, 3, and 5 represent traffic conditions in the years 2010, 2025, and 2035 without the project. Study Scenario 2 represents the impacts of the project in conjunction with future development under the General Plan in 2035, assuming that no additional road improvements are made. Study Scenario 4 represents the impacts of the project in conjunction with future development under the General Plan in 2025 and Study Scenario 6 represents the impacts of the project in conjunction with future cumulative development in 2035.

Tables 3.9-7 through 3.9-12 illustrate which roadway segments have a drop in LOS from an acceptable LOS D or better to LOS E or F under each study scenario. Although LOS E is considered an acceptable LOS for some areas of the County and U.S. Highway 50, it is still shown in the following tables for informational purposes.

Table 3.9-7. Study Scenario 1 (2010 Baseline Conditions)—2010 Conditions; Includes 2010 Road Network

ID	Roadway	Segment	Class ^a – Scenario Exist, 2, and 5	Minimum LOS	Scenario 1 - Existing Conditions (2010)				Impact? (Y/N)
					Volume		2010 Method LOS		
					AM Peak Hour	PM Peak Hour	AM Peak Hour	PM Peak Hour	
44	Green Valley Rd ^b	approx 100 ft E of County line	2A	4AU	1,060	1,650	D	F	Y
47	Missouri Flat Rd	100 ft S of China Garden Rd	2A	E	1,250	1,580	D	E	N
151	Green Valley Rd ^b	approx 200 ft W of El Dorado Hills Boulevard	2A	4AU	1,730	2,350	F	F	Y

Source: Kimley-Horn and Associates 2014.

^a Roadway Classification - See Table 3.9-3 for additional detail.

^b Traffic Volumes for this roadway are estimates based on adjacent roadway volumes.

2R, W20, W18 = Minor Two-Lane Highway

2U = Major Two-Lane Highway

2A = Two-Lane Arterial

4AU = Four-Lane Arterial, Undivided

4AD = Four-Lane Arterial, Divided

6AD = Six-Lane Arterial, Divided

2F = Two Freeway Lanes (3)

2FA = Two Freeway Lanes + Auxiliary Lane (3)

3F = Three Freeway Lanes (3)

3FA = Three Freeway Lanes + Auxiliary Lane (3)

4F = Four Freeway Lanes (3)

Under existing (i.e., year 2010) conditions only one segment of Missouri Flat Road is anticipated to operate at LOS E in the PM peak hour. This segment is within a Community Region of the county where LOS E is acceptable. Two segments of Green Valley Road would operate at an unacceptable LOS F and are expected to continue to operate at LOS F in the near future. Because these levels of service reflect existing conditions without the project, no project impacts would occur.

Table 3.9-8. Study Scenario 2 (Project 2035 Impact)—2035 Land Use Buildout (with Existing Road Network) + Project TGPA/ZOU Buildout Assumption) with 2010 CIP/RTP Improvements

ID	Roadway	Segment	Class ^a – Scenario Exist, 2, and 5	Minimum LOS	Scenario 2				Impact? (Y/N)
					Volume		2010 Method LOS		
					AM Peak Hour	PM Peak Hour	AM Peak Hour	PM Peak Hour	
5	U.S. Highway 50–EB GP	W of Bass Lake	2FA	F ^b	2,480	4,650	B	E	Y
9	U.S. Highway 50–EB GP	W of Cameron Park	2F	F ^b	2,600	3,750	C	E	N
13	U.S. Highway 50–EB GP	W of Ponderosa	2F	E ^b	2,910	3,720	D	E	N
14	U.S. Highway 50–WB GP	W of Ponderosa	2F	E ^b	3,440	3,780	D	E	N
32	Cameron Park Dr	200 ft N of Oxford Rd	2A	E	1,410	1,700	D	F	Y
38	El Dorado Hills Bl	300 ft S of Francisco Dr	2A	E	1,270	1,570	D	E	N
	Green Valley Rd ^c	approx 100 ft E of County line	2A	4AU	1,290	2,060	D	F	Y
47	Missouri Flat Rd	100 ft S of China Garden Rd	2A	E	1,400	1,570	D	E	N
55	South Shingle Rd	100 ft S of Mother Lode Dr	2A	E	1,220	1,600	D	E	N
151	Green Valley Rd ^c	~200 ft W of El Dorado Hills Boulevard	2A	4AU	2,150	2,940	F	F	Y
226	White Rock Rd	At County Line	2A	E	1,090	1,790	D	F	Y

Source: Kimley-Horn and Associates 2014.

^a Roadway Classification - See Table 3.9-3 for additional detail.^b These minimum LOS values represent the 20-year concept LOS from the Caltrans TCCR 50 because the model includes the 20-year concept facility improvements shown in Table 3.9-1.^c Traffic Volumes for this roadway are estimates based on adjacent roadway volumes

2R, W20, W18 = Minor Two-Lane Highway

2U = Major Two-Lane Highway

2A = Two-Lane Arterial

4AU = Four-Lane Arterial, Undivided

4AD = Four Lane Arterial, Divided

6AD = Six-Lane Arterial, Divided

2F = Two Freeway Lanes (3)

2FA = Two Freeway Lanes + Auxiliary Lane (3)

3F = Three Freeway Lanes (3)

3FA = Three Freeway Lanes + Auxiliary Lane (3)

4F = Four Freeway Lanes (3)

Note: "GP" stands for General Purpose Lanes (includes auxiliary lanes)

Study Scenario 2 examines the potential impact of future development under the General Plan to 2035, with the TGPA/ZOU amendments, absent any additional road improvements. This is a worse-case scenario that would occur in the absence of the road improvements that would otherwise be funded by the TIM and CIP requirements. This is provided solely as a point of comparison; there is no intent on the part of the County to rescind the TIM and CIP requirements. As shown, two County-maintained roadway segments would change to an unacceptable LOS F. These roadway segments are not on the list of roadways that are allowed to operate at LOS F pursuant to the General Plan (see Table 3.9-4). The decrease in LOS to LOS F on these roadway segments would be a significant impact. Under this scenario, two segments of Green Valley Road would continue to operate at LOS F with the addition of project traffic. Adding additional traffic to roads operating at LOS F would be a significant impact. One segment of U.S. Highway 50 would operate at LOS E. This segment of U.S. Highway 50 is located in a rural region of the County where the minimum LOS is D. The additional traffic from the proposed project would cause this segment of the highway to decrease to LOS E. The decrease from LOS D to LOS E on this segment of U.S. Highway 50 would be a significant impact.

Table 3.9-9. Study Scenario 3 (2025 Baseline Conditions)—2010 Road Network with 2025 CIP/RTP Improvements

ID	Roadway	Segment	Class ^a – Scenario 3, 4, and 6	Minimum LOS	Scenario 3				Impact? (Y/N)
					Volume		2010 Method LOS		
					AM Peak Hour	PM Peak Hour	AM Peak Hour	PM Peak Hour	
14	U.S. Highway 50–WB GP	W of Ponderosa	2F	E ^b	2,940	3,610	D	E	N
32	Cameron Park Dr	200 ft N of Oxford Rd	2A	E	1,360	1,670	D	F	Y
46	Missouri Flat Rd	100 ft S of China Garden Rd	2A	E	1,280	1,560	D	E	N
48	Missouri Flat Rd	400 yds N of Forni Rd	4AD	E	2,640	3,450	D	F	N ^c

Source: Kimley-Horn and Associates 2014.

^a Roadway Classification - See Table 3.9-3 for additional detail

2R, W20, W18 = Minor Two-Lane Highway

2U = Major Two-Lane Highway

2A = Two-Lane Arterial

4AU = Four-Lane Arterial, Undivided

4AD = Four Lane Arterial, Divided

6AD = Six-Lane Arterial, Divided

2F = Two Freeway Lanes (3)

2FA = Two Freeway Lanes + Auxiliary Lane (3)

3F = Three Freeway Lanes (3)

3FA = Three Freeway Lanes + Auxiliary Lane (3)

4F = Four Freeway Lanes (3)

^b These minimum LOS values represent the 20-year concept LOS from the Caltrans TCCR 50 because the model includes the 20-year concept facility improvements shown in Table 3.9-1.

^c Not considered an impact because this roadway segment is included in the list of roadway segments allowed to operate at LOS F as shown in Table 3.9-4.

Note: "GP" stands for General Purpose Lanes (includes auxiliary lanes)

Study Scenario 3 projects 2025 traffic levels taking into consideration improvements to the road system that are expected (i.e., planned and programmed) to be installed by 2025. This study scenario assumes that the General Plan would be implemented without the TGPA/ZOU amendments. Here, two County-maintained roadway segments would change to an unacceptable LOS F. One segment of Missouri Flat Road (ID 48) is identified in the General Plan as a roadway segment that is allowed to operate at LOS F (see Table 3.9-4). With the exception of Missouri Flat Road between Mother Lode Drive and China Garden Drive, the decrease in LOS on these roadway segments would be a significant impact.

Table 3.9-10. Study Scenario 4 (Project 2025 Impact)—2010 Road Network + Project (TGPA/ZOU Buildout Assumption) With 2025 CIP/RTP Improvements

ID	Roadway	Segment	Class ^a – Scenario 3, 4, and 6	Minimum LOS	Scenario 4				Impact? (Y/N)
					Volume		2010 Method LOS		
					AM Peak Hour	PM Peak Hour	AM Peak Hour	PM Peak Hour	
14	U.S. Highway 50-WB GP	W of Ponderosa	2F	E ^b	2,930	3,600	D	E	N
32	Cameron Park Dr.	200 ft N of Oxford Rd	2A	E	1,350	1,680	D	F	Y
46	Missouri Flat Rd	100 ft S of China Garden Rd	2A	E	1,250	1,550	D	E	N
48	Missouri Flat Rd	400 yds N of Forni Rd	4AD	E	2,630	3,460	D	F	N ^c

Source: Kimley-Horn and Associates 2014.

^a Roadway Classification - See Table 3.9-3 for additional detail.

2R, W20, W18 = Minor Two-Lane Highway

2U = Major Two-Lane Highway

2A = Two-Lane Arterial

4AU = Four-Lane Arterial, Undivided

4AD = Four-Lane Arterial, Divided

6AD = Six-Lane Arterial, Divided

2F = Two Freeway Lanes (3)

2FA = Two Freeway Lanes + Auxiliary Lane (3)

3F = Three Freeway Lanes (3)

3FA = Three Freeway Lanes + Auxiliary Lane (3)

4F = Four Freeway Lanes (3)

^b These minimum LOS values represent the 20-year concept LOS from the Caltrans TCCR 50 because the model includes the 20-year concept facility improvements shown in Table 3.9-1.

^c Not considered an impact because this roadway segment is included in the list of roadway segments allowed to operate at LOS F as shown in Table 3.9-4.

Note: "GP" stands for General Purpose Lanes (includes auxiliary lanes)

Study Scenario 4 looks at the impact of the project on the road system that is expected to exist in 2025. The roadway impacts are the same as Study Scenario 3. The impact of the project on the planned 2025 road system would be essentially the same as development under the General Plan without the project in 2025. This indicates that the TGPA's impact is indistinguishable from the roadway impacts expected to occur from future development under the existing General Plan.

Two County-maintained roadway segments would change to an unacceptable LOS F. One segment of Missouri Flat Road (ID 48) is identified in the General Plan as a roadway segment that is allowed to operate at LOS F (see Table 3.9-3). With the exception of Missouri Flat Road between Mother Lode Drive and China Garden Drive, the decrease in LOS on these roadway segments would be a significant impact.

Table 3.9-11. Study Scenario 5 (2035 Baseline)—2010 Road Network with 2035 Land Use Buildout Outside of El Dorado County with 2010 CIP/RTP Improvements

ID	Roadway	Segment	Class ^a – Scenario Exist, 2, and 5	Minimum LOS	Scenario 5				Impact? (Y/N)
					Volume		2010 Method LOS		
					AM Peak Hour	PM Peak Hour	AM Peak Hour	PM Peak Hour	
	Green Valley Rd ^b	approx 100 ft E of County line	2A	4AU	1,080	1,800	D	F	Y
47	Missouri Flat Rd	100 ft S of China Garden Rd	2A	E	1,260	1,570	D	E	N
	Green Valley Rd ^b	approx 200 ft W of El Dorado Hills Boulevard	2A	4AU	1,920	2,650	F	F	Y
226	White Rock Rd	At County Line	2A	E	930	1,670	D	F	Y

Source: Kimley-Horn and Associates 2014

^a Roadway Classification - See Table 3.9-3 for additional detail.

^b Traffic Volumes for this roadway are estimates based on adjacent roadway volumes

2R, W20, W18 = Minor Two-Lane Highway

2U = Major Two-Lane Highway

2A = Two-Lane Arterial

4AU = Four-Lane Arterial, Undivided

4AD = Four-Lane Arterial, Divided

6AD = Six-Lane Arterial, Divided

2F = Two Freeway Lanes (3)

2FA = Two Freeway Lanes + Auxiliary Lane (3)

3F = Three Freeway Lanes (3)

3FA = Three Freeway Lanes + Auxiliary Lane (3)

4F = Four Freeway Lanes (3)

Under Study Scenario 5, which is based on 2035 projections, three County-maintained roadway segments are anticipated to operate at an unacceptable LOS F in the PM peak hour. These segments are not listed in Table 3.9-4 as one of the roadway segments that is allowed to operate at LOS F by the General Plan. For this reason, the decrease in level of service on these segments under Study Scenario 5 would be significant.

Table 3.9-12. Study Scenario 6 (Cumulative Conditions in 2035)—2035 Road Network + Project (TGPA/ZOU Buildout Assumption) with 2035 CIP/RTP Improvements

ID	Roadway	Segment	Class ^a – Scenario 3, 4, and 6	Minimum LOS	Scenario 6				Impact? (Y/N)
					Volume		2010 Method LOS		
					AM Peak Hour	PM Peak Hour	AM Peak Hour	PM Peak Hour	
9	U.S. Highway 50– EB GP	W of Cameron Park	2F	E ^b	2,640	3,650	C	E	N
14	U.S. Highway 50– WB GP	W of Ponderosa	2F	E ^b	3,320	3,830	D	E	N
32	Cameron Park Dr	200 ft N of Oxford Rd	2A	E	1,530	1,870	D	F	Y
38	El Dorado Hills Bl	300 ft S of Francisco Dr	2A	E	1,260	1,570	D	E	N
46	Missouri Flat Rd	100 ft S of China Garden Rd	2A	E	1,290	1,540	D	E	N
48	Missouri Flat Rd	400 yds N of Forni Rd	4AD	E	2,810	3,640	D	F	N ^c
55	Cameron Park Dr	100 ft N of Robin Ln	2A	E	1,150	1,620	D	E	N
194	Pleasant Valley Rd	200 yds E of SR 49 (E)	2A	E	1,320	1,590	D	E	N

Source: Kimley-Horn and Associates 2014.

^a Roadway Classification - See Table 3.9-3 for details.

2R, W20, W18 = Minor Two-Lane Highway

2U = Major Two-Lane Highway

2A = Two-Lane Arterial

4AU = Four-Lane Arterial, Undivided

4AD = Four-Lane Arterial, Divided

6AD = Six-Lane Arterial, Divided

2F = Two Freeway Lanes (3)

2FA = Two Freeway Lanes + Auxiliary Lane (3)

3F= Three Freeway Lanes (3)

3FA= Three Freeway Lanes + Auxiliary Lane (3)

4F= Four Freeway Lanes (3)

^b These minimum LOS values represent the 20-year concept LOS from the Caltrans TCCR 50 because the model includes the 20-year concept facility improvements shown in Table 3.9-1.

^c Not considered an impact because this roadway segment is included in the list of roadway segments allowed to operate at LOS F as shown in Table 3.9-4.

Note: "GP" stands for General Purpose Lanes (includes auxiliary lanes)

Study Scenario 6 presents traffic conditions in 2035 assuming that planned CIP/RTP improvements have been installed and the TGPA/ZOU amendments have been approved. Two roadway segments would change to LOS F. One of the roadway segments, Missouri Flat Road, is allowed to operate at LOS F per General Plan Policy TC-Xa. The decrease in service to LOS F on Cameron Park Drive would be a significant impact.

The impacts associated with the project would occur over time as new development is approved and constructed pursuant to the changes proposed in the TGPA/ZOU. Programmatic improvements to

roadways such as CIP or RTP improvements will be developed as additional capacity is needed and funding is available. County-maintained roadways that are adversely affected as a result of the new development proposals, the County has established mechanisms for implementing roadway improvements.

Goal TC-X of the Transportation and Circulation Element of the General Plan contains multiple policies that require the County and individual discretionary projects to construct or to provide funding towards CIP roadway improvements and payment of TIM fees. The Transportation and Circulation Element Policies that would apply to all future discretionary projects, including future discretionary projects within the TGPA/ZOU area, are described in the regulatory setting, above.

In addition, the General Plan policies essentially require the County to operate a TIM fee program for new development that requires payment of fees to the County based on the land use type and number of units of the project. The fees paid into this program fund major roadway, intersection, interchange, and HOV lane projects in the county pursuant to the adopted CIP. The CIP identifies road network improvements and their cost, ensuring that TIM fees collected are used for specific road improvements to avoid creating congested roadway conditions.

With the exception of Study Scenario 1, which represents the existing condition, future development, whether under the project or the existing General Plan, would result in a decrease in service to an unacceptable LOS F on certain roadway segments. The County has programs in place that can be used to mitigate potential transportation impacts that result in unacceptable levels of service. The mitigation measures, such as payment of TIM fees to fund roadway improvements to increase capacity and improve LOS, apply to discretionary projects. Future discretionary projects that are developed within the TGPA/ZOU areas would be required to construct roadway improvements and pay TIM fees as required by the existing County policies described above. Because the County has specific traffic mitigation policies that require future development projects to construct adequate roadway facilities to maintain acceptable levels of service and payment of fees that go toward making regional traffic improvements designed for improving traffic operations, potential impacts are considered less than significant.

Some of the scenarios would result in a decrease in LOS on U.S. Highway 50 and other County roads that could be addressed through construction of additional lanes, including HOV lanes or other widening projects that would add capacity to the freeway. Specifically, the *U.S. 50 Corridor System Management Plan* identifies U.S. Highway 50 improvements to four freeway lanes and the development of two HOV lanes plus auxiliary lanes from the Sacramento/El Dorado County Line to Missouri Flat Road, and four freeway lanes plus an auxiliary lane from Missouri Flat Road to the end of the freeway in Placerville. The improvements are shown by roadway segment in Table 3.9-1. These improvements are considered concept facilities, meaning they are the roadway improvements that are needed in the next 20 years (California Department of Transportation 2010). The TDM included these improvements in the analysis of the study scenarios. However, there is no assurance that these improvements to U.S. Highway 50 would be in place at this time. Therefore, potential short-term impacts would be significant and unavoidable until these improvements are in place.

Impacts to County-maintained roads could be approved by a vote of the El Dorado County electorate or the Board of Supervisors to include on a list of roads that are allowed to operate at LOS F. However, it cannot be assured that this would happen. Furthermore, Policy TC-Xa is only in effect until December 31, 2018 at which time it may or may not be extended. The Board of Supervisors could extend this policy by voting to extend the deadline or voting to include the policy as a

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permanent component of the Transportation and Circulation Element of the General Plan. The following mitigation measure would reduce this impact to a less-than-significant level over the longer-term. The short-term impacts before improvements are installed would remain significant and unavoidable.

Mitigation Measure TRA-1: Extend timeframe of General Plan Transportation and Circulation Element Policy TC-Xa

The Board of Supervisors shall review and consider an extension to Policy TC-Xa of the Transportation and Circulation Element of the General Plan prior to its expiration on December 31, 2018. The intent of this measure is to ensure that the current mitigation policies of TC-Xa are applied to future discretionary development within the TGPA/ZOU areas should the Board of Supervisors conclude the measures are still appropriate for development in El Dorado County.

The first two lines of Policy TC-Xa will be amended as follows. The remainder of the policy will remain unchanged.

Policy TC-Xa. ~~The following policies shall remain in effect until December 31, 2018.~~ The following policies shall remain in effect after that date unless repealed or amended by majority vote of El Dorado County's electorate.

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Impact TRA-2: Conflict with an applicable plan, ordinance, or policy establishing measures of effectiveness for the performance of the circulation system, taking into account all modes of transportation, including mass transit and non-motorized travel and relevant components of the circulation system, including, but not limited to, intersections, streets, highways and freeways, pedestrian and bicycle paths, and mass transit (less than significant)

Circulation System

The following analysis applies to all six study scenarios. The project proposes changes to the Transportation and Circulation Element of the General Plan. These changes are minor in nature and are intended to streamline or clarify policies in the Transportation and Circulation Element. A review of the proposed revisions has determined that none of the changes would have any adverse effect on the TDM update or result in an adverse effect on LOS or roadway operations. Therefore, potential impacts would be less than significant and no mitigation is required.

As noted in the discussion above, with the exception of Study Scenario 1, Existing Conditions, all of the study scenarios would conflict with a portion of the County's General Plan as a result of decreasing LOS on one or more roadway segments to an unacceptable LOS F. The analysis shows the project would result in a decrease in LOS in at least one road segment in Study Scenarios 2, 4, and 6. The County has traffic mitigation policies in place, specifically Policy TC-Xd and the TIM fee program that would apply to future discretionary projects that are developed within the TGPA/ZOU areas. These measures would reduce or avoid decreasing LOS and require payment of TIM fees that would go toward making regional traffic improvements designed for improving traffic operations. Therefore, potential impacts would be less than significant.

Public Transportation System

The following analysis applies to all six study scenarios. A review of the TGPA/ZOU did not reveal potential internal policy inconsistencies or inconsistencies with other adopted plans or programs supporting the provision of public transportation facilities or services in El Dorado County. None of

the TGPA/ZOU study scenarios (i.e., Study Scenarios 2, 4, and 6) would preclude attainment of the objectives of these plans. The potential impacts would be less than significant.

Non-Motorized Transportation System

The following analysis applies to all six study scenarios. A review of the TGPA/ZOU did not reveal potential internal policy inconsistencies or inconsistencies with other adopted plans or programs supporting the provision of non-motorized transportation facilities or services in El Dorado County. The TGPA/ZOU would not preclude attainment of the objectives of these plans. Potential impacts would be less than significant. No mitigation is required.

The General Plan incorporates a range of measures, described above, to help reduce the potential impact of future growth on regional roadways. Mitigation would be required for future individual development projects approved through the County's review of discretionary permits. Therefore, potential impacts are considered less than significant.

Impact TRA-3: Result in a change in air traffic patterns, including either an increase in traffic levels or a change in location, that results in substantial safety risks (no impact)

The project would not change any existing land use designations or propose changes to existing traffic patterns that would adversely affect air traffic patterns. The project does not propose any changes to existing land uses that would result in conflicts with the adopted Airport Land Use Compatibility Plans adopted for the airports in El Dorado County. The updates to the TDM are planned to provide long-term solutions to traffic demand management including the CIP and the TIM Fee Program which are programs intended to reduce traffic congestion. None of the components of the project would result in substantial safety risks to aviation because the project does not propose significant changes to land use patterns within the airport safety zones nor propose significant increases in traffic levels that would pose safety risks to air traffic. For these reasons the project would have no impact on air traffic patterns or air traffic safety.

Impact TRA-4: Substantially increase hazards because of a design feature (e.g., sharp curves or dangerous intersections) or incompatible uses (e.g., farm equipment) (no impact)

There are no specific development projects associated with the project. As subsequent development projects are proposed in the county, each project will be reviewed for consistency with relevant General Plan policies (e.g., Policy TC-1a and Implementation Measure TC-U) that address roadway safety. The project does not propose any site-specific changes in land uses or development patterns that would result in incompatible uses on the roadways. Therefore, the project would have no impact on increased hazards or incompatible uses because of changes in design features.

Impact TRA-5: Result in inadequate emergency access (no impact)

There are no specific development projects associated with the project. As subsequent development projects are proposed in the county, each project will be reviewed for consistency with relevant General Plan policies (e.g., Policy TC-1a and Implementation Measure TC-U) that address roadway safety. The project does not propose any changes in land uses or development patterns that would result in incompatible uses on the roadways. Therefore, the project would have no impact on increased hazards or incompatible uses because of changes in design features.

Impact TRA-6: Conflict with adopted policies, plans, or programs regarding public transit, bicycle or pedestrian facilities, or otherwise decrease the performance or safety of such facilities (less than significant impact)

Subsequent development projects within the county would be reviewed for conformance with existing County design guidelines applicable to the type of development proposed (e.g., multi-family, single-family, commercial). Implementation of the project would not disrupt or interfere with existing bicycle, pedestrian, or transit facilities, and would not disrupt or interfere with the implementation of any planned bicycle, pedestrian, or transit facilities. Subsequent projects would be required to provide connections to bicycle and pedestrian facilities in compliance with General Plan policies and the El Dorado County Bicycle Transportation Plan, Sacramento-Placerville Transportation Corridor Draft Master Plan, and the El Dorado County Long-Range and Short-Range Transit Plans. No conflicts with any of the components of the project and existing pedestrian, bicycle, or transit plans have been identified. Therefore, the project would have a less-than-significant impact as a result of conflicts with adopted policies, plans or programs on alternative transportation programs.

Table 3.9-13. LOS Summary Table

ID	Roadway	Segment	Class – Scenario Exist, 2, and 5	Class – Scenario 3, 4, and 6	Existing Conditions (2010)				Scenario 2				Scenario 3				Scenario 4				Scenario 5				Scenario 6			
					Volume		2010 Method LOS		Volume		2010 Method LOS		Volume		2010 Method LOS		Volume		2010 Method LOS		Volume		2010 Method LOS		Volume		2010 Method LOS	
					AM Peak Hour	PM Peak Hour	AM Peak Hour	PM Peak Hour	AM Peak Hour	PM Peak Hour	AM Peak Hour	PM Peak Hour	AM Peak Hour	PM Peak Hour	AM Peak Hour	PM Peak Hour	AM Peak Hour	PM Peak Hour	AM Peak Hour	PM Peak Hour	AM Peak Hour	PM Peak Hour	AM Peak Hour	PM Peak Hour	AM Peak Hour	PM Peak Hour	AM Peak Hour	PM Peak Hour
1	U.S. Highway 50–EB GP	W of Latrobe	2FA	2FA	1,090	2,760	B	C	2,030	3,440	B	C	1,320	2,350	B	B	1,290	2,380	B	B	1,170	3,210	B	C	1,630	2,560	B	B
2	U.S. Highway 50–WB GP	W of Latrobe	2F	2FA	2,240	1,340	C	B	2,810	3,210	C	D	1,930	1,580	B	B	1,890	1,550	B	B	2,560	1,630	C	B	1,990	1,780	B	B
3	U.S. Highway 50–EB HOV	W of Latrobe			620	800	-	-	-	-	-	-	710	830	-	-	720	820	-	-	-	-	-	-	780	960	-	-
4	U.S. Highway 50–WB HOV	W of Latrobe			620	800	-	-	-	-	-	-	760	980	-	-	790	980	-	-	-	-	-	-	960	1,080	-	-
5	U.S. Highway 50–EB GP	W of Bass Lake	2FA	2FA	1,450	3,630	B	C	2,480	4,650	B	E	2,260	3,880	B	D	2,250	3,890	B	D	1,630	3,680	B	D	2,600	4,300	B	D
6	U.S. Highway 50–WB GP	W of Bass Lake	2F	2FA	2,900	2,110	D	C	3,490	3,420	D	D	2,710	2,840	C	C	2,690	2,850	C	C	2,950	2,260	D	C	3,180	3,240	C	C
7	U.S. Highway 50–EB HOV (future)	W of Bass Lake			-	-	-	-	-	-	-	-	390	650	-	-	400	640	-	-	-	-	-	-	440	780	-	-
8	U.S. Highway 50–WB HOV (future)	W of Bass Lake			-	-	-	-	-	-	-	-	550	560	-	-	570	550	-	-	-	-	-	-	730	640	-	-
9	U.S. Highway 50–EB GP	W of Cameron Park	2F	2F	1,610	3,170	B	D	2,600	3,750	C	E	2,390	3,330	C	D	2,370	3,320	C	D	1,750	3,230	B	D	2,640	3,650	C	E
10	U.S. Highway 50–WB GP	W of Cameron Park	2F	2F	2,910	2,120	D	C	3,270	3,360	D	D	2,930	3,540	D	D	2,920	3,040	D	D	2,910	2,280	D	C	3,280	3,330	D	D
11	U.S. Highway 50–EB HOV (future)	W of Cameron Park			-	-	-	-	-	-	-	-	340	530	-	-	350	520	-	-	-	-	-	-	390	630	-	-
12	U.S. Highway 50–WB HOV (future)	W of Cameron Park			-	-	-	-	-	-	-	-	430	510	-	-	450	500	-	-	-	-	-	-	580	580	-	-
13	U.S. Highway 50–EB GP	W of Ponderosa	2F	2F	2,020	2,930	B	D	2,910	3,720	D	E	2,860	3,220	C	D	2,840	3,230	C	D	2,130	2,970	C	D	3,010	3,550	D	D
14	U.S. Highway 50–WB GP	W of Ponderosa	2F	2F	2,970	2,700	D	C	3,440	3,780	D	E	2,940	3,610	D	E	2,930	3,600	D	E	2,960	2,820	D	C	3,320	3,830	D	E
15	U.S. Highway 50–EB HOV (future)	W of Ponderosa			-	-	-	-	-	-	-	-	290	420	-	-	290	410	-	-	-	-	-	-	300	500	-	-
16	U.S. Highway 50–WB HOV (future)	W of Ponderosa			-	-	-	-	-	-	-	-	370	410	-	-	380	400	-	-	-	-	-	-	490	440	-	-
17	U.S. Highway 50–EB GP	W of Shingle Springs	2F	2F	1,570	2,330	B	C	2,420	3,140	C	D	2,390	2,640	C	C	2,370	2,640	C	C	1,670	2,380	B	C	2,480	2,910	C	D
18	U.S. Highway 50–WB GP	W of Shingle Springs	2F	2F	1,870	1,850	B	B	2,420	2,940	C	D	1,860	2,720	B	C	2,210	2,720	C	C	1,870	1,950	B	B	2,210	2,870	C	C
19	U.S. Highway 50–EB HOV (future)	W of Shingle Springs			-	-	-	-	-	-	-	-	260	390	-	-	270	380	-	-	-	-	-	-	280	460	-	-
20	U.S. Highway 50–WB HOV (future)	W of Shingle Springs			-	-	-	-	-	-	-	-	330	410	-	-	350	400	-	-	-	-	-	-	430	420	-	-
21	U.S. Highway 50–EB GP	W of Greenstone	2F	2F	1,440	2,220	B	C	2,350	2,960	C	D	2,220	2,430	C	C	2,210	2,440	C	C	1,550	2,270	B	C	2,320	2,670	C	C
22	U.S. Highway 50–WB GP	W of Greenstone	2F	2F	1,850	1,710	B	B	2,380	2,770	C	C	1,750	2,490	B	C	1,760	2,490	B	C	1,840	1,800	B	B	2,070	2,620	C	C
23	U.S. Highway 50–EB HOV (future)	W of Greenstone			-	-	-	-	-	-	-	-	340	430	-	-	340	430	-	-	-	-	-	-	340	500	-	-
24	U.S. Highway 50–WB HOV (future)	W of Greenstone			-	-	-	-	-	-	-	-	400	470	-	-	400	460	-	-	-	-	-	-	500	480	-	-
25	U.S. Highway 50–EB GP	Greenstone	2F	2F	1,480	2,160	B	C	2,450	2,940	C	D	2,630	2,830	C	C	2,620	2,830	C	C	1,590	2,210	B	C	2,730	3,080	C	D
26	U.S. Highway 50–WB GP	Greenstone	2F	2F	1,740	1,700	B	B	2,240	2,770	C	C	2,050	2,980	B	D	2,060	2,970	B	D	1,730	1,800	B	B	2,420	3,080	C	D
27	U.S. Highway 50–EB GP	Missouri Flat	2F	2F	1,430	2,040	B	B	2,380	2,740	C	C	2,510	2,650	C	C	2,500	2,660	C	C	1,530	2,080	B	C	2,590	2,870	C	C
28	U.S. Highway 50–WB GP	Missouri Flat	2F	2F	1,650	1,650	B	B	2,150	2,650	C	C	1,950	2,880	B	C	1,950	2,880	B	C	1,640	1,730	B	B	2,300	2,980	C	D
29	U.S. Highway 50–EB GP	W of Placerville	2F	2F	1,110	1,660	B	B	1,734	2,184	B	C	1,920	2,230	B	C	1,890	2,270	B	C	1,188	1,674	B	B	1,970	2,470	B	C
30	U.S. Highway 50–WB GP	W of Placerville	2F	2F	1,510	1,440	B	B	1,921	2,109	B	C	1,440	2,210	B	C	1,430	2,270	B	C	1,500	1,493	B	B	1,680	2,240	B	C
31	Cameron Park Dr	300 yds S of Hacienda Dr	2A	4AD	1,030	1,210	D	D	1,290	1,440	D	D	1,520	1,790	C	C	1,500	1,790	C	C	1,060	1,210	D	D	1,610	1,890	C	D
32	Cameron Park Dr	200 ft N of Oxford Rd	2A	2A	1,080	1,370	D	D	1,410	1,700	D	F	1,360	1,670	D	F	1,350	1,680	D	F	1,120	1,400	D	D	1,530	1,870	D	F
33	El Dorado Hills Bl	200 ft S of Saratoga Wy	6AD	6AD	2,090	2,530	C	C	2,560	2,810	C	D	2,020	2,350	C	C	2,060	2,350	C	C	2,160	2,560	C	C	2,440	2,720	C	C
34	El Dorado Hills Bl	100 ft S of Wilson Bl	4AD	4AD	1,860	1,800	D	C	2,200	2,060	D	D	2,440	2,210	D	D	2,440	2,210	D	D	1,880	1,810	D	C	2,640	2,390	D	D
35	El Dorado Hills Bl	100 ft S of Olson Ln	4AD	4AD	1,830	1,780	C	C	2,050	1,950	D	D	2,120	2,010	D	D	2,130	2,010	D	D	1,870	1,810	D	C	2,240	2,100	D	D
36	El Dorado Hills Bl	10 ft N of Olson Ln	4AD	4AD	1,790	1,590	C	C	2,010	1,760	D	C	2,070	1,820	D	C	2,080	1,820	D	C	1,830	1,620	C	C	2,190	1,910	D	D
37	El Dorado Hills Bl	100 ft N of Harvard Wy	4AD	4AD	1,060	1,480	C	C	1,410	1,800	C	C	1,330	1,740	C	C	1,340	1,730	C	C	1,160	1,590	C	C	1,420	1,830	C	C
38	El Dorado Hills Bl	300 ft S of Francisco Dr	2A	2A	990	1,340	D	D	1,270	1,570	D	E	1,190	1,510	D	D	1,200	1,510	D	D	1,110	1,450	D	D	1,260	1,570	D	E
39	El Dorado Hills Bl	100 ft S of Green Valley Rd	2A	2A	320	440	C	C	440	400	C	C	470	550	C	C	490	550	C	C	320	380	C	C	540	620	C	C
40	Francisco Dr	200 ft S of Green Valley Rd	2A	2A	950	1,130	D	D	1,160	1,430	D	D	970	1,200	D	D	960	1,200	D	D	1,100	1,320	D	D	960	1,180	D	D
41	Green Valley Rd	200 ft W of Mormon Island Dr	4AD	4AD	1,870	2,460	D	D	2,290	3,050	D	D	1,550	2,300	C	D	1,530	2,310	C	D	2,060	2,760	D	D	1,660	2,490	C	D
42	Green Valley Rd	200 ft E of Mormon Island Dr	4AD	4AD	1,860	2,430	D	D	2,280	3,010	D	D	1,540	2,260	C	D	1,520	2,280	C	D	2,050	2,720	D	D	1,650	2,460	C	D
43	Green Valley Rd	200 ft E of Francisco Dr	4AD	4AD	1,060	1,650	C	C	1,290	2,060	C	D	960	1,700	C	C	950	1,710	C	C	1,080	1,800	C	C	1,030	1,820	C	C
44	Green Valley Rd	approx. 100 ft E of Countyline	2A	4AU	1,060	1,650	D	F	1,290	2,060	D	F	960	1,700	C	C	950	1,710	C	C	1,080	1,800	D	F	1,030	1,820	C	D
45	Latrobe Rd	300 ft N of White Rock Rd	6AD	6AD	2,000	2,120	C	C	3,400	3,820	D	D	1,650	1,760	C	C	1,630	1,790	C	C	2,370	2,840	C	D	1,810	2,150	C	C
46	Missouri Flat Rd	100 ft N of SR 49	2A	2A	1,050	1,220	D	D	1,140	1,170	D	D	940	1,020	D	D	910	1,010	D	D	1,060	1,210	D	D	940	980	D	D
47	Missouri Flat Rd	100 ft S of China Garden Rd	2A	2A	1,250	1,580	D	E	1,400	1,570	D	E	1,280	1,560	D	E	1,250	1,550	D	E	1,260	1,570	D	E	1,290	1,540	D	E
48	Missouri Flat Rd	S of Forni Rd	4AD	4AD	1,470	1,850	C	C	1,820	2,220	C	D	2,000	2,590	D	D	2,000	2,600	D	D	1,440	1,820	C	C	2,180	2,780	D	D
49	Missouri Flat Rd	400 yds N of Forni Rd	4AD	4AD	2,040	2,650	D	D	2,430	3,100	D	D	2,640	3,450	D	F	2,630	3,460	D	F	2,060	2,670	D	D	2,810	3,640	D	F
50	Missouri Flat Rd	100 ft S of Plaza Dr	4AD	4AD	1,340	1,930	C	D	1,540	2,210	C	D	1,480	2,150	C	D	1,480	2,160	C	D	1,340	1,920	C	D	1,540	2,280	C	D
51	Missouri Flat Rd	100 ft N of Plaza Dr	4AD	4AD	590	650	C	C	790	930	C	C	720	870	C	C	720	880	C	C	580	650	C	C	780	1,000	C	C

Table 3.9-13. Continued

ID	Roadway	Segment	Class – Scenario Exist, 2, and 5	Class – Scenario 3, 4, and 6	Existing Conditions (2010)				Scenario 2				Scenario 3				Scenario 4				Scenario 5				Scenario 6			
					Volume		2010 Method LOS		Volume		2010 Method LOS		Volume		2010 Method LOS		Volume		2010 Method LOS		Volume		2010 Method LOS		Volume		2010 Method LOS	
					AM Peak Hour	PM Peak Hour	AM Peak Hour	PM Peak Hour	AM Peak Hour	PM Peak Hour	AM Peak Hour	PM Peak Hour	AM Peak Hour	PM Peak Hour	AM Peak Hour	PM Peak Hour	AM Peak Hour	PM Peak Hour	AM Peak Hour	PM Peak Hour	AM Peak Hour	PM Peak Hour	AM Peak Hour	PM Peak Hour	AM Peak Hour	PM Peak Hour	AM Peak Hour	PM Peak Hour
52	Missouri Flat Rd	300 ft S of El Dorado Rd	2A	2A	640	790	C	C	900	1,220	D	D	750	1,020	C	D	750	1,010	C	D	640	810	C	C	800	1,100	C	D
53	North Shingle Rd	400 yds E of Ponderosa Rd	2A	2A	510	650	C	C	800	980	C	D	730	870	C	D	730	870	C	D	510	630	C	C	900	1,060	D	D
54	North Shingle Rd	100 ft S of Green Valley Rd	W22	W22	380	500	C	C	570	700	C	C	540	640	C	C	540	640	C	C	380	480	C	C	660	760	C	C
55	South Shingle Rd	100 ft S of Mother Lode Dr	2A	2A	720	1,030	C	D	1,220	1,600	D	E	970	1,300	D	D	970	1,310	D	D	740	1,060	C	C	1,080	1,470	D	D
56	Cameron Park Dr	100 ft N of Robin Ln	2A	2A	520	820	C	C	1,060	1,540	D	D	940	1,330	D	D	940	1,330	D	D	560	830	C	C	1,150	1,620	D	E
57	Cameron Park Dr	100 ft N of Coach Ln	4AD	4AD	1,370	2,100	C	D	2,080	2,930	D	D	1,910	2,740	D	D	1,910	2,720	D	D	1,420	2,130	C	D	2,250	3,070	D	D
58	Cameron Park Dr	200 yds N of Mira Loma Dr	2A	2A	920	1,240	D	D	1,150	1,440	D	D	1,150	1,470	D	D	1,150	1,470	D	D	960	1,260	D	D	1,210	1,530	D	D
59	Cameron Park Dr	200 yds S of Green Valley Rd	2A	2A	680	810	C	C	840	950	C	D	840	950	C	D	850	960	C	D	700	830	C	C	890	990	D	D
60	Country Club Dr	0.1 mile E of Merrychase Dr	2A	2A	350	230	C	C	610	560	C	C	530	340	C	C	530	340	C	C	360	230	C	C	690	600	C	C
61	Durock Rd	50 ft S of Robin Ln	2A	2A	380	580	C	C	730	950	C	D	660	850	C	D	660	860	C	D	400	580	C	C	790	980	C	D
62	Palmer Dr	100 ft E of Cameron Park Dr	2A	2A	570	820	C	C	810	1,130	C	D	720	1,010	C	D	720	1,010	C	D	570	820	C	C	820	1,150	C	D
63	Serrano Pkwy	450 ft E of Silva Valley Pkwy	4AD	4AD	1,080	930	C	C	1,350	1,110	C	C	990	880	C	C	990	880	C	C	1,030	940	C	C	1,160	1,060	C	C
64	Silva Valley Pkwy	100 ft S of Serrano Pkwy	4AD	4AD	850	640	C	C	1,230	1,140	C	C	1,370	1,170	C	C	1,380	1,180	C	C	790	740	C	C	1,570	1,400	C	C
65	Silva Valley Pkwy	100 ft N of Serrano Pkwy	4AD	4AD	1,270	900	C	C	1,510	1,210	C	C	1,530	1,170	C	C	1,540	1,170	C	C	1,300	990	C	C	1,620	1,280	C	C
65	Silva Valley Pkwy	100 ft S of Harvard Wy	4AD	4AD	1,050	860	C	C	1,280	1,170	C	C	1,260	1,070	C	C	1,270	1,070	C	C	1,090	960	C	C	1,330	1,160	C	C
67	Silva Valley Pkwy	100 ft N of Harvard Wy	2A	2A	790	630	C	C	880	790	D	C	970	730	D	C	970	730	D	C	790	670	C	C	1,050	800	D	C
68	Silva Valley Pkwy	100 ft S of Green Valley Rd	2A	2A	590	530	C	C	730	750	C	C	700	580	C	C	700	580	C	C	620	620	C	C	780	660	C	C
69	Sophia Pkwy	200 ft S of Green Valley Rd	2A	2A	450	590	C	C	660	900	C	D	270	520	C	C	260	540	C	C	490	810	C	C	330	670	C	C
70	White Rock Rd	100 ft E of Latrobe Rd	4AD	6AD	760	1,380	C	C	1,080	1,880	C	D	1,130	1,980	C	C	1,160	1,970	C	C	780	1,570	C	C	1,600	2,360	C	C
71	Barkley Rd	50 ft N of Carson Rd	2A	2A	70	80	C	C	80	100	C	C	80	90	C	C	80	90	C	C	70	80	C	C	80	100	C	C
72	Bedford Av	At City Limits	2A	2A	30	40	C	C	40	50	C	C	40	50	C	C	40	50	C	C	30	40	C	C	40	50	C	C
73	Big Cut Rd	100 ft N of Pleasant Vly Rd	W18	W18	70	90	B	B	220	270	B	B	170	220	B	B	170	220	B	B	70	90	B	B	270	270	B	B
74	Bucks Bar Rd	50 ft S of Pleasant Vly Rd	W20	W20	380	390	C	C	500	520	C	C	460	480	C	C	460	480	C	C	360	360	B	B	520	540	C	C
75	Bucks Bar Rd	300 ft N of Mt Aukum Rd	W18	W18	300	290	B	B	400	410	C	C	370	370	B	C	370	370	B	C	270	270	B	B	430	430	C	C
76	China Garden Rd	150 ft N of SR 49	2A	2A	80	80	C	C	83	86	C	C	60	70	C	C	40	90	C	C	49	83	C	C	50	80	C	C
77	China Garden Rd	200 yds E of Missouri Flat Rd	2A	2A	240	330	C	C	510	750	C	C	110	240	C	C	110	340	C	C	230	340	C	C	210	330	C	C
78	El Dorado Rd	200 yds N of Pleasant Vly Rd	W22	W22	210	250	B	B	410	530	C	C	350	460	B	C	350	480	B	C	210	250	B	B	390	530	C	C
79	Enterprise Dr	100 ft E of Forni Rd	2A	2A	220	320	C	C	250	400	C	C	230	320	C	C	230	330	C	C	220	320	C	C	230	330	C	C
80	Fairplay Rd	100 ft S of Mt Aukum Rd	W20	W20	150	170	B	B	180	210	B	B	180	200	B	B	180	200	B	B	140	160	B	B	200	220	B	B
81	Forebay Rd	100 ft N of Pony Express Tr	2A	2A	120	170	C	C	150	210	C	C	140	190	C	C	140	190	C	C	120	170	C	C	160	210	C	C
82	Forni Rd	200 ft N of SR 49	2A	2A	340	330	C	C	360	370	C	C	360	350	C	C	360	350	C	C	340	320	C	C	360	360	C	C
83	Forni Rd	300 ft W of Missouri Flat Rd	2A	2A	500	820	C	C	630	1,010	C	D	600	950	C	D	590	950	C	D	540	860	C	D	600	950	C	D
84	Forni Rd	30 ft W of Arroyo Vista Wy	2A	2A	100	150	C	C	180	300	C	C	190	280	C	C	180	280	C	C	100	150	C	C	190	280	C	C
85	Forni Rd	W of Placerville Dr at City Limits	W20	W20	70	120	B	B	630	830	C	D	130	270	B	B	130	260	B	B	70	140	B	B	240	410	B	C
86	French Creek Rd	300 ft S of Mother Lode Dr	2A	2A	200	240	C	C	250	270	C	C	220	250	C	C	220	250	C	C	200	240	C	C	280	280	C	C
87	Garden Valley Rd	300 ft N of SR 193	W20	W20	40	40	B	B	50	60	B	B	50	50	B	B	50	50	B	B	40	40	B	B	50	50	B	B
88	Garden Valley Rd	0.45 mile S of Marshall Rd	W20	W20	140	120	B	B	150	130	B	B	150	120	B	B	150	120	B	B	140	120	B	B	150	130	B	B
89	Greenwood Rd	100 ft W of Marshall Rd	2A	2A	80	110	C	C	180	220	C	C	140	170	C	C	140	170	C	C	80	100	C	C	180	220	C	C
90	Greenwood Rd	0.03 mile S of SR 193	2A	2A	60	90	C	C	60	90	C	C	60	90	C	C	60	90	C	C	60	80	C	C	60	90	C	C
91	Harvard Wy	0.15 mile E of El Dorado Hills Bl	4AU	4AU	930	730	C	C	1,090	850	C	C	940	790	C	C	930	790	C	C	970	770	C	C	980	810	C	C
92	Harvard Wy	200 ft W of Silva Valley Pkwy	4AU	4AU	820	560	C	C	1,010	740	C	C	880	620	C	C	870	620	C	C	870	610	C	C	910	640	C	C
93	Icehouse Rd	300 ft N of US 50	2A	2A	80	130	C	C	70	110	C	C	80	120	C	C	80	120	C	C	60	100	C	C	80	120	C	C
94	Lime Kiln Rd	100 ft E of China Garden Rd	2A	2A	130	230	C	C	380	670	C	C	30	120	C	C	30	190	C	C	120	230	C	C	90	190	C	C
95	Meder Rd	300 ft E of Cameron Park Dr	W22	W22	590	580	C	C	900	990	D	D	700	760	C	C	700	760	C	C	600	600	C	C	910	1,010	D	D
96	Meder Rd	200 yds W of Ponderosa Rd	W22	W22	490	510	C	C	730	740	C	C	620	610	C	C	620	610	C	C	500	490	C	C	710	680	C	C
97	Mosquito Rd	300 ft S of Union Ridge Rd	2A	2A	150	150	C	C	350	370	C	C	290	300	C	C	290	300	C	C	140	140	C	C	360	380	C	C
98	Mosquito Rd	At American River Br	W18	W18	100	100	B	B	170	170	B	B	150	150	B	B	150	150	B	B	80	90	B	B	180	180	B	B
99	Newtown Rd	200 yds N of Pleasant Vly Rd	2A	2A	250	240	C	C	370	410	C	C	340	400	C	C	330	400	C	C	220	240	C	C	390	440	C	C
100	Oak Hill Rd	300 ft S of Pleasant Vly Rd	2A	2A	130	170	C	C	130	170	C	C	140	170	C	C	140	170	C	C	130	160	C	C	140	170	C	C
101	Patterson Dr	200 ft S of Pleasant Vly Rd	2A	2A	270	370	C	C	350	470	C	C	320	420	C	C	340	440	C	C	270	370	C	C	350	470	C	C
102	Ponderosa Rd	100 ft N of Meder Rd	W20	W20	130	130	B	B	140	140	B	B	140	140	B	B	140	140	B	B	140	130	B	B	150	140	B	B

Table 3.9-13. Continued

ID	Roadway	Segment	Class – Scenario Exist, 2, and 5	Class – Scenario 3, 4, and 6	Existing Conditions (2010)				Scenario 2				Scenario 3				Scenario 4				Scenario 5				Scenario 6			
					Volume		2010 Method LOS		Volume		2010 Method LOS		Volume		2010 Method LOS		Volume		2010 Method LOS		Volume		2010 Method LOS		Volume		2010 Method LOS	
					AM Peak Hour	PM Peak Hour	AM Peak Hour	PM Peak Hour	AM Peak Hour	PM Peak Hour	AM Peak Hour	PM Peak Hour	AM Peak Hour	PM Peak Hour	AM Peak Hour	PM Peak Hour	AM Peak Hour	PM Peak Hour	AM Peak Hour	PM Peak Hour	AM Peak Hour	PM Peak Hour	AM Peak Hour	PM Peak Hour	AM Peak Hour	PM Peak Hour	AM Peak Hour	PM Peak Hour
103	Ponderosa Rd	100 ft S of Green Valley Rd	W20	W20	110	100	B	B	120	110	B	B	120	110	B	B	120	110	B	B	110	100	B	B	120	110	B	B
104	Rock Creek Rd	100 ft E of SR 193	2A	2A	20	20	C	C	20	30	C	C	20	20	C	C	20	20	C	C	20	20	C	C	20	30	C	C
105	Sand Ridge Rd	100 ft W of Bucks Bar Rd	2A	2A	100	100	C	C	130	130	C	C	130	130	C	C	130	130	C	C	100	100	C	C	130	140	C	C
106	Serrano Pkwy	250 ft W of Silva Valley Pkwy	4AD	4AD	770	590	C	C	820	650	C	C	550	410	C	C	560	410	C	C	780	610	C	C	640	470	C	C
107	Sliger Mine Rd	50 ft N of SR 193	2A	2A	50	70	C	C	60	80	C	C	60	80	C	C	60	80	C	C	40	60	C	C	70	90	C	C
108	Snows Rd	400 ft N of Newtown Rd	2A	2A	80	90	C	C	100	120	C	C	90	110	C	C	90	110	C	C	80	90	C	C	100	130	C	C
109	Snows Rd	200 ft S of Carson Rd	2A	2A	280	240	C	C	310	270	C	C	300	260	C	C	300	260	C	C	280	240	C	C	310	270	C	C
110	South Shingle Rd	0.5 mile E of Latrobe Rd	W18	W18	130	70	B	B	300		B	B	150	150	B	B	150	150	B	B	150	100	B	B	180	180	B	B
111	South Shingle Rd	100 ft N of Barnett Ranch Rd	W20	W20	190	230	B	B	380	510	C	C	240	320	B	B	240	320	B	B	220	270	B	B	260	340	B	B
112	Starbuck Rd	110 ft N of Green Valley Rd	2A	2A	100	150	C	C	160	210	C	C	160	210	C	C	150	200	C	C	100	150	C	C	160	220	C	C
113	Union Ridge Rd	100 ft W of Hassler Rd	2A	2A	40	50	C	C	70	110	C	C	60	80	C	C	60	90	C	C	40	50	C	C	70	110	C	C
114	Wentworth Springs Rd	100 ft W of Quintette Rd	2A	2A	40	60	C	C	40	70	C	C	40	70	C	C	40	70	C	C	40	60	C	C	40	70	C	C
115	White Rock Rd	100 ft S of Silva Valley Pkwy	2A	6AD	690	900	C	D	1,090	1,370	D	D	1,200	1,540	C	C	1,220	1,540	C	C	610	980	C	D	1,720	2,010	C	C
116	Bass Lake Rd	400 yd N of Country Club Dr	2A	2A	930	880	D	D	1,420	1,360	D	D	1,150	1,140	D	D	1,150	1,130	D	D	980	840	D	C	1,320	1,340	D	D
117	Bass Lake Rd	100 yd S of Green Vly Rd	W22	2A	510	450	C	C	720	670	C	C	520	470	C	C	520	470	C	C	530	460	C	C	590	560	C	C
118	Bassi Rd	200 ft W of Lotus Rd	2A	2A	80	100	C	C	90	110	C	C	90	110	C	C	90	110	C	C	80	100	C	C	90	110	C	C
119	Broadway	At City Limits	2A	2A	350	350	C	C	560	600	C	C	500	510	C	C	500	510	C	C	320	340	C	C	580	610	C	C
120	Cambridge Rd	At U.S. Highway 50 OC	2A	2A	620	860	C	D	940	1,040	D	D	820	990	C	D	820	990	C	D	630	860	C	D	900	1,040	D	D
121	Cambridge Rd	300 ft S of Country Club Dr	2A	2A	580	750	C	C	830	950	C	D	720	850	C	D	720	850	C	C	600	780	C	C	810	920	C	D
122	Cambridge Rd	100 ft N of Country Club Dr	2A	2A	520	740	C	C	810	1,090	C	D	640	820	C	C	650	820	C	C	550	750	C	C	790	1,000	C	D
123	Cambridge Rd	300 yds N of Oxford Rd	2A	2A	330	480	C	C	500	710	C	C	420	610	C	C	410	600	C	C	350	490	C	C	460	680	C	C
124	Cambridge Rd	300 ft S of Green Valley Rd	2A	2A	350	410	C	C	660	720	C	C	500	610	C	C	490	610	C	C	360	430	C	C	570	700	C	C
125	Carson Rd	0.6 mile E of City Limits	2A	2A	120	170	C	C	140	210	C	C	140	190	C	C	140	200	C	C	120	170	C	C	150	210	C	C
126	Carson Rd	300 yds E of Gatlin Rd	2A	2A	80	140	C	C	100	170	C	C	90	150	C	C	90	150	C	C	70	120	C	C	100	170	C	C
127	Carson Rd	At Carson Ct	2A	2A	110	180	C	C	110	200	C	C	100	190	C	C	100	190	C	C	100	160	C	C	110	200	C	C
128	Carson Rd	100 ft W of Barkley Rd	2A	2A	210	280	C	C	300	380	C	C	280	360	C	C	280	360	C	C	210	280	C	C	310	390	C	C
129	Carson Rd	100 ft E of Ponderosa Wy	2A	2A	170	220	C	C	170	230	C	C	170	230	C	C	170	230	C	C	170	220	C	C	170	230	C	C
130	Cedar Ravine Rd	0.1 mile N of Pleasant Valley Rd	W20	2A	170	170	B	B	410	440	C	C	340	350	C	C	330	360	C	C	170	160	B	B	460	440	C	C
131	Cedar Ravine Rd	0.25 mile S of Country Club Dr	2A	2A	220	220	C	C	420	460	C	C	380	400	C	C	380	400	C	C	210	210	C	C	430	450	C	C
132	Cold Springs Rd	At City Limits	2A	2A	270	300	C	C	600	750	C	C	520	620	C	C	510	630	C	C	270	300	C	C	580	690	C	C
133	Cold Springs Rd	300 yds S of Gold Hill Rd	2A	2A	190	280	C	C	430	590	C	C	370	490	C	C	360	500	C	C	190	280	C	C	400	540	C	C
134	Cold Springs Rd	100 ft S of SR 153	W22	2A	120	180	B	B	290	410	B	C	230	310	C	C	220	330	C	C	120	180	B	B	260	360	C	C
135	Country Club Dr	0.4 mile E of Bass Lake Rd	2A	2A	440	350	C	C	780	790	C	C	680	530	C	C	690	530	C	C	460	370	C	C	890	850	D	C
136	Country Club Dr	0.15 mile W of Knollwood Dr	2A	2A	480	310	C	C	810	740	C	C	720	500	C	C	720	500	C	C	480	310	C	C	900	750	D	C
137	Country Club Dr	300 yds E of Cambridge Rd	2A	2A	240	270	C	C	710	820	C	C	490	560	C	C	500	560	C	C	250	270	C	C	650	750	C	C
138	Country Club Dr	0.2 mile W of Cameron Park Dr	2A	2A	230	370	C	C	520	670	C	C	320	530	C	C	320	530	C	C	230	360	C	C	450	600	C	C
139	Durock Rd	50 ft W of S Shingle Rd	2A	2A	360	560	C	C	700	860	C	D	560	720	C	C	550	730	C	C	360	550	C	C	660	840	C	C
140	El Dorado Rd	0.2 mile S of US 50	W22	2A	440	500	C	C	660	850	C	D	620	800	C	C	630	810	C	C	440	500	C	C	690	900	C	D
141	El Dorado Rd	0.11 mile N of U.S. Highway 50	W22	2A	160	200	B	B	390	660	C	C	380	550	C	C	390	540	C	C	160	220	B	B	460	650	C	C
142	El Dorado Rd	50 ft N of Missouri Flat Rd	W22	2A	150	260	B	B	360	750	B	C	250	530	C	C	250	510	C	C	150	280	B	B	280	570	C	C
143	Francisco Dr	200 ft N of Green Valley Rd	2A	2A	900	1,210	D	D	960	1,270	D	D	940	1,280	D	D	940	1,280	D	D	940	1,260	D	D	980	1,300	D	D
144	Francisco Dr	100 ft S of Sheffield Dr	2A	2A	160	200	C	C	170	190	C	C	160	160	C	C	150	170	C	C	160	180	C	C	170	190	C	C
145	Francisco Dr	300 yds N of Sheffield Dr	2A	2A	60	80	C	C	70	80	C	C	60	70	C	C	50	70	C	C	60	70	C	C	70	70	C	C
146	Gold Hill Rd	100 ft E of Lotus Rd	W22	2A	230	140	B	B	350	280	B	B	320	250	C	C	320	250	C	C	230	140	B	B	340	270	C	C
147	Gold Hill Rd	200 ft W of Cold Springs Rd	W22	2A	220	150	B	B	340	290	B	B	320	260	C	C	320	260	C	C	220	150	B	B	340	280	C	C
148	Gold Hill Rd	100 yds E of Cold Springs Rd	W22	2A	50	40	B	B	110	110	B	B	90	80	C	C	90	80	C	C	50	40	B	B	100	100	C	C
149	Green Valley Rd	200 ft W of Sophia Pkwy	4AU	4AU	1,730	2,050	C	D	1,940	2,230	D	D	1,730	2,070	C	D	1,710	2,080	C	D	1,820	2,070	D	D	1,750	2,120	C	D
150	Green Valley Rd	200 ft E of Sophia Pkwy	4AU	4AU	1,730	2,350	C	D	2,150	2,940	D	D	1,450	2,240	C	D	1,440	2,250	C	D	1,920	2,650	D	D	1,560	2,420	C	D
151	Green Valley Rd	~200 ft W of El Dorado Hills Boulevard	2A	4AU	1,730	2,350	F	F	2,150	2,940	F	F	1,450	2,240	C	D	1,440	2,250	C	D	1,920	2,650	F	F	1,560	2,420	C	D
152	Green Valley Rd	300 ft W of Silva Valley Pkwy	2A	4AU	970	1,120	D	D	1,130	1,390	D	D	1,150	1,390	C	C	1,150	1,380	C	C	990	1,240	D	D	1,290	1,530	C	C
153	Green Valley Rd	200 ft W of Bass Lake Rd	2A	2A	1,200	980	D	D	1,410	1,290	D	D	1,220	1,080	D	D	1,220	1,080	D	D	1,230	1,060	D	D	1,270	1,130	D	D

Table 3.9-13. Continued

ID	Roadway	Segment	Class – Scenario Exist, 2, and 5	Class – Scenario 3, 4, and 6	Existing Conditions (2010)				Scenario 2				Scenario 3				Scenario 4				Scenario 5				Scenario 6			
					Volume		2010 Method LOS		Volume		2010 Method LOS		Volume		2010 Method LOS		Volume		2010 Method LOS		Volume		2010 Method LOS		Volume		2010 Method LOS	
					AM Peak Hour	PM Peak Hour	AM Peak Hour	PM Peak Hour	AM Peak Hour	PM Peak Hour	AM Peak Hour	PM Peak Hour	AM Peak Hour	PM Peak Hour	AM Peak Hour	PM Peak Hour	AM Peak Hour	PM Peak Hour	AM Peak Hour	PM Peak Hour	AM Peak Hour	PM Peak Hour	AM Peak Hour	PM Peak Hour	AM Peak Hour	PM Peak Hour	AM Peak Hour	PM Peak Hour
154	Green Valley Rd	300 ft W of Cameron Park Dr	2A	2A	930	940	D	D	1,300	1,380	D	D	1,080	1,160	D	D	1,080	1,160	D	D	960	1,000	D	D	1,200	1,290	D	D
155	Green Valley Rd	300 ft E of La Crescenta Dr	W22	2A	610	630	C	C	900	1,020	D	D	620	700	C	C	620	700	C	C	620	650	C	C	700	800	C	C
156	Green Valley Rd	500 ft E of Deer Valley Rd (E)	W18	2A	360	420	B	C	580	750	C	C	290	400	C	C	290	390	C	C	370	440	B	C	340	470	C	C
157	Green Valley Rd	300 ft W of Lotus Rd	W18	2A	570	650	C	C	1,030	1,220	D	D	730	860	C	D	730	860	C	D	560	650	C	C	930	1,060	D	D
158	Green Valley Rd	100 ft W of Greenstone Rd	W20	2A	300	360	B	B	610	770	C	C	490	570	C	C	490	570	C	C	310	360	B	B	530	650	C	C
159	Green Valley Rd	400 ft W of Campus Dr	W20	2A	370	420	B	C	570	720	C	C	490	590	C	C	490	600	C	C	380	430	C	C	520	680	C	C
160	Green Valley Rd	200 ft W of Missouri Flat Rd	W20	2A	710	760	C	C	910	1,060	D	D	840	930	C	D	840	940	C	D	720	770	C	C	870	1,020	D	D
161	Green Valley Rd	100 ft W of Weber Creek Br	W18	2A	230	310	B	B	560	930	C	D	440	650	C	C	440	640	C	C	240	320	B	B	470	700	C	C
162	Greenstone Rd	300 ft N of Mother Lode Dr	W18	2A	80	110	B	B	130	160	B	B	110	140	C	C	110	140	C	C	80	110	B	B	130	160	C	C
163	Greenstone Rd	0.20 mile N of US 50	2A	2A	210	220	C	C	380	410	C	C	330	330	C	C	330	330	C	C	200	210	C	C	370	350	C	C
164	Grizzly Flat Rd	200 yds E of Mt Aukum Rd	2A	2A	160	190	C	C	230	270	C	C	210	240	C	C	210	240	C	C	150	170	C	C	250	280	C	C
165	Lake Hills Dr	100 ft N of Salmon Falls Rd	2A	2A	250	260	C	C	250	270	C	C	270	290	C	C	270	290	C	C	250	270	C	C	260	280	C	C
166	Latrobe Rd	250 ft N of County Line	2A	2A	240	300	C	C	500	550	C	C	220	260	C	C	220	260	C	C	420	470	C	C	320	330	C	C
167	Latrobe Rd	1.5 mi N of S Shingle Rd	2A	2A	250	310	C	C	570	630	C	C	240	280	C	C	240	280	C	C	470	530	C	C	350	360	C	C
168	Latrobe Rd	At Deer Creek Bridge	2A	2A	330	390	C	C	600	640	C	C	310	330	C	C	310	340	C	C	520	560	C	C	410	420	C	C
169	Latrobe Rd	100 ft S of Investment Bl	2A	2A	380	420	C	C	740	790	C	C	400	410	C	C	400	420	C	C	600	640	C	C	550	540	C	C
170	Latrobe Rd	100 ft N of Investment Bl	2A	2A	650	710	C	C	940	1,020	D	D	670	710	C	C	680	720	C	C	890	950	D	D	810	830	C	C
171	Latrobe Rd	100 ft N of Golden Foothill Pw	4AD	4AD	1,750	1,740	C	C	2,420	2,400	D	D	1,130	1,100	C	C	1,140	1,100	C	C	1,830	1,780	C	C	1,300	1,260	C	C
172	Lotus Rd	300 ft N of Green Valley Rd	2A	2A	470	570	C	C	1,030	1,260	D	D	780	960	C	D	780	960	C	D	450	550	C	C	1,020	1,230	D	D
173	Lotus Rd	300 ft S of Thompson Hill Rd	2A	2A	310	430	C	C	520	690	C	C	400	550	C	C	410	550	C	C	290	410	C	C	530	680	C	C
174	Lotus Rd	0.25 mile S of SR 49	2A	2A	260	460	C	C	490	720	C	C	380	590	C	C	380	590	C	C	250	440	C	C	490	710	C	C
175	Luneman Rd	100 ft W of Lotus Rd	2A	2A	270	180	C	C	350	280	C	C	340	250	C	C	330	250	C	C	270	180	C	C	360	280	C	C
176	Marshall Rd	200 yds E of SR 49	2A	2A	260	300	C	C	360	410	C	C	300	350	C	C	300	360	C	C	250	290	C	C	370	410	C	C
177	Marshall Rd	300 ft E of Garden Valley Rd	2A	2A	430	370	C	C	590	550	C	C	530	480	C	C	530	480	C	C	410	360	C	C	600	550	C	C
178	Marshall Rd	300 yds S of Lower Main St	2A	2A	40	50	C	C	100	110	C	C	70	90	C	C	70	90	C	C	40	50	C	C	110	120	C	C
179	Missouri Flat Rd	300 ft N of El Dorado Rd	2A	2A	650	620	C	C	780	800	C	C	730	740	C	C	730	740	C	C	650	630	C	C	760	820	C	C
180	Mormon Emigrant Tr	100 ft E of Sly Park Rd	2A	2A	60	90	C	C	120	150	C	C	100	140	C	C	100	130	C	C	60	90	C	C	140	170	C	C
181	Mosquito Rd	At City Limits	2A	2A	270	310	C	C	720	770	C	C	670	730	C	C	670	720	C	C	260	300	C	C	730	790	C	C
182	Mother Lode Dr	200 ft W of Sunset Ln	2A	2A	910	1,100	D	D	1,210	1,380	D	D	1,090	1,260	D	D	1,090	1,260	D	D	920	1,120	D	D	1,200	1,350	D	D
183	Mother Lode Dr	400 yds W of Pleasant Valley Rd	2A	2A	570	740	C	C	890	1,130	D	D	710	910	C	D	730	920	C	D	560	730	C	C	810	1,040	C	D
184	Mother Lode Dr	0.43 mile E of Pleasant Valley Rd	2A	2A	240	320	C	C	300	410	C	C	290	390	C	C	290	390	C	C	240	330	C	C	310	420	C	C
185	Mt Aukum Rd	0.25 mile N of County Line	2A	2A	120	160	C	C	130	160	C	C	150	190	C	C	150	190	C	C	120	150	C	C	150	200	C	C
186	Mt Aukum Rd	300 ft S of Bucks Bar Rd	2A	2A	300	290	C	C	380	390	C	C	360	380	C	C	360	380	C	C	270	270	C	C	420	430	C	C
187	Mt Aukum Rd	300 ft S of Pleasant Vly Rd	2A	2A	200	270	C	C	280	370	C	C	270	360	C	C	270	360	C	C	190	270	C	C	310	410	C	C
188	Mt Murphy Rd	50 ft S of Marshall Rd	2A	2A	90	100	C	C	170	200	C	C	140	160	C	C	140	160	C	C	80	90	C	C	170	200	C	C
189	Mt Murphy Rd	200 yds N of SR 49	2A	2A	20	30	C	C	160	190	C	C	120	130	C	C	120	130	C	C	20	30	C	C	170	190	C	C
190	Newtown Rd	200 yds N of Pioneer Hill Rd	2A	2A	200	220	C	C	350	390	C	C	290	310	C	C	300	310	C	C	180	210	C	C	350	380	C	C
191	Newtown Rd	100 ft E of Broadway	2A	2A	280	320	C	C	420	480	C	C	370	400	C	C	370	400	C	C	260	310	C	C	430	470	C	C
192	Old Frenchtown Rd	400 yds S of Mother Lode Dr	2A	2A	90	100	C	C	150	170	C	C	120	140	C	C	120	140	C	C	90	100	C	C	150	170	C	C
193	Omo Ranch Rd	100 ft E of Mt Aukum Rd	2A	2A	60	80	C	C	70	80	C	C	70	80	C	C	70	80	C	C	60	70	C	C	70	90	C	C
194	Oxford Rd	50 ft E of Salida Wy	2A	2A	290	420	C	C	730	900	C	D	650	730	C	C	660	730	C	C	340	440	C	C	770	890	C	D
195	Pleasant Valley Rd	200 yds E of Mother Lode Dr	2A	2A	440	560	C	C	690	860	C	D	530	670	C	C	540	670	C	C	430	550	C	C	620	770	C	C
196	Pleasant Valley Rd	200 yds E of SR 49 (E)	2A	2A	1,030	1,230	D	D	1,270	1,510	D	D	1,190	1,460	D	D	1,190	1,460	D	D	1,020	1,210	D	D	1,320	1,590	D	E
197	Pleasant Valley Rd	300 ft W of Oak Hill Rd	2A	2A	860	980	D	D	940	1,060	D	D	910	1,050	D	D	910	1,050	D	D	830	950	C	D	940	1,120	D	D
198	Pleasant Valley Rd	100 ft E of Cedar Ravine Rd	2A	2A	800	830	C	C	1,100	1,150	D	D	1,000	1,060	D	D	1,000	1,060	D	D	780	790	C	C	1,140	1,190	D	D
199	Pleasant Valley Rd	0.10 mile E of Bucks Bar Rd	2A	2A	530	450	C	C	710	640	C	C	650	590	C	C	640	590	C	C	540	440	C	C	730	670	C	C
200	Pleasant Valley Rd	0.40 mi E of Newtown Rd	2A	2A	410	450	C	C	560	620	C	C	520	580	C	C	520	580	C	C	390	440	C	C	590	650	C	C
201	Ponderosa Rd	300 ft N of Wild Chaparral Dr	2A	2A	680	600	C	C	920	800	D	C	820	690	C	C	820	690	C	C	680	580	C	C	910	760	D	C
202	Pony Express Tr	200 yds E of Carson Rd	2A	2A	180	240	C	C	270	300	C	C	240	290	C	C	240	290	C	C	170	230	C	C	270	310	C	C
203	Pony Express Tr	300 ft E of Gilmore Rd	2A	2A	280	420	C	C	350	510	C	C	330	480	C	C	330	480	C	C	270	420	C	C	360	510	C	C
204	Pony Express Tr	300 ft W of Forebay Rd	2A	2A	350	510	C	C	370	530	C	C	370	530	C	C	370	530	C	C	350	510	C	C	370	530	C	C

Table 3.9-13. Continued

ID	Roadway	Segment	Class – Scenario Exist, 2, and 5	Class – Scenario 3, 4, and 6	Existing Conditions (2010)				Scenario 2				Scenario 3				Scenario 4				Scenario 5				Scenario 6			
					Volume		2010 Method LOS		Volume		2010 Method LOS		Volume		2010 Method LOS		Volume		2010 Method LOS		Volume		2010 Method LOS		Volume		2010 Method LOS	
					AM Peak Hour	PM Peak Hour	AM Peak Hour	PM Peak Hour	AM Peak Hour	PM Peak Hour	AM Peak Hour	PM Peak Hour	AM Peak Hour	PM Peak Hour	AM Peak Hour	PM Peak Hour	AM Peak Hour	PM Peak Hour	AM Peak Hour	PM Peak Hour	AM Peak Hour	PM Peak Hour	AM Peak Hour	PM Peak Hour	AM Peak Hour	PM Peak Hour	AM Peak Hour	PM Peak Hour
205	Salmon Falls Rd	50 ft S of Malcolm-Dixon Rd	2A	2A	560	620	C	C	750	750	C	C	690	780	C	C	690	780	C	C	550	630	C	C	810	890	C	D
206	Salmon Falls Rd	At New York Creek Bridge	2A	2A	200	220	C	C	340	330	C	C	220	230	C	C	220	230	C	C	190	220	C	C	340	330	C	C
207	Salmon Falls Rd	400 yds S of Pedro Hill Rd	2A	2A	120	170	C	C	240	260	C	C	130	180	C	C	130	180	C	C	100	160	C	C	240	260	C	C
208	Salmon Falls Rd	200 yds S of Rattlesnake Bar Rd	2A	2A	30	50	C	C	160	140	C	C	50	50	C	C	50	50	C	C	30	40	C	C	150	140	C	C
209	Sand Ridge Rd	300 ft E of SR 49	2A	2A	50	50	C	C	100	110	C	C	80	90	C	C	80	90	C	C	50	50	C	C	110	110	C	C
210	Serrano Pkwy	300 ft W of Bass Lake Rd	4AD	4AD	370	380	C	C	850	820	C	C	340	430	C	C	350	430	C	C	380	410	C	C	520	630	C	C
211	Shingle Springs Dr	0.20 mile S of U.S. Highway 50	2A	2A	420	400	C	C	590	750	C	C	530	630	C	C	530	630	C	C	410	400	C	C	600	760	C	C
212	Sly Park Rd	0.35 mile E of Mt Aukum Rd	2A	2A	240	290	C	C	300	360	C	C	290	340	C	C	290	340	C	C	240	280	C	C	310	370	C	C
213	Sly Park Rd	1.62 miles W of Mormon Emigrant Tr	W18	W18	150	190	B	B	190	240	B	B	170	220	B	B	170	220	B	B	140	190	B	B	200	250	B	B
214	Sly Park Rd	0.35 mile E of Mormon Emigrant Tr	2A	2A	260	330	C	C	350	430	C	C	310	390	C	C	310	390	C	C	250	320	C	C	380	460	C	C
215	Sly Park Rd	100 ft S of Gold Ridge Tr (N)	2A	2A	310	310	C	C	440	450	C	C	370	380	C	C	370	380	C	C	290	300	C	C	480	490	C	C
216	Sly Park Rd	100 ft S of Pony Express Tr	2A	2A	590	710	C	C	640	770	C	C	630	750	C	C	630	750	C	C	590	710	C	C	650	770	C	C
217	South Shingle Rd	100 ft S of Sunset Ln	W20	W20	420	530	C	C	710	950	C	D	480	640	C	C	480	640	C	C	450	580	C	C	570	780	C	C
218	SR49	North of China Hill	2A	2A	480	510	C	C	670	770	C	C	610	670	C	C	600	670	C	C	470	490	C	C	650	730	C	C
219	SR49	West of Missouri Flat Rd	2A	2A	980	950	D	D	1,390	1,390	D	D	1,220	1,180	D	D	1,240	1,190	D	D	980	950	D	D	1,280	1,230	D	D
220	SR49	West of Hastings Creed Rd	2A	2A	260	310	C	C	480	590	C	C	430	530	C	C	430	520	C	C	250	300	C	C	480	600	C	C
221	SR49	At the Placer County Line	2A	2A	640	750	C	C	810	930	C	D	740	860	C	D	740	860	C	D	620	730	C	C	810	940	C	D
222	SR 193	West of American River Road	2A	2A	470	580	C	C	580	700	C	C	530	640	C	C	530	640	C	C	450	560	C	C	590	710	C	C
223	SR 193	North of SR 49 in Placerville	2A	2A	180	190	C	C	220	240	C	C	200	220	C	C	200	220	C	C	170	180	C	C	230	250	C	C
224	Union Mine Rd	200 yds S of SR 49	2A	2A	290	140	C	C	300	160	C	C	310	160	C	C	310	160	C	C	250	130	C	C	320	170	C	C
225	Wentworth Springs Rd	0.7 mile E of Main St	2A	2A	170	220	C	C	190	250	C	C	180	240	C	C	180	240	C	C	160	210	C	C	200	260	C	C
226	White Rock Rd	At County Line	2A	4AD	530	1,070	C	D	1,090	1,790	D	F	620	1,210	C	C	620	1,220	C	C	930	1,670	D	F	980	1,710	C	C
227	White Rock Rd	100 ft W of Latrobe Rd	4AD	4AD	710	1,150	C	C	1,210	2,010	C	D	600	1,190	C	C	600	1,200	C	C	1,020	1,880	C	D	830	1,620	C	C

Responses to Letter R-6

The El Dorado County Transportation Commission reviewed the Traffic Chapter of the EIR and submitted suggested edits. The County has reviewed the suggested edits and has incorporated them where appropriate in the Final EIR.

Letter R-7—El Dorado County Transportation Commission, Jerry Barton



TGPA-ZOU ZOU <tgpa-zou@edcgov.us>

Fwd: EDCTC Comments on Draft EIR

1 message

Shawna Purvines <shawna.purvines@edcgov.us>
To: TGPA-ZOU ZOU <TGPA-ZOU@edcgov.us>

Wed, Jul 23, 2014 at 5:03 PM

----- Forwarded message -----

From: Jerry Barton <jbarton@edctc.org>
Date: Wed, Jul 23, 2014 at 3:23 PM
Subject: EDCTC Comments on Draft EIR
To: Shawna Purvines <shawna.purvines@edcgov.us>
Cc: Woody Deloria <wdeloria@edctc.org>

Hello Shawna –

Attached, please find EDCTC comments on the Air Quality and Greenhouse Gas Chapter of the TGPA/ZOU Draft Program EIR. Let me know if you have any questions.

Thanks,

Jerry

Jerry Barton

Senior Transportation Planner

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Pages from TGPA-ZOU Public DEIR March 2014_AQ&Greenhouse_Gas.pdf

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3.3 Air Quality and Greenhouse Gases

3.3.1 Existing Conditions

Regulatory Setting

This section summarizes federal, state, and local regulations that apply to air quality and GHGs. The agencies of direct importance in the County are the U.S. Environmental Protection Agency (EPA), the California Air Resources Board (ARB), and the El Dorado County Air Quality Management District (EDCAQMD). EPA has established federal air quality standards for which ARB and EDCAQMD have primary implementation responsibility. ARB and EDCAQMD are also responsible for ensuring that state air quality standards are met.

Federal

Air Quality

Clean Air Act and National Ambient Air Quality Standards

The federal Clean Air Act (CAA), promulgated in 1963 and amended several times thereafter, including the 1990 Clean Air Act amendments (CAAA), establishes the framework for modern air pollution control. The act directs EPA to establish National Ambient Air Quality Standards (NAAQS) for the six criteria pollutants (discussed under the Environmental Setting section). The NAAQS are divided into primary and secondary standards; the former are set to protect human health within an adequate margin of safety, and the latter to protect environmental values, such as plant and animal life. Table 3.3-1 summarizes the NAAQS.

The CAA requires states to submit a state implementation plan (SIP) for areas in nonattainment for federal standards. The SIP, which is reviewed and approved by EPA, must demonstrate how the federal standards would be achieved. Failing to submit a plan or secure approval can lead to denial of federal funding and permits. In cases where the SIP is submitted by the state but fails to demonstrate achievement of the standards, EPA is directed to prepare a federal implementation plan.

Greenhouse Gases

Mandatory Greenhouse Gas Reporting Rule (2009)

On September 22, 2009, EPA released its final Greenhouse Gas Reporting Rule (Reporting Rule). The Reporting Rule is a response to the fiscal year (FY) 2008 Consolidated Appropriations Act (H.R. 2764; Public Law 110-161), which required EPA to develop “mandatory reporting of greenhouse gases above appropriate thresholds in all sectors of the economy...” The Reporting Rule would apply to most entities that emit 25,000 metric tons of carbon dioxide equivalent (CO₂e) or more per year. Starting in 2010, facility owners are required to submit an annual GHG emissions report with detailed calculations of facility GHG emissions. The Reporting Rule also would mandate recordkeeping and administrative requirements in order for EPA to verify annual GHG emissions reports.

Update to Corporate Average Fuel Economy Standards (2009)

The new Corporate Average Fuel Economy (CAFE) standards incorporate stricter fuel economy standards promulgated by the State of California into one uniform standard. Additionally, automakers are required to cut GHG emissions in new vehicles by roughly 25% by 2016. EPA, the National Highway Traffic Safety Administration (NHTSA), and ARB are currently working together on a joint rulemaking to establish GHG emissions standards for 2017 to 2025 model year passenger vehicles, which require an industry-wide average of 54.5 miles per gallon in 2025 (U.S. Environmental Protection Agency et al. 2011). The official proposal was released by both EPA and NHTSA on December 1, 2011. On August 28, 2012, EPA and NHTSA issued a joint Final Rulemaking to extend the National Program of harmonized greenhouse gas and fuel economy standards to model year 2017 through 2025 passenger vehicles.

Environmental Protection Agency Endangerment and Cause and Contribute Findings (2009)

On December 7, 2009, EPA signed the Endangerment and Cause or Contribute Findings for Greenhouse Gases under Section 202(a) of the CAA. Under the Endangerment Finding, EPA finds that the current and projected concentrations of the six key well-mixed GHGs—carbon dioxide (CO₂), methane (CH₄), nitrogen dioxide (N₂O), perfluorocarbons (PFCs), sulfur hexafluoride (SF₆), and hydrofluorocarbons (HFCs)—in the atmosphere threaten the public health and welfare of current and future generations. Under the Cause or Contribute Finding, EPA finds that the combined emissions of these well-mixed GHGs from new motor vehicles and new motor vehicle engines contribute to the GHG pollution that threatens public health and welfare.

These findings do not themselves impose any requirements on industry or other entities. However, this action is a prerequisite to finalizing EPA's proposed new CAFE standards for light-duty vehicles, which EPA proposed in a joint proposal including the Department of Transportation's proposed corporate average fuel-economy standards.

State**Air Quality*****California Clean Air Act and California Ambient Air Quality Standards***

In 1988, the state legislature adopted the California Clean Air Act (CCAA), which established a statewide air pollution control program. CCAA requires all air districts in the state to endeavor to meet the California Ambient Air Quality Standards (CAAQS) by the earliest practical date. Unlike the federal CAA, the CCAA does not set precise attainment deadlines. Instead, the CCAA establishes increasingly stringent requirements for areas that will require more time to achieve the standards. CAAQS are generally more stringent than the NAAQS and incorporate additional standards for sulfates (SO₄), hydrogen sulfide (H₂S), vinyl chloride (C₂H₃Cl), and visibility-reducing particles. The CAAQS and NAAQS are listed together in Table 3.3-1.

ARB and local air districts bear responsibility for achieving California's air quality standards, which are to be achieved through district-level air quality management plans that would be incorporated into the SIP. In California, EPA has delegated authority to prepare SIPs to ARB, which, in turn, has delegated that authority to individual air districts. ARB traditionally has established state air quality standards, maintaining oversight authority in air quality planning, developing programs for

reducing emissions from motor vehicles, developing air emission inventories, collecting air quality and meteorological data, and approving SIPs.

The CCAA substantially adds to the authority and responsibilities of air districts. The CCAA designates air districts as lead air quality planning agencies, requires air districts to prepare air quality plans, and grants air districts authority to implement transportation control measures. The CCAA also emphasizes the control of “indirect and area-wide sources” of air pollutant emissions. The CCAA gives local air pollution control districts explicit authority to regulate indirect sources of air pollution and to establish traffic control measures (TCMs).

Table 3.3-1. National and State Ambient Air Quality Standards

Criteria Pollutant	Average Time	California Standards	National Standards ^a	
			Primary	Secondary
Ozone	1-hour	0.09 ppm	None	None
	8-hour	0.070 ppm	0.075 ppm	0.075 ppm
Particulate Matter (PM10)	24-hour	50 µg/m ³	150 µg/m ³	150 µg/m ³
	Annual mean	20 µg/m ³	None	None
Fine Particulate Matter (PM2.5)	24-hour	None	35 µg/m ³	35 µg/m ³
	Annual mean	12 µg/m ³	12.0 µg/m ³	15.0 µg/m ³
Carbon Monoxide	8-hour	9.0 ppm	9 ppm	None
	1-hour	20 ppm	35 ppm	None
	8-hour (Lake Tahoe)	6 ppm	None	None
Nitrogen Dioxide	Annual mean	0.030 ppm	0.053 ppm	0.053 ppm
	1-hour	0.18 ppm	0.100 ppm	None
Sulfur Dioxide ^e	Annual mean	None	0.030 ppm	None
	24-hour	0.04 ppm	0.14 ppm	None
	3-hour	None	None	0.5 ppm
	1-hour	0.25 ppm	0.075 ppm	None
Lead	30-day Average	1.5 µg/m ³	None	None
	Calendar quarter	None	1.5 µg/m ³	1.5 µg/m ³
	3-month average	None	0.15 µg/m ³	0.15 µg/m ³
Sulfates	24-hour	25 µg/m ³	None	None
Hydrogen Sulfide	1-hour	0.03 ppm	None	None
Vinyl Chloride	24-hour	0.01 ppm	None	None

Sources: California Air Resources Board 2013a.

Notes:

µg/m³ = micrograms per cubic meter

ppm = parts per million

- ^a National standards are divided into primary and secondary standards. Primary standards are intended to protect public health, whereas secondary standards are intended to protect public welfare and the environment.
- ^b The federal 1-hour standard of 12 parts per hundred million was in effect from 1979 through June 15, 2005. The revoked standard is referenced because it was employed for such a long period and is a benchmark for State Implementation Plans.
- ^c The annual and 24-hour NAAQS for SO₂ only apply for one year after designation of the new 1-hour standard to those areas that were previously nonattainment for 24-hour and annual NAAQS.
- ^d CAAQS for visibility-reducing particles is defined by an extinction coefficient of 0.23 per kilometer – visibility of 10 miles or more due to particles when relative humidity is less than 70%.

Toxic Air Contaminant Regulation

California regulates toxic air contaminants (TACs) primarily through the Tanner Air Toxics Act (AB 1807) and the Air Toxics Hot Spots Information and Assessment Act of 1987 (AB 2588). In the early 1980s, ARB established a statewide comprehensive air toxics program to reduce exposure to air toxics. The Toxic Air Contaminant Identification and Control Act (AB 1807) created California's program to reduce exposure to air toxics. AB 2588 supplements the AB 1807 program by requiring a statewide air toxics inventory, notification of people exposed to a significant health risk, and facility plans to reduce these risks.

In August 1998, ARB identified particulate emissions from diesel-fueled engines as TACs. In September 2000, ARB approved a comprehensive diesel risk reduction plan to reduce emissions from both new and existing diesel-fueled engines and vehicles (California Air Resources Board 2000). The goal of the plan is to reduce diesel PM₁₀ (respirable particulate matter) emissions and the associated health risk by 75% in 2010 and by 85% by 2020. The plan identifies 14 measures that target new and existing on-road vehicles (e.g., heavy-duty trucks and buses), off-road equipment (e.g., graders, tractors, forklifts, sweepers, and boats), portable equipment (e.g., pumps), and stationary engines (e.g., stand-by power generators). ARB will implement the plan over the next several years. The Tanner Act sets forth a formal procedure for ARB to designate substances as TACs. This includes research, public participation, and scientific peer review before ARB designates a substance as a TAC. To date, ARB has identified 21 TACs, and has also adopted EPA's list of Hazardous Air Pollutants (HAPs) as TACs. In August 1998, diesel particulate matter (DPM) was added to the ARB list of TACs (California Air Resources Board 1998).

AB 2588 requires that existing facilities that emit toxic substances above specified levels take the following actions.

- Prepare a toxic emission inventory.
- Prepare a risk assessment if emissions are significant (i.e., 10 tons per year or on District's Health Risk Assessment [HRA] list).
- Notify the public of significant risk levels.
- Prepare and implement risk reduction measures.

ARB has adopted several regulations that will reduce diesel emissions from in-use vehicles and engines throughout California. For example, ARB adopted an idling regulation for on-road diesel-fueled commercial vehicles in July 2004 and updated in October 2005. The regulation applies to public and privately owned trucks with a Gross Weight Rating (GWR) greater than 10,000 pounds. Vehicles subject to the regulation are prohibited from idling for more than 5 minutes in any one location. ARB also adopted a regulation for diesel-powered construction and mining vehicles operating. Fleet owners are subject to retrofit or accelerated replacement/repower requirements for which ARB must obtain authorization from EPA prior to enforcement. The regulation also imposes a 5-minute idling limitation on owners, operators, and renters or lessees of off-road diesel vehicles. In some cases, the particulate matter reduction strategies also reduce smog-forming emissions such as NO_x. As an ongoing process, ARB reviews air contaminants and identifies those that are classified as TACs. ARB also continues to establish new programs and regulations for the control of TACs, including DPMs, as appropriate.

Greenhouse Gases

Executive Order S-3-05 (2005)

Signed by Governor Arnold Schwarzenegger on June 1, 2005, Executive Order (EO) S-3-05 asserts that California is vulnerable to the effects of climate change. To combat this concern, EO S-3-05 established the following GHG emissions reduction targets for state agencies.

- By 2010, reduce GHG emissions to 2000 levels.
- By 2020, reduce GHG emissions to 1990 levels.
- By 2050, reduce GHG emissions to 80% below 1990 levels.

Executive orders are binding only on state agencies. Accordingly, EO S-03-05 will guide state agencies' efforts to control and regulate GHG emissions but will have no direct binding effect on local government or private actions. The Secretary of the California Environmental Protection Agency is required to report to the Governor and state legislature biannually on the impacts of global warming on California, mitigation and adaptation plans, and progress made toward reducing GHG emissions to meet the targets established in this executive order.

Assembly Bill 32, California Global Warming Solutions Act (2006)

In September 2006, the California State Legislature adopted Assembly Bill 32, the California Global Warming Solutions Act of 2006 (AB 32). AB 32 establishes a cap on statewide GHG emissions and sets forth the regulatory framework to achieve the corresponding reduction in statewide emission levels. Under AB 32, ARB is required to take the following actions.

- Adopt early action measures to reduce GHGs.
- Establish a statewide GHG emissions cap for 2020 based on 1990 emissions.
- Adopt mandatory reporting rules for significant GHG sources.
- Adopt a scoping plan indicating how emission reductions would be achieved through regulations, market mechanisms, and other actions.
- Adopt regulations needed to achieve the maximum technologically feasible and cost-effective reductions in GHGs.

Climate Change Scoping Plan (2008)

On December 11, 2008, pursuant to AB 32, ARB adopted the Climate Change Scoping Plan. This plan outlines how emissions reductions from significant sources of GHGs will be achieved via regulations, market mechanisms, and other actions. Six key elements are identified to achieve emissions reduction targets.

- Expanding and strengthening existing energy efficiency programs as well as building and appliance standards.
- Achieving a statewide renewable energy mix of 33%.
- Developing a California cap-and-trade program that links with other Western Climate Initiative partner programs to create a regional market system.
- Establishing targets for transportation-related GHG emissions for regions throughout California, and pursuing policies and incentives to achieve those targets.

- Adopting and implementing measures pursuant to existing state laws and policies, including California’s clean car standards, goods movement measures, and the Low Carbon Fuel Standard.
- Creating targeted fees, including a public goods charge on water use, fees on high global warming potential gases, and a fee to fund the administrative costs of the state’s long-term commitment to AB 32 implementation.

The Climate Change Scoping Plan also describes recommended measures that were developed to reduce GHG emissions from key sources and activities while improving public health, promoting a cleaner environment, preserving our natural resources, and ensuring that the impacts of the reductions are equitable and do not disproportionately affect low-income and minority communities. These measures put the state on a path to meet the long-term 2050 goal of reducing California’s GHG emissions to 80% below 1990 levels.

In March 2011, a San Francisco Superior Court enjoined the implementation of ARB’s Scoping Plan, finding the alternatives analysis and public review process violated both CEQA and ARB’s certified regulatory program (*Association of Irrigated Residents, et al. v. California Air Resources Board*). In response to this litigation, ARB adopted a *Final Supplement to the AB 32 Scoping Plan Functional Equivalent Document* on August 24, 2011. ARB staff re-evaluated the statewide GHG baseline in light of the economic downturn and updated the projected 2020 emissions to 507 million metric tons CO₂e. Two reduction measures (Pavley I and the Renewable Portfolio Standard), not previously included in the 2008 Scoping Plan baseline, were incorporated into the updated baseline. According to the *Final Supplement*, the majority of additional measures in the Climate Change Scoping Plan have been adopted (as of 2012), and such measures are currently in place (California Air Resources Board 2011).

Senate Bill 375—Sustainable Communities Strategy (2008)

SB 375 provides for a new planning process that coordinates land use planning, regional transportation plans, and funding priorities in order to help California meet the GHG reduction goals established in AB 32. SB 375 requires regional transportation plans, developed by metropolitan planning organizations (MPOs) to incorporate a “sustainable communities strategy” (SCS) in their Regional Transportation Plans (RTPs). The goal of the SCS is to reduce regional vehicle miles traveled (VMT) through land use planning and consequent transportation patterns. ARB released the regional targets in September 2010.

The Sacramento Area Council of Governments (SACOG) is the MPO for the Sacramento region, including the western slope of El Dorado County. SACOG adopted its SB 375-compliant *Metropolitan Transportation Plan/Sustainable Communities Strategy 2035* in April 2012. SB 375 also includes provisions for streamlined CEQA review for some infill projects such as transit-oriented development. However, there are no areas within El Dorado County with sufficient transit service to qualify for transit-oriented development streamlining.

State CEQA Guidelines

The State CEQA Guidelines require lead agencies to describe, calculate, or estimate the amount of GHG emissions that would result from a project. Moreover, the State CEQA Guidelines emphasize the necessity to determine potential climate change effects of the project and propose mitigation as necessary. The State CEQA Guidelines confirm the discretion of lead agencies to determine appropriate significance thresholds, but require the preparation of an EIR if “there is substantial

evidence that the possible effects of a particular project are still cumulatively considerable notwithstanding compliance with adopted regulations or requirements” (Section 15064.4).

State CEQA Guidelines section 15126.4 includes considerations for lead agencies related to feasible mitigation measures to reduce GHG emissions, which may include, among others, measures in an existing plan or mitigation program for the reduction of emissions that are required as part of the lead agency’s decision; implementation of project features, project design, or other measures which are incorporated into the project to substantially reduce energy consumption or GHG emissions; off-site measures, including offsets that are not otherwise required, to mitigate a project’s emissions; and measures that sequester carbon or carbon-equivalent emissions.

Local

El Dorado County Air Quality Management District

As discussed above, under the CCAA, the EDCAQMD is required to develop an air quality plan for nonattainment criteria pollutants within the air district. Counties within the Sacramento area (Sacramento, Yolo, and portions of Placer, El Dorado, Solano, and Sutter Counties) have adopted the 2009 Sacramento Metropolitan Area 8-Hour Ozone Attainment and Reasonable Further Progress Plan, which was last updated in 2013. This plan outlines how the region continues to meet federal progress requirements and demonstrates that the Sacramento Region will meet the 1997 ozone NAAQS by 2018.

The EDCAQMD enacted its Rule 223-1 to limit fugitive dust emissions from construction and construction-related activities. This rule applies to any construction or construction-related activities, including land clearing, grubbing, scraping, travel on site, and travel on access roads. This rule also applies to all sites that are subject to this rule where carryout or trackout has occurred or may occur on paved public roads or the paved shoulders of a paved public road. This rule also applies to the construction of new landfill disposal sites or modification to existing landfill disposal sites prior to commencement of landfilling activities. One requirement of Rule 223-1 is the submittal of a detailed Fugitive Dust Control Plan to the EDCAQMD prior to the start of any construction activity for which a grading permit was issued by El Dorado County.

EDCAQMD has established regulations to limit exposure to Naturally Occurring Asbestos. Its Rule 223-2, Fugitive Dust – Asbestos Hazard Mitigation, requires activities to reduce asbestos dust created from earth moving activities. An Asbestos Dust mitigation plan must be prepared, submitted, approved and implemented when more than 20 cubic yards of earth will be moved at all sites identified as being in an Asbestos Review Area as shown on the *El Dorado County Naturally Occurring Asbestos Review Map* maintained by the EDCAQMD.

El Dorado County General Plan

The General Plan’s Public Health, Safety, and Noise Element contains a number of policies directed at maintaining air quality, including policies on naturally occurring asbestos (NOA). Here are the most pertinent to the project.

Policy 6.3.1.1: 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 California 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). The Department of Transportation and the County Air Quality Management District shall consider the requirement of posting a warning sign at the work site in areas likely to contain naturally occurring asbestos based on the mapping developed by the DOC.

Policy 6.3.1.2: The County shall establish a 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 subject to sale. Information shall include potential for exposure from access roads and from disturbance activities (e.g., landscaping).

Policy 6.3.1.3: The County Environmental Management Department shall report annually to the Board of Supervisors regarding new information on asbestos and design an information outreach program.

Objective 6.7.1: El Dorado County Clean Air Plan. Adopt and enforce the El Dorado County Clean Air Act Plan in conjunction with the County Air Quality Management District.

Objective 6.7.2: Vehicular Emissions. Reduce motor vehicle air pollution by developing programs aimed at minimizing congestion and reducing the number of vehicle trips made in the County and encouraging the use of clean fuels.

Policy 6.7.2.1: Develop and implement a public awareness campaign to educate community leaders and the public about the causes and effects of El Dorado County air pollution and about ways to reduce air pollution.

Policy 6.7.2.2: Encourage, both through County policy and discretionary project review, the use of staggered work schedules, flexible work hours, compressed work weeks, teleconferencing, telecommuting, and car pool/van pool matching as ways to reduce peak-hour vehicle trips.

Policy 6.7.2.3: To improve traffic flow, synchronization of signalized intersections shall be encouraged as a means to reduce congestion, conserve energy, and improve air quality.

Policy 6.7.2.4: Encourage a local and inter-State rail system.

Policy 6.7.2.5: Upon reviewing projects, the County shall support and encourage the use of, and facilities for, alternative-fuel vehicles to the extent feasible. The County shall develop language to be included in County contract procedures to give preference to contractors that utilize low-emission heavy-duty vehicles.

Policy 6.7.2.6: The County shall investigate the replacement of its fleet vehicles with more fuel-efficient alternative fuel vehicles (e.g., liquid natural gas, fuel cell vehicles).

Objective 6.7.3: Transit Service. Expand the use of transit service within the County.

Policy 6.7.3.1: Legally permissible trip reduction programs and the development of transit and ridesharing facilities shall be given priority over highway capacity expansion when such programs and facilities will help to achieve and maintain mobility and air quality.

Objective 6.7.4: Project Design and Mixed Uses. Encourage project design that protects air quality and minimizes direct and indirect emissions of air contaminants.

Policy 6.7.4.1: Reduce automobile dependency by permitting mixed land use patterns which locate services such as banks, child care facilities, schools, shopping centers, and restaurants in close proximity to employment centers and residential neighborhoods.

Policy 6.7.4.2: Promote the development of new residential uses within walking or bicycling distance to the County's larger employment centers.



Policy 6.7.4.3: New development on large tracts of undeveloped land near the rail corridor shall, to the extent practical, be transit supportive with high density or intensity of use.

Policy 6.7.4.4: All discretionary development applications shall be reviewed to determine the need for pedestrian/bike paths connecting to adjacent development and to common service facilities (e.g., clustered mail boxes, bus stops, etc.).

Policy 6.7.4.5: Specific plans submitted to the County shall provide for the implementation of all policies contained under Objective 6.7.4 herein.

Policy 6.7.4.6: 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 discourage the use of non-certified wood heaters and fireplaces during periods of unhealthy air quality.

Policy 6.7.4.7: The County shall inform the public regarding the air quality effects associated with the use of wood for home heating. The program should address proper operation and maintenance of wood heaters, proper wood selection and use, the health effects of wood smoke, weatherization methods for homes, and determining the proper size of heaters needed before purchase and professional installation. The County shall develop an incentive program to encourage homeowners to replace high-pollution emitting non-EPA-certified wood stoves that were installed before the effective date of the applicable EPA regulation with newer cleaner-burning EPA-certified wood stoves.

Objective 6.7.5: Agricultural and Fuel Reduction Burning. Adopt and maintain air quality regulations which will continue to permit agricultural and fuel reduction burning while minimizing their adverse effects.

Objective 6.7.6: Air Pollution-Sensitive Land Uses. Separate air pollution sensitive land uses from significant sources of air pollution.

Policy 6.7.6.1: Ensure that new facilities in which sensitive receptors are located (e.g., schools, child care centers, playgrounds, retirement homes, and hospitals) are sited away from significant sources of air pollution.

Policy 6.7.6.2: New facilities in which sensitive receptors are located (e.g., residential subdivisions, schools, childcare centers, playgrounds, retirement homes, and hospitals) shall be sited away from significant sources of air pollution.

Objective 6.7.7: Construction Related, Short-Term Emissions. Reduce construction related, short-term emissions by adopting regulations which minimize their adverse effects.

Policy 6.7.7.1. The County shall consider air quality when planning the land uses and transportation systems to accommodate expected growth, and shall use the recommendations in the most recent version of the El Dorado County Air Quality Management (AQMD) *Guide to Air Quality Assessment: Determining Significance of Air Quality Impacts Under the California Environmental Quality Act*, to analyze potential air quality impacts (e.g., short-term construction, long-term operations, toxic and odor-related emissions) and to require feasible mitigation requirements for such impacts. The County shall also consider any new information or technology that becomes available prior to periodic updates of the Guide. The County shall encourage actions (e.g., use of light-colored roofs and retention of trees) to help mitigate heat island effects on air quality.

Objective 6.7.8: The Effects of Air Pollution on Vegetation. Monitor ongoing scientific research regarding the adverse effects, if any, of air pollution on vegetation.

Policy 6.7.8.1: The County shall monitor ongoing scientific research regarding the adverse effects, if any, of air pollution on vegetation, including commercially valuable timber, threatened or endangered plant species, and other plant species. If and when such research conclusively determines, or if and when the weight of scientific opinion concludes, that air pollution is causing significant harm to vegetation within El Dorado County or similarly situated areas, the County,

through its periodic review of the General Plan pursuant to Policy 2.9.1.2, shall consider whether to add policies to the General Plan to try to mitigate such harm.

Implementation Measure HS-E: The County shall adopt a Naturally Occurring Asbestos Disclosure Ordinance that includes the provisions in the policy described in Policy 6.3.1.2.

Implementation Measure HS-F: Develop a program to track asbestos-related information as it pertains to El Dorado County. [Policy 6.3.1.3]

Policy TC-3d: Signalized intersections shall be synchronized where possible as a means to reduce congestion, conserve energy, and improve air quality.

Policy TC-4i: Within Community Regions and rural Centers, all development shall include pedestrian/bike paths connecting to adjacent development and to schools, parks, commercial areas and other facilities where feasible. In Rural Regions, pedestrian/bike paths shall be considered as appropriate.

Environmental Setting

Climate and Atmospheric Conditions

El Dorado County is divided into two separate air basins, the Mountain Counties Air Basin (MCAB) and the Lake Tahoe Air Basin (LTAB), each of which has different qualities that contribute to the environmental setting for the project.

Mountain Counties Air Basin

The MCAB is comprised of Plumas, Sierra, Nevada, Placer, El Dorado, Amador, Calaveras, Tuolumne, and Mariposa Counties.

The basin lies along the northern Sierra Nevada, close to or contiguous with the Nevada border, and covers an area of roughly 11,000 square miles. The western slope of El Dorado County, from Lake Tahoe on the east to the Sacramento County boundary on the west, lies within the MCAB. Elevations range from over 10,000 feet at the Sierra Nevada crest down to several hundred feet above sea level at the Sacramento County boundary. Throughout the county, the topography is highly variable. It includes rugged mountain peaks and valleys with extreme slopes and altitude differences in the Sierra Nevada, as well as rolling foothills to the west.

The general climate of the MCAB varies considerably with elevation and proximity to the Sierra Nevada ridge. The terrain features of the basin make it possible for various climates to exist in relatively close proximity. The pattern of mountains and hills causes a wide variation in rainfall, temperature, and localized winds throughout the basin. Temperature variations have an important influence on basin wind flow, dispersion along mountain ridges, vertical mixing, and photochemistry.

The Sierra Nevada receives large amounts of precipitation from storms moving in from the Pacific in the winter, with lighter amounts from intermittent "Monsoonal" moisture flows from the south and cumulus buildup in the summer. Precipitation levels are high in the highest mountain elevations but decline rapidly toward the western portion of the basin. Winter temperatures in the mountains can be below freezing for weeks at a time, and substantial depths of snow can accumulate. In the western foothills, however, winter temperatures usually dip below freezing only at night, and precipitation is mixed as rain or light snow. In the summer, temperatures in the mountains are mild, with daytime peaks in the 70s to low 80s F, but the western end of the county can routinely exceed 100 F°.

The topography and meteorology of the MCAB combine such that local conditions predominate in determining the effect of emissions in the basin. Regional airflows are affected by the mountains and hills, which direct surface air flows, cause shallow vertical mixing, and create areas of high pollutant concentrations by hindering dispersion. Inversion layers (where warm air overlays cooler air) frequently form and trap pollutants close to the ground. In the winter, these conditions can lead to elevated carbon monoxide (CO) concentrations, known as “hot-spots” along heavily traveled roads and at busy intersections.

During summer’s longer daylight hours, stagnant air, high temperatures, and plentiful sunshine provide the conditions and energy for the photochemical reaction between reactive organic compounds (ROG) and oxides of nitrogen (NO_x) (ozone precursors) that results in the formation of ozone (O₃). In the summer, the strong upwind valley air flowing into the basin from the Central Valley located to the west is an effective transport medium for ozone precursors and ozone generated in the Bay Area and the Sacramento and San Joaquin Valleys to flow into the MCAB. These transported pollutants predominate as the cause of ozone in the MCAB and are largely responsible for the exceedances of the ozone NAAQS and CAAQS in the MCAB. ARB has officially designated the MCAB as “ozone impacted” by transport from those areas (13 CCR sec. 70500).

Lake Tahoe Air Basin

The LTAB is comprised of the surface of Lake Tahoe (roughly 20 miles long by 10 miles wide) and land up to the surrounding rim of mountain ridges. The southern portion of the air basin is in El Dorado County and the northern portion is in Placer County. The lake is at 6,200 feet in elevation, and the ridges climb to over 10,000 feet. The mountain slopes surrounding the lake are quite precipitous and are broken by deep valleys carved by streams that drain into the lake.

In winter, the LTAB typically receives large amounts of precipitation from Pacific storms, which falls mainly as snow, with temperatures below freezing accompanied by winds, cloudiness, and lake and valley fog. Winter days can also bring cool, brilliantly clear days between storms. In the summer, the LTAB experiences sunny, mild days, with daytime peaks in the upper 70s and low 80s F and occasional thunderstorm from southern flows of moisture. The principal impact of these conditions on air quality is excess wintertime concentrations of CO in the more populated areas of the basin, primarily at South Lake Tahoe, from vehicles and residential wood stoves and fireplaces. Some summer transport of ozone from the west is also known to occur, but has not yet been officially recognized as a “transport route” for pollutant transport from one region to another by ARB.

Criteria Pollutants

The federal and state governments have established NAAQS and CAAQS, respectively, for six criteria pollutants: ozone, CO, lead (Pb), nitrogen dioxide (NO₂), sulfur dioxide (SO₂), and particulate matter, which consists of PM₁₀ microns in diameter or less (PM₁₀) and PM 2.5 microns in diameter or less (PM_{2.5}). The following section discusses the criteria pollutants, as well as additional air pollutants of concern, toxic air contaminants, and asbestos.

Ozone and NO₂ are considered regional pollutants because they (or their precursors) affect air quality on a regional scale; NO₂ reacts photochemically with reactive organic gases (ROGs) to form ozone, and this reaction occurs at some distance downwind of the source of pollutants. Pollutants such as CO, SO₂, and Pb are considered to be local pollutants that tend to accumulate in the air locally. Particulate matter is considered to be a local as well as a regional pollutant.

The primary pollutants of concern in the study area are ozone (including nitrogen oxides), CO, and particulate matter. Principal characteristics surrounding these pollutants are discussed below. Toxic air contaminants (TACs) are also discussed, although no air quality standards exist for these pollutants.

Ozone

Ozone is a respiratory irritant that can cause severe ear, nose, and throat irritation and increases susceptibility to respiratory infections. It is also an oxidant that causes extensive damage to plants through leaf discoloration and cell damage. It can cause substantial damage to other materials as well, such as synthetic rubber and textiles.

Ozone is not emitted directly into the air but is formed by a photochemical reaction in the atmosphere. Ozone precursors—ROG and NO_x—react in the atmosphere in the presence of sunlight to form ozone. Because photochemical reaction rates depend on the intensity of ultraviolet light and air temperature, ozone is primarily a summer air pollution problem. The ozone precursors, ROG and NO_x, are mainly emitted by mobile sources and by stationary combustion equipment.

Hydrocarbons are organic gases that are made up of hydrogen and carbon atoms. There are several subsets of hydrocarbons, including ROGs and volatile organic compounds (VOCs). ROGs are defined by state rules and regulations; VOCs are defined by federal rules and regulations. For the purposes of this assessment, hydrocarbons are classified and referred to as ROGs. Both ROGs and VOCs are emitted from the incomplete combustion of hydrocarbons or other carbon-based fuels, or as a product of chemical processes. The major sources of hydrocarbons are combustion engine exhaust, oil refineries, and oil-fueled power plants; other common sources are petroleum fuels, solvents, dry-cleaning solutions, and paint (through evaporation).

The health effects of hydrocarbons result from the formation of ozone. High levels of hydrocarbons in the atmosphere can interfere with oxygen intake by reducing the amount of available oxygen through displacement. Carcinogenic forms of hydrocarbons are considered TACs. There are no separate health standards for ROGs, although some are also toxic; an example is benzene, which is both a ROG and a carcinogen.

Nitrogen Oxides

Nitrogen oxides are a family of highly reactive gases that are a primary precursor to the formation of ground-level ozone and react in the atmosphere to form acid rain. Nitrogen dioxide (NO₂) is a brownish, highly reactive gas that is present in all urban environments. The major human sources of NO₂ are combustion devices, such as boilers, gas turbines, and mobile and stationary reciprocating internal combustion engines. Combustion devices emit primarily NO, which reacts through oxidation in the atmosphere to form NO₂ (U.S. Environmental Protection Agency 2013a). The combined emissions of NO and NO₂ are referred to as NO_x and reported as equivalent NO₂. Because NO₂ is formed and depleted by reactions associated with ozone, the NO₂ concentration in a particular geographical area may not be representative of local NO_x emission sources.

Inhalation is the most common route of exposure to NO₂. Because NO₂ has relatively low solubility in water, the principal site of toxicity is in the lower respiratory tract. The severity of the adverse health effects primarily depends on the concentration inhaled rather than the duration of exposure. An individual may experience a variety of acute symptoms, such as coughing, difficulty breathing, vomiting, headache, and eye irritation during or shortly after exposure. After a period of

approximately 4–12 hours, an exposed individual may experience chemical pneumonitis or pulmonary edema with breathing abnormalities, cough, cyanosis, chest pain, and rapid heartbeat. Severe symptomatic NO₂ intoxication after acute exposure has been linked to prolonged respiratory impairment, with such symptoms as chronic bronchitis and decreased lung function (U.S. Environmental Protection Agency 2012a).

Carbon Monoxide

CO has little effect on plants and materials, but it can have significant effects on human health. CO is a public health concern because it combines readily with hemoglobin and thus reduces the amount of oxygen transported in the bloodstream. Effects range from slight headaches to nausea to death.

Motor vehicles are the primary source of CO emissions in most areas. In El Dorado County, high CO levels are of greatest concern during the winter, when periods of light winds combine with the formation of ground-level temperature inversions from evening through early morning. These conditions trap pollutants near the ground, reducing the dispersion of vehicle emissions. Moreover, motor vehicles exhibit increased CO emission rates at low air temperatures. Dramatic reductions in CO levels across California have been witnessed during the past several decades, including a 50% decrease in statewide peak CO levels between 1980 and 2004. These reductions are primarily a result of ARB requirements for cleaner vehicles, equipment, and fuels (California Air Resources Board 2004:1).

Particulate Matter

Particulate matter pollution consists of very small liquid and solid particles floating in the air, which can include smoke, soot, dust, salts, acids, and metals. Particulate matter also forms when gases emitted from industries and motor vehicles undergo chemical reactions in the atmosphere. Particulate matter less than 10 microns in diameter, about 1/7th the thickness of a human hair, is referred to as PM₁₀. Particulate matter that is 2.5 microns or less in diameter, roughly 1/28th the diameter of a human hair, is referred to as PM_{2.5}. Major sources of PM₁₀ include motor vehicles; wood burning stoves and fireplaces; dust from construction, landfills, and agriculture; wildfires and brush/waste burning; industrial sources; windblown dust from open lands; and atmospheric chemical and photochemical reactions. PM_{2.5} results from fuel combustion (from motor vehicles, power generation, and industrial facilities), residential fireplaces, and wood stoves. In addition, PM₁₀ and PM_{2.5} can be formed in the atmosphere from gases such as SO₂, NO_x, and VOCs.

PM₁₀ and PM_{2.5} pose a greater health risk than larger-size particles. When inhaled, these tiny particles can penetrate the human respiratory system's natural defenses and damage the respiratory tract. PM₁₀ and PM_{2.5} can increase the number and severity of asthma attacks, cause or aggravate bronchitis and other lung diseases, and reduce the body's ability to fight infections. Very small particles of substances, such as lead, sulfates, and nitrates, can cause lung damage directly. These substances can be absorbed into the blood stream and cause damage elsewhere in the body; they can also transport absorbed gases such as chlorides or ammonium into the lungs and cause injury. Whereas particles 2.5 to 10 microns in diameter tend to collect in the upper portion of the respiratory system, particles 2.5 microns or less are so tiny that they can penetrate deeper into the lungs and damage lung tissues. Suspended particulates also damage and discolor surfaces on which they settle and contribute to haze and reduce regional visibility.

Toxic Air Contaminants

TACs are pollutants that may result in an increase in mortality or serious illness or that may pose a present or potential hazard to human health. Health effects of TACs include cancer, birth defects, neurological damage, damage to the body's natural defense system, and diseases that lead to death. In 1998, following a 10-year scientific assessment process, ARB identified particulate matter from diesel-fueled engines (DPM) as a TAC. Compared to other air toxics ARB has identified, DPM emissions are estimated to be responsible for about 70% of the total ambient air toxics risk (California Air Resources Board 2000:1).

Naturally Occurring Asbestos

Asbestos is the name given to a number of naturally occurring fibrous silicate minerals. It has been mined for applications requiring thermal insulation, chemical and thermal stability, and high tensile strength. In addition to finding asbestos in older buildings, it is also found in its natural state (NOA).

Exposing or disturbing rock and soil that contains NOA can result in the release of fibers to the air and, consequently, public exposure. Asbestos most commonly occurs in ultramafic rock that has undergone partial or complete alteration to serpentine rock (or serpentinite) and often contains chrysotile asbestos. In addition, another form of asbestos, tremolite, can be found associated with ultramafic rock, particularly near geologic faults. Bands of NOA, trending in a north-south direction, are found in western El Dorado County in the general vicinities of Georgetown and El Dorado Hills (California Department of Conservation 2000). Sources of asbestos emissions include unpaved roads or driveways surfaced with ultramafic rock, construction activities in ultramafic rock deposits, or rock quarrying facilities where ultramafic rock is present.

Exposure and disturbance of rock and soil that contain asbestos can result in the release of fibers to the air and consequent exposure to the public. Asbestos can result in a human health hazard when airborne. The inhalation of asbestos fibers into the lungs can result in a variety of adverse health effects, including inflammation of the lungs, respiratory ailments (e.g., asbestosis, which is scarring of lung tissue that results in constricted breathing), and cancer (e.g., lung cancer and mesothelioma, which is cancer of the linings of the lungs and abdomen).

Greenhouse Gases

The primary GHGs of concern are CO₂, CH₄, N₂O, HFCs, and SF₆. Each of these gases is discussed in detail below.

To simplify reporting and analysis, methods have been set forth to describe emissions of GHGs in terms of a single gas. The most commonly accepted method to compare GHG emissions is the global warming potential (GWP) methodology defined in the Intergovernmental Panel on Climate Change (IPCC) reference documents (Intergovernmental Panel on Climate Change 1996, 2001:241–280). The IPCC defines the GWP of various GHG emissions on a normalized scale that recasts all GHG emissions in terms of CO₂e, which compares the gas in question to that of the same mass of CO₂ (CO₂ has a GWP of 1 by definition).

Table 3.3-2 lists the GWP of CO₂, CH₄, N₂O, HCFs, and SF₆; their lifetimes; and abundances in the atmosphere.

Table 3.3-2. Abundance, Lifetime, and Global Warming Potential of Primary Greenhouse Gases

Greenhouse Gases	Current Atmospheric Abundance	Lifetime (years)	Global Warming Potential (100 years)
CO ₂ (ppm)	397	50–200	1
CH ₄ (ppb)	1,874	12	25
N ₂ O (ppb)	324	114	298
HFC-23 (ppt)	18	270	14,800
HFC-134a (ppt)	68	14	1,430
HFC-152a (ppt)	3.9	1.4	124
SF ₆ (ppt) ^a	7.5	3,200	22,800

Sources: Intergovernmental Panel on Climate Change 2007b; Carbon Dioxide Information Analysis Center 2013; National Oceanic and Atmospheric Administration 2013.

Notes:

ppm = parts per million.

ppb = parts per billion.

ppt = parts per trillion.

Carbon Dioxide

CO₂ is the most important anthropogenic GHG, accounting for more than 75% of all GHG emissions caused by humans. Its atmospheric lifetime of 50–200 years ensures that atmospheric concentrations of CO₂ will remain elevated for decades even after mitigation efforts to reduce GHG concentrations are promulgated (Intergovernmental Panel on Climate Change 2007a). The primary sources of anthropogenic CO₂ in the atmosphere include the burning of fossil fuels (including motor vehicles), gas flaring, cement production, and land use changes (e.g., deforestation, oxidation of elemental carbon). CO₂ can also be removed from the atmosphere by photosynthetic organisms.

Atmospheric CO₂ has increased from a pre-industrial concentration in the atmosphere of 280 parts per billion (ppb) to 397 parts per million (ppm) as of December 2013 (Intergovernmental Panel on Climate Change 2007b; Carbon Dioxide Information Analysis Center 2012).

Methane

CH₄, the main component of natural gas, is the second most abundant GHG (Intergovernmental Panel on Climate Change 1996). Sources of anthropogenic emissions of CH₄ include growing rice, raising cattle, using natural gas, landfill outgassing, and mining coal (National Oceanic and Atmospheric Administration 2011). Certain land uses also function as both a source of CH₄ and sink (i.e., they remove CH₄ from the atmosphere). For example, the primary terrestrial source of CH₄ is wetlands; however, when undisturbed, aerobic soil acts as a CH₄ sink.

Atmospheric CH₄ has increased from a pre-industrial concentration of 715 ppb to 1,774 ppb in 2005 (Intergovernmental Panel on Climate Change 2007b) and is at 1,874 ppb as of December 2013 (National Oceanic and Atmospheric Administration 2013).

Nitrous Oxide

N₂O is a powerful GHG, with a GWP of 310 (Intergovernmental Panel on Climate Change 1996). Anthropogenic sources of N₂O include agricultural processes (e.g., fertilizer application), nylon

production, fuel-fired power plants, nitric acid production, and vehicle emissions. N₂O also is used in rocket engines, racecars, and as an aerosol spray propellant. Natural processes, such as nitrification and denitrification, can also produce N₂O, which can be released to the atmosphere by diffusion. In the United States (U.S.) more than 70% of N₂O emissions are related to agricultural soil management practices, particularly fertilizer application.

N₂O concentrations in the atmosphere have increased 18% from pre-industrial levels of 270 ppb to 323 ppb (Intergovernmental Panel on Climate Change 2007b; Carbon Dioxide Information Analysis Center 2012).

Hydrofluorocarbons

HFCs are anthropogenic chemicals used in commercial, industrial, and consumer products and have high GWPs (U.S. Environmental Protection Agency 2013b). HFCs are generally used as substitutes for ozone-depleting substances (ODS) in automobile air conditioners and refrigerants. As seen in Table 3.3-2, the most abundant HFCs, in descending order, are HFC-134a, HFC-23, and HFC-152a.

As of December 2013, HCF concentrations in the atmosphere have risen from 0 to over 64 (HFC-134a) since pre-industrial times (Intergovernmental Panel on Climate Change 2007b; Carbon Dioxide Information Analysis Center 2012).

Sulfur Hexafluoride

SF₆, a human-made chemical, is used as an electrical insulating fluid for power distribution equipment, in the magnesium industry, in semiconductor manufacturing, and also as a tracer chemical for the study of oceanic and atmospheric processes (U.S. Environmental Protection Agency 2013b). Atmospheric concentrations of SF₆ are currently 7.4 ppt and steadily increasing in the atmosphere. SF₆ is the most powerful of all GHGs listed in IPCC studies, with a GWP of 23,900 (Intergovernmental Panel on Climate Change 1996).

As of December 2013, SF₆ concentrations in the atmosphere have risen from 0 to over 7.5 ppt since pre-industrial times.

Existing Air Quality Conditions

The existing air quality conditions in El Dorado County can be characterized by monitoring data collected in the region. Three stations monitor ozone and one station monitors PM₁₀. There are no monitoring stations in the county that collect data on CO, PM_{2.5} or NO₂. Table 3.3-3 summarizes ozone and PM₁₀ levels from monitoring stations in the county for the last 3 years for which complete data are available (2010–2012). Air quality concentrations are expressed in terms of ppm or micrograms per cubic meter (µg/m³). As shown in Table 3.3-3, the monitoring stations have experienced frequent violations of the ozone NAAQS and CAAQS.

Table 3.3-3. Recent Criteria Air Pollutant Levels for El Dorado County

Pollutant Standards	2010	2011	2012
<i>Ozone (O₃)</i>			
Maximum 1-hour concentration (ppm)			
Cool-Highway 193	0.110	0.108	0.117
Echo Summit	0.083	0.108	0.084
Placerville-Gold Nugget Way	0.112	0.103	0.108
Maximum 8-hour concentration (ppm)			
Cool-Highway 193	0.093	0.094	0.095
Echo Summit	0.070	0.071	0.076
Placerville-Gold Nugget Way	0.102	0.086	0.096
Number of days standard exceeded ^b			
CAAQS 1-hour (>0.09 ppm)			
Cool-Highway 193	5	12	5
Echo Summit	0	1	0
Placerville-Gold Nugget Way	3	2	6
CAAQS 8-hour (>0.070 ppm)			
Cool-Highway 193	18	41	16
Echo Summit	3	1	11
Placerville-Gold Nugget Way	19	16	50
NAAQS 8-hour (>0.075 ppm)			
Cool-Highway 193	6	24	8
Echo Summit	0	0	1
Placerville-Gold Nugget Way	8	5	20
<i>Particulate Matter (PM₁₀)^c</i>			
National ^d maximum 24-hour concentration (µg/m ³)			
South Lake Tahoe-Sandy Way	*	*	*
National ^d second-highest 24-hour concentration (µg/m ³)			
South Lake Tahoe-Sandy Way	*	*	*
State ^e maximum 24-hour concentration (µg/m ³)			
South Lake Tahoe-Sandy Way	71.4	55.8	84.1
State ^e second-highest 24-hour concentration (µg/m ³)			
South Lake Tahoe-Sandy Way	54.2	53.7	70.1
National annual average concentration (µg/m ³)			
South Lake Tahoe-Sandy Way	*	*	*
State annual average concentration (µg/m ³) ^f			
South Lake Tahoe-Sandy Way	*	*	*
Number of days standard exceeded ^b			
NAAQS 24-hour (>150 µg/m ³) ^f			
South Lake Tahoe-Sandy Way	*	*	*
CAAQS 24-hour (>50 µg/m ³) ^f			

Pollutant Standards	2010	2011	2012
South Lake Tahoe-Sandy Way	2	3	4

Source: California Air Resources Board 2013b

Notes:

ppm = parts per million

NAAQS = National Ambient Air Quality Standards

CAAQS = California Ambient Air Quality Standards

$\mu\text{g}/\text{m}^3$ = micrograms per cubic meter

mg/m^3 = milligrams per cubic meter

- = data not available

^a An exceedance of a standard is not necessarily a violation, as each pollutant has specific criteria on which a violation of the state and federal standards would occur.

^b National statistics are based on standard conditions data. In addition, national statistics are based on samplers using federal reference or equivalent methods.

^c State statistics are based on local conditions data, except in the South Coast Air Basin, for which statistics are based on standard conditions data. In addition, state statistics are based on California approved samplers.

^d Measurements usually are collected every 6 days.

^e State criteria for ensuring that data are sufficiently complete for calculating valid annual averages are more stringent than the national criteria.

^f Mathematical estimate of how many days concentrations would have been measured as higher than the level of the standard had each day been monitored. Values have been rounded.

* Insufficient data.

Attainment Status and Air Quality Planning

If monitored pollutant concentrations meet state or federal standards over a designated period of time, the area is classified as being in attainment for that pollutant. If monitored pollutant concentrations violate the standards, the area is considered a nonattainment area for that pollutant. If an area was previously designated as nonattainment, but was re-designated as attainment, the area is designated as a maintenance area but must submit a maintenance plan to EPA to ensure the attainment of the NAAQS for any pollutant is maintained. The plan must demonstrate continued attainment of the applicable NAAQS for at least 10 years after the approval of a re-designation to attainment. If data are insufficient to determine whether a pollutant is violating the standard, the area is designated attainment/unclassified.

Environmental Protection Agency Status

EPA has classified the non-Lake Tahoe portion of El Dorado County (the MCAB) as a severe nonattainment area for the 8-hour ozone standard, and the Lake Tahoe region as an attainment area for the 8-hour ozone standard. For the CO 1-hour and 8-hour standards, EPA has classified El Dorado County as a partial attainment area and a partial maintenance area. The Lake Tahoe region and a small portion of the western end of the county near El Dorado Hills are classified as maintenance areas, while the rest of the county is classified as an attainment area for the CO standard. For the PM₁₀ 24-hour standard, EPA has classified the entire county as an attainment area. For PM_{2.5}, EPA has classified the western region of the county near the greater Sacramento region as a nonattainment area, and the rest of the county as an attainment area.

California Air Resources Board Status

For the 1-hour ozone standard, ARB has classified the central portion of the county as a nonattainment area, the western portion of the county near the greater Sacramento region as a serious nonattainment area, and the Lake Tahoe region as an attainment area. For the 8-hour ozone standard, ARB has classified the non-Lake Tahoe region as a nonattainment area and the Lake Tahoe region as a nonattainment-transitional area. For the CO 1-hour and 8-hour standards, ARB has classified the non-Lake Tahoe region as an unclassified/attainment area and the Lake Tahoe region as an attainment area. For the PM10 standard, ARB has classified the entire county as a nonattainment area. For the PM2.5 standard, ARB has classified the non-Lake Tahoe region as an unclassified/attainment area and the Lake Tahoe region as an attainment area. El Dorado County's attainment status for each of these pollutants relative to the NAAQS and CAAQS is summarized in Table 3.3-4.

Table 3.3-4. Federal and State Criteria Pollutant Attainment Status for El Dorado County

Criteria Pollutant	Non-Lake Tahoe Region		Lake Tahoe Region	
	Federal Designation	State Designation	Federal Designation	State Designation
O ₃ (1-hour)	-- ^a	Partial Nonattainment Partial Serious Nonattainment ^b	-- ^a	Attainment
O ₃ (8-hour)	Severe-15 Nonattainment	Nonattainment	Attainment	Nonattainment-Transitional
CO	Partial Maintenance ^c	Unclassified/Attainment	Maintenance	Attainment
PM10	Attainment	Nonattainment	Attainment	Nonattainment
PM2.5	Partial Nonattainment ^d	Unclassified/Attainment	Attainment	Attainment
NO ₂	Attainment	Attainment	Attainment	Attainment
SO ₂	Attainment	Attainment	Attainment	Attainment
Lead	Attainment	Attainment	Attainment	Attainment
Sulfates	(No Federal Standard)	Attainment	(No Federal Standard)	Attainment
Hydrogen Sulfide	(No Federal Standard)	Unclassified/Attainment	(No Federal Standard)	Unclassified/Attainment
Visibility	(No Federal Standard)	Unclassified/Attainment	(No Federal Standard)	Unclassified/Attainment

Notes for Table 3.3-4.

Source: California Air Resources Board 2014.

Notes:

CO = carbon monoxide

PM10 = particulate matter less than or equal to 10 microns

PM2.5 = particulate matter less than or equal to 2.5 microns

NO₂ = nitrogen dioxide

SO₂ = sulfur dioxide

- ^a The federal 1-hour standard of 12 parts per hundred million (pphm) was in effect from 1979 through June 15, 2005. The revoked standard is referenced here because it was employed for such a long period and because this benchmark is addressed in the state implementation plans.
- ^b The county's state 1-hour ozone attainment is divided into three regions. The western portion of the county that is located in the greater Sacramento region is a serious nonattainment area, the central portion of the county is a nonattainment area, and the South Shore Lake Tahoe area is an attainment area.
- ^c The area around El Dorado Hills is a maintenance area for the CO designation. The rest of the county is an attainment area.
- ^d The Western portion of the county that is located in the greater Sacramento region is a nonattainment area for the federal PM2.5 designation. This includes the cities of Placerville, El Dorado Hills, and Cameron Park. The rest of the county is an attainment area.

Existing Air Quality Inventory

The county is home to many industries, processes, and actions that generate emissions of criteria pollutants. ARB compiles an emissions inventory for all sources of emissions within El Dorado County. This inventory is used by the EDCAQMD and ARB for regional air quality planning purposes and is the basis for the region's air quality plans, and includes such sources as stationary sources (e.g., landfills, food processing, mineral processes); area-wide sources (e.g., farming operations, construction/demolition activities, residential fuel combustion); and mobile sources (e.g., automobiles, aircraft, off-road equipment). Current emissions of criteria pollutants for 2008 are summarized in Table 3.3-5.

Table 3.3-5. El Dorado County Existing Emissions Inventory

Source Type	Subcategory	Annual Emissions (tons per day)						
		TOG	ROG	CO	NO _x	SO _x	PM10	PM2.5
Stationary Sources								
Fuel Combustion								
Stationary	Manufacturing and Industrial	0.04	0.02	0.28	0.12	0.02	0.15	0.15
Stationary	Food and Agricultural Processing	0.00	0.00	0.01	0.02	0.00	0.00	0.00
Stationary	Service and Commercial	0.01	0.00	0.02	0.08	0.00	0.01	0.01
Stationary	Other (Fuel Combustion)	0.01	0.01	0.02	0.07	0.00	0.00	0.00
<i>Total fuel combustion</i>		0.06	0.03	0.33	0.29	0.02	0.16	0.16
Waste Disposal								
Stationary	Landfills	2.80	0.02	0.00	0.01	0.00	0.00	0.00
Stationary	Other (Waste Disposal)	0.20	0.02	0.00	0.00	0.00	0.00	0.00
<i>Total waste disposal</i>		3.00	0.04	0.00	0.01	0.00	0.00	0.00

Source Type	Subcategory	Annual Emissions (tons per day)						
		TOG	ROG	CO	NO _x	SO _x	PM10	PM2.5
Cleaning and Surface Coatings								
Stationary	Laundering	0.01	0.01	0.00	0.00	0.00	0.00	0.00
Stationary	Degreasing	0.13	0.11	0.00	0.00	0.00	0.00	0.00
Stationary	Coatings and Related Process Solvents	0.29	0.28	0.00	0.00	0.00	0.00	0.00
Stationary	Printing	0.04	0.04	0.00	0.00	0.00	0.00	0.00
Stationary	Adhesives and Sealants	0.07	0.06	0.00	0.00	0.00	0.00	0.00
<i>Total cleaning and surface coatings</i>		0.54	0.50	0.00	0.00	0.00	0.00	0.00
Petroleum Production and Marketing								
Stationary	Petroleum Marketing	6.15	0.32	0.00	0.00	0.00	0.00	0.00
<i>Total petroleum production and marketing</i>		6.15	0.32	0.00	0.00	0.00	0.00	0.00
Industrial Processes								
Stationary	Chemical	0.01	0.01	0.00	0.00	0.00	0.06	0.04
Stationary	Food and Agriculture	0.02	0.02	0.00	0.00	0.00	0.00	0.00
Stationary	Mineral Processes	0.00	0.00	0.05	0.01	0.00	0.29	0.16
Stationary	Wood and Paper	0.00	0.00	0.00	0.00	0.00	0.16	0.11
<i>Total industrial processes</i>		0.03	0.03	0.05	0.01	0.00	0.51	0.31
<i>Total stationary sources</i>		9.78	0.92	0.38	0.31	0.02	0.67	0.47
Areawide Sources								
Solvent Evaporation								
Areawide	Consumer Products	1.38	1.18	0.00	0.00	0.00	0.00	0.00
Areawide	Architectural Coatings and Related Process Solvents	0.66	0.64	0.00	0.00	0.00	0.00	0.00
Areawide	Pesticides/Fertilizers	0.02	0.02	0.00	0.00	0.00	0.00	0.00
Areawide	Asphalt Paving/Roofing	0.50	0.50	0.00	0.00	0.00	0.00	0.00
<i>Total solvent evaporation</i>		2.56	2.34	0.00	0.00	0.00	0.00	0.00
Miscellaneous Processes								
Areawide	Residential Fuel Combustion	5.92	2.60	36.39	0.74	0.17	5.98	5.60
Areawide	Farming Operations	2.22	0.18	0.00	0.00	0.00	0.05	0.02
Areawide	Construction and Demolition	0.00	0.00	0.00	0.00	0.00	2.31	1.13
Areawide	Paved Road Dust	0.00	0.00	0.00	0.00	0.00	10.38	4.75
Areawide	Unpaved Road Dust	0.00	0.00	0.00	0.00	0.00	14.87	8.84
Areawide	Fugitive Windblown Dust	0.00	0.00	0.00	0.00	0.00	0.21	0.12
Areawide	Fires	0.00	0.00	0.03	0.00	0.00	0.00	0.00
Areawide	Managed Burning and Disposal	0.23	0.13	4.20	0.00	0.00	0.26	0.25
Areawide	Cooking	0.02	0.02	0.00	0.00	0.00	0.12	0.08
<i>Total miscellaneous processes</i>		8.39	2.93	40.62	0.74	0.17	34.18	20.79
Total areawide sources		10.95	5.27	40.62	0.74	0.17	34.18	20.79
Mobile Sources								
On-Road Motor Vehicles								
Mobile	Light Duty Passenger	1.15	1.08	8.54	0.70	0.01	0.06	0.06

Source Type	Subcategory	Annual Emissions (tons per day)						
		TOG	ROG	CO	NO _x	SO _x	PM10	PM2.5
Mobile	Light Duty Trucks - 1	1.07	1.00	8.92	0.77	0.00	0.04	0.04
Mobile	Light Duty Trucks - 2	0.77	0.71	6.73	0.81	0.01	0.05	0.05
Mobile	Medium Duty Trucks	0.39	0.36	3.81	0.47	0.00	0.02	0.02
Mobile	Light Heavy Duty Gas Trucks-1	0.18	0.17	1.22	0.19	0.00	0.00	0.00
Mobile	Light Heavy Duty Gas Trucks-2	0.09	0.08	0.58	0.06	0.00	0.00	0.00
Mobile	Medium Heavy Duty Gas Trucks	0.12	0.11	0.82	0.06	0.00	0.00	0.00
Mobile	Heavy Heavy Duty Gas Trucks	0.05	0.04	0.60	0.06	0.00	0.00	0.00
Mobile	Light Heavy Duty Diesel Trucks-1	0.01	0.01	0.06	0.29	0.00	0.00	0.00
Mobile	Light Heavy Duty Diesel Trucks-2	0.01	0.01	0.04	0.20	0.00	0.00	0.00
Mobile	Medium Heavy Duty Diesel Trucks	0.01	0.01	0.07	0.40	0.00	0.01	0.01
Mobile	Heavy Heavy Duty Diesel Trucks	0.04	0.03	0.13	0.46	0.00	0.02	0.02
Mobile	Motorcycles	0.42	0.40	2.99	0.10	0.00	0.00	0.00
Mobile	Heavy Duty Diesel Urban Buses	0.00	0.00	0.01	0.04	0.00	0.00	0.00
Mobile	Heavy Duty Gas Urban Buses	0.01	0.01	0.04	0.00	0.00	0.00	0.00
Mobile	School Buses	0.01	0.01	0.09	0.08	0.00	0.00	0.00
Mobile	Other Buses	0.01	0.01	0.13	0.04	0.00	0.00	0.00
Mobile	Motor Homes	0.02	0.02	0.62	0.09	0.00	0.00	0.00
<i>Total on-road motor vehicles</i>		4.36	4.06	35.40	4.82	0.02	0.20	0.20
Other Mobile Sources								
Mobile	Aircraft	0.31	0.28	3.12	0.20	0.03	0.09	0.09
Mobile	Commercial Harbor Craft	0.02	0.02	0.08	0.27	0.00	0.01	0.01
Mobile	Recreational Boats	2.18	2.06	16.24	0.81	0.00	0.12	0.11
Mobile	Off-Road Recreational Vehicles	2.89	2.70	6.27	0.06	0.03	0.04	0.03
Mobile	Off-Road Equipment	1.00	0.90	6.82	1.99	0.00	0.14	0.13
Mobile	Farm Equipment	0.11	0.09	0.53	0.47	0.00	0.03	0.03
Mobile	Fuel Storage and Handling	0.12	0.12	0.00	0.00	0.00	0.00	0.00
<i>Total other mobile sources</i>		6.63	6.17	33.06	3.80	0.06	0.43	0.40
Total mobile sources		10.99	10.23	68.46	8.62	0.08	0.63	0.60
Total All Sources		31.72	16.42	109.46	9.67	0.27	35.48	21.86

Notes:

- TOG = Total organic gases
 ROG = Reactive organic gases
 CO = Carbon monoxide
 NO_x = Oxides of Nitrogen
 SO_x = Oxides of Sulfur
 PM = Total particulate matter
 PM10 = Particulate matter 2.5 microns or less in diameter
 PM2.5 = Particulate matter 2.5 microns or less in diameter

Source: California Air Resources Board 2009

Sensitive Receptors

The EDCAQMD generally defines a sensitive receptor as people, or facilities that generally house people (schools, hospitals, clinics, elderly housing, residences, etc.), that may experience adverse effects from unhealthful concentrations of air pollutants. Sensitive receptors that could be affected by air pollutant emissions are located throughout the county and are concentrated in urbanized and populated areas.

3.3.2 Environmental Impacts

Impact Mechanisms

The impact mechanisms for air quality and GHGs are generally the same as for agricultural and forestry resources, biological resources, and land use and planning. These include the TGPA policies related to increased density in mixed use developments, and specific uses that may be authorized under the ZOU by discretionary permit.

The Camino/Pollock Pines Community Region boundary split does not change any land uses, other than to reduce overall development potential by effectively lowering the maximum residential density for mixed use development, so it will not have any impact on air quality or GHG emissions. Similarly, the TGPA changes to the Agricultural District boundaries will not result in land use changes that would have the potential to affect air quality or GHG emissions.

The project includes rezoning of individual parcels throughout the county as needed to make the zoning classifications on each property consistent with the property's General Plan designation. Where there is more than one zone classification that would be consistent with the General Plan, these changes generally adopt the least intensive of those zones. The development potential of the parcels is currently determined by the densities and intensities established in the General Plan. The rezonings would not change the development potential associated with implementation of the General Plan and Zoning Ordinance.

Methods of Analysis

Because there are no development projects proposed as part of the project, the impacts on air quality and GHG emissions are examined at a general level in this DEIR.

Long-term air quality impacts from motor vehicles operating within the project area were evaluated using traffic data provided by the project traffic engineers, Kimley-Horn and Associates, and ARB's CT-EMFAC emissions model (version 5.0).

CO concentrations within the project area were evaluated following the Caltrans CO protocol (Garza et al. 1997) to evaluate whether the project would cause or contribute to localized violations of the state or federal ambient standards in the project vicinity. CO concentrations at potential sensitive receptors near congested roadways were estimated using CALINE4 dispersion modeling.

Thresholds of Significance

In accordance with Appendix G of the State CEQA Guidelines, the project would be considered to have a significant effect if it would result in any of the conditions listed below.

- Conflict with or obstruct implementation of the applicable air quality plan.

- Violate any air quality standard or contribute substantially to an existing or projected air quality violation.
- Result in a cumulatively considerable net increase of any criteria pollutant for which the project region is a nonattainment area for an applicable federal or state ambient air quality standard (including releasing emissions that exceed quantitative thresholds for ozone precursors).
- Expose sensitive receptors to substantial pollutant concentrations.
- Create objectionable odors affecting a substantial number of people.
- Generate greenhouse gas emissions, either directly or indirectly, that may have a significant impact on the environment.
- Conflict with an applicable plan, policy, or regulation adopted for the purpose of reducing the emissions of greenhouse gases.

The 2004 General Plan EIR applied essentially the same set of impact criteria in its analysis and considered the following five impacts.

- Construction emissions of ROG, NO_x, and PM10.
- Long-term operational (regional) emissions of ROG, NO_x, and PM10.
- Toxic air emissions.
- Local mobile-source emissions of CO.
- Odorous emissions.

The DEIR will apply a combination of these impact criteria to the project. The project is limited in its scope because it is amending targeted General Plan policies and revising the zoning ordinance. It is not, for the most part, changing the pattern of land use established under the General Plan. This warrants a slightly different approach from that taken in the 2004 General Plan EIR. The DEIR will consider the following impacts.

- Generate construction-related emissions in excess of EDCAQMD thresholds.
- Generate on-road mobile source criteria pollutant emissions in excess of EDCAQMD thresholds.
- Temporarily generate naturally occurring asbestos during grading and construction activities.
- Expose sensitive receptors to substantial concentrations of carbon monoxide.
- Expose sensitive receptors to substantial pollutant concentrations.
- Expose sensitive receptors to substantial odors.
- Generate greenhouse gas emissions, either directly or indirectly, that may have a significant impact on the environment.

EDCAQMD Construction Thresholds of Significance

According to the State CEQA Guidelines, the significance criteria established by the applicable air quality management or air pollution control district may be relied on to make significance determinations for potential impacts on environmental resources. As discussed above, the EDCAQMD is responsible for ensuring that state and federal ambient air quality standards are not violated within the MCAB or the LTAB. The EDCAQMD has developed its own thresholds, which can

be grouped into two categories: construction or operational (El Dorado County Air Quality Management District 2002).

For construction, the EDCAQMD has established the following thresholds.

- Construction dust.
- Criteria pollutant emissions (ROG, NO_x, CO, and PM10).
- Diesel exhaust TAC emissions.

Note that the project does not propose any site-specific development and, therefore, does not directly involve any construction or operations. The characteristics of the construction and operations of future development pursuant to the project cannot be known at this time and would be purely speculative.

Construction Dust Threshold

Construction-related emissions are generally short term in duration but may still cause adverse air quality impacts. PM10 is the pollutant of greatest concern with respect to construction activities. PM10 emissions can result from a variety of construction activities, including excavation and grading, vehicle travel on paved and unpaved surfaces, and vehicle equipment and exhaust.

Because PM2.5 air quality standards are relatively recent, the EDCAQMD's *Guide to Air Quality Assessment, Determining Significance of Air Quality Impacts Under the California Environmental Quality Act* (El Dorado County Air Quality Management District 2002) focuses on PM10 rather than PM2.5. However, the use of the PM10 standard as a surrogate for the assessment of PM2.5 impacts is considered appropriate as PM2.5 is a substituent of PM10. According to the EDCAQMD's Guide, mass emissions of fugitive dust PM10 need not be quantified and may be assumed to be not significant if the project includes mitigation measures that will prevent visible dust beyond the property lines. This is because mitigation measures that control fugitive dust emissions can reduce fugitive dust emissions by approximately 50–75%. However, without mitigation, uncontrolled construction dust would be considered a significant impact.

Construction-Related Criteria Pollutant Emissions Thresholds

The EDCAQMD's threshold for construction-related emissions of ROG and NO_x is 82 pounds per day. However, this is a combined threshold, where the total ozone threshold is 164 pounds per day. With the combined threshold, emissions of one pollutant may be in excess of 82 pounds per day; however, as long as the combined total is below 164 lbs. per day, the impact is considered less than significant. For example, a project with NO_x emissions of 100 pounds per day and ROG emissions of 20 pounds per day would be considered less than significant because the combined total would be 120 pounds per day, which is below the combined threshold of 164 pounds per day.

The EDCAQMD has established screening criteria based on average daily fuel use per quarter of construction activity to help determine if construction related emissions would remain below the EDCAQMD's combined construction threshold of 164 pounds per day. According to the EDCAQMD, construction-related emissions of ROG and NO_x are considered less than significant for projects in which the average daily fuel use is kept below the levels indicated in Table 3.3-6.

Table 3.3-6. EDCAQMD Construction Equipment Fuel Use Screening Levels

Equipment Age Distribution	Average Daily Fuel Use (Gallons diesel fuel per day)
All equipment 1995 model year or earlier	337
All equipment 1996 model year or later	402

Assumption: 12.5 g/hp-hr ROG+ NO_x for 1995 and earlier equipment (from EPA Nonroad Model); 10.5 g/hp-hr ROG+NO_x for 1996 and later equipment (Based on EPA and CARB Tier 1 standards).
Notes: Determination of fuel use should be documented bases on the equipment manufacturer's data. Use linear interpolation between 337 and 402 gal. Per day in proportion to distribution of equipment into the two age categories; e.g., 50/50 age distribution yields allowable fuel use of $(337 + ((402 - 337) / 2))$ or 370 gal. per day.
Source: El Dorado County Air Quality Management District 2002.

The fuel use values indicated in Table 3.3-6 may be increased based on reasonably documented reduction in ROG or NO_x emissions attributed to mitigation measures such as the use of emulsified fuel, alternative fuels, etc. For example, if an emulsified fuel has been certified by ARB (or other testing acceptable to the EDCAQMD) to reduce NO_x by 15%, then the values in Table 3.3-6 would be raised to 396 gallons per day ($337 / (1 - 0.15)$) for 1995 and earlier equipment and 472 gallons per day ($402 / (1 - 0.15)$) for 1996 and later equipment. Further, the EDCAQMD has established that exhaust emissions of CO and PM10 are considered less than significant if diesel fuel use is kept below the levels indicated in Table 3.3-6 (El Dorado County Air Quality Management District 2002).

Construction-Related Diesel Exhaust Toxic Air Contaminant Emissions

The EDCAQMD has determined that health risks associated with exposure to construction-related diesel particulate matter are considered less than significant if diesel fuel consumption for the duration of construction activities is kept below the levels indicated in Table 3.3-7.

Table 3.3-7. EDCAQMD Fuel Use Screening Criteria for Acceptable Diesel Particulate Matter Health Risk

PM Control Technology	Maximum Gallons of Diesel Fuel Consumption During Construction Phase
T-BACT applied	37,000
T-BACT not applied	3,700

Notes: For the purpose of this screening test, T-BACT is defined as the use of 1996 and later model year engines in all Diesel construction equipment, OR the use of low sulfur Diesel fuel with less than 15 ppm sulfur by weight in all Diesel engines. Determination of fuel use should be documented bases on the equipment manufacturer's data. Maximum gallons of fuel may be interpolated between 37,000 and 3,700 gallons based on the fraction of T-BACT and non T-BACT engines
Source: El Dorado County Air Quality Management District 2002

EDCAQMD Specific Operational Thresholds of Significance

The EDCAQMD has established the following operational significance thresholds.

- Ozone precursor thresholds (ROG and NO_x).
- Other criteria pollutant thresholds (CO and PM10).
- Operational toxic air contaminant (TAC) thresholds.

Operational Ozone Precursor Thresholds (ROG and NO_x)

The EDCAQMD has established operational significance thresholds of 82 pounds per day for ROG and NO_x. Emissions below these levels are considered less than significant. In addition, the EDCAQMD has established screening criteria for the assessment of development projects (Table 3.3-8). Screening based on project size or activity may be used to determine whether the project would exceed the threshold of significance for total emissions from project operation. Table 3.3-8 provides project size or activity cut-points for various types of land uses that the EDCAQMD has determined, based on conservative assumptions, would result in emissions above the EDCAQMD's 82 pounds per day threshold for ROG and NO_x.

Table 3.3-8. EDCAQMD Screening Criteria Projects with Potentially Significant ROG and NO_x Operation Emissions

Development Type	Project Size Likely to Generate 82 lbs/day or more of ROG or NO _x ¹
Single Family Housing (with fireplaces/wood stoves)	230 Dwelling Units (48 Dwelling Units)
Apartments, low-rise (with fireplaces/wood stoves)	350 Dwelling Units (47 Dwelling Units)
General Office	260,000 Square Feet
Medical Office Building	110,000 Square Feet
Warehousing	825,000 Square Feet
Manufacturing ²	620,000 Square Feet
Industrial Park ²	350,000 Square Feet
Hospital	125,000 Square Feet
Bank/Financial Institution (with drive-thru)	30,000 Square Feet
Quality Restaurant	55,000 Square Feet
Fast Food Restaurant (with drive-thru)	8,000 Square Feet
Office Park	210,000 Square Feet
Convenience Market (24 Hr.)	8,500 Square Feet
Convenience Market (24 Hr.) w/ gasoline pumps	7,600 Square Feet
Supermarket	45,000 Square Feet
Shopping Center	62,000 Square Feet
Motel	480 Rooms
Hotel	490 Rooms
Elementary School	2,100 Students
High School	2,300 Students

¹ Based on URBEMIS7G for Windows, Version 5.1.0; Mountain Counties Air Basin; rural location; Target year 2002; maximum daily emissions for winter conditions (40°F average temperature) or summer conditions (85°F average temperature), whichever is greater

² Based on emissions from indirect sources (motor vehicles) only. Emissions associated with manufacturing or industrial processes, if any, must also be accounted for.

Source: El Dorado County Air Quality Management District 2002

Operational Criteria Pollutant Thresholds (CO and PM10)

For the other criteria pollutants of importance, CO and PM10, significance is based on whether a project would cause or contribute to violations of the California or federal ambient air quality standards. However, if a project meets the screening criteria indicated in Table 3.3-8, then the project's emissions of CO and PM10 are considered to be less than significant. Projects that generate trips of heavy-duty diesel trucks in excess of the proportion generally found to occur on public roadways could potentially generate significant levels of PM10 emissions (El Dorado County Air Quality Management District 2002).

EDCAQMD Greenhouse Gas Thresholds

EDCAQMD's *Guide to Air Quality Assessment* does not currently contain any guidance for the analysis of climate change impacts (El Dorado County Air Quality Management District 2002). However, EDCAQMD is part of an effort to develop regional GHG thresholds with members of Sacramento Metropolitan AQMD, Placer County Air Pollution Control District, Yolo-Solano AQMD, and Feather River AQMD.

In the interim, consultation with district staff indicates that use of San Luis Obispo Air Pollution Control District's (SLOAPCD) GHG thresholds, as identified in Table 3.3-9, are appropriate to evaluate impacts related to climate change (Baughman pers. comm.).

Table 3.3-9. SLOAPCD GHG Thresholds used by EDCAQMD to Evaluate Climate Change Impacts

GHG Emission Source Category	Operational Emissions
Non-stationary Sources	1,150 MTCO ₂ e/yr OR 4.9 MT CO ₂ e/SP/yr
Stationary Sources	10,000 MTCO ₂ e/yr
Source: Baughman pers. comm.	

Impacts and Mitigation Measures**Impact AQ-1: Generate construction-related emissions in excess of EDCAQMD thresholds (significant and unavoidable)**

It is currently unknown what level of construction activities would occur with implementation of the project. Consequently, emissions from construction activities associated with buildout of the project cannot be quantified and are evaluated qualitatively for purposes of this analysis.

2004 General Plan EIR Conclusions

The 2004 General Plan EIR states that development under the General Plan would result in significant and unavoidable construction-related emissions. Construction associated with the General Plan would result in the temporary generation of ozone precursor (ROG, NO_x), CO, and particulate matter exhaust emissions that would result in short-term impacts on ambient air quality in the county. Emissions would originate from mobile and stationary construction equipment exhaust, employee vehicle exhaust, dust from clearing the land, exposed soil eroded by wind, and ROG from architectural coatings and asphalt paving. Construction-related emissions would vary substantially depending on the level of activity, length of the construction period, specific construction operations, types of equipment, number of personnel, wind and precipitation conditions, and soil moisture content.

The 2004 General Plan EIR included the mitigation measures identified below in Table 3.3-10, which are implemented by the General Plan Revised policies listed in the table. The text of the General Plan policy is found in the regulatory setting discussion under Section 3.3.1, *Existing Conditions*, above.

Table 3.3-10. 2004 General Plan EIR Mitigation Measures and General Plan Policies

2004 General Plan EIR Mitigation Measure	Related Adopted General Plan Policy
5.11-1: Use Updated Recommendations to Analyze and Mitigate Potential Air Quality Impacts	6.7.7.1

Project Impacts

As previously indicated, it is currently unknown what level of construction activities would occur with implementation of the project, and quantification of emissions from construction activities is not possible at this time. However, should construction activities exceed the EDCAQMD's thresholds for ROG and NO_x of 82 pounds per day or should fuel use exceed those values found in Table 3.3-6, a significant construction-related impact would occur.

When a County grading permit is required, a fugitive dust plan must be prepared and submitted to the EDCAQMD prior to the commencement of grading activities, pursuant to the EDCAQMD's Rule 223-1. This would help reduce construction-related fugitive dust emissions from future development activity.

Implementation of Mitigation Measure AQ-1 would help to reduce construction-related exhaust emissions and further reduce construction impacts. However, construction emissions could remain in excess of EDCAQMD thresholds if the project undertaken under the ZOU is large (e.g., Ski Area; Industrial, General). Although large projects are generally made subject to a CUP in the ZOU, and CEQA review would be required, that process does not guarantee that a large project would not result in significant and unavoidable impacts. Taking a conservative view, this impact is considered significant and unavoidable.

Mitigation Measure AQ-1: Implement measures to reduce construction-related exhaust emissions

The following additional zoning code change shall be included in the ZOU as Section 17.30.090.

17.30.090. Construction Related Exhaust

For development requiring a discretionary permit, the following measures shall be implemented to reduce construction-related exhaust emissions. The project shall implement one or more of the following measures:

- A. Require the prime contractor to provide an approved plan demonstrating that heavy-duty (i.e., greater than 50 horsepower) off-road vehicles to be used in the construction project, and operated by either the prime contractor or any subcontractor, will achieve, at a minimum, a fleet-averaged 20% NO_x reduction compared to the most recent CARB fleet average. Successful implementation of this measure requires the prime contractor to submit a comprehensive inventory of all off-road construction equipment, equal to or greater than 50 horsepower, that will be used an aggregate of 40 or more hours during the construction project. Usually the inventory includes the horsepower rating, engine production year and

- hours of use or fuel throughput for each piece of equipment. In addition, the inventory list is updated and submitted monthly throughout the duration of when the construction activity occurs.
- B. Stipulate that the prime contractor ensure emissions from all off-road diesel powered equipment used on the project site do not exceed the requirements of EDCAQMD Rule 202. As an enforcement component of the measure, the prime contractor is required to agree to a visual survey of all in-operation equipment conducted on a periodic basis. In addition, a summary of the visual results is submitted throughout the duration of the construction activity. Usually, the summary includes the quantity and type of vehicles surveyed as well as the dates of each survey. The Air District and other qualified officials may conduct periodic site inspections to determine compliance. In the case where any equipment found to exceed the opacity requirement would require immediate repaired, and notification of non-complaint equipment to EDCAQMD.
 - C. Idling times will be minimized by shutting off equipment when it is not in use or by reducing the maximum idling time to 5 minutes (as required by the California airborne toxics control measure Title 13, Section 2485 of California Code of Regulations [CCR]). Clear signage will be provided for construction workers at all access points.
 - D. All construction equipment will be maintained and properly tuned in accordance with manufacturer's specifications. All equipment will be checked by a certified mechanic and determined to be running in proper condition prior to operation.

Impact AQ-2: Generate on-road mobile source criteria pollutant emissions in excess of EDCAQMD thresholds (significant and unavoidable)

2004 General Plan EIR Conclusions

The 2004 General Plan EIR did not specifically address this impact. However, Impact 5.11-2 of the 2004 General Plan EIR states that development under the General Plan would result in significant operation-related emissions as a result of an increase in vehicle trips, use of natural gas, burning, and use of maintenance equipment and consumer products. The 2004 General Plan EIR also suggests that growth would lead to an increase in VMT and mobile source emissions, potentially conflicting with the air quality attainment plan. El Dorado County's adopted 2004 General Plan is not reflected in the currently approved ozone state implementation plan (SIP) (1994 1-hour ozone SIP). While the 2004 General Plan is reflected in the 8-hour ozone SIP, that SIP has not been approved by EPA.

The 2004 General Plan EIR included the mitigation measures identified below in Table 3.3-11, which are implemented by the General Plan Revised policies listed in the table. The text of the General Plan policy is found in the regulatory setting discussion under Section 3.3.1, *Existing Conditions*.

Table 3.3-11. 2004 General Plan EIR Mitigation Measures and General Plan Policies

2004 General Plan EIR Mitigation Measure	Related Adopted General Plan Policy
5.11-1: Use Updated Recommendations to Analyze and Mitigate Potential Air Quality Impacts	6.7.7.1
5.11-2(b): Encourage Use of Alternative-Fuel Vehicles	6.7.2.5
5.11-2(c): Investigate Replacement of Fleet Vehicles with More Fuel-Efficient or Alternative-Fuel Vehicles	6.7.2.6
5.11-2(d): Regulate Wood-Burning Fireplaces and Stoves in New Development	6.7.4.6
5.11-2(e): Develop Incentive Program to Encourage Use of Newer Cleaner-Burning EPA-Certified Wood Stoves	6.7.4.7
5.11-2(f): Synchronize Signalized Intersections	TC-3d
5.11-2(g): Include Pedestrian/Bike Paths Connecting to Adjacent Development	TC-4i

Project Impacts

As indicated in Chapter 2, *Project Description*, the project would not fundamentally change the projected level of development expected to occur under the current General Plan. Also, the project does not propose adding substantially more residences beyond the approximately 20,000 theoretically allowed under the current General Plan. Impacts would be similar to those of the 2004 General Plan.

For this EIR, long-term air quality impacts from motor vehicles operating within the project area were evaluated using traffic data provided by the project traffic engineers, Kimley-Horn and Associates, and ARB's CT-EMFAC emissions model (version 5.0). Table 3.3-12 summarizes the results of the on-road mobile source emissions modeling and presents emissions estimates for each of the traffic study scenarios. Table 3.3-12 also compares the emissions associated with the different study scenarios to no build alternatives for 2010, existing, 2025 interim, and 2035 buildout conditions. The results in Table 3.3-12 indicate that implementation of all study scenarios would result in either decreases in all pollutants or minor increases below applicable EDCAQMD threshold levels. However, the potential conflict with the attainment plan remains. Therefore, this impact is significant and unavoidable.

Table 3.3-12. Comparison of Emissions between Study Scenarios

Study Scenario	Pounds per Day					Metric Tons
	ROG	NO _x	CO	PM10	PM2.5	CO ₂
1. 2010 Baseline Conditions	1,156	6,455	27,489	68	62	572,712
2. Project 2035 Impact	393	1,758	9,246	36	33	541,675
3. 2025 Baseline Conditions	427	2,471	10,298	34	32	514,518
4. Project 2025 Impact	428	2,472	10,306	34	32	514,900
5. 2035 Baseline Conditions	1,215	6,767	28,864	71	65	601,383
6. Cumulative Conditions in 2035	399	1,791	9,357	36	33	547,342
Comparison of project scenarios with no project (project – no project)						
Existing (2010)	-764	-4,697	-18,243	-32	-29	-31,037
Interim (2025)	0	1	8	0	0	382
Buildout (2035)	-816	-4,976	-19,507	-36	-32	-54,042
EDCAQMD Threshold	82	82	--	--	--	1,150
Exceed Threshold?	No	No	--	--	--	No

Impact AQ-3: Temporarily generate naturally occurring asbestos during grading and construction activities (less than significant)**2004 General Plan EIR Conclusions**

The 2004 General Plan EIR did not examine this impact.

Project Impacts

NOA is known to be present in El Dorado County, especially the western portion of the county. Grading and ground-disturbing activities in areas with a moderate likelihood of containing NOA, such as western El Dorado County, may disturb asbestiform-containing soils and generate asbestos dust. Future development projects under the General Plan will likely take place on NOA-laced soils. EDCAQMD's Rule 223-2 and General Plan Policies Policy 6.3.1.1 through 6.3.1.3 would minimize exposure to NOA, reducing this impact to a less-than-significant level.

Impact AQ-4: Expose sensitive receptors to substantial concentrations of carbon monoxide (less than significant)**2004 General Plan EIR Conclusions**

The 2004 General Plan EIR states that development under the General Plan would result in significant CO concentrations at congested roadways and intersections from motor vehicle activity.

The relevant [General Plan] policies would partially mitigate the local mobile-source emissions by reducing traffic to the extent shown herein; however, even though the policies strive for acceptable LOS and would ultimately result in a reduction in traffic congestion, roadway intersections would still inevitably operate at an unacceptable LOS. Thus, local mobile-source CO emissions resulting from implementation of the [General Plan] under 2025 conditions would help to cause CO concentrations that exceed the state 1-hour or 8-hour CO ambient air quality standards of 20 ppm or 9 ppm, respectively. This impact is considered significant.

Project Impacts

CO concentrations within the project area were evaluated following the Caltrans CO protocol (Garza et al. 1997) to evaluate whether the project would cause or contribute to localized violations of the state or federal ambient standards in the project vicinity. CO concentrations at potential sensitive receptors near congested roadways were estimated using CALINE4 dispersion modeling. Table 3.3-12 summarizes CO modeling results for existing-year (2010), interim (2025), and cumulative-year (2035) with-project and without-project conditions. As indicated in Table 3.3-13, no violations of the state or federal 1- or 8-hour CO standards are anticipated in the project area under cumulative-year conditions. Due to continuing improvements in engine technology as a result of relatively stricter emission control standards and the retirement of older, higher-emitting vehicles, vehicle emissions in future years will be lower than current years. As a result, although roadway volumes increase in future years, roadway congestion and volumes are not sufficient to result in elevated CO levels. Consequently, Table 3.3-13 indicates that future year CO concentrations will be lower than existing concentrations. Therefore, the impact of project traffic conditions on ambient CO levels in the project area would be less than significant.

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Table 3.3-13. Carbon Monoxide Concentrations at Greatest Affected Roadway Segments

Segment	Study Scenario 1 ¹		Study Scenario 2 ¹		Study Scenario 3 ¹		Study Scenario 4 ¹		Study Scenario 5 ¹		Study Scenario 6 ¹	
	1-hr CO ²	8-hr CO ³	1-hr CO ²	8-hr CO ³	1-hr CO ²	8-hr CO ³	1-hr CO ²	8-hr CO ³	1-hr CO ²	8-hr CO ³	1-hr CO ²	8-hr CO ³
US50 - EB GP:W. of Zinfandel Drive	8.8	6.0	9.5	6.5	4.0	2.6	4.0	2.6	3.6	2.4	3.7	2.4
US50 - EB GP:E. of Zinfandel Drive	8.8	6.0	9.8	6.7	3.9	2.6	3.9	2.6	3.6	2.4	3.7	2.4
US50 - WB GP:W. of Zinfandel Drive	8.2	5.6	8.7	5.9	3.8	2.5	3.8	2.5	3.5	2.3	3.6	2.4
US50 - EB GP:W. of Hazel Avenue	8.4	5.7	9.5	6.5	3.7	2.4	3.7	2.4	3.5	2.3	3.5	2.3
US50 - EB GP:Prairie City	6.9	4.7	7.8	5.3	3.3	2.1	3.3	2.1	3.3	2.1	3.1	2.0
Missouri Flat Road:400 yds N of Forni Road	5.3	3.5	5.3	3.5	3.1	2.0	3.1	2.0	2.9	1.9	2.9	1.9
Missouri Flat Road:100 ft S of China Garden Road	4.6	3.1	4.6	3.1	2.8	1.8	2.8	1.8	2.7	1.7	2.7	1.7
Cameron Park Drive:200 ft N of Oxford Road	4.3	2.8	4.4	2.9	2.8	1.8	2.8	1.8	2.7	1.7	2.7	1.7
Sly Park Road:100 ft S of Pony Express Tr	3.4	2.2	4.7	3.1	2.5	1.6	2.5	1.6	2.8	1.8	2.5	1.6

Notes:

Background concentrations of 2.27 ppm and 1.44 ppm were added to the modeling 1-hour and 8-hour results, respectively.

¹ The federal and state 1-hour standards are 35 and 20 ppm, respectively.

² The federal and state 8-hour standards are 9 and 9.0 ppm, respectively.

³ The federal and state 8-hour standards are 9 and 9.0 ppm, respectively.

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Impact AQ-5: Expose sensitive receptors to substantial pollutant concentrations (significant and unavoidable)**2004 General Plan EIR Conclusions**

The 2004 General Plan EIR indicates that development under the General Plan would result significant exposure of sensitive receptors to toxic air emissions and identified Mitigation Measures 5.11-3(a) through 5.11-3(d) to help reduce the severity of this impact (Table 3.3-14). Even with implementation of these mitigation measures, the 2004 General Plan EIR indicated this impact would be significant and unavoidable.

Table 3.3-14. 2004 General Plan EIR Mitigation Measures and General Plan Policies

2004 General Plan EIR Mitigation Measure	Related Adopted General Plan Policy
5.11-3 (a): Implement Mitigation Measure 5.1-3(a)	2.2.5.20:
5.11-3(b): Implement Mitigation Measure 5.1-3(b)	2.2.5.21
5.11-3(c): Implement Mitigation Measure 5.11-1	6.7.7.1
5.11-3(d): Adopt New Policy for Facilities Housing Sensitive Receptors	6.7.6.2

Project Impacts

The adopted General Plan policies are anticipated to help minimize exposure of sensitive receptors to substantial pollutant concentrations, but not to less-than-significant levels. Although the project would only minimally increase the number of future residents that may be exposed to substantial pollution concentrations, it would increase the number. Consequently, this impact is considered significant and unavoidable.

Impact AQ-6: Expose sensitive receptors to substantial odors (significant and unavoidable)**2004 General Plan EIR Conclusions**

The 2004 General Plan EIR indicated that development under the General Plan would result significant exposure of sensitive receptors to odors and identified Mitigation Measure 5.1-3(b) to help reduce the severity of this impact. This measure corresponds to General Plan Policy 2.2.5.21. With implementation of this policy, the 2004 General Plan EIR indicated this impact would be significant and unavoidable.

Project Impacts

The EDCAQMD has identified common types of facilities that are associated with odors. These include the following types of land uses.

- Wastewater Treatment Plant
- Sanitary Landfill
- Transfer Station
- Composting Facility

- Petroleum Refinery
- Asphalt Batch Plant
- Chemical Manufacturing
- Fiberglass Manufacturing
- Painting/Coating Operations (e.g., auto body shop)
- Food Processing Plant
- Rendering Plant
- Coffee Roaster

Development projects that locate sensitive receptors near an existing source of odors or projects that locate potential odor sources near existing sensitive receptors should evaluate the distance and frequency at which odor complaints from the public have occurred in the vicinity of a similar facility. Under the project, the ZOU proposes to allow Industrial, General, and large public facilities upon approval of a CUP in areas that may contain sensitive receptors.

To help minimize potential odors, the EDCAQMD recommends operational changes, add-on controls or process changes such as carbon absorption, relocation of stack/vents to reduce odors, or using a sufficient set-back distance between odor sources and receptors, with the latter being the most effective strategy. These methods would be implemented as mitigation measures as part of the CEQA process that would be required prior to approval of any CUP. Nonetheless, conditions remain similar to those at the time of the 2004 General Plan EIR, and the impact is significant and unavoidable.

Impact AQ-7: Generate greenhouse gas emissions, either directly or indirectly, that may have a significant impact on the environment (less than significant)

2004 General Plan EIR Conclusions

This impact was not analyzed in the 2004 General Plan EIR.

Project Impacts

Similar to the operational criteria pollutant analysis presented in Impact AQ-2, operational GHG emissions were confined to mobile sources, as it is anticipated the project would have minimal impacts on area source emissions associated with the additional 257 dwelling units over the next 20 years. Operational mobile source emissions were evaluated using traffic data provided by the project traffic engineers, Kimley-Horn and Associates, and ARB's CT-EMFAC emissions model (version 5.0). Table 3.3-12 summarizes the results of the on-road mobile source emissions modeling for each of the traffic study scenarios and compares the emissions associated with the different project scenarios to no project scenarios for 2010, 2025, and 2035 conditions. As indicated in Table 3.3-12 when compared to the no project condition, GHG emissions would decrease under TGPA and TGPA cumulative buildout conditions, while interim (2025) TGPA conditions would result in an increase in 382 metric tons of CO₂. However, this impact is below the threshold of 1,150 MT CO₂e used by EDCAQMD. Consequently, this impact would be less than significant.

Responses to Letter R-7

R-7-1

The comment is about existing General Plan Policy 6.7.4.3, which is not being proposed for amendment and so is not analyzed in the TGPA/ZOU EIR. The existing General Plan policy references the Sacramento-Placerville Transportation Corridor and is intended to be a long-term policy that would expedite access to commuter rail by future developments, if commuter rail is ever extended into El Dorado County.

Letter R-8—El Dorado County Farm Bureau, Valerie Zentner and James E. Davies



TGPA-ZOU ZOU <tgpa-zou@edcgov.us>

Draft Program Environmental Impact Report for TGPA-ZOU - Farm Bureau comments

1 message

Valerie Zentner <valeriez@edcfb.com>

Wed, Jul 23, 2014 at 3:27 PM

To: TGPA-ZOU@edcgov.us

Cc: bosone@edcgov.us, The BOSTHREE <bosthree@edcgov.us>, The BOSFOUR <bosfour@edcgov.us>, The BOSFIVE <bosfive@edcgov.us>, Charlene Carveth <charlene.carveth@edcgov.us>

Attached are the Farm Bureau's general comments regarding the DEIR for the TGPA-ZOU. We look forward to participating in the Public Hearings during August 2014. We will submit supplemental comments should new issues arise during that process that we feel should be addressed. Thank you for allowing our participation in this important process!


R-8-1

Valerie Zentner, Executive Director

El Dorado County Farm Bureau

2460 Headington Road

Placerville, CA 95667

 E letterhead - EDC TGPA-Zoning DEIR.pdf
39K



2460 Headington Road
 Placerville, CA 95667-5216
 Phone: 530.622.7773
 Fax: 530.622.7839
 Email: info@edcfb.com

July 23, 2014

El Dorado County Community Development
 Agency, Long Range Planning
 2850 Fairlane Court
 Placerville, CA 95667

Attention: Shawna Purvines

Subject: Draft Program Environmental Impact Report (DEIR) for the El Dorado County Targeted General Plan Amendment and Zoning Ordinance Update

Dear Ms. Purvines,

The El Dorado County Farm Bureau has reviewed the Draft Program Environmental Impact Report (DEIR) for the Targeted General Plan Amendment (TGPA) and Zoning Ordinance Update (ZOU). In general we find that the DEIR analyzed a full range of alternatives that were identified during the General Plan's five year review process in which we have participated.

R-8-2

Following are our general remarks on the DEIR's reported impacts:

Targeted General Plan Amendments (TGPA)

The TGPA policy and Land Use amendments that are proposed are indeed targeted to areas that required "clean up" based on various internal inconsistencies or to come into compliance with current laws and regulations. The Amendment to revise the Camino-Pollock Pines to a Rural Center as well as the expansion of the Agricultural Districts were brought on largely to address concerns of the agricultural community.

R-8-3

The Agricultural Districts expansion is the fulfillment of Implementation Measure, AF-J, from the 2004 adopted General Plan. There was a thoughtful and lengthy process that the Agriculture Department underwent in following the criteria set in the General Plan. While there are increases to the Districts' acreage, there were also decreases. The cumulative effect is shown as being "significant and unavoidable" but, clearly, completing an implementation measure that was adopted to mitigate against development impacts to agriculture should be significant in a desirable way, not a cumulative negative impact to be further mitigated. Farm Bureau requests this rationale be re-visited in light of the mandated Implementation Measure previously adopted.

R-8-4

Zoning Ordinance Update (ZOU)

A critical part of this effort is to ensure that the Zoning Ordinance is brought into consistency with the policies and objectives of the General Plan. The comprehensive update includes zoning code changes required for internal consistency as well as enabling the very implementation measures required by the 2004 adopted General Plan.

Implementation Measure AF-A requires the actions that resulted in many of the recommended changes to the Zoning Ordinance for agricultural uses. Furthermore, Implementation Measures ED-II, ED-JJ and ED-QQ enable agriculture dependent marketing to occur by establishing standards and a variety of permitting processes for these uses. While there may be an environmental effect of allowing more commercial uses in agricultural areas, the result of not allowing economic sustainability will ultimately cause the loss of agricultural lands. While the DEIR states that the impacts of these changes are "marginal" it goes on further to say they are "significant and unavoidable". Farm Bureau requests the rationale be re-visited in light of the Implementation Measures that were enacted in the General Plan to *protect* agriculture.

R-8-5

Alternatives

While Farm Bureau understands that a programmatic environmental analysis is challenging in that it is broad in scope, the four alternatives studied are vague. Please clarify the recommended alternative and why it is superior.

R-8-6

We look forward to providing further comments and recommendations on these matters during the Public Hearing process that will begin on August 4, 2014. We will submit additional comments as necessary to address any new issues raised that could impact agriculture.

Thank you for the opportunity to participate in this important process. The point of contact for our organization for all future correspondence is the undersigned. For telephone inquiries, please contact our Executive Director, Valerie Zentner, at (530) 622-7773.

Sincerely,



James E. Davies
President

cc: El Dorado County Board of Supervisors
El Dorado County Agricultural Commissioner, Charlene Carveth

Responses to Letter R-8

R-8-1

The comment is an introduction to a set of comments or otherwise advises that comments are being submitted. The comment is not on a significant environmental point, and therefore no response is necessary.

R-8-2

The commenter states their opinion that the range of alternatives considered in the DEIR was appropriate. No response is necessary.

R-8-3

The comment describes one of the purposes of the TGPA/ZOU. No response is needed, because it does not raise an environmental issue.

R-8-4

CEQA requires an EIR to disclose a project's significant adverse environmental impacts. Although aspects of a project may be both beneficial and adverse, CEQA requires the EIR to concentrate on the adverse aspects. To the extent that the project is beneficial, its benefits can be noted in the statement of overriding considerations that explains the benefits of the project that outweigh its significant and unavoidable impacts (State CEQA Guidelines Section 15093).

R-8-5

Please see the response to comment R-8-4.

R-8-6

There is no "recommended alternative." The TGPA/ZOU EIR examines the project and three alternatives, including a no-project alternative. Pursuant to CEQA, the County's decision makers can choose to approve the project, or one of the alternatives. The EIR is an informational document; it does not recommend any of the alternatives.

9.3 State Agencies

Letter S-1—Caltrans District 3, Susan Wilson



TGPA-ZOU ZOU <tgpa-zou@edcgov.us>

Contact List: 'Notice of Availability for the TGPA ZOU'

2 messages

Wilson, Susan@DOT <susan.wilson@dot.ca.gov>
To: "TGPA-ZOU@edcgov.us" <TGPA-ZOU@edcgov.us>

Tue, Mar 25, 2014 at 10:24 AM

Hello,
Could you please add the following names to your contact list for the TGPA-ZOU project:
Marlo Tinney
Chief, Office of Transportation Planning - East
Email: marlo.tinney@dot.ca.gov
Telephone: (916) 274-0638

S-1-1

Susan Wilson
Regional Planning Liaison - El Dorado County
Email: susan.wilson@dot.ca.gov
Telephone: (916) 274-0639

Thank you!

~~~~~  
Susan Wilson  
(916) 274-0639  
~~~~~

~~~~~  
Caltrans District 3  
Division of Planning & Local Assistance  
Office of Transportation Planning - East  
2379 Gateway Oaks Dr., Suite 150, MS-19  
Sacramento, CA 95833  
~~~~~

-----Original Message-----

From: tgpa-zou@edcgov.us [mailto:tgpa-zou@edcgov.us]
Sent: Tuesday, March 25, 2014 9:46 AM
To: Fredericks, Eric B@DOT
Subject: 'Notice of Availability for the TGPA ZOU'

'Please find attached the Notice of Availability of a Draft Environmental Impact Report for the Targeted General Plan Amendment and Zoning Ordinance Update.'

TGPA-ZOU ZOU <tgpa-zou@edcgov.us>
To: "Wilson, Susan@DOT" <susan.wilson@dot.ca.gov>

Mon, May 19, 2014 at 11:19 AM

Hello Susan,

It was so nice to talk to you today. Per our conversation, the best way to be informed of updates to the TGPA-ZOU project (and other El Dorado County long range planning projects) is to subscribe to the Long Range Planning News & Updates.

Here's the link to the LRP home page: <http://www.edcgov.us/LongRangePlanning/>



Click on the "envelope" that looks like this:

Congratulations on your upcoming retirement!

Anne Novotny

anne.novotny@edcgov.us

(530) 621-5931 Direct

(530) 621-4650 Main

Senior Planner, Long Range Planning

El Dorado County Community Development Agency

[Quoted text hidden]

Responses to Letter S-1

S-1-1

Please see Master Response 13: Availability of Full Text of Proposed Zoning and General Plan Changes.

Letter S-2—Caltrans District 3, Susan Wilson



TGPA-ZOU ZOU <tgpa-zou@edcgov.us>

Question: 'Notice of Availability for the TGPA ZOU'

2 messages

Wilson, Susan@DOT <susan.wilson@dot.ca.gov>
To: "TGPA-ZOU@edcgov.us" <TGPA-ZOU@edcgov.us>

Tue, Mar 25, 2014 at 2:04 PM

Hello,
Are there additional documents (besides the Executive Summary) for review for the TGPA ZOU? I didn't see them on the ED County website.

S-2-1

Thank you,

~~~~~  
Susan Wilson  
Email: [susan.wilson@dot.ca.gov](mailto:susan.wilson@dot.ca.gov)  
(916) 274-0639

~~~~~  
Caltrans District 3
Division of Planning & Local Assistance
Office of Transportation Planning - East
2379 Gateway Oaks Dr., Suite 150, MS-19
Sacramento, CA 95833
~~~~~

-----Original Message-----

From: [tgpa-zou@edcgov.us](mailto:tgpa-zou@edcgov.us) [mailto:[tgpa-zou@edcgov.us](mailto:tgpa-zou@edcgov.us)]  
Sent: Tuesday, March 25, 2014 9:46 AM  
To: Fredericks, Eric B@DOT  
Subject: 'Notice of Availability for the TGPA ZOU'

'Please find attached the Notice of Availability of a Draft Environmental Impact Report for the Targeted General Plan Amendment and Zoning Ordinance Update.'

**TGPA-ZOU ZOU** <tgpa-zou@edcgov.us>  
To: "Wilson, Susan@DOT" <susan.wilson@dot.ca.gov>

Mon, May 19, 2014 at 11:23 AM

Hi Susan,

As a followup to our phone conversation this morning, here's the link to the TGPA-ZOU project web page posted on the County website:

[http://www.edcgov.us/Government/LongRangePlanning/LandUse/TGPA-ZOU\\_Main.aspx](http://www.edcgov.us/Government/LongRangePlanning/LandUse/TGPA-ZOU_Main.aspx)

Regards,

**Anne Novotny**  
[anne.novotny@edcgov.us](mailto:anne.novotny@edcgov.us)  
Senior Planner, Long Range Planning  
El Dorado County Community Development Agency

[Quoted text hidden]



TGPA-ZOU ZOU &lt;tgpa-zou@edcgov.us&gt;

---

**Fwd: SCH 2012052074 El Dorado Targeted General Plan Amendment, DEIR, March 27, 2014**

1 message

**Shawna Purvines** <shawna.purvines@edcgov.us>

Tue, Apr 1, 2014 at 6:32 PM

To: TGPA-ZOU ZOU &lt;TGPA-ZOU@edcgov.us&gt;

Cc: Anne Novotny &lt;anne.novotny@edcgov.us&gt;

----- Forwarded message -----

From: **Chiang, Yen K.** <yen.chiang@cpuc.ca.gov>

Date: Tue, Apr 1, 2014 at 4:39 PM

Subject: SCH 2012052074 El Dorado Targeted General Plan Amendment, DEIR, March 27, 2014

To: "shawna.purvines@edcgov.us" &lt;shawna.purvines@edcgov.us&gt;

Cc: "Groag, Carlo" &lt;Carlo.Groag@cpuc.ca.gov&gt;, "Wong, Leo" &lt;leo.wong@cpuc.ca.gov&gt;, "state.clearinghouse@opr.ca.gov" &lt;state.clearinghouse@opr.ca.gov&gt;, "Kennix, Marvin L." &lt;marvin.kennix@cpuc.ca.gov&gt;

Hi, Shawna @ (530) 621-5362:

Attached is a copy of the comment letter issued by the California Public Utility Commission (CPUC) for the subject project.

Thanks for the opportunity to provide comments for the project.

Pls email or call me if you ave questions on the comment letter.

(Yen) Ken Chiang, P.E.

Utilities Engineer

Rail Crossings Engineering Section

California Public Utilities Commission

320 West 4th Street, Suite 500

Los Angeles, CA 90013

(213) 576-7076//FAX: 576-7029

CPUC Rail Crossings Engineering Section

<http://www.cpuc.ca.gov/crossings/>

--  
  
Shawna L. Purvines  
Community Development Agency, Long Range Planning  
County of El Dorado  
2850 Fairlane Court  
Placerville, CA 95667  
Phone:(530) 621-5362  
Fax: (530) 642-0508  
[shawna.purvines@edcgov.us](mailto:shawna.purvines@edcgov.us)  
[www.edcgov.us](http://www.edcgov.us)

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**SCH 2012052074 El Dorado County Targeted General Plan Amendment, DEIR, March 27, 2014.pdf**  
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## **Responses to Letter S-2**

### **S-2-1**

The complete DEIR is available on the TGPA-ZOU website.

## **Letter S-3—California Public Utilities Commission, Ken Chiang, P.E.**





TGPA-ZOU ZOU &lt;tgpa-zou@edcgov.us&gt;

---

**Fwd: SCH 2012052074 El Dorado Targeted General Plan Amendment, DEIR, March 27, 2014**

1 message

---

**Shawna Purvines** <shawna.purvines@edcgov.us>

Tue, Apr 1, 2014 at 6:32 PM

To: TGPA-ZOU ZOU &lt;TGPA-ZOU@edcgov.us&gt;

Cc: Anne Novotny &lt;anne.novotny@edcgov.us&gt;

----- Forwarded message -----

From: **Chiang, Yen K.** <yen.chiang@cpuc.ca.gov>

Date: Tue, Apr 1, 2014 at 4:39 PM

Subject: SCH 2012052074 El Dorado Targeted General Plan Amendment, DEIR, March 27, 2014

To: "shawna.purvines@edcgov.us" &lt;shawna.purvines@edcgov.us&gt;

Cc: "Groag, Carlo" &lt;Carlo.Groag@cpuc.ca.gov&gt;, "Wong, Leo" &lt;leo.wong@cpuc.ca.gov&gt;, "state.clearinghouse@opr.ca.gov" &lt;state.clearinghouse@opr.ca.gov&gt;, "Kennix, Marvin L." &lt;marvin.kennix@cpuc.ca.gov&gt;

Hi, Shawna @ (530) 621-5362:

Attached is a copy of the comment letter issued by the California Public Utility Commission (CPUC) for the subject project.

Thanks for the opportunity to provide comments for the project.

Pls email or call me if you ave questions on the comment letter.

(Yen) Ken Chiang, P.E.

Utilities Engineer

Rail Crossings Engineering Section

California Public Utilities Commission

320 West 4th Street, Suite 500

Los Angeles, CA 90013

(213) 576-7076//FAX: 576-7029

CPUC Rail Crossings Engineering Section

<http://www.cpuc.ca.gov/crossings/>

--  
  
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Community Development Agency, Long Range Planning  
County of El Dorado  
2850 Fairlane Court  
Placerville, CA 95667  
Phone:(530) 621-5362  
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[www.edcgov.us](http://www.edcgov.us)

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**SCH 2012052074 El Dorado County Targeted General Plan Amendment, DEIR, March 27, 2014.pdf**  
90K

## PUBLIC UTILITIES COMMISSION

320 WEST 4TH STREET, SUITE 500  
LOS ANGELES, CA 90013  
(213) 576-7083



March 27, 2014

Ms. Shawna Purvines  
County of El Dorado  
2850 Fairlane Court, Building C  
Placerville, California 95672

Dear Ms. Purvines:

Re: SCH 2012052074 El Dorado County Targeted General Plan Amendment – DEIR

The California Public Utilities Commission (Commission) has jurisdiction over the safety of highway-rail crossings (crossings) in California. The California Public Utilities Code requires Commission approval for the construction or alteration of crossings and grants the Commission exclusive power on the design, alteration, and closure of crossings in California. The Commission Rail Crossings Engineering Section (RCES) is in receipt of the draft *Environmental Impact Report (DEIR)* for the proposed County of El Dorado (County) Targeted General Plan Amendment project.

S-3-1

The project area includes active railroad tracks. RCES recommends that the County add language to the Targeted General Plan Amendment so that any development adjacent to or near the railroad/light rail right-of-way (ROW) is planned with the safety of the rail corridor in mind. New developments may increase traffic volumes not only on streets and at intersections, but also at at-grade crossings. This includes considering pedestrian/bike circulation patterns or destinations with respect to railroad ROW and compliance with the Americans with Disabilities Act. Mitigation measures to consider include, but are not limited to, the planning for grade separations for major thoroughfares, improvements to existing at-grade crossings due to increase in traffic volumes and continuous vandal resistant fencing or other appropriate barriers to limit the access of trespassers onto the railroad ROW.

S-3-2

If you have any questions in this matter, please contact me at (213) 576-7076, [ykc@cpuc.ca.gov](mailto:ykc@cpuc.ca.gov).

Sincerely,

A handwritten signature in blue ink, appearing to read "Ken Chiang".

Ken Chiang, P.E.  
Utilities Engineer  
Rail Crossings Engineering Section  
Safety and Enforcement Division

C: State Clearinghouse

## Responses to Letter S-3

### S-3-1

This is a description of the authority of the Public Utilities Commission. No response is needed, because it does not raise an environmental issue.

### S-3-2

The commenter requests that the TGPA include additional policies related to safety along the existing rail line and at crossings. The existing General Plan includes Policy TC-6b, which provides:

The County shall support improvements to at-grade crossings on the former Southern Pacific right-of-way and track within the county, now known as the Sacramento-Placerville Transportation Corridor (SPTC), if that facility is reactivated as a freight or passenger hauling rail facility.

Further safety requirements will be part of project-specific design, which is outside the scope of the TGPA/ZOU EIR.

## **Letter S-4—Central Valley Regional Water Quality Control Board, Trevor Cleak**



**Central Valley Regional Water Quality Control Board**

4 April 2014

Shawna Purvines  
County of El Dorado  
Community Development Agency  
2850 Fairlane Court, Building "C"  
Placerville, CA 95667

CERTIFIED MAIL  
7013 1710 0002 3644 1462

**COMMENTS TO REQUEST FOR REVIEW FOR THE DRAFT ENVIRONMENTAL IMPACT REPORT, TARGETED GENERAL PLAN AMENDMENT AND ZONING ORDINANCE UPDATE PROJECT, SCH NO. 2012052074, EL DORADO COUNTY**

Pursuant to the State Clearinghouse's 21 March 2014 request, the Central Valley Regional Water Quality Control Board (Central Valley Water Board) has reviewed the Request for Review for the *Draft Environmental Impact Report* for the Targeted General Plan Amendment and Zoning Ordinance Update Project, located in El Dorado County.

S-4-1

Our agency is delegated with the responsibility of protecting the quality of surface and groundwaters of the state; therefore our comments will address concerns surrounding those issues.

**Construction Storm Water General Permit**

Dischargers whose project disturb one or more acres of soil or where projects disturb less than one acre but are part of a larger common plan of development that in total disturbs one or more acres, are required to obtain coverage under the General Permit for Storm Water Discharges Associated with Construction Activities (Construction General Permit), Construction General Permit Order No. 2009-009-DWQ. Construction activity subject to this permit includes clearing, grading, grubbing, disturbances to the ground, such as stockpiling, or excavation, but does not include regular maintenance activities performed to restore the original line, grade, or capacity of the facility. The Construction General Permit requires the development and implementation of a Storm Water Pollution Prevention Plan (SWPPP).

S-4-2

For more information on the Construction General Permit, visit the State Water Resources Control Board website at:  
[http://www.waterboards.ca.gov/water\\_issues/programs/stormwater/constpermits.shtml](http://www.waterboards.ca.gov/water_issues/programs/stormwater/constpermits.shtml).

**Phase I and II Municipal Separate Storm Sewer System (MS4) Permits<sup>1</sup>**

The Phase I and II MS4 permits require the Permittees reduce pollutants and runoff flows from new development and redevelopment using Best Management Practices (BMPs) to the maximum extent practicable (MEP). MS4 Permittees have their own development standards, also known as Low Impact Development (LID)/post-construction standards that include a hydromodification component. The MS4 permits also require specific design concepts for LID/post-construction BMPs in the early stages of a project during the entitlement and CEQA process and the development plan review process.

S-4-3

For more information on which Phase I MS4 Permit this project applies to, visit the Central Valley Water Board website at:

[http://www.waterboards.ca.gov/centralvalley/water\\_issues/storm\\_water/municipal\\_permits/](http://www.waterboards.ca.gov/centralvalley/water_issues/storm_water/municipal_permits/).

For more information on the Phase II MS4 permit and who it applies to, visit the State Water Resources Control Board at:

[http://www.waterboards.ca.gov/water\\_issues/programs/stormwater/phase\\_ii\\_municipal.shtml](http://www.waterboards.ca.gov/water_issues/programs/stormwater/phase_ii_municipal.shtml)

**Industrial Storm Water General Permit**

Storm water discharges associated with industrial sites must comply with the regulations contained in the Industrial Storm Water General Permit Order No. 97-03-DWQ.

S-4-4

For more information on the Industrial Storm Water General Permit, visit the Central Valley Water Board website at:

[http://www.waterboards.ca.gov/centralvalley/water\\_issues/storm\\_water/industrial\\_general\\_permits/index.shtml](http://www.waterboards.ca.gov/centralvalley/water_issues/storm_water/industrial_general_permits/index.shtml).

**Clean Water Act Section 404 Permit**

If the project will involve the discharge of dredged or fill material in navigable waters or wetlands, a permit pursuant to Section 404 of the Clean Water Act may be needed from the United States Army Corps of Engineers (USACOE). If a Section 404 permit is required by the USACOE, the Central Valley Water Board will review the permit application to ensure that discharge will not violate water quality standards. If the project requires surface water drainage realignment, the applicant is advised to contact the Department of Fish and Game for information on Streambed Alteration Permit requirements.

S-4-5

If you have any questions regarding the Clean Water Act Section 404 permits, please contact the Regulatory Division of the Sacramento District of USACOE at (916) 557-5250.

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<sup>1</sup> Municipal Permits = The Phase I Municipal Separate Storm Water System (MS4) Permit covers medium sized Municipalities (serving between 100,000 and 250,000 people) and large sized municipalities (serving over 250,000 people). The Phase II MS4 provides coverage for small municipalities, including non-traditional Small MS4s, which include military bases, public campuses, prisons and hospitals.

**Clean Water Act Section 401 Permit – Water Quality Certification**

If an USACOE permit, or any other federal permit, is required for this project due to the disturbance of waters of the United States (such as streams and wetlands), then a Water Quality Certification must be obtained from the Central Valley Water Board prior to initiation of project activities. There are no waivers for 401 Water Quality Certifications.

S-4-5

**Waste Discharge Requirements**

If USACOE determines that only non-jurisdictional waters of the State (i.e., "non-federal" waters of the State) are present in the proposed project area, the proposed project will require a Waste Discharge Requirement (WDR) permit to be issued by Central Valley Water Board. Under the California Porter-Cologne Water Quality Control Act, discharges to all waters of the State, including all wetlands and other waters of the State including, but not limited to, isolated wetlands, are subject to State regulation.

S-4-6

For more information on the Water Quality Certification and WDR processes, visit the Central Valley Water Board website at:

[http://www.waterboards.ca.gov/centralvalley/help/business\\_help/permit2.shtml](http://www.waterboards.ca.gov/centralvalley/help/business_help/permit2.shtml).

**Low or Limited Threat General NPDES Permit**

If the proposed project includes construction dewatering and it is necessary to discharge the groundwater to waters of the United States, the proposed project will require coverage under a National Pollutant Discharge Elimination System (NPDES) permit. Dewatering discharges are typically considered a low or limited threat to water quality and may be covered under the General Order for *Dewatering and Other Low Threat Discharges to Surface Waters* (Low Threat General Order) or the General Order for *Limited Threat Discharges of Treated/Untreated Groundwater from Cleanup Sites, Wastewater from Superchlorination Projects, and Other Limited Threat Wastewaters to Surface Water* (Limited Threat General Order). A complete application must be submitted to the Central Valley Water Board to obtain coverage under these General NPDES permits.

S-4-7

For more information regarding the Low Threat General Order and the application process, visit the Central Valley Water Board website at:

[http://www.waterboards.ca.gov/centralvalley/board\\_decisions/adopted\\_orders/general\\_orders/r5-2013-0074.pdf](http://www.waterboards.ca.gov/centralvalley/board_decisions/adopted_orders/general_orders/r5-2013-0074.pdf)

For more information regarding the Limited Threat General Order and the application process, visit the Central Valley Water Board website at:

[http://www.waterboards.ca.gov/centralvalley/board\\_decisions/adopted\\_orders/general\\_orders/r5-2013-0073.pdf](http://www.waterboards.ca.gov/centralvalley/board_decisions/adopted_orders/general_orders/r5-2013-0073.pdf)



If you have questions regarding these comments, please contact me at (916) 464-4684 or [trevor.cleak@waterboards.ca.gov](mailto:trevor.cleak@waterboards.ca.gov).



Trevor Cleak  
Environmental Scientist  
401 Water Quality Certification Program

cc: State Clearinghouse Unit, Governor's Office of Planning and Research, Sacramento

## **Responses to Letter S-4**

### **S-4-1**

This comment is a general statement summarizing the regulatory responsibility of the Regional Water Quality Control Board. No response is necessary.

### **S-4-2 through S-4-7**

This provides a general description of a Regional Water Quality Control Board permitting program that relates to development projects. The TGPA/ZOU does not include any development projects that would be subject to the regulations and permits described here. No response is necessary.

## **Letter S-5—Board of Forestry & Fire Protection, Edith Hannigan**

**BOARD OF FORESTRY AND FIRE PROTECTION**

P.O. Box 944246  
SACRAMENTO, CA 94244-2460  
Website: www.bof.fire.ca.gov  
(916) 653-8007



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RECEIVED  
PLANNING DEPARTMENT

El Dorado County Community Development Agency  
Long Range Planning  
Attention: Shawna Purvines  
2850 Fairlane Court  
Placerville, CA 9566

July 17, 2014

RE: Targeted General Plan Amendment and Zoning Ordinance Update; SCH #2012052074

Dear Ms. Purvines:

The California State Board of Forestry and Fire Protection (Board) would like to issue comment on the scope and contents of the Targeted General Plan Amendment and Zoning Ordinance Update, specifically the Public Health, Safety, and Noise Element, and its accompanying Draft Environmental Impact Report.

S-5-1

This updated Public Health, Safety, and Noise Element is missing key information mandated in Government Code §65302(g)(1) and 65302(g)(3). See bolded/italicized language below.

§65302(g)(1) reads:

A safety element for the protection of the community from any unreasonable risks associated with the effects of seismically induced surface rupture, ground shaking, ground failure, tsunami, seiche, and dam failure; slope instability leading to mudslides and landslides; subsidence; liquefaction; and other seismic hazards identified pursuant to Chapter 7.8 (commencing with Section 2690) of Division 2 of the Public Resources Code, and other geologic hazards known to the legislative body; flooding; and wildland and urban fires. ***The safety element shall include mapping of known seismic and other geologic hazards. It shall also address evacuation routes, military installations, peakload water supply requirements, and minimum road widths and clearances around structures, as those items relate to identified fire and geologic hazards.***

S-5-2

§65302(g)(3):

Upon the next revision of the housing element on or after January 1, 2014, the safety element shall be reviewed and updated as necessary to address the risk of fire for land classified as state responsibility areas, as defined in Section 4102 of the Public Resources Code, and land classified as very high fire hazard severity zones, as defined in Section 51177. This review shall consider the advice included in the Office of Planning and Research's most recent publication of "Fire Hazard Planning, General Technical Advice Series" and shall also include all of the following:

S-5-3

**(A) Information regarding fire hazards, including, but not limited to, all of the following:**

- (i) Fire hazard severity zone maps available from the Department of Forestry and Fire Protection.**
- (ii) Any historical data on wildfires available from local agencies or a reference to where the data can be found.**
- (iii) Information about wildfire hazard areas that may be available from the United States Geological Survey.**
- (iv) General location and distribution of existing and planned uses of land in very high fire hazard severity zones and in state responsibility areas...**
- (v) Local, state, and federal agencies with responsibility for fire protection, including special districts and local offices of emergency services.**

**(B) A set of goals, policies, and objectives based on the information identified pursuant to subparagraph (A) for the protection of the community from the unreasonable risk of wildfire.**

**(C) A set of feasible implementation measures designed to carry out the goals, policies, and objectives based on the information identified pursuant to subparagraph (B) including, but not limited to, all of the following:**

- (i) Avoiding or minimizing the wildfire hazards associated with new uses of land.**
- (ii) Locating, when feasible, new essential public facilities outside of high fire risk areas...**
- (iii) Designing adequate infrastructure if a new development is located in a state responsibility area or in a very high fire hazard severity zone, including safe access for emergency response vehicles, visible street signs, and water supplies for structural fire suppression.**
- (iv) Working cooperatively with public agencies with responsibility for fire protection.**

**(D) If a city or county has adopted a fire safety plan or document separate from the general plan, an attachment of, or reference to, a city or county's adopted fire safety plan or document that fulfills commensurate goals and objectives and contains information required pursuant to this paragraph.**

This updated Public Health, Safety, and Noise Element should include:

- Fire hazard severity maps
- Historical information about wildfires in the planning area
- A discussion of planned and existing land uses in or near very high fire hazard severity zones and/or state responsibility areas (SRA)
- Implementation measures as described above in §65302(g)(3)(C)

In particular, the Board of Forestry and Fire Protection is concerned about plans to provide for adequate ingress and egress to developed land in high or very high fire hazard severity zones (H/VHFHSZ), as

S-5-3  
Cont.

S-5-4

S-5-5

well as changes in land use designations that may support population growth in those zones. The expansion of Commercial uses into Community Regions and Rural Centers, the increase in density in residential or mix-use land use designations, and the overall emphasis on expanded development and more intense residential use in the Targeted General Plan will put more residents into high or very high fire hazard severity zones.

S-5-5  
Cont.

Although the DEIR states, on page 3-2 "...none of the proposed changes in the General Plan policy or Zoning Ordinance regulations would substantively change projected population, change the amount of housing designated in the General Plan, or expand areas to be developed..." the Board would like to express concern that fire safety is not addressed adequately for the proposed increase in allowable densities. Without updating the Public Health, Safety, and Noise Element to meet the above Government Code sections and to include fire safe mitigations for communities affected by this update, this proposed TGPA-ZOU exposes people or structures to a significant risk of loss, injury, or death from wildland fires. This is contrary to the DEIR, page 2-19 "less than significant impacts" finding on question VIII (h).

S-5-6

The Board encourages El Dorado County to continue collaboration and cooperation with the Board and CAL FIRE Amador-El Dorado Unit through the Draft EIR and TGPA-ZOU adoption process. Thank you for your work to reduce the fire risk to residential and commercial development in the County.

S-5-7

Sincerely,



Edith Hannigan  
Board Consultant, SRA  
edith.hannigan@bof.ca.gov  
(916) 653-2928

CC: Unit Forester, Amador-El Dorado Unit  
Chris Browder, Deputy Environmental Coordinator  
State Clearinghouse

## Responses to Letter S-5

### S-5-1

The Department notes that the TGPA does not include information required under Government Code Section 65302 as part of the General Plan Safety Element. The TGPA is a targeted amendment to the County's General Plan. It is not intended to include all possible amendments, even those intended to bring the General Plan into compliance with the Government Code. The County will undertake future amendments to the General Plan to ensure that it is consistent with the requirements of the Government Code. However, these are not part of the project.

### S-5-2

Please see the response to comment S-5-1.

### S-5-3

The General Plan includes standards intended to minimize the risk of wildfire. They are found under Objective 6.2.3 and include the following policies:

Policy 6.2.2.1 Fire Hazard Severity Zone Maps shall be consulted in the review of all projects so that standards and mitigation measures appropriate to each hazard classification can be applied. Land use densities and intensities shall be determined by mitigation measures in areas designated as high or very high fire hazard.

Policy 6.2.2.2 The County shall preclude development in areas of high and very high wildland fire hazard 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.

Policy 6.2.3.1 As a requirement for approving new development, the County must find, based on information provided by the applicant and the responsible fire protection district that, concurrent with development, adequate emergency water flow, fire access, and fire fighting personnel and equipment will be available in accordance with applicable State and local fire district standards.

Policy 6.2.3.2 As a requirement of new development, the applicant must demonstrate that adequate access exists, or can be provided to ensure that emergency vehicles can access the site and private vehicles can evacuate the area.

Policy 6.2.3.4 All new development and public works projects shall be consistent with applicable State Wildland Fire Standards and other relevant State and federal fire requirements.

Policy 6.2.4.1 Discretionary development within high and very high fire hazard areas shall be conditioned to designate fuel break zones that comply with fire safe requirements to benefit the new and, where possible, existing development.

Policy 6.2.4.2 The County shall cooperate with the California Department of Forestry and Fire Protection and local fire protection districts to identify opportunities for fuel breaks in zones of high and very high fire hazard either prior to or as a component of project review.

Policy 6.2.5.1 The County shall cooperate with the U.S. Forest Service, California Department of Forestry and Fire Protection, and local fire districts in fire prevention education programs.

General Plan Implementation Measure HS-B states that the County will “[w]ork with the local Fire Safe Councils, fire protection districts, U.S. Forest Service, and California Department of Forestry and Fire Protection to develop and implement a countywide Wildfire Safety Plan.” The County is drafting, publicly vetting, and adopting the General Plan’s implementation measures as time, staffing, and budget permit. The County has no authority to enact plans or regulations without first completing the public review process. However, it has not yet completed this implementation measure.

**S-5-4**

Please see the response to comment S-5-1.

**S-5-5**

The existing General Plan provides for substantial growth within the county over the next 20 years. By itself, the TGPA will not substantially increase the existing growth potential (please see Master Response 5: Future Development Levels under the TGPA/ZOU regarding the practical constraints that limit development potential). The ZOU includes zone changes that will bring zoning into consistency with the existing General Plan designations, as required by State law. This does not substantially increase the number of residents or future residents that are within or would be within high or very high fire hazard severity zones relative to projected growth under the existing General Plan. In other words, the level of risk based on future development is largely a function of the existing General Plan, not the TGPA/ZOU project.

Please see the response to comment S-5-3 enumerating County policies that limit the potential exposure of future development to wildland fire hazard. In particular, Policies 6.2.2.1 and 6.2.2.2 require the County to consider new projects’ risk and to preclude development that cannot demonstrate that the risk is lowered to an acceptable level.

**S-5-6**

Please see the response to comment S-5-5.

**S-5-7**

CalFire encourages the County to work with the Department and the Board of Forestry through the TGPA/ZOU and CEQA process. The County will cooperate with the Department and the Board in the future as it refines its General Plan policies and works on Implementation Measure HS-B. However, the changes requested by the commenter are outside the scope of the project being evaluated in the TGPA/ZOU EIR.



## **Letter S-6—California Department of Transportation, Marlo Tinney**





Caltrans\_Comments.pdf  
3411K

**DEPARTMENT OF TRANSPORTATION**

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July 23, 2014

032014-ELD-0007  
 03-ELD-50/PM Various  
 SCH#2012052074

Ms. Shawna Purvines  
 Long Range Planning  
 El Dorado County  
 2850 Fairland Court, Building C  
 Placerville, CA 95672

**Targeted General Plan Amendment and Zoning Ordinance Update (TGPA-ZOU) – Draft Environmental Impact Report (DEIR)**

Dear Ms. Purvines:

Thank you for including the California Department of Transportation (Caltrans) in the review process for the County of El Dorado Targeted General Plan Amendment and Zoning Ordinance Update (TGPA-ZOU) DEIR. The TGPA-ZOU proposes amendments to existing policies and regulations and establishes new policies and regulations regarding land use and transportation within the unincorporated parts of El Dorado County. There are several proposed policy changes associated with the project, including densification of some existing land uses, that will influence future development throughout the County. The following comments concern the analysis and implications of these changes, so that impacts to the State Highway System are disclosed and adequately mitigated for, protecting interregional travel and safety throughout the County. We look forward to continuing to work with the County of El Dorado staff, stakeholders, and the El Dorado County community in the refinement and implementation of the TGPA-ZOU. Our comments are based on the DEIR received:

S-6-1

***Caltrans State Highway System Planning***

- ES.5 (Page ES-17), 3.9.1 Existing Conditions (Page 3.9-1), 3.9.2 Environmental Impacts (Page 3.9-23), Table 3.9-1 (Pages 3.9-3 through 3.9-4), and Table D.7-3 (Pages D-13 through D-14), Tables D.8-3 through D.8-7 (Pages D-19 through D-23) – In numerous instances, the DEIR cites highway information from the Caltrans 2009 U.S. Highway 50 (US 50) Corridor System Management Plan (CSMP) and the 2010 US 50 Transportation Concept Report (TCR). Please note that Caltrans has updated and combined these documents into the current 2014 US 50 TCR-CSMP. The 2014 US 50 TCR-CSMP for is available at:

S-6-2

<http://www.dot.ca.gov/dist3/departments/planning/tcr/tcr50.pdf>

Ms. Purvines - Long Range Planning, El Dorado County  
 Targeted General Plan Amendment and Zoning Ordinance Update (TGPA-ZOU) - DEIR  
 July 23, 2014  
 Page 2

The “Current Level of Service (LOS)”, “20 Year Concept LOS”, and “Concept Facility” columns in Tables 3.9-1 and D.7-3 are inaccurate, and should be replaced with the updated information from the 2014 US 50 TCR-CSMP. Furthermore, the segmentation of US 50 has changed – for example, US 50 from the Sacramento/El Dorado County Line to Cameron Park Drive has been broken up into three distinct segments based on current traffic patterns and facility configuration. Please see Attachment A, Table 13: US 50 Basic System Characteristics (page 49 from the 2014 US 50 TCR-CSMP) for updated data and segmentation of US 50.

S-6-2  
 Cont.

- 3.9.1 Existing Conditions (Page 3.9-15) – Existing General Plan Policy TC-Xa, item No. 2 states:

*"The County shall not add any additional segments of US Highway 50, or any other roads, to the County's list of roads allowed to operate at LOS F without first getting the voter's approval or by 4/5ths vote of the Board of Supervisors."*

Table TC-2 (Page 3.9-16) subsequently lists a number of County Roads and US 50 segments within unincorporated El Dorado County which are allowed under policy TC-Xa to operate at LOS F.

S-6-3

We are concerned with the application of this General Plan policy in the DEIR to determine impact significance on State Highway System facilities. This creates the potential of County Roads operating beyond their designed capacity spilling into US 50 and SR 49, thus adversely affecting highway operations and possibly safety.

For instance, Tables 3.9-9 (Page 3.9-35) and 3.9-10 (Page 3.9-36) Study Scenario 3 and 4, state that Missouri Flat Road 400 yards north of Forni Road will worsen to LOS F during the PM Peak Hour. However, according to the DEIR, this is “Not considered an impact because this roadway segment is included in the list of roadway segments allowed to operate at LOS F as shown in Table 3.9-4.” If the operations of Missouri Flat Road in the vicinity of US 50 are causing queuing that exceeds the available storage of the ramps, and this compromises the safety on US 50, this would be considered a significant impact under the California Environmental Quality Act (CEQA). Queuing that exceeds available storage denotes a breakdown in the flow of traffic and creates traffic hazards with automobiles in intersections and preventing some through traffic movements.

Furthermore, Table TC-2, which is associated with this policy, does not reflect current Caltrans operational performance concepts for either US 50 or SR 49, presently or in the future. The table appears not to have been updated since it was first adopted in the late 1990's. While this DEIR and the associated policy changes to the 2004 General Plan do not propose changing this table, we strongly encourage El Dorado County to revise it to reflect current concepts. Caltrans has established a minimum acceptable LOS for freeway segments, called “Concept LOS,” of LOS E for urban areas and LOS D for rural areas. Please see Attachment A for current Concept LOS values for US 50.

S-6-4

Ms. Purvines - Long Range Planning, El Dorado County  
 Targeted General Plan Amendment and Zoning Ordinance Update (TGPA-ZOU) - DEIR  
 July 23, 2014  
 Page 3

- 3.9.2 Environmental Impacts (Page 3.9-30) – Impact “5.4-3. Short term unacceptable LOS conditions related to generation of new traffic in advance of transportation improvements” states:

*"Policy TC-Xf of the General Plan includes modified language to allow a potential lag to occur between the issuance of use or occupancy permits and required roadway improvements as long as roadway improvements necessary to accommodate 'existing plus project' traffic are programmed (i.e., fully funded)."*

S-6-5

Again, we are concerned with how existing General Plan policy is cited in the DEIR to justify significant and unavoidable impacts to the State Highway System. Many transportation improvement projects that are programmed are not constructed for several years and are sometimes cancelled. A policy that permits a “lag” between when occupancy permits are issued and when required roadway improvements are built could potentially degrade highway operations and possibly create unsafe conditions for motorists, bicyclists, and pedestrians. Caltrans, El Dorado County, El Dorado County Transportation Commission (EDCTC), and other local agencies and entities should ensure that transportation improvements are built in concert with incoming development, so that travel growth is managed and that roadway safety is enhanced or at least maintained.

### **Clarification Comments**

- ES.5 (Page ES-18) and 3.9.2 Environmental Impacts (Page 3.9-28) – The DEIR states:

*"Third, Caltrans is planning for the future of the State Highway system while El Dorado County is tasked with the planning, improvement, and maintenance of the local network. It should be noted that Caltrans is planning for LOS F on U.S. Highway 50 in the future, while El Dorado County is tasked with maintaining LOS E on U.S. Highway 50 where it runs through Community Regions and LOS D in all other areas of the county, as required by General Plan Policy TC-Xd and Policy 5.1.2.2."*

Caltrans is not planning for LOS F on US 50. As stated earlier, Caltrans has established “Concept LOS” values that represent minimum acceptable LOS values for highway segments. Please see Attachment A for Caltrans Concept LOS values for US 50.

S-6-6

The 2014 US 50 TCR-CSMP does identify that certain segments are either currently operating at LOS F or are forecasted to operate at LOS F. Any present or future LOS analysis that concludes a freeway segment will operate at LOS F highlights areas where future demand will exceed future capacity and illustrates a need for more capacity and/or operational improvements and/or system management strategies in that area.

- ES.5 (Page ES-17) and 3.9.2 Environmental Impacts (Page 3.9-27) – The DEIR states:

*“Caltrans Operations staff has also stated that once the ramp metering for the westbound El Dorado Hills Boulevard on-ramp is operational, LOS on this segment should improve.”*

S-6-7

The statement should be revised to read, “LOS on this segment may temporarily improve.” Microsimulation analysis is needed in order to accurately determine whether or not LOS will improve with the addition of the ramp meter. The ramp meter alone may not be enough to improve the LOS, and other improvements and/or strategies may be needed to accommodate travel demand on US 50.

- ES.5 (Page ES-18) and 3.9.2 Environmental Impacts (Page 3.9-28) – The DEIR states:

*“Caltrans and El Dorado County also differ in determining the amount and distribution of future development. Caltrans determines the annual growth from SACOG’s models and applies the traffic growth to the baseline conditions to determine the 20-year volumes.”*

S-6-8

This statement is incorrect. Caltrans has previously discussed with the County that growth factors are developed for freeway segments based on all applicable Travel Demand Models in the analysis area as well as linear regression analysis of historical traffic volumes.

- ES.5 (Pages ES-17-18) and 3.9.2 Environmental Impacts (Page 3.9-28) – The DEIR states:

*“Second, Caltrans and El Dorado County use different practices regarding how traffic counts are collected and used to model future transportation system performance. Caltrans’ count data for freeways are counted throughout the year, with some locations counted continuously. Locations that are not counted throughout the year are sampled every 3 years at different times during the count year. Final volumes are adjusted by compensating for seasonal influence, weekly variation, and other variables that may be present. Caltrans counts are based on a 7-day week.”*

S-6-9

Caltrans has previously discussed with the County that traffic counts obtained from a smaller sample size are more likely to be adversely affected by weather, traffic incidents, and seasonal and weekly travel fluctuations. Our counting method endeavors to capture a representative sample so that we have a holistic understanding of traffic conditions on the State Highway System throughout the year.

### ***El Dorado County Travel Demand Model (TDM) and Methodology***

- ES.5 (Page ES-17) and 3.9.2 Environmental Impacts (Page 3.9-27) – The DEIR states:

*“El Dorado County’s updated Travel Demand Model (TDM) was used to model six roadway network scenarios for the TGPA/ZOU project. This Analysis indicates that U.S. Highway 50 will not reach LOS F in 2035 under any of the six roadway network scenarios analyzed.”*

S-6-10



Ms. Purvines - Long Range Planning, El Dorado County  
 Targeted General Plan Amendment and Zoning Ordinance Update (TGPA-ZOU) - DEIR  
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In a letter sent to the County of El Dorado on February 14<sup>th</sup>, 2014, regarding review of the El Dorado County TDM, Caltrans stated that comments and concerns regarding the final draft base year model and documentation had yet to be addressed. There are specific concerns about network assumptions that directly affect the demand volumes on US 50, specifically low freeway link speeds constraining demand volumes. Furthermore, Caltrans has yet to review any future El Dorado County TDM scenarios because the County stated that the future forecasts were yet to be finalized. Caltrans believes that before any future El Dorado County TDM scenarios are analyzed, the network issues in the base year El Dorado County TDM need to be corrected. Since the base year model used in this analysis did not incorporate our freeway link speed comments and the future forecasts and models have yet to be reviewed or approved, we cannot agree with the conclusions derived from the traffic analysis. The LOS analysis for US 50 should be redone once the base year and future year models are completed and approved by Caltrans.

S-6-10  
 Cont.

Regarding conditions on US 50, according to the Caltrans Performance Measurement System (PeMS) and the 2010 Highway Capacity Manual freeway segment analysis, the Sacramento/El Dorado County line to Latrobe Road freeway segment of US 50 currently operates at LOS F (please see Attachment A). In order for the 2035 US 50 LOS to improve from F to E, 2035 traffic volumes on US 50 will need to be lower than current traffic volumes and/or significant mainline and parallel capacity/operational improvements are needed to offset the current travel demand and future travel demand increases on US 50. Also, using the El Dorado County TDM projected traffic volumes growth and the industry standard differential method to develop future forecasts, Caltrans projects that US 50 will operate at LOS F in 2035.

- Table D.7-1 Level of Service Typical Traffic Volumes (Page D-10) – Table D.7-1 describes the methodology and peak hour service volumes thresholds used to determine the level of service of roadways in El Dorado County. The narrative states, “These values (are) not appropriate for making detailed or final determinations regarding operational or design considerations.” However, the conclusions derived from the traffic modeling make specific operational determinations that contradict this statement. For example, ES.5 states, “US 50 will not reach LOS F in 2035 under any of the six roadway network scenarios analyzed.” Level of service for freeways should be calculated using the 2010 Highway Capacity Manual freeway segment analysis, which requires more input data than exclusively using the service volumes used in this DEIR.

S-6-11

Caltrans would like to review the postprocessor and a more detailed summary of the methodology used to develop the forecast volumes used to determine the level of service of US 50 and SR 49. Raw volumes from travel demand models are seldom used in traffic analysis; however, the difference in volumes between forecast years and/or scenarios applied to applicable base year count volumes is standard of practice. The document does not clearly state whether this methodology was used or not. The “difference” method should have been used to develop future volumes.



Ms. Purvines - Long Range Planning, El Dorado County  
Targeted General Plan Amendment and Zoning Ordinance Update (TGPA-ZOU) - DEIR  
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Please provide our office with copies of any further actions regarding this project. We would appreciate the opportunity to review and comment on any changes related to this project.

S-6-12

If you have any questions regarding these comments or require additional information, please contact Robert J. Peters, Intergovernmental Review Coordinator, at (916) 274-0639 or by email at: robert.j.peters@dot.ca.gov.

Sincerely,



MARLO TINNEY  
Chief, Office of Transportation Planning – East

Cc: Scott Morgan, State Clearinghouse

# Attachment A

**TABLE 13: US 50 BASIC SYSTEM OPERATIONS**

| Seg. # | County        | Post Miles         | Distance (Miles) | Average Annual Daily Traffic |                               |            | Level of Service (LOS) |               |            | Vehicle Miles Traveled (VMT) |         |               | Delay                          |                              |                             |
|--------|---------------|--------------------|------------------|------------------------------|-------------------------------|------------|------------------------|---------------|------------|------------------------------|---------|---------------|--------------------------------|------------------------------|-----------------------------|
|        |               |                    |                  | Base Year (BY)*              | No Build (Horizon Year (HY))* | Build (HY) | B                      | No Build (HY) | Build (HY) | Concept LOS                  | BY      | No Build (HY) | Build (HY)                     | Daily Vehicle Hours of Delay | Daily Person Hours of Delay |
| 1      | YOL           | 0.00/3.16          | 3.16             | 176,000                      | 206,000                       | 210,000    | E                      | F             | F          | E                            | 337,274 | 394,000       | 402,000                        | 228                          | 310                         |
| 2      | SAC           | L0.00/L2.48(R0.00) | 2.48             | 246,000                      | 279,000                       | 300,000    | F                      | F             | F          | E                            | 452,373 | 513,000       | 552,000                        | 1,697                        | 2,309                       |
| 3      |               | R0.00/R5.34        | 5.34             | 206,000                      | 249,000                       | 265,000    | F                      | F             | F          | E                            | 959,231 | 1,158,000     | 1,235,000                      | 1,708                        | 2,323                       |
| 4      |               | R5.34/R10.92       | 5.58             | 171,000                      | 226,000                       | 234,000    | F                      | F             | F          | E                            | 660,438 | 873,000       | 905,000                        | 509                          | 692                         |
| 5      |               | R10.92/R12.50      | 1.58             | 141,000                      | 196,000                       | 204,000    | E                      | F             | F          | E                            | 194,349 | 271,000       | 281,000                        | 204                          | 278                         |
| 6      |               | 12.50/17.01        | 4.51             | 117,000                      | 160,000                       | 161,000    | F                      | F             | F          | E                            | 630,648 | 862,000       | 866,000                        | 565                          | 768                         |
| 7      |               | 17.01/23.14        | 6.13             | 91,000                       | 113,000                       | 132,000    | F                      | F             | F          | E                            | 521,760 | 645,000       | 759,000                        | 158                          | 215                         |
| 8      |               | 0.00/0.86          | 0.86             | 91,000                       | 100,000                       | 110,000    | F                      | F             | F          | E                            | 81,060  | 89,000        | 98,000                         | 59                           | 80                          |
| 9      | 0.86/R3.23    | 2.37               | 70,000           | 94,000                       | 105,000                       | E          | F                      | F             | E          | 127,860                      | 171,000 | 191,000       | 10                             | 13                           |                             |
| 10     | R3.23/6.57    | 3.34               | 61,000           | 86,000                       | 84,000                        | D          | F                      | D             | E          | 207,994                      | 294,000 | 286,000       | 51                             | 70                           |                             |
| 11     | 6.57/R8.56    | 1.99               | 61,000           | 73,000                       | 77,000                        | D          | E                      | D             | E          | 170,099                      | 203,000 | 216,000       | 15                             | 20                           |                             |
| 12     | R8.56/R15.06  | 6.5                | 52,000           | 67,000                       | 71,000                        | C          | D                      | C             | E          | 307,233                      | 396,000 | 420,000       | 16                             | 21                           |                             |
| 13     | R15.06/17.25  | 2.19               | 49,500           | 59,000                       | 67,000                        | D          | D                      | E             | E          | 129,242                      | 153,000 | 176,000       | 6                              | 9                            |                             |
| 14     | 17.25/18.11   | 0.86               | 52,000           | 59,000                       | 58,000                        | C          | C                      | C             | D          | 37,604                       | 43,000  | 42,000        | 132                            | 179                          |                             |
| 15     | 18.11/R25.95  | 7.84               | 30,000           | 35,000                       | 35,000                        | C          | C                      | C             | E / D*     | 180,361                      | 212,000 | 213,000       | 31                             | 43                           |                             |
| 16     | R25.95/R31.97 | 6.02               | 19,900           | 24,880                       | 24,900                        | B          | C                      | C             | E          | 108,240                      | 135,300 | 135,420       | Not available for TCR corridor |                              |                             |
| 17     | R31.97/39.77  | 7.65               | 12,700           | 15,880                       | 15,890                        | B          | C                      | C             | D          | 97,160                       | 121,450 | 121,560       |                                |                              |                             |
| 18     | 39.77/66.63   | 26.64              | 13,100           | 16,380                       | 16,390                        | E          | F                      | F             | D          | 351,840                      | 439,800 | 440,190       |                                |                              |                             |
| 19     | 66.63/70.62   | 3.99               | 10,900           | 13,630                       | 13,640                        | E          | E                      | E             | D          | 36,270                       | 45,340  | 45,380        |                                |                              |                             |
| 20     | 70.62/75.45   | 4.83               | 19,000           | 23,750                       | 23,770                        | E          | F                      | F             | D          | 68,450                       | 85,560  | 85,640        |                                |                              |                             |
| 21     | 75.45/80.44   | 4.99               | 33,000           | 42,900                       | 42,940                        | E          | F                      | F             | E          | 159,040                      | 206,750 | 206,930       |                                |                              |                             |

Note: Please see Appendix A: Glossary for explanation of these terms and performance measures.

\* - Concept LOS on a segment that contains both urban and rural portions

## Responses to Letter S-6

### S-6-1

The commenter introduces the agency's comments on the DEIR. No response is required.

### S-6-2

The *Transportation Concept Report and Corridor System Management Plan, United States Route 50* (2014 TCR/CSMP) is dated June 27, 2014. The 2014 TCR/CSMP was not finalized at the time of the TGPA-ZOU NOP (October 1, 2012) or the release of the DEIR on March 24, 2014. The El Dorado County Travel Demand Model (EDCTDM) and the TGPA/ZOU DEIR are based on an average weekday peak-hour or design hour traffic volumes (please see also response to comment O-1-12) while the TCR/CSMP reflects the influence of weekend travel characteristics. Hence, current or future Level of Service (LOS) comparisons between these documents is not valid. The 20-Year Concept LOS for U.S. 50 is consistent between the EIR and the 2014 TCR/CSMP (LOS E). The segmentation used in the 2014 TCR/CSMP (geographic unit of analysis) is germane to the TCR/CSMP. It does not, nor has it ever, constituted a standard or guideline for traffic assessments of State highway operations—even for Caltrans' own project approval documents (PID, PSR, PA-ED). It will be noted in the FEIR that Caltrans has updated their U.S. 50 TCR/CSMP.

### S-6-3 and S-6-4

Comment acknowledged. CEQA allows a lead agency to establish the thresholds of significance that will apply to its CEQA analysis (State CEQA Guidelines Section 15064; *Save Cuyama Valley v. Santa Barbara County* [2013] 213 Cal.App.4th 1059; *Mount Shasta Bioregional Ecology Center v. County of Siskiyou* [2012] 210 Cal.App.4th 184). Such thresholds apply to the lead agency's determination but are not binding on other agencies, such as Caltrans. In any case, County roads are required to meet the standards set out in the General Plan under the consistency requirements established in Government Code Section 65402 and General Plan Policy 2.2.5.2.

This is an existing component of the County General Plan and is not proposed for change by the TGPA/ZOU. The County has chosen to use it as a threshold for purposes of the TGPA/ZOU EIR to ensure that the EIR is consistent with adopted County policies regarding congestion. To the extent there is a potential for county roads to operate beyond their design capacity and that potential is limited to the roads listed in Table TC-2, then that is an existing potential and is not the result of the TGPA/ZOU project.

This comment provides a general opinion regarding the potential of a roadway shown to operate at LOS F based on a planning level analysis (which is not recognized by Caltrans) to create an intersection queue of a given length to generate a safety issue. The scale of analysis required to verify such an operationally based opinion is well outside the scope for a programmatic EIR.

As a program EIR, this document serves as a first-tier document that assesses and documents the broad environmental impacts of a program with the understanding that a more detailed site-specific environmental review may be required to assess future projects implemented under the program. As individual projects with specific site plans and facilities are planned, the County will evaluate each project to determine the extent to which this EIR covers the potential impacts of the project and to what extent additional environmental analysis will be required for each specific future

project. (Please see Public Resources Code, Sections 21083.3, 21093, 21094; State CEQA Guidelines, Sections 15152, 15168, 15183.). The comment will be noted as a concern and will be provided to the Board of Supervisors for consideration in the decision-making process.

### **S-6-5**

Funding of road improvements through impact fees is consistent with the General Plan (please see Goal TC-X and the policies that follow it). The Mitigation Fee Act (Government Code Section 66000, et seq.) effectively makes infeasible the collection of impact fees prior to approval of a development project. Further, because impact fees cannot be used to support the issuance of bonded indebtedness, the improvements funded by impact fees cannot be built until sufficient fees have been collected to cover the cost of the improvements.

The traffic impact mitigation (TIM) program collects fees from developers based on the estimated costs of improvements necessary to serve the increased traffic generated by the development, pools those funds to pay for identified infrastructure improvements, and uses the fees once they are sufficient to actually fund the improvements. The impact fees imposed on individual development projects are thereby used to build the road improvements that are identified in the capital improvement program as needed to serve that development and other developments that similarly will place demands on the infrastructure. Payment of fees under the TIM program is an effective and valid means of constructing the infrastructure necessary to accommodate the impact of the projects subject to TIM fees. This meets all requirements of State law for an impact fee program. Pursuant to the Mitigation Fee Act, the impact fees are kept in a separate account and can only be used for the improvements identified in the TIM program. Further, the TIM fees and capital improvements program are publicly reviewed by the County on a regular basis to ensure that the fees being collected will be sufficient to fund the infrastructure that will be necessitated by new development under the General Plan. The County is prevented by law from collecting fees in excess of the estimated cost of the infrastructure improvements.

General Plan policies TC-Xa (Measure Y) thru TC-Xf have generated more than \$200 million in TIM fees. Much of this money was used to leverage additional State and Federal funds to pay for improvements to U.S. Highway 50. The Travel Demand Model (TDM) shows that our roads are within the LOS required by the General Plan; traffic conditions will remain compliant in the future with improvements either under construction or programmed and funded by future TIM fees and other State and Federal funds.

Under the U.S. Supreme Court's *Nollan v. California Coastal Conservancy* and *Dolan v. City of Tigard* decisions, fees imposed for the purpose of mitigating the impacts of a development project must have an essential "nexus" (i.e., connection) between the project's impact and the mitigation being imposed, and the amount of the fees must be roughly proportional to the project's fair share of the cost of those impacts.

### **S-6-6**

Please see responses to comments S-6-3 and S-6-4.

### **S-6-7**

The DEIR has been revised as suggested. Note that the Recirculated Partial DEIR included new traffic model runs based on the TDM. Additional analysis will be provided with the major update to the CIP

& TIM Fee Program updates to provide the LOS for the onramp in question. The CIP & TIM Fee Program updates are separate from the TGPA/ZOU and are being undertaken consistent with the provisions of the General Plan.

### **S-6-8**

The Recirculated Partial DEIR included new traffic section text that clarifies this point and incorporates Caltrans' language.

### **S-6-9**

Comment noted. Although the information provided by this comment does not pertain to the adequacy of the environmental impact analysis provided in the DEIR, the comment will be noted as a concern and will be provided to the Board of Supervisors for consideration in the decision-making process.

### **S-6-10**

County staff has actively worked with Caltrans staff to address all comments on the TDM. After circulation of the DEIR, the County requested that Caltrans and the Sacramento Area Council of Governments (SACOG) review of the County's recently updated TDM to verify that the baseline model conforms to state-of-practice in travel demand modeling, and meets overall traffic assignment validation standards suggested by Caltrans and the Federal Highways Administration. The review of the baseline model was completed by both agencies. Please also see Master Response 14: Traffic Analysis Method and Travel Demand Model.

The Recirculated Partial DEIR presents new traffic model runs based on the revised TDM. Caltrans was not requested to concur in the County's growth forecast and/or model results stemming from the County's growth forecast. In order to comply with State Planning Law (Government Code Section 65300, et seq.), the County must base its growth forecast on the development density and intensity reflected in its General Plan. Local land use planning is outside of Caltrans' responsibility and authority. The County cannot delegate to Caltrans authority over land use planning and is not required to seek Caltrans concurrence on growth forecasts related to future development under the General Plan. The revised TDM was re-run for all of the scenarios with the updated network requested by Caltrans. Additional clarifications have been made to Section 3.9, Transportation and Traffic, in the FEIR to address Caltrans' comments.

The use of daily volumes for operational analyses is predicated on the fact that roadway segments exhibit typical daily peaking characteristics—namely having traditional AM and PM peak (commute) periods with other periods of the day following a predictable pattern. The U.S. Highway 50 corridor's function as a recreational route, in addition to its daily commute component, support the conclusion that daily volumes are not necessarily a valid predictor of capacity needs for the subject segment because of the largely atypical daily volume profile. Accordingly, the County considers peak-hour or design hour volumes to be valid for determining the need for capacity improvements. As is likely the case in this situation and the reason for the commenter's question, the use of peak hour volumes can have the net effect of allowing a higher daily volume than indicated by planning level operational analysis standards.

See the discussion in Section 3.9, Transportation and Traffic, of the FEIR.

**S-6-11**

This comment provides a general opinion regarding the adequacy of a generalized conclusion drawn from a planning level analysis. As a program EIR, this document serves as a first-tier document that assesses and documents the broad environmental impacts of a program with the understanding that a more detailed site-specific environmental review may be required to assess future projects implemented under the program. Please see Master Response 1: Specificity of Environmental Review.

El Dorado County has worked closely with Caltrans staff to address all of the agency's comments on the base year model. Caltrans agreed on the base year aspects of the model on September 22, 2014. El Dorado County staff incorporated the revisions into the model used for the TGPA/ZOU analysis presented in the Recirculated Partial DEIR. The revisions were made to the base year and future year models, as necessary. These revisions include adding various roadway connections, correcting the land use allocation for schools and the City of Placerville, and increasing the free-flow speeds on U.S. Highway 50 between East Bidwell Street and Greenstone Road. The corrections to land use assumptions and U.S. Highway 50 free-flow speeds had the greatest effect on traffic forecasts.

Initially, the model's school land use was distributed among many traffic analysis zones (TAZs) instead of being concentrated in the TAZs where schools are actually located. Land use assumptions for K-12 schools and colleges within El Dorado County were corrected based on existing and future school locations. This revision applied to both the base year and future year models for all scenarios. Additionally, land use growth in and around the City of Placerville was double-counted in the DEIR analysis. Land use totals were reduced to the correct levels for the revised analysis presented in the Recirculated Partial DEIR. The City of Placerville's staff has reviewed and approved of the revised land use growth projections. This correction applies to the scenarios that account for future year land uses, including Scenarios 2, 3, 4, and 6.

As agreed upon with Caltrans, the free-flow speeds on U.S. Highway 50 were increased for both the general purpose and HOV lanes as well as the auxiliary lanes from East Bidwell Street to Greenstone Road. The speeds on White Rock Road also match the approved speeds from Latrobe Road to the El Dorado County Line and from the County Line to Grant Line Road to be consistent with the proposed updates to SACOG's Sacramento Activity-Based Travel Simulation. Model (SACSIM). This addresses Caltrans' concerns regarding the free-flow speeds on U.S. Highway 50 and parallel routes in the base and future year models. The base year model continues to meet all daily, peak period, and peak hour validation criteria, as recommended by the Federal Highway Administration (FHWA), Caltrans, and the California Transportation Commission (CTC).

The TGPA/ZOU scenarios were re-analyzed in the Recirculated Partial DEIR using the revised version of the TDM. The analysis includes a comparison of regional performance measures and peak hour roadway segment LOS. The regional performance measures were updated for all six scenarios. The roadway segment LOS is based on the revised traffic forecasts. The traffic forecasts were updated for Scenarios 2-6 using the revised TDM. Scenario 1 is the 2010 baseline condition, which is based on 2010 traffic counts, not the TDM model forecasts, so Scenario 1 traffic counts and LOS results were not revised.

All reported EDC TDM model volumes were post-processed per NCHRP 255, raw model volumes were not used in the traffic analysis. Consistent with Caltrans modeling guidelines, deviations between the 2010 base year model volumes and actual traffic counts were accounted for by



application of NCHRP 255 post processing adjustments. Caltrans staff has been provided with EDC's post-processor.

The procedures and methodologies for calculating the regional performance measures, traffic forecasts, and LOS results are described in the Recirculated Partial DEIR. The results for each scenario are presented in Tables 3.9-7 through 3.9-12 of that document and discussed below.

### ***Regional Performance Measures***

The regional performance measures include daily Vehicle Trips (VT), Vehicle Miles Traveled, (VMT), and Vehicle Hours Traveled (VHT). Table 3.9-6 of the Recirculated Partial DEIR describes the revised analysis results for Scenarios 1–6. In addition to the revisions made to the TDM described above, the boundaries used to calculate VT, VMT, and VHT were revised. The performance measures in the original DEIR were reported for all of El Dorado County, excluding the Tahoe Basin. The revised performance measures also exclude the VT, VMT, and VHT from the City of Placerville. Additionally, the number of households and employment for each scenario was updated to exclude the City of Placerville. As a result of these changes, the VT, VMT, and VHT reported in the Recirculated Partial DEIR for each scenario decreased compared to the DEIR.

### ***Roadway Segment LOS Results***

The AM and PM peak hour LOS results for each scenario are based on the revised traffic forecasts for Scenarios 2–6. Scenario 1 represents 2010 baseline conditions, and the LOS results were based on traffic counts, not the model output. Therefore, the results for Scenario 1 have not changed.

Tables 3.9-7 through 3.9-12 contain the revised traffic forecasts and LOS results for each scenario. Similar to the DEIR, the tables illustrate the roadway segments that are projected to operate at LOS E or F under either the revised or original analysis. Although LOS E is considered an acceptable LOS within the Community Regions, it is still shown in the tables for informational purposes. The results of each scenario are discussed below. Table 3.9-13 contains the traffic forecasts and LOS results for all 227 study roadway segments.

Under Scenario 2 the following three roadway segments experienced a change in LOS from LOS D or better to LOS E when compared to the original DEIR:

- U.S. Highway 50 Westbound west of Bass Lake Road—this segment would degrade to LOS E during the AM peak hour. This segment is not within the Community Region boundaries; therefore, LOS E is considered unacceptable on this segment. The decrease to LOS E on U.S. Highway 50 at this location would be a significant impact.
- U.S. Highway 50 Westbound west of Ponderosa Road—this segment would degrade to LOS E during the AM peak hour. LOS E is considered acceptable on this segment by El Dorado County and Caltrans standards. Therefore, this potential impact is considered less than significant.
- Cameron Park Drive north of Robin Lane—this segment is expected to operate at LOS E in the PM peak hour. LOS E is acceptable on this segment. Therefore, this potential impact is considered less than significant.

Under Scenarios 3 and 4, four segments were expected to operate at LOS E or worse under the original DEIR analysis. As shown in Tables 3.9-9 and 3.9-10, the revised analysis results show three of the four roadway segments improve from LOS E or worse to LOS D during the PM peak hour. Therefore, there are no new impacts for Scenarios 3 or 4 when compared to the original DEIR.

Under Scenario 5, there were no changes in LOS for roadway segments that were projected to operate at LOS E or worse. Therefore, there are no new impacts for Scenario 5 when compared to the original DEIR.

Under Scenario 6, the following four roadway segments changed from LOS D or better to LOS E or worse when compared to the original DEIR:

- U.S. Highway 50 Eastbound west of Bass Lake Road—this segment would degrade to LOS E during the PM peak hour. This segment of U.S. Highway 50 is not within the Community Region boundaries; therefore, LOS E is considered unacceptable on this segment. The decrease to LOS E on U.S. Highway 50 at this location would be a significant impact.
- U.S. Highway 50 Eastbound west of Ponderosa Road—this segment would degrade to LOS E during the PM peak hour. LOS E is considered acceptable on this segment by El Dorado County and Caltrans standards. Therefore, this potential impact is considered less than significant.
- U.S. Highway 50 Westbound west of Ponderosa Road—this segment would degrade to LOS E during the AM peak hour. LOS E is considered acceptable on this segment by El Dorado County and Caltrans standards. Therefore, this potential impact is considered less than significant.
- Cameron Park Drive north of Robin Lane—this segment is expected to operate at LOS F in the PM peak hour. LOS F is allowed on this roadway segment, as specified by General Plan Policy TC-Xd and Table TC-2 in the El Dorado County General Plan. The volume-to-capacity ratio is 1.05 under Scenario 6, which is below the maximum volume-to-capacity ratio of 1.11 for this segment. Therefore, this potential impact is considered less than significant.

According to the revised analysis results, the proposed TGPA/ZOU would result in one additional impact on U.S. Highway 50 west of Bass Lake Road under both Scenarios 2 and 6. The LOS results under the other scenarios either improve or remain the same as the original DEIR results.

#### ***“Super Cumulative” LOS Results***

The Super Cumulative No Project and Super Cumulative Plus Project scenarios were developed for informational purposes and included in Chapter 5, Other CEQA Considerations, in the Recirculated Partial DEIR (see corresponding Tables 5-2 and 5-3 of the FEIR). These scenarios were developed to analyze the impacts of the proposed TGPA/ZOU while considering growth from proposed (but not approved) large development projects in El Dorado County and Folsom south of U.S. Highway 50 in Sacramento County. The Super Cumulative scenarios are presented for CEQA purposes only and do not presuppose that any of these proposed development projects will be approved. The Super Cumulative model assumes land use growth consistent with the General Plan plus proposed development projects, including:

- Dixon Ranch
- Lime Rock Valley Specific Plan
- San Stino Residential Project
- Tilden Park
- Central El Dorado Hills Specific Plan
- Marble Valley Specific Plan



In addition to the increase in land use, the Super Cumulative model assumes, based on the existing 2014 and previous 2013 El Dorado County Capital Improvement Program (CIP), additional roadway capacity compared to the 2035 roadway network, including:

- U.S. Highway 50 Eastbound
  - Additional auxiliary lanes from Bass Lake Road to Cambridge Road, Cambridge Road to Cameron Park Drive, and Cameron Park Drive to Ponderosa Road
  - Additional HOV lane from Cameron Park Drive to Greenstone Road
- U.S. Highway 50 Westbound
  - Additional general purpose lane from Silva Valley Parkway to Empire Ranch Road
  - Additional auxiliary lane between Cambridge Road and Bass Lake Road
  - Additional HOV lane from Greenstone Road to Cameron Park Drive
- Bass Lake Road/Marble Valley Road—four lanes from Marble Valley to Silver Springs Parkway
- Cambridge Road—four lanes from Crazy Horse Road to Knollwood Drive
- Latrobe Road—six lanes from White Rock Road to Suncast Lane
- Latrobe Road—four lanes from Golden Foothills Parkway (South) to Investment Boulevard
- New roadways in the specific plan areas

The Super Cumulative No Project network contains all of the land use and roadway projects described above, including the six proposed El Dorado County development projects. The model was also edited to address Caltrans' comments. The Super Cumulative Plus Project model includes the same assumptions as the Super Cumulative No Project model, plus the land use associated with the proposed TGPA/ZOU.

The procedures and methodologies for calculating the regional performance measures, traffic forecasts, and LOS results are consistent with the original DEIR. Table 5-3 displays the VT, VMT, and VHT for the two Super Cumulative scenarios. Table 5-2 contains the traffic forecasts and LOS results for both Super Cumulative scenarios. Similar to the DEIR, the tables illustrate the roadway segments that are projected to operate at LOS E or F under either the revised or original analysis. Although LOS E is considered an acceptable LOS within the Community Regions, it is still shown in the tables for informational purposes. Table 5-3 contains the traffic forecasts and LOS results for all 227 study roadway segments.

The Super Cumulative No Project and Super Cumulative Plus Project result in the same LOS for all study roadway segments. The following five roadway segments would exceed the County's LOS thresholds both with and without the proposed TGPA/ZOU:

- U.S. Highway 50 eastbound west of Bass Lake Road—would operate at LOS F in the PM peak hour.
- Cameron Park Drive north of Oxford Road—would operate at LOS F in the PM peak hour. LOS F conditions would exist for the segment between Oxford Road and Meder Road.
- Missouri Flat Road north of Forni Road—would operate at LOS F in the PM peak hour. Additionally, this segment would exceed the maximum allowable volume-to-capacity ratio of 1.12.

- South Shingle Road south of Mother Lode Drive—would operate at LOS F in the PM peak hour.
- Cameron Park Drive north of Coach Lane—would operate at LOS F in the PM peak hour.

The remaining segments not shown in Table 5-2 operate acceptably, based on the applicable LOS threshold.

### **S-6-12**

The commenter requests to be provided with further information. The County staff has ensured that this will happen. No response is necessary.

## **Letter S-7—Governor’s Office of Planning and Research, Scott Morgan**



EDMUND G. BROWN JR.  
GOVERNOR

STATE OF CALIFORNIA  
GOVERNOR'S OFFICE of PLANNING AND RESEARCH  
STATE CLEARINGHOUSE AND PLANNING UNIT



KEN ALEX  
DIRECTOR

July 24, 2014

Shawna Purvines  
El Dorado County  
2850 Fairlane Court, Building C  
Placerville, CA 95672

Subject: Targeted General Plan Amendment and Zoning Ordinance Update  
SCH#: 2012052074

Dear Shawna Purvines:

The State Clearinghouse submitted the above named Draft EIR to selected state agencies for review. On the enclosed Document Details Report please note that the Clearinghouse has listed the state agencies that reviewed your document. The review period closed on July 23, 2014, and the comments from the responding agency (ies) is (are) enclosed. If this comment package is not in order, please notify the State Clearinghouse immediately. Please refer to the project's ten-digit State Clearinghouse number in future correspondence so that we may respond promptly.

Please note that Section 21104(c) of the California Public Resources Code states that:

"A responsible or other public agency shall only make substantive comments regarding those activities involved in a project which are within an area of expertise of the agency or which are required to be carried out or approved by the agency. Those comments shall be supported by specific documentation."

These comments are forwarded for use in preparing your final environmental document. Should you need more information or clarification of the enclosed comments, we recommend that you contact the commenting agency directly.

This letter acknowledges that you have complied with the State Clearinghouse review requirements for draft environmental documents, pursuant to the California Environmental Quality Act. Please contact the State Clearinghouse at (916) 445-0613 if you have any questions regarding the environmental review process.

Sincerely,

Scott Morgan  
Director, State Clearinghouse

**EL DORADO COUNTY  
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**JUL 29 2014**

**LONG RANGE PLANNING**

Enclosures  
cc: Resources Agency

271065  
**Document Details Report**  
**State Clearinghouse Data Base**

**SCH#** 2012052074  
**Project Title** Targeted General Plan Amendment and Zoning Ordinance Update  
**Lead Agency** El Dorado County

**Type** EIR Draft EIR  
**Description** Note: Review per lead

The County of El Dorado is proposing a limited number of targeted amendments to its 2004 General Plan and the adoption of a comprehensive update to the Zoning Ordinance. Targeted General Plan Amendments mostly consist of proposed policy revisions for the Land Use Element; Transportation and Circulation Element; Public Services and Utilities Element; Public Health, Safety and Noise Element; Conservation and Open Space Element; and Agriculture and Forestry Element and Economic Development Element. The proposed comprehensive Zoning Ordinance Update consists of revising the zoning maps and text to bring them into conformance with the General Plan.

**Lead Agency Contact**

**Name** Shawna Purvines  
**Agency** El Dorado County  
**Phone** 530 621 5362 **Fax**  
**email**  
**Address** 2850 Fairlane Court, Building C  
**City** Placerville **State** CA **Zip** 95672

**Project Location**

**County** El Dorado  
**City** Unincorporated  
**Region**  
**Lat / Long**  
**Cross Streets**  
**Parcel No.**  
**Township**

**Range** **Section** **Base**

**Proximity to:**

**Highways**  
**Airports**  
**Railways**  
**Waterways**  
**Schools**  
**Land Use** Various

**Project Issues** Agricultural Land; Air Quality; Archaeologic-Historic; Biological Resources; Geologic/Seismic; Minerals; Noise; Population/Housing Balance; Public Services; Soil Erosion/Compaction/Grading; Toxic/Hazardous; Traffic/Circulation; Wetland/Riparian; Landuse; Cumulative Effects

**Reviewing Agencies** Resources Agency; Department of Conservation; Department of Fish and Wildlife, Region 2; Cal Fire; Office of Historic Preservation; Department of Parks and Recreation; Caltrans, District 3 S; Air Resources Board; Air Resources Board, Transportation Projects; Regional Water Quality Control Bd., Region 5 (Sacramento); Department of Toxic Substances Control; Native American Heritage Commission; Public Utilities Commission; State Lands Commission; Tahoe Regional Planning Agency

**Date Received** 03/21/2014 **Start of Review** 03/21/2014 **End of Review** 07/23/2014

## PUBLIC UTILITIES COMMISSION

320 WEST 4TH STREET, SUITE 500  
LOS ANGELES, CA 90013  
(213) 576-7083



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APR 01 2014

March 27, 2014

Ms. Shawna Purvines  
County of El Dorado  
2850 Fairlane Court, Building C  
Placerville, California 95672

STATE CLEARING HOUSE

Dear Ms. Purvines:

Re: SCH 2012052074 El Dorado County Targeted General Plan Amendment – DEIR

The California Public Utilities Commission (Commission) has jurisdiction over the safety of highway-rail crossings (crossings) in California. The California Public Utilities Code requires Commission approval for the construction or alteration of crossings and grants the Commission exclusive power on the design, alteration, and closure of crossings in California. The Commission Rail Crossings Engineering Section (RCES) is in receipt of the draft *Environmental Impact Report (DEIR)* for the proposed County of El Dorado (County) Targeted General Plan Amendment project.

The project area includes active railroad tracks. RCES recommends that the County add language to the Targeted General Plan Amendment so that any development adjacent to or near the railroad/light rail right-of-way (ROW) is planned with the safety of the rail corridor in mind. New developments may increase traffic volumes not only on streets and at intersections, but also at at-grade crossings. This includes considering pedestrian/bike circulation patterns or destinations with respect to railroad ROW and compliance with the Americans with Disabilities Act. Mitigation measures to consider include, but are not limited to, the planning for grade separations for major thoroughfares, improvements to existing at-grade crossings due to increase in traffic volumes and continuous vandal resistant fencing or other appropriate barriers to limit the access of trespassers onto the railroad ROW.

If you have any questions in this matter, please contact me at (213) 576-7076, [ykc@cpuc.ca.gov](mailto:ykc@cpuc.ca.gov).

Sincerely,

Ken Chiang, P.E.  
Utilities Engineer  
Rail Crossings Engineering Section  
Safety and Enforcement Division

C: State Clearinghouse



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EDMUND G. BRUNE, JR.  
GOVERNOR

MATTHEW RODRIGUEZ  
SECRETARY FOR  
ENVIRONMENTAL PROTECTION

Central Valley Regional Water Quality Control Board

4 April 2014

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Shawna Purvines  
County of El Dorado  
Community Development Agency  
2850 Fairlane Court, Building "C"  
Placerville, CA 95667

APR 07 2014

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7013 1710 0002 3644 1462

STATE CLEARING HOUSE

**COMMENTS TO REQUEST FOR REVIEW FOR THE DRAFT ENVIRONMENTAL IMPACT REPORT, TARGETED GENERAL PLAN AMENDMENT AND ZONING ORDINANCE UPDATE PROJECT, SCH NO. 2012052074, EL DORADO COUNTY**

Pursuant to the State Clearinghouse's 21 March 2014 request, the Central Valley Regional Water Quality Control Board (Central Valley Water Board) has reviewed the Request for Review for the *Draft Environmental Impact Report* for the Targeted General Plan Amendment and Zoning Ordinance Update Project, located in El Dorado County.

Our agency is delegated with the responsibility of protecting the quality of surface and groundwaters of the state; therefore our comments will address concerns surrounding those issues.

**Construction Storm Water General Permit**

Dischargers whose project disturb one or more acres of soil or where projects disturb less than one acre but are part of a larger common plan of development that in total disturbs one or more acres, are required to obtain coverage under the General Permit for Storm Water Discharges Associated with Construction Activities (Construction General Permit), Construction General Permit Order No. 2009-009-DWQ. Construction activity subject to this permit includes clearing, grading, grubbing, disturbances to the ground, such as stockpiling, or excavation, but does not include regular maintenance activities performed to restore the original line, grade, or capacity of the facility. The Construction General Permit requires the development and implementation of a Storm Water Pollution Prevention Plan (SWPPP).

For more information on the Construction General Permit, visit the State Water Resources Control Board website at:

[http://www.waterboards.ca.gov/water\\_issues/programs/stormwater/constpermits.shtml](http://www.waterboards.ca.gov/water_issues/programs/stormwater/constpermits.shtml).

**Phase I and II Municipal Separate Storm Sewer System (MS4) Permits<sup>1</sup>**

The Phase I and II MS4 permits require the Permittees reduce pollutants and runoff flows from new development and redevelopment using Best Management Practices (BMPs) to the maximum extent practicable (MEP). MS4 Permittees have their own development standards, also known as Low Impact Development (LID)/post-construction standards that include a hydromodification component. The MS4 permits also require specific design concepts for LID/post-construction BMPs in the early stages of a project during the entitlement and CEQA process and the development plan review process.

For more information on which Phase I MS4 Permit this project applies to, visit the Central Valley Water Board website at:

[http://www.waterboards.ca.gov/centralvalley/water\\_issues/storm\\_water/municipal\\_permits/](http://www.waterboards.ca.gov/centralvalley/water_issues/storm_water/municipal_permits/).

For more information on the Phase II MS4 permit and who it applies to, visit the State Water Resources Control Board at:

[http://www.waterboards.ca.gov/water\\_issues/programs/stormwater/phase\\_ii\\_municipal.shtml](http://www.waterboards.ca.gov/water_issues/programs/stormwater/phase_ii_municipal.shtml)

**Industrial Storm Water General Permit**

Storm water discharges associated with industrial sites must comply with the regulations contained in the Industrial Storm Water General Permit Order No. 97-03-DWQ.

For more information on the Industrial Storm Water General Permit, visit the Central Valley Water Board website at:

[http://www.waterboards.ca.gov/centralvalley/water\\_issues/storm\\_water/industrial\\_general\\_permits/index.shtml](http://www.waterboards.ca.gov/centralvalley/water_issues/storm_water/industrial_general_permits/index.shtml).

**Clean Water Act Section 404 Permit**

If the project will involve the discharge of dredged or fill material in navigable waters or wetlands, a permit pursuant to Section 404 of the Clean Water Act may be needed from the United States Army Corps of Engineers (USACOE). If a Section 404 permit is required by the USACOE, the Central Valley Water Board will review the permit application to ensure that discharge will not violate water quality standards. If the project requires surface water drainage realignment, the applicant is advised to contact the Department of Fish and Game for information on Streambed Alteration Permit requirements.

If you have any questions regarding the Clean Water Act Section 404 permits, please contact the Regulatory Division of the Sacramento District of USACOE at (916) 557-5250.

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<sup>1</sup> Municipal Permits = The Phase I Municipal Separate Storm Water System (MS4) Permit covers medium sized Municipalities (serving between 100,000 and 250,000 people) and large sized municipalities (serving over 250,000 people). The Phase II MS4 provides coverage for small municipalities, including non-traditional Small MS4s, which include military bases, public campuses, prisons and hospitals.



**Clean Water Act Section 401 Permit – Water Quality Certification**

If an USACOE permit, or any other federal permit, is required for this project due to the disturbance of waters of the United States (such as streams and wetlands), then a Water Quality Certification must be obtained from the Central Valley Water Board prior to initiation of project activities. There are no waivers for 401 Water Quality Certifications.

**Waste Discharge Requirements**

If USACOE determines that only non-jurisdictional waters of the State (i.e., "non-federal" waters of the State) are present in the proposed project area, the proposed project will require a Waste Discharge Requirement (WDR) permit to be issued by Central Valley Water Board. Under the California Porter-Cologne Water Quality Control Act, discharges to all waters of the State, including all wetlands and other waters of the State including, but not limited to, isolated wetlands, are subject to State regulation.

For more information on the Water Quality Certification and WDR processes, visit the Central Valley Water Board website at:

[http://www.waterboards.ca.gov/centralvalley/help/business\\_help/permit2.shtml](http://www.waterboards.ca.gov/centralvalley/help/business_help/permit2.shtml).

**Low or Limited Threat General NPDES Permit**

If the proposed project includes construction dewatering and it is necessary to discharge the groundwater to waters of the United States, the proposed project will require coverage under a National Pollutant Discharge Elimination System (NPDES) permit. Dewatering discharges are typically considered a low or limited threat to water quality and may be covered under the General Order for *Dewatering and Other Low Threat Discharges to Surface Waters* (Low Threat General Order) or the General Order for *Limited Threat Discharges of Treated/Untreated Groundwater from Cleanup Sites, Wastewater from Superchlorination Projects, and Other Limited Threat Wastewaters to Surface Water* (Limited Threat General Order). A complete application must be submitted to the Central Valley Water Board to obtain coverage under these General NPDES permits.

For more information regarding the Low Threat General Order and the application process, visit the Central Valley Water Board website at:

[http://www.waterboards.ca.gov/centralvalley/board\\_decisions/adopted\\_orders/general\\_orders/r5-2013-0074.pdf](http://www.waterboards.ca.gov/centralvalley/board_decisions/adopted_orders/general_orders/r5-2013-0074.pdf)

For more information regarding the Limited Threat General Order and the application process, visit the Central Valley Water Board website at:

[http://www.waterboards.ca.gov/centralvalley/board\\_decisions/adopted\\_orders/general\\_orders/r5-2013-0073.pdf](http://www.waterboards.ca.gov/centralvalley/board_decisions/adopted_orders/general_orders/r5-2013-0073.pdf)

If you have questions regarding these comments, please contact me at (916) 464-4684 or  
trevor.cleak@waterboards.ca.gov.



---

Trevor Cleak  
Environmental Scientist  
401 Water Quality Certification Program

cc: State Clearinghouse Unit, Governor's Office of Planning and Research, Sacramento

**BOARD OF FORESTRY AND FIRE PROTECTION**

P.O. Box 944246  
 SACRAMENTO, CA 94244-2460  
 Website: www.bof.fire.ca.gov  
 (916) 653-8007

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 7/23/14  
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El Dorado County Community Development Agency  
 Long Range Planning  
 Attention: Shawna Purvines  
 2850 Fairlane Court  
 Placerville, CA 9566



July 17, 2014

RE: Targeted General Plan Amendment and Zoning Ordinance Update; SCH #2012052074

Dear Ms. Purvines:

The California State Board of Forestry and Fire Protection (Board) would like to issue comment on the scope and contents of the Targeted General Plan Amendment and Zoning Ordinance Update, specifically the Public Health, Safety, and Noise Element, and its accompanying Draft Environmental Impact Report.

This updated Public Health, Safety, and Noise Element is missing key information mandated in Government Code §65302(g)(1) and 65302(g)(3). See bolded/italicized language below.

§65302(g)(1) reads:

A safety element for the protection of the community from any unreasonable risks associated with the effects of seismically induced surface rupture, ground shaking, ground failure, tsunami, seiche, and dam failure; slope instability leading to mudslides and landslides; subsidence; liquefaction; and other seismic hazards identified pursuant to Chapter 7.8 (commencing with Section 2690) of Division 2 of the Public Resources Code, and other geologic hazards known to the legislative body; flooding; and wildland and urban fires. ***The safety element shall include mapping of known seismic and other geologic hazards. It shall also address evacuation routes, military installations, peakload water supply requirements, and minimum road widths and clearances around structures, as those items relate to identified fire and geologic hazards.***

§65302(g)(3):

Upon the next revision of the housing element on or after January 1, 2014, the safety element shall be reviewed and updated as necessary to address the risk of fire for land classified as state responsibility areas, as defined in Section 4102 of the Public Resources Code, and land classified as very high fire hazard severity zones, as defined in Section 51177. This review shall consider the advice included in the Office of Planning and Research's most recent publication of "Fire Hazard Planning, General Technical Advice Series" and shall also include all of the following:

**(A) Information regarding fire hazards, including, but not limited to, all of the following:**

- (i) Fire hazard severity zone maps available from the Department of Forestry and Fire Protection.**
- (ii) Any historical data on wildfires available from local agencies or a reference to where the data can be found.**
- (iii) Information about wildfire hazard areas that may be available from the United States Geological Survey.**
- (iv) General location and distribution of existing and planned uses of land in very high fire hazard severity zones and in state responsibility areas...**
- (v) Local, state, and federal agencies with responsibility for fire protection, including special districts and local offices of emergency services.**

**(B) A set of goals, policies, and objectives based on the information identified pursuant to subparagraph (A) for the protection of the community from the unreasonable risk of wildfire.**

**(C) A set of feasible implementation measures designed to carry out the goals, policies, and objectives based on the information identified pursuant to subparagraph (B) including, but not limited to, all of the following:**

- (i) Avoiding or minimizing the wildfire hazards associated with new uses of land.**
- (ii) Locating, when feasible, new essential public facilities outside of high fire risk areas...**
- (iii) Designing adequate infrastructure if a new development is located in a state responsibility area or in a very high fire hazard severity zone, including safe access for emergency response vehicles, visible street signs, and water supplies for structural fire suppression.**
- (iv) Working cooperatively with public agencies with responsibility for fire protection.**

**(D) If a city or county has adopted a fire safety plan or document separate from the general plan, an attachment of, or reference to, a city or county's adopted fire safety plan or document that fulfills commensurate goals and objectives and contains information required pursuant to this paragraph.**

This updated Public Health, Safety, and Noise Element should include:

- Fire hazard severity maps
- Historical information about wildfires in the planning area
- A discussion of planned and existing land uses in or near very high fire hazard severity zones and/or state responsibility areas (SRA)
- Implementation measures as described above in §65302(g)(3)(C)

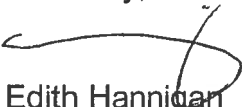
In particular, the Board of Forestry and Fire Protection is concerned about plans to provide for adequate ingress and egress to developed land in high or very high fire hazard severity zones (H/VHFHSZ), as

well as changes in land use designations that may support population growth in those zones. The expansion of Commercial uses into Community Regions and Rural Centers, the increase in density in residential or mix-use land use designations, and the overall emphasis on expanded development and more intense residential use in the Targeted General Plan will put more residents into high or very high fire hazard severity zones.

Although the DEIR states, on page 3-2 "...none of the proposed changes in the General Plan policy or Zoning Ordinance regulations would substantively change projected population, change the amount of housing designated in the General Plan, or expand areas to be developed..." the Board would like to express concern that fire safety is not addressed adequately for the proposed increase in allowable densities. Without updating the Public Health, Safety, and Noise Element to meet the above Government Code sections and to include fire safe mitigations for communities affected by this update, this proposed TGPA-ZOU exposes people or structures to a significant risk of loss, injury, or death from wildland fires. This is contrary to the DEIR, page 2-19 "less than significant impacts" finding on question VIII (h).

The Board encourages El Dorado County to continue collaboration and cooperation with the Board and CAL FIRE Amador-El Dorado Unit through the Draft EIR and TGPA-ZOU adoption process. Thank you for your work to reduce the fire risk to residential and commercial development in the County.

Sincerely,



Edith Hannigan  
Board Consultant, SRA  
edith.hannigan@bof.ca.gov  
(916) 653-2928

CC: Unit Forester, Amador-El Dorado Unit  
Chris Browder, Deputy Environmental Coordinator  
State Clearinghouse

**DEPARTMENT OF TRANSPORTATION**  
DISTRICT 3—SACRAMENTO AREA OFFICE  
2379 GATEWAY OAKS DRIVE, SUITE 150  
SACRAMENTO, CA 95833  
PHONE (916) 274-0638  
FAX (916) 274-0602  
TTY 711  
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July 23, 2014

032014-ELD-0007  
03-ELD-50/PM Various  
SCH#2012052074

Ms. Shawna Purvines  
Long Range Planning  
El Dorado County  
2850 Fairland Court, Building C  
Placerville, CA 95672

**Targeted General Plan Amendment and Zoning Ordinance Update (TGPA-ZOU) – Draft Environmental Impact Report (DEIR)**

Dear Ms. Purvines:

Thank you for including the California Department of Transportation (Caltrans) in the review process for the County of El Dorado Targeted General Plan Amendment and Zoning Ordinance Update (TGPA-ZOU) DEIR. The TGPA-ZOU proposes amendments to existing policies and regulations and establishes new policies and regulations regarding land use and transportation within the unincorporated parts of El Dorado County. There are several proposed policy changes associated with the project, including densification of some existing land uses, that will influence future development throughout the County. The following comments concern the analysis and implications of these changes, so that impacts to the State Highway System are disclosed and adequately mitigated for, protecting interregional travel and safety throughout the County. We look forward to continuing to work with the County of El Dorado staff, stakeholders, and the El Dorado County community in the refinement and implementation of the TGPA-ZOU. Our comments are based on the DEIR received:

***Caltrans State Highway System Planning***

- ES.5 (Page ES-17), 3.9.1 Existing Conditions (Page 3.9-1), 3.9.2 Environmental Impacts (Page 3.9-23), Table 3.9-1 (Pages 3.9-3 through 3.9-4), and Table D.7-3 (Pages D-13 through D-14), Tables D.8-3 through D.8-7 (Pages D-19 through D-23) – In numerous instances, the DEIR cites highway information from the Caltrans 2009 U.S. Highway 50 (US 50) Corridor System Management Plan (CSMP) and the 2010 US 50 Transportation Concept Report (TCR). Please note that Caltrans has updated and combined these documents into the current 2014 US 50 TCR-CSMP. The 2014 US 50 TCR-CSMP for is available at:

<http://www.dot.ca.gov/dist3/departments/planning/tcr/tcr50.pdf>



Ms. Purvines - Long Range Planning, El Dorado County  
 Targeted General Plan Amendment and Zoning Ordinance Update (TGPA-ZOU) - DEIR  
 July 23, 2014  
 Page 2

The “Current Level of Service (LOS)”, “20 Year Concept LOS”, and “Concept Facility” columns in Tables 3.9-1 and D.7-3 are inaccurate, and should be replaced with the updated information from the 2014 US 50 TCR-CSMP. Furthermore, the segmentation of US 50 has changed – for example, US 50 from the Sacramento/El Dorado County Line to Cameron Park Drive has been broken up into three distinct segments based on current traffic patterns and facility configuration. Please see Attachment A, Table 13: US 50 Basic System Characteristics (page 49 from the 2014 US 50 TCR-CSMP) for updated data and segmentation of US 50.

- 3.9.1 Existing Conditions (Page 3.9-15) – Existing General Plan Policy TC-Xa, item No. 2 states:

*"The County shall not add any additional segments of US Highway 50, or any other roads, to the County's list of roads allowed to operate at LOS F without first getting the voter's approval or by 4/5ths vote of the Board of Supervisors."*

Table TC-2 (Page 3.9-16) subsequently lists a number of County Roads and US 50 segments within unincorporated El Dorado County which are allowed under policy TC-Xa to operate at LOS F.

We are concerned with the application of this General Plan policy in the DEIR to determine impact significance on State Highway System facilities. This creates the potential of County Roads operating beyond their designed capacity spilling into US 50 and SR 49, thus adversely affecting highway operations and possibly safety.

For instance, Tables 3.9-9 (Page 3.9-35) and 3.9-10 (Page 3.9-36) Study Scenario 3 and 4, state that Missouri Flat Road 400 yards north of Forni Road will worsen to LOS F during the PM Peak Hour. However, according to the DEIR, this is "Not considered an impact because this roadway segment is included in the list of roadway segments allowed to operate at LOS F as shown in Table 3.9-4." If the operations of Missouri Flat Road in the vicinity of US 50 are causing queuing that exceeds the available storage of the ramps, and this compromises the safety on US 50, this would be considered a significant impact under the California Environmental Quality Act (CEQA). Queuing that exceeds available storage denotes a breakdown in the flow of traffic and creates traffic hazards with automobiles in intersections and preventing some through traffic movements.

Furthermore, Table TC-2, which is associated with this policy, does not reflect current Caltrans operational performance concepts for either US 50 or SR 49, presently or in the future. The table appears not to have been updated since it was first adopted in the late 1990's. While this DEIR and the associated policy changes to the 2004 General Plan do not propose changing this table, we strongly encourage El Dorado County to revise it to reflect current concepts. Caltrans has established a minimum acceptable LOS for freeway segments, called “Concept LOS,” of LOS E for urban areas and LOS D for rural areas. Please see Attachment A for current Concept LOS values for US 50.

Ms. Purvines - Long Range Planning, El Dorado County  
 Targeted General Plan Amendment and Zoning Ordinance Update (TGPA-ZOU) - DEIR  
 July 23, 2014  
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- 3.9.2 Environmental Impacts (Page 3.9-30) – Impact “5.4-3. Short term unacceptable LOS conditions related to generation of new traffic in advance of transportation improvements” states:

*"Policy TC-Xf of the General Plan includes modified language to allow a potential lag to occur between the issuance of use or occupancy permits and required roadway improvements as long as roadway improvements necessary to accommodate 'existing plus project' traffic are programmed (i.e., fully funded)."*

Again, we are concerned with how existing General Plan policy is cited in the DEIR to justify significant and unavoidable impacts to the State Highway System. Many transportation improvement projects that are programmed are not constructed for several years and are sometimes cancelled. A policy that permits a “lag” between when occupancy permits are issued and when required roadway improvements are built could potentially degrade highway operations and possibly create unsafe conditions for motorists, bicyclists, and pedestrians. Caltrans, El Dorado County, El Dorado County Transportation Commission (EDCTC), and other local agencies and entities should ensure that transportation improvements are built in concert with incoming development, so that travel growth is managed and that roadway safety is enhanced or at least maintained.

#### **Clarification Comments**

- ES.5 (Page ES-18) and 3.9.2 Environmental Impacts (Page 3.9-28) – The DEIR states:

*"Third, Caltrans is planning for the future of the State Highway system while El Dorado County is tasked with the planning, improvement, and maintenance of the local network. It should be noted that Caltrans is planning for LOS F on U.S. Highway 50 in the future, while El Dorado County is tasked with maintaining LOS E on U.S. Highway 50 where it runs through Community Regions and LOS D in all other areas of the county, as required by General Plan Policy TC-Xd and Policy 5.1.2.2."*

Caltrans is not planning for LOS F on US 50. As stated earlier, Caltrans has established “Concept LOS” values that represent minimum acceptable LOS values for highway segments. Please see Attachment A for Caltrans Concept LOS values for US 50.

The 2014 US 50 TCR-CSMP does identify that certain segments are either currently operating at LOS F or are forecasted to operate at LOS F. Any present or future LOS analysis that concludes a freeway segment will operate at LOS F highlights areas where future demand will exceed future capacity and illustrates a need for more capacity and/or operational improvements and/or system management strategies in that area.



Ms. Purvines - Long Range Planning, El Dorado County  
 Targeted General Plan Amendment and Zoning Ordinance Update (TGPA-ZOU) - DEIR  
 July 23, 2014  
 Page 4

- ES.5 (Page ES-17) and 3.9.2 Environmental Impacts (Page 3.9-27) – The DEIR states:

*“Caltrans Operations staff has also stated that once the ramp metering for the westbound El Dorado Hills Boulevard on-ramp is operational, LOS on this segment should improve.”*

The statement should be revised to read, “LOS on this segment may temporarily improve.” Microsimulation analysis is needed in order to accurately determine whether or not LOS will improve with the addition of the ramp meter. The ramp meter alone may not be enough to improve the LOS, and other improvements and/or strategies may be needed to accommodate travel demand on US 50.

- ES.5 (Page ES-18) and 3.9.2 Environmental Impacts (Page 3.9-28) – The DEIR states:

*“Caltrans and El Dorado County also differ in determining the amount and distribution of future development. Caltrans determines the annual growth from SACOG’s models and applies the traffic growth to the baseline conditions to determine the 20-year volumes.”*

This statement is incorrect. Caltrans has previously discussed with the County that growth factors are developed for freeway segments based on all applicable Travel Demand Models in the analysis area as well as linear regression analysis of historical traffic volumes.

- ES.5 (Pages ES-17-18) and 3.9.2 Environmental Impacts (Page 3.9-28) – The DEIR states:

*“Second, Caltrans and El Dorado County use different practices regarding how traffic counts are collected and used to model future transportation system performance. Caltrans’ count data for freeways are counted throughout the year, with some locations counted continuously. Locations that are not counted throughout the year are sampled every 3 years at different times during the count year. Final volumes are adjusted by compensating for seasonal influence, weekly variation, and other variables that may be present. Caltrans counts are based on a 7-day week.”*

Caltrans has previously discussed with the County that traffic counts obtained from a smaller sample size are more likely to be adversely affected by weather, traffic incidents, and seasonal and weekly travel fluctuations. Our counting method endeavors to capture a representative sample so that we have a holistic understanding of traffic conditions on the State Highway System throughout the year.

### ***El Dorado County Travel Demand Model (TDM) and Methodology***

- ES.5 (Page ES-17) and 3.9.2 Environmental Impacts (Page 3.9-27) – The DEIR states:

*“El Dorado County’s updated Travel Demand Model (TDM) was used to model six roadway network scenarios for the TGPA/ZOU project. This Analysis indicates that U.S. Highway 50 will not reach LOS F in 2035 under any of the six roadway network scenarios analyzed.”*

Ms. Purvines - Long Range Planning, El Dorado County  
 Targeted General Plan Amendment and Zoning Ordinance Update (TGPA-ZOU) - DEIR  
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 Page 5

In a letter sent to the County of El Dorado on February 14<sup>th</sup>, 2014, regarding review of the El Dorado County TDM, Caltrans stated that comments and concerns regarding the final draft base year model and documentation had yet to be addressed. There are specific concerns about network assumptions that directly affect the demand volumes on US 50, specifically low freeway link speeds constraining demand volumes. Furthermore, Caltrans has yet to review any future El Dorado County TDM scenarios because the County stated that the future forecasts were yet to be finalized. Caltrans believes that before any future El Dorado County TDM scenarios are analyzed, the network issues in the base year El Dorado County TDM need to be corrected. Since the base year model used in this analysis did not incorporate our freeway link speed comments and the future forecasts and models have yet to be reviewed or approved, we cannot agree with the conclusions derived from the traffic analysis. The LOS analysis for US 50 should be redone once the base year and future year models are completed and approved by Caltrans.

Regarding conditions on US 50, according to the Caltrans Performance Measurement System (PeMS) and the 2010 Highway Capacity Manual freeway segment analysis, the Sacramento/El Dorado County line to Latrobe Road freeway segment of US 50 currently operates at LOS F (please see Attachment A). In order for the 2035 US 50 LOS to improve from F to E, 2035 traffic volumes on US 50 will need to be lower than current traffic volumes and/or significant mainline and parallel capacity/operational improvements are needed to offset the current travel demand and future travel demand increases on US 50. Also, using the El Dorado County TDM projected traffic volumes growth and the industry standard differential method to develop future forecasts, Caltrans projects that US 50 will operate at LOS F in 2035.

- Table D.7-1 Level of Service Typical Traffic Volumes (Page D-10) – Table D.7-1 describes the methodology and peak hour service volumes thresholds used to determine the level of service of roadways in El Dorado County. The narrative states, “These values (are) not appropriate for making detailed or final determinations regarding operational or design considerations.” However, the conclusions derived from the traffic modeling make specific operational determinations that contradict this statement. For example, ES.5 states, “US 50 will not reach LOS F in 2035 under any of the six roadway network scenarios analyzed.” Level of service for freeways should be calculated using the 2010 Highway Capacity Manual freeway segment analysis, which requires more input data than exclusively using the service volumes used in this DEIR.

Caltrans would like to review the postprocessor and a more detailed summary of the methodology used to develop the forecast volumes used to determine the level of service of US 50 and SR 49. Raw volumes from travel demand models are seldom used in traffic analysis; however, the difference in volumes between forecast years and/or scenarios applied to applicable base year count volumes is standard of practice. The document does not clearly state whether this methodology was used or not. The “difference” method should have been used to develop future volumes.

Ms. Purvines - Long Range Planning, El Dorado County  
Targeted General Plan Amendment and Zoning Ordinance Update (TGPA-ZOU) - DEIR  
July 23, 2014  
Page 6

Please provide our office with copies of any further actions regarding this project. We would appreciate the opportunity to review and comment on any changes related to this project.

If you have any questions regarding these comments or require additional information, please contact Robert J. Peters, Intergovernmental Review Coordinator, at (916) 274-0639 or by email at: robert.j.peters@dot.ca.gov.

Sincerely,



MARLO TINNEY  
Chief, Office of Transportation Planning – East

Cc: Scott Morgan, State Clearinghouse

# Attachment A

**TABLE 13: US 50 BASIC SYSTEM OPERATIONS**

| Seg. # | County        | Post Miles         | Distance (Miles) | Average Annual Daily Traffic |                               |            | Level of Service (LOS) |               |            | Vehicle Miles Traveled (VMT) |         |               | Delay                          |                              |                             |
|--------|---------------|--------------------|------------------|------------------------------|-------------------------------|------------|------------------------|---------------|------------|------------------------------|---------|---------------|--------------------------------|------------------------------|-----------------------------|
|        |               |                    |                  | Base Year (BY)*              | No Build (Horizon Year (HY))* | Build (HY) | B                      | No Build (HY) | Build (HY) | Concept LOS                  | BY      | No Build (HY) | Build (HY)                     | Daily Vehicle Hours of Delay | Daily Person Hours of Delay |
| 1      | YOL           | 0.00/3.16          | 3.16             | 176,000                      | 206,000                       | 210,000    | E                      | F             | F          | E                            | 337,274 | 394,000       | 402,000                        | 228                          | 310                         |
| 2      | SAC           | L0.00/L2.48(R0.00) | 2.48             | 246,000                      | 279,000                       | 300,000    | F                      | F             | F          | E                            | 452,373 | 513,000       | 552,000                        | 1,697                        | 2,309                       |
| 3      |               | R0.00/R5.34        | 5.34             | 206,000                      | 249,000                       | 265,000    | F                      | F             | F          | E                            | 959,231 | 1,158,000     | 1,235,000                      | 1,708                        | 2,323                       |
| 4      |               | R5.34/R10.92       | 5.58             | 171,000                      | 226,000                       | 234,000    | F                      | F             | F          | E                            | 660,438 | 873,000       | 905,000                        | 509                          | 692                         |
| 5      |               | R10.92/12.50       | 1.58             | 141,000                      | 196,000                       | 204,000    | E                      | F             | F          | E                            | 194,349 | 271,000       | 281,000                        | 204                          | 278                         |
| 6      |               | 12.50/17.01        | 4.51             | 117,000                      | 160,000                       | 161,000    | F                      | F             | F          | E                            | 630,648 | 862,000       | 866,000                        | 565                          | 768                         |
| 7      |               | 17.01/23.14        | 6.13             | 91,000                       | 113,000                       | 132,000    | F                      | F             | F          | E                            | 521,760 | 645,000       | 759,000                        | 158                          | 215                         |
| 8      |               | 0.00/0.86          | 0.86             | 91,000                       | 100,000                       | 110,000    | F                      | F             | F          | E                            | 81,060  | 89,000        | 98,000                         | 59                           | 80                          |
| 9      | 0.86/R3.23    | 2.37               | 70,000           | 94,000                       | 105,000                       | E          | F                      | F             | E          | 127,860                      | 171,000 | 191,000       | 10                             | 13                           |                             |
| 10     | R3.23/6.57    | 3.34               | 61,000           | 86,000                       | 84,000                        | D          | F                      | D             | E          | 207,994                      | 294,000 | 286,000       | 51                             | 70                           |                             |
| 11     | 6.57/R8.56    | 1.99               | 61,000           | 73,000                       | 77,000                        | D          | E                      | D             | E          | 170,099                      | 203,000 | 216,000       | 15                             | 20                           |                             |
| 12     | R8.56/R15.06  | 6.5                | 52,000           | 67,000                       | 71,000                        | C          | D                      | C             | E          | 307,233                      | 396,000 | 420,000       | 16                             | 21                           |                             |
| 13     | R15.06/17.25  | 2.19               | 49,500           | 59,000                       | 67,000                        | D          | D                      | E             | E          | 129,242                      | 153,000 | 176,000       | 6                              | 9                            |                             |
| 14     | 17.25/18.11   | 0.86               | 52,000           | 59,000                       | 58,000                        | C          | C                      | C             | D          | 37,604                       | 43,000  | 42,000        | 132                            | 179                          |                             |
| 15     | 18.11/R25.95  | 7.84               | 30,000           | 35,000                       | 35,000                        | C          | C                      | C             | E / D*     | 180,361                      | 212,000 | 213,000       | 31                             | 43                           |                             |
| 16     | R25.95/R31.97 | 6.02               | 19,900           | 24,880                       | 24,900                        | B          | C                      | C             | E          | 108,240                      | 135,300 | 135,420       | Not available for TCR corridor |                              |                             |
| 17     | R31.97/39.77  | 7.65               | 12,700           | 15,880                       | 15,890                        | B          | C                      | C             | D          | 97,160                       | 121,450 | 121,560       |                                |                              |                             |
| 18     | 39.77/66.63   | 26.64              | 13,100           | 16,380                       | 16,390                        | E          | F                      | F             | D          | 351,840                      | 439,800 | 440,190       |                                |                              |                             |
| 19     | 66.63/70.62   | 3.99               | 10,900           | 13,630                       | 13,640                        | E          | E                      | E             | D          | 36,270                       | 45,340  | 45,380        |                                |                              |                             |
| 20     | 70.62/75.45   | 4.83               | 19,000           | 23,750                       | 23,770                        | E          | F                      | F             | D          | 68,450                       | 85,560  | 85,640        |                                |                              |                             |
| 21     | 75.45/80.44   | 4.99               | 33,000           | 42,900                       | 42,940                        | E          | F                      | F             | E          | 159,040                      | 206,750 | 206,930       |                                |                              |                             |

Note: Please see Appendix A: Glossary for explanation of these terms and performance measures.

\* - Concept LOS on a segment that contains both urban and rural portions

## Responses to Letter S-7

### S-7-1

The State Clearinghouse transmits comments from State agencies. These comment letters were also received directly by the County and are responded to as Letters S-3, S-4, S-5, and S-6. No additional response to the State Clearinghouse's transmittal is required.

## **Letter S-Recirc-1—Central Valley Regional Water Quality Control Board, Trevor Cleak**





EDMUND G. BROWN JR.  
GOVERNOR



MATTHEW RODRIGUEZ  
SECRETARY FOR  
ENVIRONMENTAL PROTECTION

**Central Valley Regional Water Quality Control Board**

27 February 2015

Shawna Purvines  
County of El Dorado  
Community Development Agency  
2850 Fairlane Court, Building C  
Placerville, CA 95667

CERTIFIED MAIL  
7014 2120 0001 3978 0162

**COMMENTS TO REQUEST FOR REVIEW FOR THE DRAFT ENVIRONMENTAL IMPACT REPORT, TARGETED GENERAL PLAN AMENDMENT/ZONING ORDINANCE UPDATE PROJECT, SCH# 2012052074, EL DORADO COUNTY**

Pursuant to the State Clearinghouse's 29 January 2015 request, the Central Valley Regional Water Quality Control Board (Central Valley Water Board) has reviewed the *Request for Review for the Draft Environment Impact Report* for the Targeted General Plan Amendment/Zoning Ordinance Update Project, located in El Dorado County.

S-Recirc-1-1

Our agency is delegated with the responsibility of protecting the quality of surface and groundwaters of the state; therefore our comments will address concerns surrounding those issues.

**Construction Storm Water General Permit**

Dischargers whose project disturb one or more acres of soil or where projects disturb less than one acre but are part of a larger common plan of development that in total disturbs one or more acres, are required to obtain coverage under the General Permit for Storm Water Discharges Associated with Construction Activities (Construction General Permit), Construction General Permit Order No. 2009-009-DWQ. Construction activity subject to this permit includes clearing, grading, grubbing, disturbances to the ground, such as stockpiling, or excavation, but does not include regular maintenance activities performed to restore the original line, grade, or capacity of the facility. The Construction General Permit requires the development and implementation of a Storm Water Pollution Prevention Plan (SWPPP).

S-Recirc-1-2

For more information on the Construction General Permit, visit the State Water Resources Control Board website at:

[http://www.waterboards.ca.gov/water\\_issues/programs/stormwater/constpermits.shtml](http://www.waterboards.ca.gov/water_issues/programs/stormwater/constpermits.shtml).

### **Phase I and II Municipal Separate Storm Sewer System (MS4) Permits<sup>1</sup>**

The Phase I and II MS4 permits require the Permittees reduce pollutants and runoff flows from new development and redevelopment using Best Management Practices (BMPs) to the maximum extent practicable (MEP). MS4 Permittees have their own development standards, also known as Low Impact Development (LID)/post-construction standards that include a hydromodification component. The MS4 permits also require specific design concepts for LID/post-construction BMPs in the early stages of a project during the entitlement and CEQA process and the development plan review process.

For more information on which Phase I MS4 Permit this project applies to, visit the Central Valley Water Board website at:

[http://www.waterboards.ca.gov/centralvalley/water\\_issues/storm\\_water/municipal\\_permits/](http://www.waterboards.ca.gov/centralvalley/water_issues/storm_water/municipal_permits/).

For more information on the Phase II MS4 permit and who it applies to, visit the State Water Resources Control Board at:

[http://www.waterboards.ca.gov/water\\_issues/programs/stormwater/phase\\_ii\\_municipal.shtml](http://www.waterboards.ca.gov/water_issues/programs/stormwater/phase_ii_municipal.shtml)

### **Industrial Storm Water General Permit**

Storm water discharges associated with industrial sites must comply with the regulations contained in the Industrial Storm Water General Permit Order No. 97-03-DWQ.

For more information on the Industrial Storm Water General Permit, visit the Central Valley Water Board website at:

[http://www.waterboards.ca.gov/centralvalley/water\\_issues/storm\\_water/industrial\\_general\\_permits/index.shtml](http://www.waterboards.ca.gov/centralvalley/water_issues/storm_water/industrial_general_permits/index.shtml).

### **Clean Water Act Section 404 Permit**

If the project will involve the discharge of dredged or fill material in navigable waters or wetlands, a permit pursuant to Section 404 of the Clean Water Act may be needed from the United States Army Corps of Engineers (USACOE). If a Section 404 permit is required by the USACOE, the Central Valley Water Board will review the permit application to ensure that discharge will not violate water quality standards. If the project requires surface water drainage realignment, the applicant is advised to contact the Department of Fish and Game for information on Streambed Alteration Permit requirements.

If you have any questions regarding the Clean Water Act Section 404 permits, please contact the Regulatory Division of the Sacramento District of USACOE at (916) 557-5250.

---

<sup>1</sup> Municipal Permits = The Phase I Municipal Separate Storm Water System (MS4) Permit covers medium sized Municipalities (serving between 100,000 and 250,000 people) and large sized municipalities (serving over 250,000 people). The Phase II MS4 provides coverage for small municipalities, including non-traditional Small MS4s, which include military bases, public campuses, prisons and hospitals.



### **Clean Water Act Section 401 Permit – Water Quality Certification**

If an USACOE permit (e.g., Non-Reporting Nationwide Permit, Nationwide Permit, Letter of Permission, Individual Permit, Regional General Permit, Programmatic General Permit), or any other federal permit (e.g., Section 9 from the United States Coast Guard), is required for this project due to the disturbance of waters of the United States (such as streams and wetlands), then a Water Quality Certification must be obtained from the Central Valley Water Board prior to initiation of project activities. There are no waivers for 401 Water Quality Certifications.

### **Waste Discharge Requirements**

If USACOE determines that only non-jurisdictional waters of the State (i.e., "non-federal" waters of the State) are present in the proposed project area, the proposed project will require a Waste Discharge Requirement (WDR) permit to be issued by Central Valley Water Board. Under the California Porter-Cologne Water Quality Control Act, discharges to all waters of the State, including all wetlands and other waters of the State including, but not limited to, isolated wetlands, are subject to State regulation.

For more information on the Water Quality Certification and WDR processes, visit the Central Valley Water Board website at:

[http://www.waterboards.ca.gov/centralvalley/help/business\\_help/permit2.shtml](http://www.waterboards.ca.gov/centralvalley/help/business_help/permit2.shtml).

### **Regulatory Compliance for Commercially Irrigated Agriculture**

If the property will be used for commercial irrigated agricultural, the discharger will be required to obtain regulatory coverage under the Irrigated Lands Regulatory Program.

There are two options to comply:

1. **Obtain Coverage Under a Coalition Group.** Join the local Coalition Group that supports land owners with the implementation of the Irrigated Lands Regulatory Program. The Coalition Group conducts water quality monitoring and reporting to the Central Valley Water Board on behalf of its growers. The Coalition Groups charge an annual membership fee, which varies by Coalition Group. To find the Coalition Group in your area, visit the Central Valley Water Board's website at: [http://www.waterboards.ca.gov/centralvalley/water\\_issues/irrigated\\_lands/app\\_approval/index.shtml](http://www.waterboards.ca.gov/centralvalley/water_issues/irrigated_lands/app_approval/index.shtml); or contact water board staff at (916) 464-4611 or via email at [IrrLands@waterboards.ca.gov](mailto:IrrLands@waterboards.ca.gov).
2. **Obtain Coverage Under the General Waste Discharge Requirements for Individual Growers, General Order R5-2013-0100.** Dischargers not participating in a third-party group (Coalition) are regulated individually. Depending on the specific site conditions, growers may be required to monitor runoff from their property, install monitoring wells, and submit a notice of intent, farm plan, and other action plans regarding their actions to comply with their General Order. Yearly costs would include State administrative fees (for example, annual fees for farm sizes from 10-100 acres are currently \$1,084 + \$6.70/Acre); the cost to prepare annual monitoring reports; and water quality monitoring costs. To enroll as an Individual Discharger under the Irrigated Lands Regulatory

S-Recirc-1-2  
Cont.

Program, call the Central Valley Water Board phone line at (916) 464-4611 or e-mail board staff at IrrLands@waterboards.ca.gov.

**Low or Limited Threat General NPDES Permit**

If the proposed project includes construction dewatering and it is necessary to discharge the groundwater to waters of the United States, the proposed project will require coverage under a National Pollutant Discharge Elimination System (NPDES) permit. Dewatering discharges are typically considered a low or limited threat to water quality and may be covered under the General Order for *Dewatering and Other Low Threat Discharges to Surface Waters* (Low Threat General Order) or the General Order for *Limited Threat Discharges of Treated/Untreated Groundwater from Cleanup Sites, Wastewater from Superchlorination Projects, and Other Limited Threat Wastewaters to Surface Water* (Limited Threat General Order). A complete application must be submitted to the Central Valley Water Board to obtain coverage under these General NPDES permits.

S-Recirc-1-2  
Cont.

For more information regarding the Low Threat General Order and the application process, visit the Central Valley Water Board website at:

[http://www.waterboards.ca.gov/centralvalley/board\\_decisions/adopted\\_orders/general\\_orders/r5-2013-0074.pdf](http://www.waterboards.ca.gov/centralvalley/board_decisions/adopted_orders/general_orders/r5-2013-0074.pdf)

For more information regarding the Limited Threat General Order and the application process, visit the Central Valley Water Board website at:

[http://www.waterboards.ca.gov/centralvalley/board\\_decisions/adopted\\_orders/general\\_orders/r5-2013-0073.pdf](http://www.waterboards.ca.gov/centralvalley/board_decisions/adopted_orders/general_orders/r5-2013-0073.pdf)

If you have questions regarding these comments, please contact me at (916) 464-4684 or [tcleak@waterboards.ca.gov](mailto:tcleak@waterboards.ca.gov).



Trevor Cleak  
Environmental Scientist

cc: State Clearinghouse unit, Governor's Office of Planning and Research, Sacramento

## **Responses to Letter S-Recirc-1**

### **S-Recirc-1-1**

This comment is a general statement summarizing the regulatory responsibility of the Regional Water Quality Control Board. No response is necessary.

### **S-Recirc-1-2**

This comment provides general descriptions of the various permitting programs of the Regional Water Quality Control Board relating to development projects. The TGPA/ZOU does not include any development projects that would be subject to the regulations and permits described here. No response is necessary.

## **Letter S-Recirc-2—State of California, Department of Transportation, Eric Fredericks**



TGPA-ZOU ZOU &lt;tgpa-zou@edcgov.us&gt;

---

**RE: Caltrans Comments on the PRDEIR for the El Dorado County Targeted General Plan Amendment**

1 message

**Cunningham, Eileen R@DOT** <eileen.cunningham@dot.ca.gov>

Tue, Mar 17, 2015 at 10:29 AM

To: "TGPA-ZOU@edcgov.us" &lt;TGPA-ZOU@edcgov.us&gt;

Cc: "Scott Morgan (Scott.Morgan@OPR.CA.GOV)" &lt;Scott.Morgan@opr.ca.gov&gt;, "Fredericks, Eric B@DOT" &lt;eric.fredericks@dot.ca.gov&gt;

Hi Shawna,

Attached is the signed copy of this letter.

Eileen Cunningham

Associate Transportation Planner  
California Department of Transportation, District 3  
Office of Transportation Planning - South

(916) 274-0639

[eileen.cunningham@dot.ca.gov](mailto:eileen.cunningham@dot.ca.gov)

---

**From:** Fredericks, Eric B@DOT**Sent:** Monday, March 16, 2015 8:59 PM**To:** [TGPA-ZOU@edcgov.us](mailto:TGPA-ZOU@edcgov.us)**Cc:** Scott Morgan ([Scott.Morgan@OPR.CA.GOV](mailto:Scott.Morgan@OPR.CA.GOV)); Cunningham, Eileen R@DOT**Subject:** Caltrans Comments on the PRDEIR for the El Dorado County Targeted General Plan Amendment

Hi Shawna,

Please find Caltrans comments on the Targeted General Plan Amendment and Zoning Ordinance Update (TGPA-ZOU) – Partially Recirculated Draft Environmental Impact Report (PRDEIR).

A signed original copy will be sent by mail. Please let me or Eileen know if you have any questions.

Thanks,

Eric



**CT\_Comments\_TGPA-ZOU\_PRDEIR.pdf**  
2118K

**DEPARTMENT OF TRANSPORTATION**  
 DISTRICT 3 – SACRAMENTO AREA OFFICE  
 2379 GATEWAY OAKS DRIVE, STE 150 - MS 19  
 SACRAMENTO, CA 95833  
 PHONE (916) 274-0635  
 FAX (916) 263-1796  
 TTY 711



*Serious drought.  
 Help save water!*

March 16, 2015

032015-ELD-0008  
 03-ELD Various/PM Various  
 SCH#2012052074

Ms. Shawna Purvines  
 Long Range Planning  
 El Dorado County  
 2850 Fairlane Court, Building C  
 Placerville, CA 95672

**Targeted General Plan Amendment and Zoning Ordinance Update (TGPA-ZOU) – Partially Recirculated Draft Environmental Impact Report (PRDEIR)**

Dear Ms. Purvines:

Thank you for including the California Department of Transportation (Caltrans) in the review process for the County of El Dorado Targeted General Plan Amendment and Zoning Ordinance Update (TGPA-ZOU) PRDEIR. The TGPA-ZOU proposes amendments to existing policies and regulations and establishes new policies and regulations regarding land use and transportation within the unincorporated parts of El Dorado County. Several proposed policy changes associated with the project, including densification of some existing land uses, will influence future development throughout the County. The following comments, based on the PRDEIR, concern the analysis and implications of these changes, so that impacts to the State Highway System (SHS) are disclosed and adequately mitigated for, protecting interregional travel and safety throughout the County.

S-Recirc-2-1

**Comments**

- Table 3.9-1 (pages 3.9-5, 3.9-6) is missing the “Build Level of Service (LOS)” for the Segment 6
- Tables 3.9-8 (page 3.9-39) and 3.9-12 (page 3.9-44) list the minimum LOS of US 50 as F/E and state that the source of the minimum LOS used is the 2014 US 50 CSMP/TCR. As we have stated before and according to the 2014 US 50 CSMP/TCR, the minimum LOS for an urban freeway is E. Please change the F/E segments to E
- Page 3.9-31 references Caltrans’ concurrence letter provided to El Dorado County regarding their travel demand model (TDM) used for this analysis:  
 “The TDM used to model traffic in the DEIR was revised in response to comments received during review of the Draft EIR. The County received formal Caltrans concurrence on the TDM on September 22, 2014. In its letter, Caltrans states that the TDM conforms to the

S-Recirc-2-2

S-Recirc-2-3

S-Recirc-2-4

state-of-practice in travel demand modeling, meets overall traffic assignment validation standards suggested by Caltrans and the Federal Highways Administration, and is an appropriate tool for the County's long range planning purposes. The revised TDM was re-run for all of the scenarios with the updated network requested by Caltrans."

S-Recirc-2-4  
Cont.

Our concurrence letter solely addresses the base year model, which we reviewed and commented on several times. This letter should not be used to support the results of any model other than the base year model. Caltrans did not receive the opportunity to comment on or review future/cumulative scenario (2035) Travel Demand Models (TDMs). Caltrans did receive copies of an older version of the 2035 EDCTDM, however we were told specifically not to review or comment because the future model was still in draft form. The future scenario models used in this document do not have an associated concurrence letter from Caltrans. Any reference to Caltrans concurrence should be limited to the base model only.

Our concurrence letter also stated: "while the model as a whole meets validation standards, some areas of the model do not meet validation standards and/or generate unexpected outputs. Traffic Impact Studies based on these areas of the EDCTDM will require additional model improvements and post processing to achieve acceptable results." This language was added because there are areas of the base year model where the traffic assignment outputs do not accurately reflect existing conditions and should not be used verbatim.

- Table 3.9-13 (pages 3.9-53-3.9-57) shows the current and future scenario LOS of ED County roadways. We reject many of the LOS values shown for US 50 for, specifically those segments that differ substantially from the values documented the 2014 Corridor System Management Plan (CSMP)/Transportation Concept Report (TCR) (for base and future years) and California Performance Measurement System (PeMS) for existing values. The segment between the county line and El Dorado Hills Boulevard/Latrobe Road currently operates at LOS F according to both the US 50 CSMP/TCR and PeMS and will operate at LOS F in the future, without significant capacity increasing or operational improvements and/or reduction in demand. However, according to Table 3.9-13, this segment currently operates at LOS B and C and will operate at LOS D in the future. This LOS calculation implies that 2035 travel demand on this segment will reduce to lower levels than current demand even with the build-out of the general plan. Even with the parallel capacity increases, a 2035 projection LOS D for the US 50 segment between the county line and El Dorado Hills Boulevard/Latrobe Road is highly infeasible.

S-Recirc-2-5

Considering the TGPA-ZOU build-out projections, the project will have a significant impact on multiple segments of US 50 between the county line and Missouri Flat Rd. Please note, while using the county's own TDM, Caltrans projects LOS F in 2035 for multiple segments on US 50. The PRDEIR should be revised to reflect the correct LOS calculations and any necessary mitigations included.



Caltrans also rejects the LOS calculations for the super cumulative scenarios in Tables 5.2 and 5.3. The impact of this project is underestimated. The project will have a significant impact on multiple segments of US 50 in the super cumulative scenario.

S-Recirc-2-6

- Caltrans does not agree with the “Method of Analysis” section (3.9-28) which uses Table 3.9-3 to calculate LOS in Tables 3.9-13, 5.2, and 5.3 (pages 3.9-53-3.9-57, 5-12, 5-14). The table homogenizes Highway Capacity Manual (HCM) freeway segment inputs which impact LOS calculations such as truck percentages, peak hour factor, physical geometry, and more importantly in this case terrain.

The conclusions derived from using this methodology contradict the intent of the table. The analysis within the document attempts to make operational and design determinations (what the facility should look like at build-out and which locations are significantly impacted by the project) for the SHS based on the build-out of the proposed project. See Table 3.9-3 note (page 3.9-29):

S-Recirc-2-7

“Note: The planning thresholds shown in this table are provided for the purpose of assisting in the identification of locations where operational problems may exist and are based on information provided in the 2010 HCM and other industry sources. These values are not appropriate for making detailed or final determinations regarding operational or design considerations. Those determinations should only be made after a detailed operational analysis, consistent with current HCM procedures, and/or other design evaluations are completed.”

The LOS calculations for US 50 in the document should be calculated using a more appropriate methodology and realistic existing volumes.

- As indicated on page 5.2, the TGPA-ZOU does not include site specific development proposals. However, under Table 5.1 Cumulative Impacts, page 5-2 states that the County is considering applications for five large residential developments, referred to as "probable future projects", proposed in the western portion of the County. Table 5-1, Cumulative Projects, lists the following projects: Central ED Hills Specific Plan (SP), Dixon Ranch, Lime Rock Valley SP, San Stino, Village of Marble Valley SP, and the Folsom SOI. Together, these plans include a total of 18,050 to 21,340 homes. These developments are not part of the TGPA-ZOU, but are considered in the cumulative impact analysis. Further, it states that inclusion of the projects in this analysis does not imply that these general plan amendments will be approved by the County. The cumulative impacts analysis takes these project impacts into consideration in order to meet the intent of State CEQA Guidelines Section 15130 for a "worst case scenario".

S-Recirc-2-8

The updated traffic model should include the cumulative projects for the 2035 (page 5-3) horizon year. If the County is including these projects in a worst case cumulative scenario, then the traffic demand model should also include these future projects. When Caltrans looks at development projects or State facility improvement projects, we always require a 20-year (or Design Year) forecast analysis. From the PRDEIR, it does not appear that the County is

committed to including the above mentioned projects in the general plan, therefore potentially not committing to including the projects in their future model, so that State facilities can be accurately analyzed for a Design Year (cumulative scenario). S-Recirc-2-8  
Cont.

- Section 5.1 Cumulative Impacts: The State CEQA Guidelines Section 15355 quoted in the TGPA document: "...a cumulative impact consists of an impact which is created as a result of the combination of the project evaluated in the EIR together with other projects causing related impacts" (page 5-1). The second bullet on page 5-3, regarding the determination of cumulative effects, states that the EIR is not required to analyze a cumulative impact to which the project would not contribute. Please explain how a cumulative scenario analysis of a project will not result in some form of cumulative impact (significant or not), especially when evaluated with other cumulative projects. Please explain how it is known that the project will not contribute to cumulative impacts if not analyzed. The statement appears to be less than accurate. The type of project being referred to should be specified in the PRDEIR. S-Recirc-2-9
- Page 5.3 states: "Cumulative effects that are less than significant are not required to be analyzed". Please explain how it is known that the cumulative effects of a project are not significant, before a cumulative analysis is completed. This statement appears to be inaccurate. S-Recirc-2-10
- Bass Lake Road is not included in Table 3.9-12 for 2035 and 2025 project impacts. Bass Lake Road should be included in this table given the major proposed developments located south of US 50 near Bass Lake Road. S-Recirc-2-11
- Bass Lake Road, south of US 50, is not included in Table 5.2 Cumulative Significant Impacts (super cumulative no project) on pages 5-14 through 5-26. S-Recirc-2-12
- Page 3.9-4, other references to Policy TC-Xa and the accompanying Table TC-2:
  - The last paragraph states that County roads are required to meet the standards set out in the General Plan. Caltrans reiterates, that US 50, SR 49, SR 153, and SR 193 are state facilities. They are maintained and operated by Caltrans and are not bound by County standards, with some exceptions. S-Recirc-2-13
  - The current level of service is inconsistently reported for these segments across the following tables: Table 3.9-1 (US Highway 50 2014 TCR/CSMP Report Data), Table 3.9-13 LOS Summary Table, and Table TC-2. Please provide an analysis of these segments (both US 50 and SR 49) that justifies the volume over capacity ratios shown on Table TC-2.

Please provide our office with copies of any further actions regarding this project. We would appreciate the opportunity to review and comment on any changes related to this project.

Ms. Purvines - Long Range Planning, El Dorado County  
March 16, 2015  
Page 5

If you have any questions regarding these comments or require additional information, please contact Eileen Cunningham, Intergovernmental Review Coordinator, at (916) 274-0639 or by email at [eileen.cunningham@dot.ca.gov](mailto:eileen.cunningham@dot.ca.gov).

Sincerely,

A handwritten signature in cursive script, appearing to read "Eric Fredericks".

ERIC FREDERICKS, Chief  
Office of Transportation Planning – South

Cc: Scott Morgan, State Clearinghouse

## Responses to Letter S-Recirc-2

### S-Recirc-2-1 through S-Recirc-2-13

Per Caltrans request in the May 5, 2015 correspondence, this letter has been redacted. Comments that were no longer of interest to Caltrans were not included in S-Recirc-3, and no additional response is required.

~~This statement summarized Caltrans' intent in making its comments. No response is required.~~

#### ~~S-Recirc-2-2~~

~~Please see the response to comment S-Recirc-3-1, in a later letter from Caltrans which is substantially similar to this letter and contains many of the same comments.~~

#### ~~S-Recirc-2-3~~

~~Please see the response to comment S-Recirc-3-5, in a later letter from Caltrans which is substantially similar to this letter and contains many of the same comments.~~

#### ~~S-Recirc-2-4~~

~~Please see the responses to comments S-Recirc-3-3 and S-Recirc-3-3, in a later letter from Caltrans which is substantially similar to this letter and contains many of the same comments.~~

#### ~~S-Recirc-2-5~~

~~Please see the response to comment S-Recirc-3-6, in a later letter from Caltrans which is substantially similar to this letter and contains many of the same comments.~~

#### ~~S-Recirc-2-6~~

~~To come from Kittleson/County.~~

#### ~~S-Recirc-2-7~~

~~Please see the response to comment S-Recirc-3-1, in a later letter from Caltrans which is substantially similar to this letter and contains many of the same comments.~~

#### ~~S-Recirc-2-8 and S-Recirc-2-9~~

~~Please see the response to comment S-Recirc-3-8, in a later letter from Caltrans which is substantially similar to this letter and contains many of the same comments.~~

#### ~~S-Recirc-2-10~~

~~To come from Kittleson/County.~~

#### ~~S-Recirc-2-11 and S-Recirc-2-12~~

~~Please see the response to comment S-Recirc-3-9, in a later letter from Caltrans which is substantially similar to this letter and contains many of the same comments.~~

**~~S-Recirc 2-13~~**

~~To come from Kittleson/County.~~

## **Letter S-Recirc-3—State of California, Department of Transportation, Marlon Flournoy**

**DEPARTMENT OF TRANSPORTATION**

DISTRICT 3 – SACRAMENTO AREA OFFICE  
2379 GATEWAY OAKS DRIVE, STE 150 - MS 19  
SACRAMENTO, CA 95833  
PHONE (916) 274-0635  
FAX (916) 263-1796  
TTY 711

Letter S-Recirc-3



*Serious drought.  
Help save water!*

May 5, 2015

032015-ELD-0008  
03-ELD Various/PM Various  
SCH#2012052074

Ms. Shawna Purvines  
Long Range Planning  
El Dorado County  
2850 Fairlane Court, Building C  
Placerville, CA 95672

**Targeted General Plan Amendment and Zoning Ordinance Update (TGPA-ZOU) – Partially Recirculated Draft Environmental Impact Report (PRDEIR)**

Dear Ms. Purvines:

Thank you for including the California Department of Transportation (Caltrans) in the review process for the County of El Dorado Targeted General Plan Amendment and Zoning Ordinance Update (TGPA-ZOU) PRDEIR. We also appreciate the County meeting with us to discuss this project on April 1, 2015. The project proposes amendments to existing policies and regulations and establishes new policies and regulations regarding land use and transportation within the unincorporated parts of El Dorado County. Several proposed policy changes associated with the project, including the consideration of increasing allowed densities in the residential component of a mixed use project on commercial land in conformance with Senate Bill (SB) 375 – the Sustainable Communities and Climate Protection Act of 2008 may influence future development throughout the County. The following comments, based on the PRDEIR, concern the analysis and implications of these changes, so that impacts to the State Highway System (SHS) are disclosed and adequately mitigated for, protecting interregional travel throughout the County. This letter replaces our previous letter from March 16, 2015 and Caltrans redacts the prior letter.

Caltrans' new mission, vision, and goals signal a modernization of our approach to California's transportation system. We review this local development project for impacts to the State Highway System in keeping with our mission, vision, and goals for sustainability/livability/economy, and safety/health. We provide these comments consistent with the State's smart mobility goals that support a vibrant economy, and build communities, not sprawl.

Ms. Purvines - Long Range Planning, El Dorado County  
 May 5, 2015  
 Page 2

### Comments

- 3.9.1 Existing Conditions, Table 3.9-1 (Pages 3.9-5, 3.9-6) – Table 3.9-1 is missing the “20-Year Build Level of Service (LOS)” for Segment 6. S-Recirc-3-1
- 3.9.2 Environmental Impacts, Methods of Analysis, Table 3.9-3, Level of Service Typical Traffic Volumes (Page 3.9-28-3.9-29) – Table 3.9-3 is used to calculate the LOS values reported in Tables 3.9-13, 5.2, and 5.3 (page 3.9-58, 5-12, 5-14). Table 3.9-3 homogenizes Highway Capacity Manual (HCM) freeway segment inputs, such as truck percentages, peak hour factor, physical geometry, and terrain, which impact LOS calculations.

The conclusions derived from using this methodology contradict the intent of the table. The project analysis attempts to make operational and design determinations (facility build-out design and significantly impacted locations) for the State Highway System (SHS) based on the build-out of the proposed project. See Table 3.9-3 note (page 3.9-29): S-Recirc-3-1

“Note: The planning thresholds shown in this table are provided for the purpose of assisting in the identification of locations where operational problems may exist and are based on information provided in the 2010 HCM and other industry sources. These values are not appropriate for making detailed or final determinations regarding operational or design considerations. Those determinations should only be made after a detailed operational analysis, consistent with current HCM procedures, and/or other design evaluations are completed.”

Caltrans suggests that the LOS calculations for US 50 reported in the PRDEIR be calculated using the Operational Analysis for Basic Freeway Segments.

- 3.9.2 Environmental Impacts, Methodology Selected for This Analysis (Page 3.9-31) – This section references the concurrence letter Caltrans provided to El Dorado County regarding the El Dorado County Travel Demand Model (EDCTDM) used for the project analysis:

The TDM used to model traffic in the DEIR was revised in response to comments received during review of the Draft EIR. The County received formal Caltrans concurrence on the TDM on September 22, 2014. In its letter, Caltrans states that the TDM conforms to the state-of-practice in travel demand modeling, meets overall traffic assignment validation standards suggested by Caltrans and the Federal Highways Administration, and is an appropriate tool for the County’s long range planning purposes. The revised TDM was re-run for all of the scenarios with the updated network requested by Caltrans. S-Recirc-3-3

Caltrans’ concurrence letter solely addresses the base year model, thus only supports the results of the base year model. Caltrans did not comment on or review future/cumulative scenario (2035) TDMs, therefore the future scenario models used in this document do not have an associated concurrence letter from Caltrans. References to Caltrans’ concurrence letter within the PRDEIR should be limited to the base year model only.



Caltrans suggests the following language be included in the FEIR to clarify the reference to the Caltrans' concurrence letter contained in the PRDEIR:

Caltrans was not requested to concur with the County's growth forecast and/or model results stemming from the County's growth forecast, as local land use planning is outside of Caltrans' responsibility and authority.

Also, note that Caltrans' concurrence letter indicated that there are areas of the base year model where the traffic assignment outputs do not reflect existing conditions:

While the EDCTDM as a whole is acceptable and meets validation standards, please keep in mind when used for future specific projects, a subarea validation will be necessary for approval of traffic impact studies. Additionally, some areas of the model may exceed validation standards and/or generate unexpected outputs, which will require further model improvements and post processing to achieve acceptable results.

In such cases, the TDM requires calibration and validation to generate verifiable results.

- 3.9.2 Environmental Impacts, Tables 3.9-8 (Page 3.9-39) and 3.9-12 (page 3.9-44) – Consistent with the 2014 US 50 CSMP/TCR, the minimum LOS for segments 5, 6, 9, 13 and 14 should be listed as LOS E.
- 3.9.2 Environmental Impacts, Project Impacts, Table 3.9-13 LOS Summary Table (Page 3.9-58) – The LOS values reported for the existing conditions scenario differ from expected values on US 50. For example, according to PeMS the westbound US 50 segment between El Dorado Hills Boulevard/Latrobe Road and the El Dorado/Sacramento County line, currently operates at LOS F during the AM peak hour due to the high density of vehicles on US 50 and the weaving/merging traffic from the El Dorado Hills Boulevard/Latrobe Road on-ramp. Table 3.9-13 indicates that this segment currently operates at LOS C. While the existing LOS of this segment may change slightly from day to day, reporting the existing LOS as C significantly underestimates the traffic at this location (as detailed below) and adversely impacts the reasonableness of the future scenario analysis. Caltrans recommends the existing LOS analysis for this segment, and any others with lower than expected LOS for US 50, be recalculated using more appropriate input volumes. Attachment 1 shows existing PeMS volumes (AM peak hour, Monday-Thursday, spring and fall of 2010 and 2012) for the westbound US 50 segment between El Dorado Hills Boulevard/Latrobe Road and the El Dorado/Sacramento County line. The data shows that the general purpose lane peak hour volume used in the PRDEIR of 2,240 vehicles per hour (vph) (Segment 2, existing conditions – AM peak hour) is significantly lower than the reported general purpose lane count peak hour volumes in PeMS. Of the 170 days of PeMS peak hour volumes data attached, the PRDEIR volume of 2,240 vph is the second lowest count volume (see attached table). Furthermore, the data for this segment show that the 2035 build-out projection general purpose lane peak hour volumes are lower than existing PeMS volumes. Additionally, Attachment 2 shows PeMS volumes from the westbound US 50 detector station used in the PRDEIR (E. of Scott Rd mainline station 316993, March 2010). The data shows that

the detector operated at 0 percent observed during the reported count times. This indicates that no vehicles were counted at this location and the listed volumes are estimates derived by PeMS. Caltrans recommends the County use a general purpose lane peak hour volume of 3,200 for this segment and recalculate the LOS for the existing conditions and all other scenarios. Caltrans would typically choose a higher volume for the peak hour analysis (30<sup>th</sup> to 200<sup>th</sup> highest hour annually), however in this case choosing a more representative volume (85<sup>th</sup> percentile) is more reasonable. Using the above mentioned 3,200 vph will result in an existing LOS D, which is appropriate for this analysis.

S-Recirc-3-6  
 Cont.

The LOS analysis for the future scenarios, particularly scenarios 2, 5, and 6 (2035 land use build-out), underestimates future traffic conditions on US 50. While most of the future LOS analysis will be corrected and acceptable once the existing volumes are adjusted to the recommended volumes above, the impact of the cumulative conditions in 2035 (Scenario 6) on US 50 is underestimated in this analysis. Table 3.9-13 indicates that this segment will operate at LOS D in scenarios 2 and 5, and LOS B in scenario 6. These LOS calculations imply that the 2035 travel demand on this segment will reduce to lower levels than current demand, even with an additional 15,949 residential units included in the 2035 build-out projections as shown in Table 3.9-6 (Scenarios 2 and 6). El Dorado County is a net exporter of commuters, according to 2011 US Census data used in the Western El Dorado County Short and Long Range Transit Plan, and similar commuting trends are expected to continue into the future given existing and future large job centers in Sacramento, Rancho Cordova, Folsom, and Roseville, as well as the limited planned parallel capacity due to development planned around said capacity.

S-Recirc-3-7

- 5.1 Cumulative Impacts, Table 5.1 Cumulative Projects (Page 5-2) – On page 5-2 PRDEIR states:

The County is currently considering applications for the approval of five large residential developments proposed in the western portion of the county (i.e., Central El Dorado Hills Specific Plan, Dixon Ranch, Lime Rock Valley Specific Plan, San Stino, and Village of Marble Valley Specific Plan). These are not part of the project but are being considered in this cumulative impact analysis pursuant to CEQA case law's interpretation of the phrase 'probable future projects'... This cumulative impact analysis assumes approval takes these projects impacts into consideration solely in order to meet the intent of State CEQA Guidelines Section 15130 for a worst case scenario perspective.

S-Recirc-3-8

While the proposed developments referenced (in addition to the Folsom South of US 50 project), which include a total of 18,050 to 21,340 new residential units, are not part of the project, they are considered in the cumulative impact analysis.

Caltrans acknowledges that these projects are not included in this project as it is a program-level EIR. However, given the projected significant cumulative impact of these projects (page 5-11), Caltrans may require that these developments be included in relevant project-level traffic impact studies provided by the County in support of development proposals. Furthermore, this analysis

Ms. Purvines - Long Range Planning, El Dorado County  
 May 5, 2015  
 Page 5

may be a condition of encroachment permit approvals where an encroachment permit is necessary to comply with mitigation requirements.

↑  
 S-Recirc-3-8  
 Cont.

Additionally, Caltrans requests that the County preserve an adequate amount of right-of-way to accommodate the ultimate design configuration of SHS interchanges impacted by the proposed developments included in the cumulative impact analysis.

- 5.1.10 Transportation and Traffic, Project Impacts, Table 5-3 Cumulative Significant Impacts on El Dorado County Roadway Segments (Page 5-14-5-26) – Bass Lake Road, south of US 50, is not included in Table 5.3 Cumulative Significant Impacts (super cumulative no project).

S-Recirc-3-9

Please provide our office with copies of any further actions regarding this project. We would appreciate the opportunity to review and comment on any changes related to this project.

If you have any questions regarding these comments or require additional information, please contact Eileen Cunningham, Intergovernmental Review Coordinator, at (916) 274-0639 or by email at eileen.cunningham@dot.ca.gov.

Sincerely,

MARLON FLOURNOY  
 Deputy District Director  
 Planning and Local Assistance

c: Scott Morgan, State Clearinghouse

Ms. Purvines - Long Range Planning, El Dorado County  
 May 5, 2015  
 Page 6

### Attachment 1: PeMS Peak Hour Counts

W. of Latrobe Mainline Station 316653  
 Spring/Fall 2010 and 2012 Volumes  
 7:00 am Monday-Thursday, No weekends or holidays  
 No HOV Lane Volumes  
 Sorted Highest to Lowest Volume

| Hour            | Flow<br>(Veh/Hour) | %<br>Observed | Hour            | Flow<br>(Veh/Hour) | %<br>Observed |
|-----------------|--------------------|---------------|-----------------|--------------------|---------------|
| 4/15/2010 7:00  | 3348               | 100           | 5/15/2012 7:00  | 3393               | 100           |
| 4/22/2010 7:00  | 3339               | 100           | 5/14/2012 7:00  | 3385               | 100           |
| 3/11/2010 7:00  | 3330               | 100           | 5/1/2012 7:00   | 3362               | 100           |
| 4/19/2010 7:00  | 3304               | 100           | 3/6/2012 7:00   | 3351               | 100           |
| 3/9/2010 7:00   | 3298               | 100           | 4/24/2012 7:00  | 3335               | 100           |
| 3/1/2010 7:00   | 3293               | 100           | 3/27/2012 7:00  | 3327               | 100           |
| 3/23/2010 7:00  | 3275               | 100           | 5/10/2012 7:00  | 3327               | 100           |
| 4/8/2010 7:00   | 3268               | 100           | 4/30/2012 7:00  | 3322               | 100           |
| 4/6/2010 7:00   | 3235               | 92            | 5/2/2012 7:00   | 3320               | 100           |
| 3/24/2010 7:00  | 3233               | 100           | 5/9/2012 7:00   | 3317               | 100           |
| 3/16/2010 7:00  | 3231               | 100           | 9/5/2012 7:00   | 3314               | 100           |
| 4/7/2010 7:00   | 3214               | 100           | 4/10/2012 7:00  | 3305               | 100           |
| 3/8/2010 7:00   | 3186               | 100           | 4/25/2012 7:00  | 3304               | 100           |
| 4/13/2010 7:00  | 3174               | 100           | 10/30/2012 7:00 | 3295               | 100           |
| 10/27/2010 7:00 | 3169               | 100           | 9/27/2012 7:00  | 3279               | 100           |
| 3/17/2010 7:00  | 3148               | 100           | 3/7/2012 7:00   | 3273               | 100           |
| 3/25/2010 7:00  | 3144               | 100           | 3/21/2012 7:00  | 3273               | 100           |
| 3/18/2010 7:00  | 3142               | 100           | 10/17/2012 7:00 | 3273               | 100           |
| 10/28/2010 7:00 | 3128               | 100           | 9/6/2012 7:00   | 3271               | 100           |
| 10/26/2010 7:00 | 3105               | 100           | 3/5/2012 7:00   | 3264               | 100           |
| 4/21/2010 7:00  | 3099               | 100           | 5/8/2012 7:00   | 3264               | 100           |
| 5/19/2010 7:00  | 3080               | 100           | 3/8/2012 7:00   | 3259               | 100           |
| 5/12/2010 7:00  | 3066               | 100           | 4/17/2012 7:00  | 3257               | 100           |
| 9/14/2010 7:00  | 3066               | 100           | 5/3/2012 7:00   | 3257               | 100           |
| 9/1/2010 7:00   | 3064               | 100           | 9/17/2012 7:00  | 3255               | 100           |
| 5/17/2010 7:00  | 3060               | 100           | 10/4/2012 7:00  | 3254               | 100           |
| 5/25/2010 7:00  | 3052               | 100           | 5/7/2012 7:00   | 3252               | 100           |
| 10/19/2010 7:00 | 3051               | 100           | 3/29/2012 7:00  | 3251               | 100           |
| 9/2/2010 7:00   | 3042               | 100           | 10/3/2012 7:00  | 3247               | 100           |
| 9/9/2010 7:00   | 3038               | 100           | 5/17/2012 7:00  | 3245               | 100           |

Ms. Purvines - Long Range Planning, El Dorado County  
 May 5, 2015  
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| Hour            | Flow<br>(Veh/Hour) | %<br>Observed |
|-----------------|--------------------|---------------|
| 9/15/2010 7:00  | 3033               | 100           |
| 10/20/2010 7:00 | 3032               | 100           |
| 4/12/2010 7:00  | 3029               | 100           |
| 10/13/2010 7:00 | 3029               | 100           |
| 9/8/2010 7:00   | 3027               | 100           |
| 3/22/2010 7:00  | 3025               | 100           |
| 9/21/2010 7:00  | 3025               | 100           |
| 3/4/2010 7:00   | 3024               | 100           |
| 3/15/2010 7:00  | 3022               | 0             |
| 5/18/2010 7:00  | 3020               | 100           |
| 10/5/2010 7:00  | 3001               | 100           |
| 3/3/2010 7:00   | 2998               | 100           |
| 9/16/2010 7:00  | 2994               | 100           |
| 10/6/2010 7:00  | 2990               | 100           |
| 3/2/2010 7:00   | 2987               | 100           |
| 9/22/2010 7:00  | 2982               | 100           |
| 10/14/2010 7:00 | 2979               | 100           |
| 4/20/2010 7:00  | 2968               | 100           |
| 10/7/2010 7:00  | 2961               | 100           |
| 5/13/2010 7:00  | 2960               | 100           |
| 9/23/2010 7:00  | 2957               | 100           |
| 10/21/2010 7:00 | 2956               | 100           |
| 9/29/2010 7:00  | 2955               | 100           |
| 9/7/2010 7:00   | 2948               | 100           |
| 5/11/2010 7:00  | 2947               | 100           |
| 9/13/2010 7:00  | 2943               | 100           |
| 3/10/2010 7:00  | 2934               | 100           |
| 10/12/2010 7:00 | 2931               | 100           |
| 5/20/2010 7:00  | 2929               | 100           |
| 9/27/2010 7:00  | 2929               | 100           |
| 4/5/2010 7:00   | 2923               | 100           |
| 9/20/2010 7:00  | 2922               | 100           |
| 9/30/2010 7:00  | 2916               | 100           |
| 10/25/2010 7:00 | 2903               | 100           |
| 5/10/2010 7:00  | 2902               | 100           |
| 10/18/2010 7:00 | 2895               | 100           |

| Hour            | Flow<br>(Veh/Hour) | %<br>Observed |
|-----------------|--------------------|---------------|
| 4/19/2012 7:00  | 3236               | 100           |
| 4/26/2012 7:00  | 3231               | 100           |
| 10/31/2012 7:00 | 3229               | 100           |
| 3/22/2012 7:00  | 3225               | 100           |
| 4/18/2012 7:00  | 3223               | 100           |
| 4/23/2012 7:00  | 3223               | 100           |
| 5/21/2012 7:00  | 3222               | 100           |
| 5/29/2012 7:00  | 3222               | 100           |
| 3/20/2012 7:00  | 3219               | 100           |
| 4/16/2012 7:00  | 3218               | 100           |
| 10/11/2012 7:00 | 3213               | 100           |
| 3/12/2012 7:00  | 3212               | 100           |
| 10/1/2012 7:00  | 3210               | 100           |
| 9/19/2012 7:00  | 3208               | 100           |
| 9/20/2012 7:00  | 3207               | 100           |
| 10/25/2012 7:00 | 3207               | 100           |
| 10/15/2012 7:00 | 3205               | 100           |
| 3/13/2012 7:00  | 3202               | 100           |
| 5/22/2012 7:00  | 3200               | 100           |
| 10/10/2012 7:00 | 3193               | 100           |
| 5/23/2012 7:00  | 3181               | 100           |
| 9/18/2012 7:00  | 3175               | 100           |
| 5/16/2012 7:00  | 3172               | 100           |
| 9/25/2012 7:00  | 3168               | 100           |
| 4/11/2012 7:00  | 3167               | 100           |
| 9/24/2012 7:00  | 3165               | 100           |
| 5/30/2012 7:00  | 3150               | 100           |
| 10/18/2012 7:00 | 3147               | 100           |
| 5/24/2012 7:00  | 3140               | 100           |
| 9/26/2012 7:00  | 3137               | 100           |
| 9/13/2012 7:00  | 3136               | 100           |
| 10/29/2012 7:00 | 3129               | 0             |
| 9/10/2012 7:00  | 3127               | 100           |
| 3/26/2012 7:00  | 3123               | 100           |
| 10/9/2012 7:00  | 3121               | 100           |
| 4/9/2012 7:00   | 3117               | 100           |

Ms. Purvines - Long Range Planning, El Dorado County  
 May 5, 2015  
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| Hour           | Flow<br>(Veh/Hour) | %<br>Observed |
|----------------|--------------------|---------------|
| 10/4/2010 7:00 | 2886               | 100           |
| 5/26/2010 7:00 | 2875               | 100           |
| 5/24/2010 7:00 | 2849               | 33            |
| 5/27/2010 7:00 | 2794               | 100           |
| 5/5/2010 7:00  | 2784               | 100           |
| 5/4/2010 7:00  | 2762               | 100           |
| 4/29/2010 7:00 | 2749               | 100           |
| 9/28/2010 7:00 | 2739               | 100           |
| 4/28/2010 7:00 | 2724               | 100           |
| 4/1/2010 7:00  | 2723               | 100           |
| 4/27/2010 7:00 | 2717               | 100           |
| 3/30/2010 7:00 | 2707               | 100           |
| 3/29/2010 7:00 | 2704               | 100           |
| 4/26/2010 7:00 | 2578               | 100           |
| 5/3/2010 7:00  | 2568               | 100           |
| 4/14/2010 7:00 | 2500               | 100           |
| 3/31/2010 7:00 | 2347               | 100           |
| 5/6/2010 7:00  | 1670               | 96            |

| Hour            | Flow<br>(Veh/Hour) | %<br>Observed |
|-----------------|--------------------|---------------|
| 3/1/2012 7:00   | 3107               | 100           |
| 3/15/2012 7:00  | 3104               | 100           |
| 3/19/2012 7:00  | 3103               | 100           |
| 10/16/2012 7:00 | 3103               | 100           |
| 10/2/2012 7:00  | 3087               | 100           |
| 9/12/2012 7:00  | 3074               | 100           |
| 5/31/2012 7:00  | 2988               | 100           |
| 9/11/2012 7:00  | 2974               | 100           |
| 9/4/2012 7:00   | 2972               | 100           |
| 10/22/2012 7:00 | 2967               | 100           |
| 10/24/2012 7:00 | 2960               | 100           |
| 3/14/2012 7:00  | 2953               | 100           |
| 10/23/2012 7:00 | 2942               | 100           |
| 4/3/2012 7:00   | 2904               | 100           |
| 4/12/2012 7:00  | 2881               | 100           |
| 3/28/2012 7:00  | 2842               | 100           |
| 4/4/2012 7:00   | 2811               | 100           |
| 4/5/2012 7:00   | 2809               | 100           |
| 4/2/2012 7:00   | 2798               | 100           |

Ms. Purvines - Long Range Planning, El Dorado County  
 May 5, 2015  
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### Attachment 2: PeMS Peak Hour Counts

E. of Scott Mainline Station 316993  
 March 2010, 7:00 - 7:59 am, Monday-Friday  
 No weekends or holidays  
 No HOV Lane Volumes

| Hour           | Flow<br>(Veh/Hour) | %<br>Observed |
|----------------|--------------------|---------------|
| 3/1/2010 7:00  | 2765               | 0             |
| 3/2/2010 7:00  | 2561               | 0             |
| 3/3/2010 7:00  | 2598               | 0             |
| 3/4/2010 7:00  | 2794               | 0             |
| 3/5/2010 7:00  | 2522               | 0             |
| 3/8/2010 7:00  | 2753               | 0             |
| 3/9/2010 7:00  | 2791               | 0             |
| 3/10/2010 7:00 | 2730               | 0             |
| 3/11/2010 7:00 | 2727               | 0             |
| 3/12/2010 7:00 | 2466               | 0             |
| 3/15/2010 7:00 | 1100               | 0             |
| 3/16/2010 7:00 | 2679               | 0             |
| 3/17/2010 7:00 | 2652               | 0             |
| 3/18/2010 7:00 | 2653               | 0             |
| 3/19/2010 7:00 | 2396               | 0             |
| 3/22/2010 7:00 | 2971               | 0             |
| 3/23/2010 7:00 | 2734               | 0             |
| 3/24/2010 7:00 | 2682               | 0             |
| 3/25/2010 7:00 | 2770               | 0             |
| 3/26/2010 7:00 | 2689               | 0             |
| 3/29/2010 7:00 | 2354               | 0             |
| 3/30/2010 7:00 | 2859               | 0             |
| 3/31/2010 7:00 | 2714               | 0             |

## Responses to Letter S-Recirc-3

### S-Recirc-3-1

The Final EIR will include the “Horizon Year Build” Level of Service (LOS) “F” as part of Table 3.9-1. This correction does not change the final determination.

### S-Recirc-3-2

See Master Response 14: Traffic Analysis Method and Travel Demand Model. A footnote is included as part of Table 3.9-3 and repeated as part of this comment which adequately discloses that the eventual need for more detailed operational based assessments as the identification of needs transitions from planning level to operations and design.

### S-Recirc-3-3

The Final EIR will include the following changes to the text:

The TDM used to model traffic in the DEIR was revised in response to comments received during review of the Draft EIR. The County received formal Caltrans concurrence on the TDM on September 22, 2014. In its letter, Caltrans states that, ...”With the recent modifications the EDCTDM conforms to the state-of-practice in travel demand modeling; meets overall traffic assignment validation standards suggested by FHWA and Caltrans; and is an appropriate tool for the County’s long range planning purposes.” The revised TDM was re-run for all of the scenarios with the updated network requested by Caltrans.

Caltrans was not requested to concur with the County’s growth forecast and/or model results stemming from the County’s growth forecast, as local land use planning is outside of Caltrans’ responsibility and authority.

State agencies, the RTPA or MPO do not have land use authority thus any comments on El Dorado County forecasts would be informational and El Dorado County does not require approval of the future forecast scenarios of the County’s General Plan by Caltrans. Caltrans Planning FAQs website, <http://www.dot.ca.gov/hq/tpp/faqs.html> states, “...Planning, Zoning, and Development Law, which gives Cities and County the authority to regulate land use requires that ‘a general plan contain a circulation element which is correlated with the land use element’...” By virtue of this authority, the local agencies produce the land use forecasts which the county has to closely gauge for its transportation planning and fee programs as well as meeting other state mandates such as the Regional Housing Needs Assessment.

This addition does not change the final determination.

### S-Recirc-3-4

These caveats should be acknowledged for all TDMs. Given that all reported model volumes were post-processed per NCHRP 255, the comment does not appear to be relevant as it relates to the TGPA-ZOU RPDEIR. In other words, the assignment outputs were not used verbatim and Caltrans staff has been provided with El Dorado County’s post-processor. Using the NCHRP 255 methodology, post-processing adjusts for deviations between the 2010 base year results and actual traffic counts. The model calibration/validation process, as well as the post-processing, would result in adjusting



for errors, such as discrepancies in actual traffic counts vs. forecasts for low volume roadways in rural areas.

### **S-Recirc-3-5**

The minimum LOS for segments of U.S. Highway 50 will be changed as requested. This correction does not change the final determination.

### **S-Recirc-3-6**

El Dorado County does agree that the merge/diverge area related to the westbound on ramp from El Dorado Hills Boulevard, occasionally operates at LOS F during the AM peak hour. However, no evidence has been submitted to support the statement that “according to PeMS the westbound US 50 segment between El Dorado Hills Boulevard/Latrobe Road and the El Dorado/Sacramento County line, currently operates at LOS F” as is stated by the commenter.

The WB US 50 GP existing conditions volume reported in Table 3.9-13 will be changed to the correct volume of 2,955 for the AM peak hour. The revised volume is the average of the 30<sup>th</sup> to 200<sup>th</sup> highest hours in 2010 from PeMS.. Based on the revised volumes, and using the operational method and Caltrans inputs, the LOS for the segment of U.S. Highway 50 is LOS D for the general purpose lanes, not F.

The volumes in the table will be revised to reflect the cited volumes. This revision does not change the final determination.

El Dorado County has also corrected the eastbound general purpose lane volumes and the forecasts for all scenarios. This correction does not change the final determination.

El Dorado County does not agree with the rationale to choosing a higher volume for the peak hour analysis. Refer to Master Response 14: Traffic Analysis Method and Travel Demand Model for a detailed explanation of the volumes used.

### **S-Recirc-3-7**

El Dorado County respectfully disagrees with the commenter’s conclusions. The 2035 projections are a function of the land use decisions made by the El Dorado County Board of Supervisors. Thus Caltrans comments on the potential future traffic conditions on U.S. Highway 50 will be taken under advisement. It should be noted that the conclusions presented in the comment do not take into account the parallel facilities to U.S. Highway 50.

El Dorado County is planning for:

- two additional auxiliary lanes on westbound U.S. 50 between El Dorado Hills and the county line;
- a four-lane Saratoga Way extension to Iron Point in the City of Folsom;
- the addition of two lanes to White Rock Road to the county line;
- the construction of a new 2 to 4 lane roadway from Latrobe Road to White Rock Road into the City of Folsom, which will be a direct connection to the new Empire Ranch Interchange in the City of Folsom; and

- the construction of the Country Club Drive extension, a new two lane roadway between Bass Lake Road and Silva Valley Parkway.

The City of Folsom will be constructing two additional lanes on Green Valley Road from East Natoma Street to Sophia Parkway in El Dorado County in 2017.

The additional roadway construction by El Dorado County and the City of Folsom will provide 12 to 14 new lanes at the county line to accommodate the projected growth in the 20 year planning horizon.

Additionally, the data in Table 3.9-13 (and updated volumes for US 50) show significant growth in traffic across the County line. For example, the sum of traffic crossing the County Line on US 50, Saratoga Way, White Rock Road, the Latrobe Road Connection, and Green Valley Road increases from 8,175 vehicles in the AM peak hour in 2010 to 14,480 vehicles in the AM peak hour under Scenario 6. This shows an increase of 6,305 vehicles in the AM peak hour in both directions. Similarly, the PM peak hour volume at the County line is expected to increase by 6,670 vehicles under Scenario 6.

### **S-Recirc-3-8**

As stated in the RPDEIR, the proposed General Plan Amendment projects were included in a “super cumulative” scenario for informational purposes only, and are not included in this project. El Dorado County does require General Plan Amendment projects to analyze the cumulative impacts (which would include proposed and reasonably foreseeable projects to be included in the analysis), as required by the CEQA process.

El Dorado County may require, as appropriate under the nexus requirements of California Government Code 66000 et seq., the preservation of adequate right-of-way for the design configurations required for the 20-year planning horizon, by proposed development projects.

### **S-Recirc-3-9**

No impacts were determined by the TGPA-ZOU project on Bass Lake Road, south of U.S. Highway 50 under the super cumulative scenarios, therefore no mitigation was identified. The super cumulative no project scenario was included for informational purposes only and the results are included in Table 5-2 Cumulative Significant Impacts on El Dorado County Roadway Segments and Table 5-3 Cumulative Traffic Impacts.

## 9.4 Tribes

## **Letter T-1—United Auburn Indian Community of the Auburn Rancheria, Gene Whitehouse**



MIWOK United Auburn Indian Community  
MAIDU of the Auburn Rancheria

Gene Whitehouse  
Chairman

John L. Williams  
Vice Chairman

Danny Rey  
Secretary

Brenda Adams  
Treasurer

Calvin Moman  
Council Member

June 4, 2014

Shawna Purvines  
El Dorado County Community Development Agency, Long Range Planning  
2850 Fairlane Court  
Placerville, CA 95667

Subject: Notice of Availability-Draft EIR for the Targeted General Plan Amendment and Zoning Ordinance Update (SCH No. 2012052074)

Dear Shawna Purvines,

Thank you for requesting information regarding the above referenced project. The United Auburn Indian Community (UAIC) of the Auburn Rancheria is comprised of Miwok and Southern Maidu (Nisenan) people whose tribal lands are within Placer County and whose service area includes El Dorado, Nevada, Placer, Sacramento, Sutter, and Yuba counties. The UAIC is concerned about development within its aboriginal territory that has potential to impact the lifeways, cultural sites, and landscapes that may be of sacred or ceremonial significance. We appreciate the opportunity to comment on this and other projects in your jurisdiction.

T-1-1

We would like to receive copies of any archaeological reports that are completed for the project in order to ascertain whether or not the project could affect cultural resources that may be of importance to the UAIC. We also request copies of future environmental documents for the proposed project so that we have the opportunity to comment on potential impacts and proposed mitigation measures related to cultural resources. The information gathered will provide us with a better understanding of the project and cultural resources on site and is invaluable for consultation purposes. Finally, please contact us if you know of any Native American cultural resources within your project area or if you discover any.

T-1-2

Thank you again for taking these matters into consideration, and for involving the UAIC early in the planning process. We look forward to reviewing the documents requested above and consulting on your project. Please contact Marcos Guerrero, Cultural Resources Manager, at (530) 883-2364 or email at [mguerrero@auburnrancheria.com](mailto:mguerrero@auburnrancheria.com) if you have any questions.

T-1-3

Sincerely,

Gene Whitehouse,  
Chairman

CC: Marcos Guerrero, CRM

RECEIVED  
PLANNING DEPARTMENT  
14 JUN 19 AM 11:3

## Responses to Letter T-1

### T-1-1

The comment expresses a general concern about the impacts of development within the United Auburn Indian Community's aboriginal territory on cultural resources important to the Tribe. This is an introductory statement, and no response is necessary.

### T-1-2

The commenter requests copies of any archaeological reports completed for the project. They also ask for copies of future environmental documents for the project and to be notified of any Native American cultural resources found within the project area.

The TGPA/ZOU is a program-level project, not a site-specific development project. A cultural resources report is commonly prepared for development projects to provide a site-specific study of the potential for cultural resources to exist on that site. However, this level of detail is not feasible for the TGPA/ZOU EIR because it addresses policy and regulatory changes, not site-specific development and encompasses the unincorporated area of El Dorado County, an area of several hundred square miles. Whereas a site-specific development project includes a discreet location and a known project design, the TGPA/ZOU includes neither. The size, design characteristics, and mitigating features (if any) of future site-specific projects that may be proposed under the provisions of the General Plan, amended by the TGPA and implemented by the ZOU, is unknown and cannot be known. As a result, the analysis is not site specific. Please see Master Response 1: Specificity of Environmental Review regarding the specificity of analysis in a program EIR.

The Tribe is on the mailing list for all notices and CEQA documents related to the TGPA/ZOU project.

### T-1-3

This comment is a closing statement for this letter. No response is necessary for CEQA purposes.

## **Letter T-2—Shingle Springs Band of Miwok, Kara Perry**



TGPA-ZOU ZOU <tgpa-zou@edcgov.us>

# Fwd: Targeted General Plan Amendment

1 message

**Shawna Purvines** <shawna.purvines@edcgov.us>  
To: TGPA-ZOU ZOU <TGPA-ZOU@edcgov.us>

Tue, Jul 15, 2014 at 12:35 PM

----- Forwarded message -----

From: **Shawna Purvines** <shawna.purvines@edcgov.us>  
Date: Tue, Jul 15, 2014 at 12:35 PM  
Subject: Re: Targeted General Plan Amendment  
To: Kara Perry <KPerry@ssband.org>  
Cc: Andrew Godsey <agodsey@ssband.org>, Daniel Fonseca <dfonseca@ssband.org>

Hi Kara,

It was nice speaking with you today. As we discussed on the phone, a copy of the Notice of Availability with information on how to obtain a copy of the draft Environmental Impact Report was sent to Nicholas Fonseca at P.O. Box 1340 Shingle Springs CA 95682 in late May.

I am glad to hear you were able to download a copy of the document. Please let me know if you have any additional questions or if we can be of any furthure assistance.

Thank you  
Shawna Purvines

On Fri, Jul 11, 2014 at 9:45 AM, Kara Perry <KPerry@ssband.org> wrote:

Good Morning,

I am Kara Perry, Admin Assistant with Cultural Resources, Shingle Springs Band of Miwok Indians. We met yesterday at the Public Hearing for the General Plan Amendment. I had explained that we had not received the Draft EIR, and the time for comment is approaching fast. We need a copy of this document and we also need time to make our comments. We are asking for an extension to properly handle this issue.

T-2-1

Thank You

Kara

**Kara Perry**





**Administrative Assistant**  
Cultural Resources Department

Phone: (530) 488-4049  
Email: [kperry@ssband.org](mailto:kperry@ssband.org)

Shingle Springs Band of Miwok Indians | P.O. Box 1340, Shingle Springs, CA 95682 |  
[www.shinglespringsrancheria.com](http://www.shinglespringsrancheria.com)

SSBBI Disclaimer: This email (Targeted General Plan Amendment) is from Shingle Springs Band of Miwok Indians: Cultural Resources Department and is intended for [shawna.purvines@edcgov.us](mailto:shawna.purvines@edcgov.us); [agodsey@ssband.org](mailto:agodsey@ssband.org); [dfonseca@ssband.org](mailto:dfonseca@ssband.org). Any attachments thereto may contain private, confidential, and privileged material. Any review, copying, or distribution of this email (or any attachments thereto) by parties other than the Shingle Springs Band of Miwok Indians (and its affiliated departments or programs) or the intended recipient(s) is strictly prohibited. If you properly received this e-mail as an employee of the Shingle Springs Band of Miwok Indians, outside legal counsel or retained expert, you should maintain its contents in confidence in order to preserve the attorney-client or work product privilege that may be available to protect confidentiality.

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**Shawna L. Purvines**  
Principal Planner

**County of El Dorado**  
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Phone: (530) 621-5362/Fax: (530) 642-0508  
[shawna.purvines@edcgov.us](mailto:shawna.purvines@edcgov.us)  
[www.edcgov.us](http://www.edcgov.us)

--

**Shawna L. Purvines**  
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Thank you.

## **Responses to Letter T-2**

### **T-2-1**

The commenter requests a copy of the TGPA/ZOU EIR. A copy was provided to them.

## **Letter T-3—Tumelay Nissenan Miwok, El Dorado Miwok, Kimberly ShiningStar Petree**

El Dorado County Community Development Agency  
 Long Range Planning Building C  
 Placerville, CA 95667  
 Attn: Shawna Purvines

Re: DEIR

Dear El Dorado County Community Development Agency,

We are a collaboration of the Local Indigenous People of El Dorado County and the surrounding areas.

We find the unique topography, ecosystems and natural characteristics of the County are fragile, irreplaceable resources that are vital to the general welfare of all residents and Indigenous people; That special controls on development must be established for the County's wetlands, floodplains, steep slopes, sensitive biological habitats, and prehistoric and historic sites; and that present methods adopted by the County must be strengthened in order to guarantee the preservation of these sensitive lands.

T-3-1

We will be relentless in our effort to protect our sensitive lands and prevent their degradation and loss by requiring Resource Protection Studies for certain discretionary projects. We will also preserve the ability of affected property owners to make reasonable use of their land. We are prepared to work diligently to protect what remains of our Native Sites and resources in addition to the Counties unique topography, natural beauty, diversity, and natural resources and a high quality of life for current and future residents of El Dorado County.

We believe that working together we can bring our diverse communities together without needless destruction of that which is unique and special about the area. We are willing to constructively participate in the DEIR process by reviewing potential amendments to the General Plan, taking part in subsequent General Plan Updates, and submitting scoping comments on the General Plan Update DEIR.

We feel the lack of a relationship between the governing bodies of El Dorado County and the Governing bodies of Indigenous People, regarding cultural sites and resources, is an oversight that needs to be addressed before we as government agencies can give approval of the proposed amendments to the General Plan. We have significant concerns over the proposed changes in the General Plan. The lack of notice to the proper Indigenous Officers has failed to give us adequate time to address all issues of concerns in the depth necessary.

T-3-2

Our vision for this area includes the immediate implementation of a Native Cultural Resource Ordinance and an oversight committee that is inclusive of tribally approved members. After some research we have discovered El Dorado County is

T-3-3

the only County in the State of California that does not have an ordinance or the like in place. We have reviewed the proposed ordinance in the DEIR and found it lacking the structure needed to effectively address cultural issues that arise on a regular basis. El Dorado County has historically failed miserably to protect prehistoric and historic sites. When reading the draft DEIR and after consultation with Shawna Purvines on July 23, 2014 we have serious concerns that need to be revisited and revised. Repeatedly we were told these amendments are not site specific so there is no direct impact. We feel the creators of the DEIR are hiding behind those words. The projects that will result in the changes to the General Plan will undoubtedly have impacts. We would request a change in language that makes the General Plan accountable and enforceable.

T-3-3 Cont.

The proposed amendments will affect many of the aspects of El Dorado County that residents value most the tangible and intangible aspects of our community, including our scenic beauty, our natural places, cultural and historical resources, the ability to travel freely and safely, rural quality of life, rivers and creeks, dark night skies, small towns, agriculture, schools, and much more. In laying the foundation for the future of our community, El Dorado County, we will make a good-faith effort to put forward solutions to maintain these and other aspects of local life, and to craft a good, legally defensible General Plan.

T-3-4

We look forward to working with the El Dorado County Community Development Agency and all other affiliates to resolve issues and develop a partnership between El Dorado County and the Indigenous Native people, as we head into the future.

T-3-5

This letter is respectfully submitted by,

Kimberly ShiningStar Petree

Culture Keeper for the Tumelay Nissenan Miwok  
El Dorado Miwok  
2825 Sleepy Hollow Court, Placerville, CA 95667

Bobby Pease

The Pacific West Coast Sub-Chief  
Of the descendants of the  
Eastern Woodland Band of the Cowasuck/Pennacook Abenaki People  
9152 Mosquito Rd., Placerville, CA/ P.O. Box 1220, El Dorado, CA 95623

John McGregor  
Miwok  
Chair of the Eldorado County Indian Council, Inc.  
4705 State Highway 49  
El Dorado, CA 95623

Jim Snoke  
Secretary of the El Dorado County Indian Council, Inc.

Joseph Speck  
Cherokee  
Cultural Preservation Officer for the El Dorado County Indian Council, Inc.  
Tribal Monitor  
P.O. Box 511, El Dorado, CA 95623

Marcos Guerro  
United Auburn Rancheria

## Responses to Letter T-3

### T-3-1

The comment states that “the unique topography, ecosystems and natural characteristics of the County are fragile, irreplaceable resources that are vital to the general welfare of all residents and Indigenous people; That special controls on development must be established for the County’s wetlands, floodplains, steep slopes, sensitive biological habitats, and prehistoric and historic sites; and that present methods adopted by the County must be strengthened in order to guarantee the preservation of these sensitive lands.” The comment describes the Tribes’ commitment to this effort and further states that the signatory Tribes will work to protect what remains of their Native sites and resources. The comment offers the Tribes’ willingness “to constructively participate in the DEIR process by reviewing potential amendments to the General Plan, taking part in subsequent General Plan Updates, and submitting scoping comments on the General Plan Update DEIR.”

The County has established General Plan policies relative to all of these concerns. The County, pursuant to its land use authority, has adopted these policies to balance necessary development with the conservation and preservation of sensitive lands. The specific policies are described in Sections 3.1, Aesthetics, 3.4, Biological Resources, and 3.5, Cultural Resources, of the TGPA/ZOU EIR. In addition, the ZOU will strengthen the zoning regulations currently in place by including stream setback requirements. Those will help to protect sensitive streamside habitat. The proposed lighting standards will minimize light spill from new development, something that is not done by current County standards. Mitigation Measures AES-4 (Revised proposed Zoning Ordinance Chapter 17.34 and Section 17.40.170), AG-1a (Amend the ZOU to limit the size of proposed Health Resort and Retreat Centers), BIO-1a (Limit the relaxation of hillside development standards), BIO-1b (Limit the approval of Private Recreation Areas), BIO-1c (Limit music festivals and concerts), and BIO-2 (Return event site to pre-event condition) will also reduce the TGPA/ZOU’s impacts on these resources.

The County appreciates the Tribes’ willingness to participate in the CEQA process. Please see the response to comment T-4-2 regarding consultation with Tribes.

### T-3-2

The comment states that “the lack of a relationship between the governing bodies of El Dorado County and the Governing bodies of Indigenous People, regarding cultural sites and resources, is an oversight that needs to be addressed before we as government agencies can give approval of the proposed amendments to the General Plan. We have significant concerns over the proposed changes in the General Plan. The lack of notice to the proper Indigenous Officers has failed to give us adequate time to address all issues of concerns in the depth necessary.”

The County provided notice to Native American tribes on the Native American Heritage Commission’s (NAHC’s) list consistent with Senate Bill (SB) 18, which requires the County to consult with Tribes over proposed General Plan amendments. The County also provided notice during the CEQA process. The County hopes that it can have a constructive relationship with the Native American Tribes.



**T-3-3**

The comment supports the adoption of a Cultural Resources Ordinance and establishment of a Cultural Resources Preservation Commission that includes Native American members. The comment states that El Dorado County “is the only County in the State of California that does not have an ordinance or the like in place.”

El Dorado County is not alone in being without a Cultural Resources Ordinance at the present time. Such an ordinance is not required by law, and not all California counties have adopted such an ordinance. Placer County has no such ordinance, nor does Amador County. Sacramento County’s General Plan has numerous policies intended to protect cultural resources where possible, but it has not adopted a cultural resources ordinance. Similar to the El Dorado General Plan, Nevada County’s general plan has a policy committing that county to adopting a cultural resources ordinance, but it has not done so as of this writing. In addition, not all adopted cultural resources ordinances explicitly cover Native American cultural resources. For example, Tuolumne County’s ordinance (Chapter 14.06 of the County Ordinance Code) is largely focused on historic preservation concerns.

The commenter is concerned that the County has “historically failed miserably to protect prehistoric and historic sites.” After consulting with County staff regarding the TGPA/ZOU and reading the DEIR, the Tribes “have serious concerns that need to be revisited and revised.” The commenter is concerned that the project “will result in changes to the General Plan that will undoubtedly have impacts.” The comment requests “a change in the language that makes the General Plan accountable and enforceable.”

Section 3.5, Cultural Resources, of the TGPA/ZOU EIR discloses that development under the General Plan, as amended by the TGPA and implemented by the ZOU, will result in significant and unavoidable impacts on cultural resources (please see Impacts CUL-1 through CUL-3). The TGPA/ZOU does not propose any site-specific development projects, so its specific impacts on cultural resources cannot be known with any precision. However, the fact that future development will occur based on the General Plan clearly leads to the conclusion that cultural resources will be adversely affected. Please see also Master Response 1: Specificity of Environmental Review regarding the specificity of environmental review.

A general plan is a policy document that guides land use decision making within the county. It is directly implemented and enforced by the Zoning Ordinance and the subdivision ordinance, both of which must be consistent with the General Plan (please see Government Code Sections 65860 and 66474, respectively). It is both accountable and enforceable.

The 2004 General Plan policies and implementation plan include provisions such as the Cultural Resources Ordinance and establishment of a Cultural Resources Preservation Commission that will reduce potential impacts on cultural resources. The County is drafting, publicly vetting, and adopting the mitigating policies and implementation measures as time, staffing, and budget permit. The County has no authority to enact regulations without first completing this process.

The General Plan is a long-term document. The establishment of ordinances and standards for mitigation of its impacts is ongoing. The 2013 General Plan Implementation Annual Progress Report presented to the El Dorado County Board of Supervisors on June 24, 2014, describes the progress made toward completing the implementation measures identified in the General Plan. It summarizes the current status of the effort to complete the implementation measures:

The General Plan currently has a total of 225 implementation measures which are the collective responsibility of several County departments, divisions or agencies. Overall, the County has made significant progress toward implementation of the General Plan since its adoption in 2004. Of the 225 total measures, 142 (63 percent) have been implemented, 61 (27 percent) are in progress, and 22 (10 percent) remain to be initiated and implemented.

Measures that are currently in progress include the sign ordinance, biological policies update, West Slope Storm Water Management Program, Community Planning, major 5-year update to the Capital Improvements Program, and nonresidential commercial vacant/underutilized land inventory.

#### **T-3-4**

The commenter reiterates their concern for El Dorado County's physical and cultural resource environment and states that they "will make a good-faith effort to put forward solutions to maintain these and other aspects of local life, and to craft a good, legally defensible General Plan." The County appreciates the Tribes' interest and spirit of cooperation.

#### **T-3-5**

The County hopes to work cooperatively with Native American Tribes during the review of future development projects, ordinances, and General Plan amendments pursuant to both SB 18 and Assembly Bill (AB) 52.

## **Letter T-4—United Auburn Indian Community of the Auburn Rancheria, Gene Whitehouse**



Cindy Johnson &lt;cynthia.johnson@edcgov.us&gt;

---

**Fwd: Eld County General Plan Update DEIR Comments**

1 message

**Shawna Purvines** <shawna.purvines@edcgov.us>

Thu, Aug 14, 2014 at 10:21 AM

To: TGPA-ZOU ZOU &lt;TGPA-ZOU@edcgov.us&gt;

Bcc: cynthia.johnson@edcgov.us

----- Forwarded message -----

From: **Marcos Guerrero** <mguerrero@auburnrancheria.com>

Date: Thu, Aug 14, 2014 at 5:26 AM

Subject: Eld County General Plan Update DEIR Comments

To: Shawna Purvines &lt;shawna.purvines@edcgov.us&gt;

Hello Shawna,

Please accept our comments. The signed hard copy will go out in the mail.

Marcos Guerrero, RPA

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--

**Shawna L. Purvines**

Principal Planner

**County of El Dorado**

Community Development Agency

Long Range Planning

2850 Fairlane Court

Placerville, CA 95667

Phone:(530) 621-5362/Fax: (530) 642-0508

[shawna.purvines@edcgov.us](mailto:shawna.purvines@edcgov.us)[www.edcgov.us](http://www.edcgov.us)

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**ELD Co GP DEIR Cat2 081414.pdf**  
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MIWOK United Auburn Indian Community  
 MAIDU of the Auburn Rancheria

August 14, 2014

Shawna Purvines, Principal Planner  
 El Dorado County Community Development Agency  
 Long Range Planning Building C  
 Placerville, CA 95667

Re: DEIR El Dorado County General Plan Update

Dear Ms. Purvines,

Thank you for your invitation to consult on the above named project. The United Auburn Indian Community (UAIC) of the Auburn Rancheria is comprised of Miwok and Southern Maidu (Nisenan) people whose tribal lands are within Placer County and whose service area includes El Dorado, Nevada, Placer, Sacramento, Sutter, and Yuba counties. The UAIC is concerned about development within its aboriginal territory that has potential to impact the lifeways, cultural sites, and landscapes that may be of sacred or ceremonial significance. We appreciate the opportunity to comment on this and other projects in your jurisdiction.

T-4-1

We would like to make a few general points for consideration in developing the scope and content of the El Dorado County General Plan Update Draft Environmental Impact Reports (DEIR):

- The UAIC recommends that projects within the El Dorado County General Plan Update DEIR jurisdiction be designed to incorporate known cultural sites into open space or other protected areas;
- The UAIC is interested in holding conservation easements for culturally significant prehistoric sites;
- The UAIC would like the opportunity to provide Tribal representatives to monitor projects if excavation and data recovery are required for prehistoric cultural sites, or in cases where ground disturbance is proposed at or near sensitive cultural resources;
- The UAIC is interested in receiving cultural materials from prehistoric sites where excavation and data recovery has been performed;
- The UAIC would like to receive copies of environmental notices and documents for projects within the jurisdiction of the El Dorado County General Plan Update DEIR.
- The UAIC would like to receive all confidential cultural and archaeological reports within the jurisdiction of the El Dorado County General Plan Update DEIR.
- Finally, that and ordinances or cultural committee include Native American participation and consultation pursuant to Governor Brown's EO-B-10-11.

T-4-2

T-4-3

T-4-4

T-4-5

T-4-6

T-4-7

MIWOK United Auburn Indian Community  
MAIDU of the Auburn Rancheria

We would like to review and cultural resources assessment that has been prepared for the project and would like to arrange a meeting with your department to discuss how potential impacts to cultural resources of importance to the UAIC can best be addressed in the DEIR.

T-4-8

The UAIC's preservation committee has identified cultural resources in and around your project area, and would like to request a site visit to confirm their locations. Thank you again for taking these matters into consideration, and for involving the UAIC early in the planning process. We look forward to reviewing the documents requested above and consulting on your project. Please contact Marcos Guerrero, Cultural Resources Manager, at (530) 883-2364 or by email at [mguerrero@auburnrancheria.com](mailto:mguerrero@auburnrancheria.com) if you have any questions.

T-4-9

Sincerely,

Gene Whitehouse,  
Chairman

CC: Marcos Guerrero, CRM

## Responses to Letter T-4

### T-4-1

The comment expresses a general concern about the impacts of development within the United Auburn Indian Community's aboriginal territory on cultural resources important to the Tribe. This is an introductory statement, and no response is necessary.

### T-4-2

The commenter recommends that projects within the TGPA be designed to incorporate known cultural sites into open space or other protected areas.

As discussed in Section 3.5, Cultural Resources, of the TGPA/ZOU EIR, future development under the General Plan, as amended by the TGPA and implemented through the ZOU, is expected to result in significant and unavoidable impacts on cultural and archaeological resources. Assembly Bill 52 of 2014, effective July 1, 2015, will require the County to offer the Tribe the opportunity to consult over tribal cultural resources at the beginning of the CEQA process for future development projects and General Plan amendments (please see the summary of AB 52 under "Tribal Consultation" in Section 3.5 of the TGPA/ZOU EIR). The Tribe will have the opportunity at that time to discuss the potential impact of the prospective project, specific means to mitigate that impact, and, if an EIR is required, potential project alternatives. This discussion can include designing the project to incorporate known cultural sites into open space or other protected areas.

The existing General Plan contains a number of policies that are intended to protect cultural sites. Policy 7.5.1.1 calls for the establishment of a Cultural Resources Ordinance to provide the regulatory framework for mitigating impacts on cultural resources. Policy 7.5.1.5 states that the County will form a Cultural Resources Preservation Commission to aid in the protection and preservation of the county's important cultural resources. Policy 7.5.1.6 provides that the County "shall treat any significant cultural resources (i.e., those determined California Register of Historical Resources/National Register of Historic Places eligible and unique paleontological resources), documented as a result of a conformity review for ministerial development, in accordance with CEQA standards." Of these policies, 7.5.1.6 is currently in operation. The other two policies rely on an ordinance and commission that have not been implemented by the County as of this writing.

Both AB 52 and the General Plan policies may be employed to require that known cultural sites be incorporated into open space or other protected areas. However, this cannot be guaranteed because AB 52 does not require that the County and Tribe reach agreement on mutually agreeable mitigation, and the existing General Plan policies similarly cannot be relied upon to result in full mitigation in all cases. For this reason, the TGPA/ZOU EIR finds that future development under the General Plan, as amended by the TGPA and implemented by the ZOU, will result in significant and unavoidable impacts on cultural resources (please see Section 3.5, Cultural Resources, Impacts CUL-1 and CUL-2).

### T-4-3

The Tribe is interested in holding conservation easements for culturally significant prehistoric sites. This is a type of mitigation that can be considered for future projects under the provisions of AB 52



(please see Public Resources Code Section 21084.3(b)(3)). As noted in the response to comment T-4-2, this mitigation cannot guarantee that all impacts will be mitigated in all cases.

#### **T-4-4**

The Tribe would like the opportunity to provide Tribal representatives if excavation and data recovery are required or ground disturbance proposed as part of a future project. This is a potential mitigation measure that can be discussed with the County during future AB 52 consultations. However, as noted in the response to comment T-4-2, this mitigation cannot guarantee that all impacts will be mitigated in all cases.

#### **T-4-5**

The Tribe would like to receive cultural materials from prehistoric sites where excavation and data recovery have been performed. This is a potential mitigation measure that can be discussed with the County during future AB 52 consultations. However, as noted in the response to comment T-4-2, this mitigation cannot guarantee that all impacts will be mitigated in all cases.

#### **T-4-6**

The Tribe requests that it be sent copies of environmental notices and documents for the TGPA/ZOU EIR. The County has provided and will continue to provide the Tribe notice and documents for the TGPA/ZOU project.

#### **T-4-7**

The Tribe requests that the future Cultural Resources Ordinance and Cultural Resources Preservation Commission include Native American participation and consultation pursuant to Governor Brown's Executive Order EO-B-10-11. This Executive Order was issued September 19, 2011. It establishes the position of Governor's Tribal Advisor within the Governor's Office to facilitate communications between California Tribes and State government, and requires "that every state agency and department subject to [the Governor's] executive control shall encourage communication and consultation with California Indian Tribes."

EO-B-10-11 does not apply to local government agencies such as El Dorado County. AB 52 will require that the County consult with the Tribe, if the Tribe so desires, regarding projects that are subject to CEQA. This performs a similar function to EO-B-10-11.

#### **T-4-8**

The Tribe would like to review the cultural resources assessment prepared for the TGPA/ZOU and meet with the County to discuss how potential impacts can be addressed in the DEIR.

Please see the response to comment T-1-2 regarding the cultural resources assessment. The County met with the Tribe on July 23, 2014. No site visit was scheduled because the TGPA/ZOU is not a development project with a discrete site proposed to be disturbed.

#### **T-4-9**

The comment states that the Tribe's preservation committee has identified cultural resources in and around the project area and requests a site visit to confirm their locations.

The TGPA/ZOU's project area consists of the western slope of El Dorado County. As discussed in Impacts CUL-1, CUL-2, and CUL-3 of Section 3.5, Cultural Resources, of the TGPA/ZOU EIR, there is no doubt that there are cultural resources within the project area that will be affected by future development under the General Plan, as amended by the TGPA and implemented by the ZOU. The County has not scheduled a site visit because the TGPA/ZOU is not a development project with a discrete site.

## 9.5 Local Agencies

## **Letter L-1—CEDAC-EDH, John Hidahl and Noelle Mattock**



TGPA-ZOU ZOU &lt;tgpa-zou@edcgov.us&gt;

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**Fwd: CEDAC-EDH TGPA/ZOU DEIR Inputs**

1 message

**Shawna Purvines** <shawna.purvines@edcgov.us>

Thu, Jul 31, 2014 at 10:08 AM

To: TGPA-ZOU ZOU &lt;TGPA-ZOU@edcgov.us&gt;

----- Forwarded message -----

From: **Hidahl, John W (IS)** <John.Hidahl@ngc.com>

Date: Tue, Jul 22, 2014 at 1:26 PM

Subject: CEDAC-EDH TGPA/ZOU DEIR Inputs

To: "shawna.purvines@edcgov.us" &lt;shawna.purvines@edcgov.us&gt;, "david.defanti@edcgov.us" &lt;david.defanti@edcgov.us&gt;

Cc: "Noelle.Mattock@CH2M.com" &lt;Noelle.Mattock@ch2m.com&gt;, "noahbriel@gmail.com" &lt;noahbriel@gmail.com&gt;, "arowett@pacbell.net" &lt;arowett@pacbell.net&gt;, "bjjan@sbcglobal.net" &lt;bjjan@sbcglobal.net&gt;, "debbie@eldoradohillschamber.org" &lt;debbie@eldoradohillschamber.org&gt;, "jeff.h@ix.netcom.com" &lt;jeff.h@ix.netcom.com&gt;, "mikeOnTrails@gmail.com" &lt;mikeOnTrails@gmail.com&gt;, "rachel@cawomenlead.org" &lt;rachel@cawomenlead.org&gt;, "steve@stevferry.com" &lt;steve@stevferry.com&gt;, "hal.erpenbeck@gmail.com" &lt;hal.erpenbeck@gmail.com&gt;, "billyv69@sbcglobal.net" &lt;billyv69@sbcglobal.net&gt;

Shawna/Dave,

Please find attached and confirm receipt of the CEDAC-EDH DEIR inputs. There are four files attached, including the signed cover letter. We look forward to working with you and other County staff (or consultants) on the 'beyond LUPPU' activities to create an EDH Community Plan. Please let Noelle or I know if you have any questions?

Best Regards,

John &amp; Noelle

--

**Shawna L. Purvines**

Principal Planner

**County of El Dorado**

Community Development Agency

Long Range Planning

2850 Fairlane Court

Placerville, CA 95667

Phone:(530) 621-5362/Fax: (530) 642-0508

[shawna.purvines@edcgov.us](mailto:shawna.purvines@edcgov.us)

[www.edcgov.us](http://www.edcgov.us)

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Thank you.

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#### 4 attachments



**Signed DEIR cover letter.pdf**

83K



**Traffic and Transportation Policies 2-3-14.docx**

33K



**CEDAC-EDH Draft Zoning Policies 2.5.14.docx**

118K



**CEDAC-EDH Draft Zoning Policies 1 21 14 AHoward.docx**

681K



# CEDAC-EDH

“El Dorado Hills, Better Together”

## Community Coordinators

Hal Erpenbeck Steve Ferry Jeff Haberman John Hidahl Betty January Debbie Manning  
Noelle Mattock Rachel Michelin Mike O’Neill Norm Rowett Billy Vandegrift

July 22, 2014

El Dorado County Development Services Department, Planning Services  
Attn: Shawna Purvines, Senior Planner  
2850 Fairlane Court, Building “C”  
Placerville, CA 95667

**Subject: CEDAC-EDH Comments on the Draft Program Environmental Impact Report (DEIR)**

Dear Shawna,

The El Dorado Hills CEDAC-EDH coordinators group TGPA/ZOU subcommittee was established in March 2013, based upon a public meeting held in the EDH Community Library in February 2013. At the February meeting, the EDCo EDAC committee leadership including Jim Brunello, gave a summary presentation of their LUPPU activities, and challenged EDH to form an EDH Community EDAC group. CEDAC-EDH was formed following the 11 member EDCo EDAC appointed group’s model, with 11 coordinator’s selected at large. The coordinator’s represent a broad cross section of EDH community volunteers and elected officials. We herewith submit our DEIR Inputs for consideration.

L-1-1

## CEDAC-EDH TGPA/ZOU DEIR Inputs

In conjunction with GP Policy 2.4.1.2 which states:

**Policy 2.4.1.2:** The County shall develop community design guidelines in concert with members of each community which will detail specific qualities and features unique to the community as Planning staff and funds are available. Each plan shall contain design guidelines to be used in project site review of all discretionary project permits. Such plans may be developed for Rural Centers to the extent possible. The guidelines shall include, but not be limited to, the following criteria:

- a. Historic preservation
- b. Streetscape elements and improvements
- c. Signage
- d. Maintenance of existing scenic road and riparian corridors
- e. Compatible architectural design
- f. Designs for landmark land uses
- g. Outdoor art

The CEDAC-EDH group submits the following for incorporation into an El Dorado Hills specific (zip code 95762) community design guidelines document. These inputs were derived from subcommittees of CEDAC-EDH that publically met and formulated the draft policies. The subcommittees spent many hours developing and fine tuning the draft policies. CEDAC-EDH herewith forwards these draft policies to County Planning for consideration. The final 'draft policies' were heavily influenced by the Community wide survey results that were collected in early 2014. The survey was conducted by AIM consulting, under contract to El Dorado County, as part of the CEDAC-EDH tasking. The survey results are available at <http://speakupedh.org>. The resultant County plans are expected to provide and preserve specific qualities and features unique to El Dorado Hills.

While much discussion and consideration of the content for the desired Community plan was shared across the a. to g. criteria listed above, as well as local economic development goals (i.e. EDH Business park), the two principle areas that have the greatest overall impact on future planning are: traffic and transportation (infrastructure); and Land Use and Zoning (required services and facilities). These two areas either enable or constrain the overall vision for EDH. The following EDH community draft policies are attached.

- 1) El Dorado Hills specific Traffic and Transportation 'draft policies'
- 2) El Dorado Hills specific Land use and Zoning 'draft policies'
  - a. Majority report
  - b. Minority report

CEDAC-EDH is hopeful that this input will result in County Planning defining the 'next steps' required to prepare an EDH Community Plan. CEDAC-EDH has planned 'beyond LUPPU' activities to provide the community resources to assist County planning in establishing an EDH Community Plan. Please address any questions to either John Hidahl ([Hidahl@aol.com](mailto:Hidahl@aol.com) or 916-761-8453) or Noelle Mattock ([noellemattock@comcast.net](mailto:noellemattock@comcast.net) or 916-835-4668), co-chairs of the CEDAC-EDH coordinators group.

**John Hidahl**

**CEDAC-EDH Co-Chair****Noelle Mattock**

**CEDAC-EDH Co-Chair**



## Traffic and Transportation Policies\*

**2-3-2014**

|                     |                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                 |       |
|---------------------|-----------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------|-------|
| <b>Goal 1:</b>      | <b>Take traffic counts at the appropriate period in EDH.</b>                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                    |       |
| Objective:          | Accurate measurement of traffic in EDH                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                          |       |
| Policy:             | Traffic measurement counts shall be conducted at least once a year during the highest traffic period and the schools must be in session.                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                        |       |
| Reason for policy:  | The current traffic count periods in EDH are mostly taken during the winter months of December and January. The traffic count data should be taken during a more active period to represent the true traffic conditions. The suggested time periods are during the months of March or October.                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                  | L-1-2 |
| Concerns of Policy: | The current General Plan policies require an annual monitoring of traffic volumes on the county's major roadway system (GP Policy TC-Xb, C). Level of Service measurements are expressly required to be analyzed during "weekday, peak-hour periods". (Policy TC-Xa). The County's measurement of traffic volumes are conducted while school is in session. On a technical side, the analysis methods (and roadway sizing) are already based on the highest hour of an average day and the volumes are factored (i.e., increased) by a peak hour factor (PHF), which is the highest 15-minute flows in the peak hour. The analysis and roadway sizing is based on peak 15-minute flows in an average day and the roadways in El Dorado County are designed to provide LOS E/D for peak 15-minute traffic flows. |       |
| <b>Goal 2:</b>      | <b>Provide an annual traffic Report/Map of EDH road system circulation condition.</b>                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                           |       |
| Objective:          | Document annual traffic conditions in EDH                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                       |       |
| Policy:             | Utilizing annual traffic measurement counts, the annual traffic conditions shall be calculated using methods contained in HCM 2010 to determine the level of service (A-F) and road volume ratio for the major arteries in EDH and be available for public review on DOT's website for comments.                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                | L-1-3 |
| Reason for policy:  | The County currently does not provide this information and the residents of EDH have no way of knowing the traffic conditions on their road system.                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                             |       |

|                     |                                                                                                                                                                                                                                                                       |             |
|---------------------|-----------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------|-------------|
| Concerns of Policy: | Suggest that DOT staff see if they have any concerns with this policy, particularly with staffing, timing, historical information, etc.                                                                                                                               | L-1-3 Cont. |
| <b>Goal 3:</b>      | <b>Use the new TDM model to forecast EDH road system circulation condition and compare with 5 year CIP improvement list to prioritize road improvement for EDH.</b>                                                                                                   |             |
| Objective:          | Determine if the 5 year CIP is focused on improving the problem segments and intersection in EDH and setting the appropriate priorities.                                                                                                                              |             |
| Policy:             | The TDM shall annually forecast traffic conditions in EDH and those forecasts shall be compared to the 5 year CIP to determine if the improvements listed in the plan are addressing the road segments and intersection that require the most immediate improvements. | L-1-4       |
| Reason for policy:  | The County needs to determine if the <i>CIP is addressing the area's that required the highest priority of improvements in EDH.</i>                                                                                                                                   |             |
| Concerns of Policy: | County DOT staff should weigh in on any potential concerns they might have.                                                                                                                                                                                           |             |
| <b>Goal 4:</b>      | <b>Optimize Road Capacity.</b>                                                                                                                                                                                                                                        |             |
| Objective:          | Improve traffic flow on major arteries by utilizing Intelligent Transportation System (ITS) strategies.                                                                                                                                                               |             |
| Policy:             | Signal time on major arteries traffic signal lights shall be optimized to improve capacity flow. ITS signal light system shall be used for new and replacement signal lights.                                                                                         | L-1-5       |
| Reason for policy:  | There are now existing state of the art traffic signal systems that can optimize traffic flow and improve traffic circulation. These new signal light systems should be incorporated into EDH's roads system as soon as possible.                                     |             |
| Concerns of Policy: | Funding source(s) should be addressed in this Policy. In addition an analysis should be undertaken to assess upgrading all existing traffic signals to determine the cost effectiveness and benefits.                                                                 |             |
| <b>Goal 5:</b>      | <b>Maintain high density acceptable traffic circulation in EDH.</b>                                                                                                                                                                                                   |             |
| Objective:          | Prevent major corridor segments and intersections that are at level D service or better from exceeding level service D                                                                                                                                                |             |
| Policy:             | Any new residential development of 10 units or more that will cause a segment or intersection that is currently level D or better in a major corridor in EDH to exceed level of service of D shall be required to put in                                              | L-1-6       |

place road improvements that will keep the service at D or less. If phased improvements are approved they shall be completed within 5 years. The following roads are designated corridors: El Dorado Hills Blvd, Green Valley Road, Silva Valley Parkway, Serrano Parkway, Harvard Way, Bass Lake Road, Latrobe Road, Sophia Parkway, Francisco Drive, Silver Springs Parkway Salmon Falls Road and White Rock Road.

**Reason for policy:** Many of the road segments and intersections are at level of service D or above in EDH. The definition of service level D is “Represents high-density, stable flow. Users experience severe restriction in speed and freedom to maneuver, with poor levels of comfort and convenience”. This policy would maintain these roads and intersections at the D service level when new residential development occurs in EDH. The policy is not intended for county-wide inclusion but only for EDH to preserve the existing level of D service conditions. Measure Y is a county wide measure that deals with level of F service, which “Is used to define forced or breakdown conditions. This condition exists wherever the volume of traffic exceeds the capacity of the roadway. Long queues can form behind these bottleneck points with queued traffic traveling in a stop-and-go fashion”. Maintaining level D existing service in EDH would not be a violation of measure Y because the policy does not change the measure Y standards or enforcement within the County and EDH. This measure only applies to road segments and intersections in El Dorado Hills that are currently at service level D or above. It does not apply to segments and intersections that are currently service level E or F.

**Concerns of Policy:** This Policy will legally require a General Plan amendment, a nexus to determine costs should be undertaken and a funding mechanism in place to determine how this Policy will be implemented. This Policy will also require a county-wide voter initiative to replace the current Measure Y.

Modifying the existing Measure Y policies will be a significant undertaking. Measure Y was adopted by a county-wide vote in 1998 and was amended, extended and readopted in 2008, again by a county-wide vote. The County’s General Plan incorporates the Measure Y policies in its Transportation Element, specifically at Policies TC-Xa through TC-Xi. These policies may be amended prior to 2018 only by another county-wide vote.

Changes to the Measure Y Level of Service specific to El Dorado Hills would also require major modifications to the County’s General Plan Transportation Element. This may also trigger a CEQA review likely resulting in the need for wholesale changes to other elements of the General Plan. As stated per the 2008 Impartial Analysis of County

Counsel, "The policies cannot be further amended or repealed except by a vote of the people".

The potential consequences of this Policy would likely increase substantially the current traffic fees for the El Dorado Hills area and the county as a whole. It would be assumed, as a result of increased fees, which currently already are a limit to entitled growth, will also affect future growth that is currently not entitled. Implementing this Goal could have the effect of reducing future potential economic development in EDH and could be detrimental to the rest of the County as a result. This high cost may also likely negate any desire for other kinds of development, e.g. commercial, office, industrial, etc. to want to locate here

L-1-6 Cont.

### **Minority Opinion of Goal 5**

*The proposed goal as stated above is unlikely to be achievable unless substantial efforts, both in time and money, are undertaken to change the general plan and in the re-writing of Measure Y. The general plan transportation policies must also not conflict with other policies, such as those in the housing and land use elements. So, not only does this policy trigger a re-evaluation of Measure Y, but potentially a full re-visit to the entire General Plan. Current legal opinions have also been expressed stating that it would not be possible to allow one portion of the county to establish different LOS restrictions under Measure Y, as it is currently written. As a result this objective will require either a new county wide initiative, or successful incorporation effort of El Dorado Hills in order for this policy to be established locally.*

L-1-7

*The consequences of proposing increased restrictions on a strictly local level to LOS D or better will also likely further discourage economic development within the El Dorado Hills even more so than it does today. This minority opinion also suggests that Measure Y, when it expires in 2018, not be extended. In its place all analysis of traffic conditions and establishment of level of services in the future should also assess the effect on economic growth, its fiscal impacts and benefits, as well as its social impacts, and be decided by a majority of Board of Supervisors. Traffic analysis should also include all types of future growth and development and not just be limited to analyzing residential growth.*

*Land use currently determined strictly on the basis of a LOS during a 15 minute time frame, twice a day and measured at peak hours will continue to be to the future detriment of the entire county and its citizens. It is the minority opinion that LOS F may indeed be acceptable, under special conditions or unique circumstances, especially if the result is a positive financial or economic benefit to the overall community. Well planned growth, competitive with our neighboring communities, will provide the*

*financial means to address many lacking services and needs here at home and the county as a whole.*

L-1-7 Cont.

**Goal 6: Safe Pedestrian/ Bike lanes in EDH.**

Objective: Design and Construct an interconnecting Pedestrian and Bike System for EDH

Policy: A percentage of the TIM Fee collected in EDH shall be used for improvements of the Pedestrian and Bike system in EDH. The percentage shall be based on improvements needed to complete the system in 10 years.

L-1-8

Reason for policy: There are many bike and pedestrian paths in EDH that are not connected and make walking or biking to commute with in EDH very difficult and unsafe. The County currently has no policy to connect these pathways or finance the required improvements to have a connected system. The intent of this policy is to put in place a design and funding mechanism that will complete the pedestrian and bike system in EDH.

Concerns of policy: There does not currently appear to be a method or procedure in place that could accomplish the allocation of a percentage of an existing established fee program for this specific Goal. This policy and its underlying goal of utilizing 15% of TIM fees for pedestrian and bikeway improvements would most likely require establishment of a new fee structure or the inclusion of bike/pedestrian facilities in the current TIM fee calculation. Given stated existing deficiencies in the existing system, new development could not be required to fund facilities to make up for existing deficiencies and any costs for these improvements would have to be borne by existing residents.

**GOAL 7: Improve Road Maintenance Program in EDH.**

Objective: Develop yearly road maintenance and Repair program for EDH

Policy: A special road maintenance and repair fund shall be created from the Counties property taxes collected in El Dorado Hills. Three (3) percent of the EDH property taxes shall be transfer to the special road maintenance and repair fund. The funds shall be set aside and not used for any other program except for EDH roads. Create a maintenance program listing all EDH maintained roads and a 5 year site audit schedule and reporting procedure correlated with funding of the program. Provide an annual road assessment report to the public.

L-1-9

Reason for policy: El Dorado Hills Roads are falling apart and the longer maintenance is deferred the more expensive the cost will be to the residents to fix them. The County currently uses 3.23 % of the property tax for road maintenance and repair in El Dorado County.

L-1-9 Cont.

Concerns of policy: What would be the mechanism to ear-mark a percentage of the county property taxes for the stated purposes of this fund solely from and for ED Hills? ED Hills would most likely have to incorporate in order to increase the percentage of property taxes for this specific use. Property taxes are for the benefit of the entire county and are not segregated or distributed based solely upon location, but more on services needed county-wide. If there is a need for a 'set aside' fund for road maintenance specifically for ED Hills it may need to come in the form of a special local tax or assessment to provide this specific funding. It would be unlikely that other locations in the county would want these specific property taxes used, especially since ED Hills provides substantial revenues, due to its higher and more concentrated property values, for specific programs just for ED Hills' needs. Agreed there is a need for increased road maintenance in all areas of ED Co., but it is a county wide issue and it should be addressed as such.

**GOAL 8: Improve the Enforcement of Illegal Signs in EDH.**

Objective: Reduce the number of illegal signs in EDH

Policy: Signing Enforcement shall be done on a monthly basis in El Dorado Hills and a staff report documenting the results of the enforcement shall be on file with the County. An enforcement administration fee shall be established and collected from violators.

L-1-10

Reason for policy: We have little or no illegal sign enforcement in EDH. Why have a sign ordinance if it's not enforced.

Concerns of policy: Potential funding issues to dedicate staff time to find the violators, much less enforce, which has most likely been the reason for not enforcing? Potentially explore empowering citizen committees or other private groups to be given the authority to remove illegal signs within their areas, with proper training and education, with a defined process and procedure and with direction and coordinate from county staff or DOT. Also look at the CSD or potentially private community associations to assist in these enforcement efforts.

**GOAL 9: Improve Pedestrian & Bike Path Coordination and Communications for EDH Projects and Activities.**

**Objective:** Create a Community Bicycle/ Pedestrian Committee that works with other Committees, whose sole function is to research funding, lobby for fair share projects and keep stakeholders informed, engaged and active in perusing the goal of connectivity and pedestrian safety in El Dorado Hills.

**Policy:** The County shall appoint a committee of EDH residents to assist in updating the El Dorado County Parks and Trails Master Plan. The committee shall be authorized to set goals for El Dorado Hills and recommend the funding, planning & construction of trails, pedestrian & Bike paths in El Dorado Hills for connectivity through the Community and Safety of Pedestrians.

L-1-11

**Reason for policy:** The spending of Bicycle and Pedestrian paths and trails have been disproportionate over the last 10 years with Millions of Dollars in Trails projects going to the Eastern part of the County. The Program needs to be completely audited and made more equitable to El Dorado Hills.

**Concerns of policy:** Need to define actual methodology for determining the equitable allocation of available funds. Process will need to include participants within all areas of the county.

The reasons stated for this policy should to be more specific in terms of defining what the actual disproportionate share of the funding for these projects has really been and when and where these other Eastern projects have actually been developed. Real numbers and examples should be provided in order to properly demonstrate there is an actual disparity requiring the need for changes.

**Goal 10: Road improvements are fully funded to implement traffic mitigation measures for development projects when TIM fees are deposited to the 5 year Capital Improvement Plan (CIP).**

**Objective:** Provide a funding mechanism to make the necessary project traffic mitigation measures when a project is approved but contributes its TIM fees to the 5 year CIP in lieu of making the required improvement. This will assure the funds are available when the improvements are required.

L-1-12

**Policy:** Development Projects in El Dorado Hills that contribute traffic mitigation fees to the capital improvement plan (CIP) in lieu of constructing the

traffic mitigation measures shall post a bond that will make the required improvements, if they have not been completed in 5 years.

Reason for policy: The County has been approving development projects that contributed traffic impact mitigation (TIM) fees to the 5 year capital improvement plan (CIP) that is underfunded, (known as creating paper road improvements). As a result, the County is unable to finance construction of the improvements when the measures are required to mitigate the projects traffic impacts.

L-1-12

Concerns of policy: This policy is too restrictive and does not really define “required” improvements or take into consideration a project size, the project length, the effect of economic and market conditions or the potential financial consequences on any current or future development.

Most development projects also contribute only a portion of a traffic impact that may be less than LOS F which is why they pay a pro rata fee for the future ultimate improvements. Projects may not actually ‘trigger’ that need, even when fully developed, so how or why would a bond be necessary for only their fair share portion of the impact when they are already paying impact fees? 5 years is also an arbitrary and very short and unrealistic time frame and may not be applicable to all projects, currently approved or even for future projects. The ‘reasons for policy’ need to state actual facts and clearly define this supposedly underfunding and if true, identify which projects.

**\*Note 1. These policies are intended for the EDH Community ID/Vision that CEDAC-EDH is preparing. If the community ID/Vision is incorporated into the general plan, these policies along with other policies submitted by CEDAC- EDH would require approval of the El Dorado County board of supervisors with a general plan amendment and the required analysis prior to adoption.**

**\*Note 2. Policies are not listed in a priority order.**



**Note 1. These policies are draft and are intended for the EDH Community ID/Vision that CEDAC-EDH is preparing. If the community ID/Vision is incorporated into the general plan, these policies would require approval of the El Dorado County board of supervisors with a general plan amendment and the required analysis prior to adoption.**

**Note 2. Policies are not listed in a priority order.**

**Goal 1:** Preserve the Quality of Life associated with Open Space in EDH

**Objective:** Maintain current designated Open Space in EDH to the extent possible

**Policy:** *Open space is an important element in El Dorado Hills and needs to be protected from encroachment. Therefore, the existing open space within El Dorado Hills defined in the 2004 General Plan shall be maintained and enhanced consistent with the current open space designations in the Zoning Ordinance.*

L-1-14

**Reason for Policy:** Recent EDH survey indicates that 61.2% of the respondents want more public open space areas.

**Concerns of Policy:** The General Plan is a living document that the County must update periodically to be responsive in managing growth. Some properties with an Open Space land use designation in the 2004 General Plan were designated as such because of the uses that existed at the time, but are no longer viable. This one-size-fits-all policy restricts private property rights for landowners and limits the Board’s discretion to amend the General Plan on a parcel-by-parcel basis to meet other stated goals in the General Plan (such as expanding retail opportunities for sales tax revenue, providing for permanent jobs, and diversifying the housing stock).

**Goal 2:** Restrict increased densification of Multi-family housing in EDH

**Objective:** Maintain the current GP Multi-family housing densities

**Policy:** *Multi-family housing within El Dorado Hills (District 1) shall not exceed 24 units per acre maximum under any circumstances.*

L-1-15

**Reason for Policy:** Extremely high density multi-family housing areas can create inordinate demands on municipal services and law enforcement

**Concerns of Policy:** If Community Region Lines are changed to remove Shingle Springs as a Community Region places greater pressure on the existing Community Regions of El Dorado Hills and Cameron Park (the two areas with the greatest availability of infrastructure) to accept more of the County’s expected growth, and suggests that densities should increase in these areas consistent with regional and SACOG planning objectives.

**Goal 3:** Restrict increased densification of single family High density residential housing in EDH

Objective: Maintain the current GP Single family housing maximum densities

Policy: *Single family High density residential housing shall not exceed 5 dwelling units per acre, unless proposed as a planned development.*

Reason for policy: Extremely high density single family housing areas detract from the quality of life of adjacent villages/neighborhoods

Concerns of Policy: Utilizing land in a more efficient manner by creating higher densities in areas with sufficient and available existing infrastructure reduces land and infrastructure costs on a per-unit basis, both of which are significant drivers in the price of housing. One of the major objectives of the County's General Plan is to provide a variety of housing types and improve the affordability of housing for its residents. Limiting HDR to 5 DUs/acre encourages traditional, large lot, single-family detached dwellings and contributes to sprawl. Increasing the density slightly to 8 DUs/ac expands single-family options such as small lot single-family homes and halfplexes (see the following density examples). Furthermore, locating a variety of housing types in proximity to retail services and employment centers creates walkable communities, provides for alternative forms of transportation, and reduces vehicle trips (another significant concern of the community).

L-1-16

**Goal 4:** Restrict increased densification of single family High density residential PD housing in EDH

Objective: Maintain the current GP Single family housing PD maximum densities

Policy: *Single family High density residential housing when proposed as a planned development shall not exceed 7.5 dwelling units per acre with density bonus. The minimum lot size shall not be less than 5,000 ft<sup>2</sup>.*

Reason for policy: Extremely high density single family housing areas detract from the quality of life of adjacent villages/neighborhoods

Concerns of Policy: Limiting HDR PD's to 7.5 DUs/ac eliminates the ability to provide for small lot single-family detached product designs that provide that can provide diversity in the housing stock other than large lot single-family and multi-family attached (condos and apartments).

L-1-17

**Goal 5:** Preserve the Quality of Life associated with Open Space in EDH

Objective: Maintain current Open Space requirement in EDH of 30% for 50 units or more to the extent possible.

Policy: *Zoning Ordinance ROI 183-2011 'providing alternative means to any open space requirement' shall not apply to El Dorado Hills*

Reason for policy: Recent EDH survey indicates that 61.2% of the respondents want more public open space areas.

Concerns of policy: The County's General Plan designates El Dorado Hills as a Community Region in order to direct growth to those portions of the county that have available infrastructure, public services, and are in proximity to major transportation corridors. Maintaining the 30% open space requirement as a one-size-fits-all approach in El Dorado Hills ineffectively utilizes land identified for growth and continues sprawling land use patterns, threatening to push growth further into the rural areas and encroaching onto the County's agricultural uses. Maintaining the 30% open space requirement discourages infill development, which is inconsistent with regional and local planning objectives.

L-1-17  
Cont.

**Goal 6:** Preserve the historically planned moderate recreational use of the Bass Lake area (lies just outside the boundary of 95762)

Objective: Maintain the Quality of Life of the surrounding villages/neighborhoods, consistent with previous County policy/planning

Policy: *The EID owned Bass Lake property shall be zoned as Recreational Facilities Low (RFL).*

L-1-18

Reason for policy: The proposed sale of the EID Bass Lake property to a school district could significantly alter its intended use, especially if the school district chooses to sell or lease part of the property to a private enterprise

Concerns of policy: EID owned Bass Lake property may not be within the 95762 zip code

**Goal 7:** Ensure that the EDH Community Region is consistent with the definition under policy 2.1.1.2 based upon the availability of public infrastructure. Modify the Community Region line as appropriate to exclude those parcels which do not fit.

Objective: Preserve the quality of life of the more rural areas of EDH.

**Existing Policy 2.1.1.2** *Establish Community Regions to define those areas which are appropriate for the highest intensity of self-sustaining compact urban-type development or suburban type development within the County based on the municipal spheres of influence, availability of infrastructure, public services, major transportation corridors and travel patterns, the location of major topographic patterns and features, and the ability to provide and maintain appropriate transitions at Community Region boundaries. These boundaries shall be shown on the General Plan land use map.*

L-1-19

Reason for policy enforcement: Low density residential land without public water or sewer exist within the Community Region of EDH. It is a target for high density development proposals hinging on the willingness of a proponent to pay for utilities rather than whether high density development is appropriate.

Concerns of policy: The concept of LDR in a community region as a 'holding' zone must be revisited and the definition likely revised.

**Goal 8:** Redefine 'Low Density Residential' to retain the transition area between the Community Region and Rural Region, and avoid large step changes at the interface.

Objective: Provide confidence to property owners regarding future use of either their own land or adjacent parcels, by revising the definition of Low Density Residential to eliminate it as a 'holding zone'.

*(Existing policy shown, with 'strike-outs' as proposed)*

Policy 2.2.1.2 Low Density Residential (LDR) :

*This land use designation establishes areas for single-family residential development in a rural setting. In Rural Regions, this designation shall provide a transition from Community Regions and Rural Centers into the agricultural, timber, and more rural areas of the County and shall be applied to those areas where infrastructure such as arterial roadways, public water, and public sewer are generally not available. Minimum parcel size shall be 5.0 acres.*

Reason for policy change: Residents and developers alike are 'guessing' what development might occur on parcels zoned as LDR within the Community Region. When a General Plan amendment for high density is approved on one of these LDR parcels, either the transition zone is lost, or the adjacent parcel is likely to also then be rezoned to accommodate the transition, and uncertainty of adjacent land uses is propagated.

Concerns of policy change:

**Goal 9:** Revise the residential land use definitions for compatibility with the land use matrix relative to common sense intent and applicability.

Objectives:

1) Expand the definition of Low Density Residential (LDR) land use to include parcels greater than 10 acres.

Policy 2.2.1.2 [as revised under Goal 8] Low Density Residential (LDR) :

*This land use designation establishes areas for single-family residential development in a rural setting. In Rural Regions, this designation shall provide a transition from Community Regions and Rural Centers into the agricultural, timber, and more rural areas of the County and shall be applied to those areas where infrastructure such as arterial roadways, public water, and public sewer are generally not available. Minimum parcel size shall be 5.0 acres.*

2) Revise the matrix (Table 2-4) to include R1A as 'consistent' with High Density Residential (HDR)

L-1-20

L-1-21

**TABLE 2-4  
GENERAL PLAN LAND USE DESIGNATION AND ZONING DISTRICT CONSISTENCY MATRIX**

| Zoning Districts* | Land Use Designations* |     |     |     |    |    |    |   |     |   |    |    |
|-------------------|------------------------|-----|-----|-----|----|----|----|---|-----|---|----|----|
|                   | MFR                    | HDR | MDR | LDR | RR | AL | NR | C | R&D | I | OS | TR |
| RM & R2           | •                      |     |     |     |    |    |    |   |     |   |    |    |
| MP                | •                      | •   |     |     |    |    |    |   |     |   |    |    |
| R1 & R20,000      |                        | •   |     |     |    |    |    |   |     |   |    |    |
| R1A               |                        | 0   | •   |     |    |    |    |   |     |   |    |    |
| R2A               |                        |     | •   |     |    |    |    |   |     |   |    |    |
| R3A               |                        | 0   | •   |     |    |    |    |   |     |   |    |    |

L-1-21  
Cont.

Reason for policy revision: Common sense dictates that a 20 acre parcel is not inconsistent with low density residential use, yet the upcoming General Plan changes proposed under LUPPU are requiring that 20 acre parcels be automatically rezoned to 5 and 10 acres because of this inconsistency between the definitions and the matrix.

Concerns of policy change:

**Goal 10:** Transparency of how projects are represented as units per acre. The Community of El Dorado Hills wants a true reflection of units per acre to accurately reflect the density and its effect on infrastructure, traffic impacts and compatibility of zoning. Presently a project can represent itself as 2 units per acre for example as a gross averaging of the total units over the total acreage and the the 2 units per acre may never be actually constructed. This averaging allows dense developments to be represented as much lower densities by averaging over open space.

L-1-22

Objective:

Policy:

Reason for policy:

Concerns of Policy:

**Goal 11:** Matrix needs to be expanded for HD options. Otherwise 6000 SF lots could be side by side 1 unit per acre and be compatible according to the GP.

17.24.010 A. Residential Zones

Residential Zones need to be expanded further than just the two options given here as:

"R1" for 6000 sf (approx. 6 lots per acre)

"R20K" 20000sf (approx. 2 lots per acre)

These are too limiting and force minimum lots size options to be either 6000 sf or 20,000sf.

L-1-23

Objective: There should be ranges between 6000 and 20000 and a matrix developed for appropriateness of each range of minimum lot size. Not often is 6000sf an appropriate minimum lot size in the Community Region with existing non compatible adjoining land uses and/ or the impacts associated with this type of density. Residential Zones 17.24.0101 a full analysis matrix evaluating compatibility, infrastructure public services should be included in the EIR of the General Plan and Zoning Ordinance Update and the analysis done in cooperation and with assistance of the local Area Planning Advisory Committee.

L-1-24

Policy:

Reason for policy:

Concerns of Policy:

**Note 1. These policies are draft and are intended for the EDH Community ID/Vision that CEDAC-EDH is preparing. If the community ID/Vision is incorporated into the general plan, these policies would require approval of the El Dorado County board of supervisors with a general plan amendment and the required analysis prior to adoption.**<sup>[AH1]</sup>

**Note 2. Policies are not listed in a priority order.**

**Goal 1:** Preserve the Quality of Life associated with Open Space in EDH

Objective: Maintain current designated Open Space in EDH to the extent possible

Policy: *Open space is an important element in El Dorado Hills and needs to be protected from encroachment. Therefore, the existing open space within El Dorado Hills defined in the 2004 General Plan shall be maintained and enhanced consistent with the current open space designations in the Zoning Ordinance.*

Reason for Policy: Recent EDH survey indicates that %<sup>[AH2]</sup> of the respondents want to preserve/maintain the current open space.

Concerns of Policy: Some apparent Open Space (Vacant Parcels) is already planned for development

[The General Plan is a living document that the County must update periodically to be responsive in managing growth. Some properties with an Open Space land use designation in the 2004 General Plan were designated as such because of the uses that existed at the time, but are no longer viable. This one-size-fits-all policy restricts private property rights for landowners and limits the Board's discretion to amend the General Plan on a parcel-by-parcel basis to meet other stated goals in the General Plan \(such as expanding retail opportunities for sales tax revenue, providing for permanent jobs, and diversifying the housing stock\).](#)

**Goal 2:** Restrict increased densification of Multi-family housing in EDH

Objective: Maintain the current GP Multi-family housing densities

Policy: *Multi-family housing within El Dorado Hills (District 1) shall not exceed 24 units per acre maximum under any circumstances.*

Reason for Policy: **Extremely high density multi-family housing areas can create inordinate demands on municipal services and law enforcement**<sup>[AH3]</sup>

Concerns of Policy: 24 units per acre can be **problematic**<sup>[AH4]</sup> as it is

[If successful, the Fix Community Region Line Flaws Initiative to remove Shingle Springs as a Community Region places greater pressure on the existing Community Regions of El Dorado Hills and Cameron Park \(the two areas with the greatest availability of infrastructure\) to accept more of the County's expected](#)

L-1-25

L-1-26

[growth, and suggests that densities should increase in these areas consistent with regional and SACOG planning objectives.](#)

L-1-26 Cont.

**Goal 3:** Restrict increased densification of single family High density residential housing in EDH

Objective: Maintain the current GP Single family housing maximum densities

Policy: [Single family High density](#) [AH5] *residential housing shall not exceed 5 dwelling units per acre, unless proposed as a planned development.*

Reason for policy: [Extremely high density single family housing areas detract from the quality of life of adjacent villages/neighborhoods](#) [AH6]

L-1-27

Concerns of Policy: [HDR at 5 dwelling units per acre is difficult to achieve without creating variances to County setbacks and street/curb/sidewalk width requirements](#) [AH7]

[Utilizing land in a more efficient manner by creating higher densities in areas with sufficient and available existing infrastructure reduces land and infrastructure costs on a per-unit basis, both of which are significant drivers in the price of housing. One of the major objectives of the County's General Plan is to provide a variety of housing types and improve the affordability of housing for its residents. Limiting HDR to 5 DUs/acre encourages traditional, large lot, single-family detached dwellings and contributes to sprawl. Increasing the density slightly to 8 DUs/ac expands single-family options such as small lot single-family homes and halfplexes \(see the following density examples\). Furthermore, locating a variety of housing types in proximity to retail services and employment centers creates walkable communities, provides for alternative forms of transportation, and reduces vehicle trips \(another significant concern of the community\).](#)



Density Examples:



Current homeowners in  
NewHolly development

with  
Housi

New Holly Village, Seattle, Washington (9.5 DUs/acre)

L-1-27 Cont.

 Single family detached



City of Sacramento (10-12 DUs/ac)

## Halfplexes

- 10 units per acre



L-1-27 Cont.

[City of Sacramento \(10 DUs/ac\)](#)

## Cluster Housing



[Pulte Homes, City of Sacramento \(14 DUs/ac\)](#)

**Goal 4:** Restrict increased densification of single family High density residential PD housing in EDH

Objective: Maintain the current GP Single family housing PD maximum densities

Policy: *Single family High density residential housing [AH8] when proposed as a planned development shall not exceed 7.5 dwelling units per acre [AH9] with density bonus. The minimum lot size shall not be less than 5,000 ft<sup>2</sup> [AH10].*

Reason for policy: *Extremely high density single family housing areas detract from the quality of life of adjacent villages/neighborhoods [AH11]*

L-1-28

Concerns of Policy: HDR PDs at 7 dwelling units per acre are very difficult to achieve without going to very small lot sizes (<5,000 ft<sup>2</sup>) and creating variances to County setbacks and street/curb/sidewalk width requirements. Development costs in EDH are high when compared to other areas within SACOG with lower land values and infrastructure costs. Smaller lot sizes help balance the economic factors of home ownership in EDH

[As shown by the density examples above, limiting HDR PD's to 7.5 DUs/ac eliminates the ability to provide for small lot single-family detached product designs that provide that can provide diversity in the housing stock other than large lot single-family and multi-family attached \(condos and apartments\).](#)

~~**Goal 5:** Restrict creation of very small lot sizes (essentially no backyard or side yard) that are incompatible with the vast majority of existing HDR in EDH~~

~~Objective: Maintain adequate separation of new HDR properties to provide some privacy and harmony within the new proposed subdivisions~~

~~Policy: *Single family High density residential housing minimum lot sizes shall not be less than 5,000 square feet.*~~

~~Reason for policy: Very small lot sizes create safety and Quality of Life issues~~

~~Concerns of policy: Development costs in EDH are high when compared to other areas within SACOG with lower land values and infrastructure costs. Smaller lot sizes help balance the economic factors of home ownership in EDH~~

L-1-29

**Goal 6:** Preserve the Quality of Life associated with Open Space in EDH

Objective: Maintain current Open Space requirement in EDH of 30% for 50 units or more to the extent possible.

L-1-30

Policy: *Zoning Ordinance ROI 183-2011 'providing alternative means to any open space requirement' shall not apply to El Dorado Hills*

6. Provide alternative means to any open space requirement as part of a planned development to provide more flexibility and incentives for infill development and focus on recreation in Community Regions and Rural Centers;

[AH12]

Reason for policy: Recent EDH survey indicates that   %[AH13] of the respondents want to preserve/maintain open space.

Concerns of policy: [The County's General Plan designates El Dorado Hills as a Community Region in order to direct growth to those portions of the county that have available infrastructure, public services, and are in proximity to major transportation corridors. Maintaining the 30% open space requirement as a one-size-fits-all approach in El Dorado Hills ineffectively utilizes land identified for growth and continues sprawling land use patterns, threatening to push growth further into the rural areas and encroaching onto the County's agricultural uses. Maintaining the 30% open space requirement discourages infill development, which is inconsistent with regional and local planning objectives.](#)

**Goal 7:** Preserve the historically planned moderate recreational use of the Bass Lake area

Objective: Maintain the Quality of Life of the surrounding villages/neighborhoods, consistent with previous County policy/planning

Policy: *The EID owned Bass Lake property shall be zoned as Recreational Facilities Low (RFL).*

Reason for policy: The proposed sale of the EID Bass Lake property to a school district could significantly alter its intended use, especially if the school district chooses to sell or lease part of the property to a private enterprise

Concerns of policy: EID owned Bass Lake property may not be within the 95762 zip code

**Goal 8:** Ensure that the EDH Community Region is consistent with the definition under policy 2.1.1.2 based upon the availability of public infrastructure. Modify the Community Region line as appropriate to exclude those parcels which do not fit.

Objective: Preserve the quality of life of the more rural areas of EDH.

**Existing Policy 2.1.1.2** *Establish Community Regions to define those areas which are appropriate for the highest intensity of self-sustaining compact urban-type development or suburban type development within the County based on the municipal spheres of influence, availability of infrastructure, public services, major transportation corridors and travel patterns, the location of major topographic patterns and features, and the ability to provide and maintain appropriate transitions at Community Region boundaries. These boundaries shall be shown on the General Plan land use map.*

L-1-30  
Cont.

L-1-31

L-1-32

Policy [AH14]

Reason for policy enforcement: Low density residential land without public water or sewer exist within the Community Region of EDH. It is a target for high density development proposals hinging on the willingness of a proponent to pay for utilities rather than whether high density development is appropriate.

L-1-32  
Cont.

Concerns of policy: The concept of LDR in a community region as a 'holding' zone must be revisited and the definition likely revised.

**Goal 9:** Redefine 'Low Density Residential' to retain the transition area between the Community Region and Rural Region, and avoid large step changes at the interface.

Objective: Provide confidence to property owners regarding future use of either their own land or adjacent parcels, by revising the definition of Low Density Residential to eliminate it as a 'holding zone'.

*(Existing policy shown, with 'strike-outs' as proposed)*

Policy 2.2.1.2 Low Density Residential (LDR) :

L-1-33

*This land use designation establishes areas for single-family residential development in a rural setting. In Rural Regions, this designation shall provide a transition from Community Regions and Rural Centers into the agricultural, timber, and more rural areas of the County and shall be applied to those areas where infrastructure such as arterial roadways, public water, and public sewer are generally not available. Minimum parcel size shall be 5.0 acres.*

The maximum allowable density shall be one dwelling unit per 5.0 acres. Parcel size shall range from 5.0 to 10.0 acres. Within Community Regions and Rural Centers, the LDR designation shall remain in effect until a specific project is proposed that applies the appropriate level of analysis and planning and yields the necessary expansion of infrastructure. [AH15]

Reason for policy change: Residents and developers alike are 'guessing' what development might occur on parcels ~~zoned as with a~~ land use designation of LDR [AH16] within the Community Region. When a General Plan amendment for high density is approved on one of these LDR parcels, either the transition zone is lost, or the adjacent parcel is likely to also then be rezoned to accommodate the transition, and uncertainty of adjacent land uses is propagated.

Concerns of policy change:

**Goal 10:** Revise the residential land use definitions for compatibility with the land use matrix relative to common sense intent and applicability.

L-1-34

Objectives:

1) Expand the definition of Low Density Residential (LDR) land use to include parcels greater than 10 acres.

Policy 2.2.1.2 [as revised under Goal 8] Low Density Residential (LDR) :

*This land use designation establishes areas for single-family residential development in a rural setting. In Rural Regions, this designation shall provide a transition from Community Regions and Rural Centers into the agricultural, timber, and more rural areas of the County and shall be applied to those areas where infrastructure such as arterial roadways, public water, and public sewer are generally not available. Minimum parcel size shall be 5.0 acres.*

L-1-34  
Cont.

2) Revise the matrix (Table 2-4) to include R1A as 'consistent' with High Density Residential (HDR)

| TABLE 2-4<br>GENERAL PLAN LAND USE DESIGNATION AND ZONING DISTRICT CONSISTENCY MATRIX |                                    |     |     |     |    |    |    |   |     |   |    |    |
|---------------------------------------------------------------------------------------|------------------------------------|-----|-----|-----|----|----|----|---|-----|---|----|----|
| Zoning Districts <sup>*</sup>                                                         | Land Use Designations <sup>*</sup> |     |     |     |    |    |    |   |     |   |    |    |
|                                                                                       | MFR                                | HDR | MDR | LDR | RR | AL | NR | C | R&D | I | OS | TR |
| RM & R2                                                                               | •                                  |     |     |     |    |    |    |   |     |   |    |    |
| MP                                                                                    | •                                  | •   |     |     |    |    |    |   |     |   |    |    |
| R1 & R20,000                                                                          |                                    | •   |     |     |    |    |    |   |     |   |    |    |
| R1A                                                                                   |                                    | ◊   | •   |     |    |    |    |   |     |   |    |    |
| R2A                                                                                   |                                    |     | •   |     |    |    |    |   |     |   |    |    |
| R3A                                                                                   |                                    | ◊   | •   |     |    |    |    |   |     |   |    |    |

Reason for policy revision: Common sense dictates that a 20 acre parcel is not inconsistent with low density residential use, yet the upcoming General Plan changes proposed under LUPPU are requiring that 20 acre parcels be automatically rezoned to 5 and 10 acres because of this inconsistency between the definitions and the matrix.

Concerns of policy change:



## Proposed Zoning Ordinance Text RE: OS in PDs

### (reference only)

#### 17.28.050 Residential Development Requirements

All residential development projects in the –PD Combining Zone shall be subject to the following:

**A. Open Space.** Except as provided in 17.28.050.B, below, thirty percent of the total site shall be set aside for open space that is commonly owned or publicly dedicated. Commonly owned open space, as defined in Article 8 (Open Space: Common) shall not include space occupied by infrastructure such as roads, parking lots, or above ground components of sewer and water treatment plants, or area set aside for the sole use of individual residents, such as private balconies and patios. Commonly owned Open Space may include land developed or set aside for:

1. Recreational purposes, such as parks, ball fields, golf courses, or picnic areas;
2. Passive purposes, such as gathering places, community gardens and landscaped areas;
3. Aesthetic purposes, such as naturally scenic areas;
4. Protection of agricultural or natural resources;
5. Pedestrian circulation, in compliance with Subsection D below; or
6. Natural or man-made lakes, ponds and other water features, which are included in the calculation of open space, but excluded from the calculation of base units and bonus density.

**B. Exemptions and Alternatives to the Onsite Open Space Requirement.** To facilitate and encourage development of higher density housing types, including those serving moderate and lower income households, exemptions and alternatives to the 30 percent onsite open space requirement are identified below.

1. Exempt Projects. The following projects are exempt from the open space requirement:

- a. Residential planned developments consisting of five or fewer lots or units;
- b. Condominium conversions;
- c. Projects within Community Regions or Rural Centers on existing sites three acres or less in size;
- d. Residential Multi-Family (RM) zoned projects or the residential component of Mixed Use Developments.

2. Alternatives for Improved Open Space. The common open space requirement may be reduced to 15 percent of the total site for Planned Developments in the R1 and R20K zones, where:

- a. The common open space is improved for active recreational uses, including but not limited to swimming pools, sport courts or sport fields, tot lots, clubhouse or meeting room facilities, and community gardens, or for passive recreational uses such as landscaped buffers or greenbelts; and
- b. In addition to the common open space, additional area equal to 15 percent of the total site is devoted to open space areas reserved for the exclusive use of individual residents, such as private yards and patios.

3. Open Space requirements for Planned Developments within Agricultural Districts. In order to conserve and promote agricultural activities and uses within the County, planned developments within Agricultural Districts may set aside open space for agricultural uses. The resulting agricultural area reserved for open space and may be used for any allowed agricultural use, include raising and grazing of animals, orchards,

vineyards, community gardens and crop lands. The minimum size of the clustered residential lots in a planned development within an Agricultural District shall be not less than 20 acres.

L-1-35 Cont.



## Responses to Letter L-1

### L-1-1

This comment is an overview of the commenter's interest in the El Dorado Hills community design guidelines and prospective amendments to the El Dorado Hills Community Plan. Neither the El Dorado Hills community design guidelines nor amendments to the El Dorado Hills Community Plan are a part of the TGPA/ZOU project and will be drafted by the County at some future date. Therefore, this comment is not related to the environmental impacts of the project evaluated in this EIR, and no response is necessary.

### L-1-2

This comment suggests goals, objectives, and policies for inclusion in the El Dorado Hills Community Plan. Amendments to the El Dorado Hills Community Plan (as well as adoption of community design guidelines) are not a part of the TGPA/ZOU project, are separate from both the General Plan and Zoning Ordinance, and may be considered by the County at some future date.

Consideration of revisions to the El Dorado Hills community plan or adoption of the El Dorado Hills community design guidelines are outside of the scope of the TGPA/ZOU and will not be undertaken as part of the project. Therefore, this comment is not related to the environmental impacts of the project, and no response is necessary.

### L-1-3 through L-1-6

Please see response to comment L-1-2.

### L-1-7

This comment represents the minority opinion regarding the goals, objectives, and policies suggested for inclusion in the El Dorado Hills Community Plan in comment L-1-6. Amending this community plan is not a part of the TGPA/ZOU project, and any suggested amendments will be considered separately by the County at some future date. Therefore, this comment is not related to the environmental impacts of the project, and no response is necessary.

### L-1-8 through L-1-31

Please see response to comment L-1-2.

### L-1-32

Amendment of the Community Region boundary for El Dorado Hills is not a part of the TGPA/ZOU project. It is outside the scope of the project and will not be included. Please see also response to comment L-1-2.

### L-1-33

Please see response to comment L-1-2.

**L-1-34**

Please see response to comment L-1-2.

**L-1-35**

This comment is a copy of the proposed ZOU text relating to the 30% open space requirement in Planned Development (-PD) areas. It is not a comment on environmental issues, and no response is necessary.

## **Letter L-Recirc-1—El Dorado Hills Area Planning Advisory Committee, John Hidahl**



## Letter L-Recirc-1

TGPA-ZOU ZOU &lt;tgpa-zou@edcgov.us&gt;

---

**Fwd: EDHAPAC approved Final comments to the TGPA/ZOU RDEIR**

1 message

---

**Shawna Purvines** <shawna.purvines@edcgov.us>  
To: TGPA-ZOU ZOU <TGPA-ZOU@edcgov.us>

Mon, Mar 16, 2015 at 4:18 PM

----- Forwarded message -----

From: &lt;Hidahl@aol.com&gt;

Date: Mon, Mar 16, 2015 at 4:15 PM

Subject: EDHAPAC approved Final comments to the TGPA/ZOU RDEIR

To: shawna.purvines@edcgov.us

Cc: jeff.h@ix.netcom.com, aerumsey@sbcglobal.net, hpkp@aol.com, bosone@edcgov.us, bostwo@edcgov.us, bosthree@edcgov.us, bosfour@edcgov.us, bosfive@edcgov.us, edc.cob@edcgov.us, rich.stewart@edcgov.us, gary.miller@edcgov.us, tom.heflin@edcgov.us, dave.pratt@edcgov.us, brian.shinault@edcgov.us, david.defanti@edcgov.us

Hi Shawna,

Attached is the APAC approved (5-0 vote) final submittal letter with comments on the TGPA/ZOU RDEIR. Other than the initial paragraph, it is identical to the subcommittee report submitted on March 9th.

Best Regards, John

---

**Shawna L. Purvines**

Principal Planner

**County of El Dorado**

Community Development Agency

Long Range Planning

2850 Fairlane Court

Placerville, CA 95667

Phone:(530) 621-5362/Fax: (530) 642-0508

[shawna.purvines@edcgov.us](mailto:shawna.purvines@edcgov.us)[www.edcgov.us](http://www.edcgov.us)

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**APACTG~2.DOC**

3/18/2015

Edcgov.us Mail - Fwd: EDHAPAC approved Final comments to the TGPA/ZOU RDEIR

292K



**El Dorado Hills**  
**Area Planning Advisory Committee**  
 1021 Harvard Way  
 El Dorado Hills, CA 95762

**2015 Board**  
Chair  
 Jeff Haberman  
Vice Chair  
 Ellison Rumsey  
Secretary/Treasurer  
 Kathy Prevost

March 16, 2015

El Dorado County Development Services Department, Planning Services  
 Attn: Shawna Purvines, Senior Planner  
 2850 Fairlane Court, Building "C"  
 Placerville, CA 95667

**Subject: Full APAC Comments-Recirculated Draft Program Environmental Impact Report (RDEIR)**

Dear Shawna,

The El Dorado Hills APAC TGPA/ZOU subcommittee was established in February 2012, based upon notification from County of the intent to make modifications to the General Plan and Zoning Ordinance. The subcommittee followed the progress on the DEIR, and submitted our comment letter on July 22, 2014. *APAC met on March 11<sup>th</sup>, and voted 5-0 to endorse the comments submitted by the subcommittee in the March 9<sup>th</sup> e-mail.* Consequently, this final submittal is identical to the March 9<sup>th</sup> submittal hereafter.....

L-Recirc-1-1

RDEIR specific comments

Summary comment:

2.6 Project Alternatives-The RDEIR added narrative and changes clearly leads to the conclusion that the "No project alternative" is the best available alternative for the residents of El Dorado County that value their current 'Quality of Life' (reference page 4-8, sections 4.5.1, 4.5.4 and Table 4.3). The analyzed "project" will increase densities in the Community Regions and the Rural Centers through primarily Zoning changes (reference Policies 2.1.1.3, 2.1.2.5, 2.2.1.2 and the changes that reduce open space requirements, allow building on slopes greater than 30%, allow narrower streets, and increased home use occupation levels.) and result in additional 'significant but unavoidable' impacts. Given the required minimum changes to the GP that State Law dictates, an additional project alternative identified as something like "*State Law compliant-Minimal GP update*" needs to be added to the RDEIR for completeness.

L-Recirc-1-2

Categorical comments:

2.4.3 Community Design Standards- The CEDAC-EDH group has defined their 'after LUPPU' efforts as being focused on creating an EDH Community Plan, which will include specific community design standards that are supported by the residents of EDH. As such, APAC supports the creation of a new/or updated County DISM and LDM except where public safety (i.e. sub-standard street widths, collector street shoulders) or quality of life considerations (i.e. outdoor lighting standards did not preserve the 'dark sky' in residential areas) would be substantially reduced from the current design standards. The EDH Community Plan will likely compare the current County standards to the DISM and LDM changes, to ensure that public safety and quality of life were not been significantly compromised.

L-Recirc-1-3

3.9.1 Existing Conditions

APAC has followed the progress on the RDEIR and sincerely appreciates the added narrative relative to the differences in the Cal Trans US Hwy 50 LOS methodology, and the County DOT TDM methodology, which produced disparaging results. While APAC has supported the

L-Recirc-1-4

development and use of the TDM model, we are very concerned that the model has not evolved as planned (i.e. to include LOS at intersections), has not been adequately calibrated and is not fully anchored to the most recent traffic data, particularly on Highway 50 and Green Valley Road. *Consequently, how will County work with Cal Trans to ensure that Cal Trans requirements specified on page 3.9-2 and 3.9-3 (see below) and Table 3.9-2 for Hwy 50 road segments 8 and 9 are achieved?* The approach defined on the bottom of page 3.9-3 and on 3.9-4 could lead to further deterioration of the relationship with Cal Trans, and result in legal actions.

The 2014 TCR/CSMP describes its approach to the LOS D and E performance standards as follows (emphasis in original):

... A local agency may set a higher LOS threshold standard consistent with community wishes and other local concerns. *Caltrans as the owner and operator of the facility establishes the Concept Level of Service as the **minimum acceptable level of service**. Any threshold standard LOS established by a local agency for the State Highway System (SHS) should not be lower than the Caltrans Concept LOS...*

L-Recirc-1-4  
Cont.

and

LOS is one performance measure utilized by Caltrans in the review of proposed projects during the Intergovernmental Review/CEQA development review process to determine if proposed projects might cause significant impacts to the operation of the SHS. In segments of the SHS main line where the existing LOS is at or below the Concept LOS, any land use development should not directly or cumulatively lower the existing LOS. *Any impacts exceeding this threshold will be viewed by Caltrans as significant and warrant appropriate mitigation. Any CEQA lead agency should coordinate with Caltrans as early in the development review process as feasible to jointly determine the most appropriate threshold standards of significance.*

Reference: Page 3.9-12

The 2008 changes made by the BOS to GP Policy TC-Xf associated with Measure Y appears to have significantly altered the original intent of the voter's ballot measure, particularly in the area of the concurrency of road improvements with new development. Use of the CIP process has resulted in significant time delays for improvements in EDH, well beyond what was planned/envisioned at the time of approval. Changes proposed in the TGPA/ZOU update will 'worsen' this situation. The current EDH TIM fee schedule must be closely reviewed to determine its adequacy to fund timely infrastructure improvements that are directly caused by new development.

L-Recirc-1-5

Reference: Page 3.9-23 and 3.9-31 thru -33

The added TCR/CSMP language is appreciated, but begs the question of *what is the BOS doing to respond to the Hwy 50 LOS F condition and the County's recent Green Valley Road (GVR) Traffic Analysis showing current LOS F conditions?* This must be addressed in this RDEIR. *Is the BOS going to add Hwy 50 segments 8 and 9 and Green Valley Road to table 3.9-4 as part of this RDEIR? Are the BOS going to agendize the acceptance of these conditions for the required 4/5ths vote?*

L-Recirc-1-6

Reference: Page 3.9-24

Green Valley Road should be added to the Major County Roadways list, as it serves as a parallel routing to Hwy 50 when Hwy is closed down, and is planned for widening to 4 lanes in the EDH area. Likewise, White Rock Road should be added as a result of the planned Capital Connector project. Consideration should also be given to adding the Silva Valley Parkway to the Major County Roadways list, as construction has started.

L-Recirc-1-7

3.9.2 Environmental Impacts

Reference: Page 3.9-27 (see below) first statement would not should be changed to wills and in second statement could should be changed to will

“The rezonings would not change the development potential. As a result, the rezonings would not change the expected traffic impacts that will occur as a result of implementation of the General Plan.”

L-Recirc-1-8

“It is a reasonable probability that under some conditions these types of uses could result in localized traffic impacts.”

Reference: Page 3.9-33 Cal Trans analysis should be integral part of the TDM modeling

“For the reasons discussed above, El Dorado County has chosen to use its TDM as the study methodology in this analysis.”

Reference: Page 3.9-38 Table 3.9-7 shows that Green Valley Road has been at LOS F and worsening since 2010. Why hasn't the BOS acted on this violation of the GP Measure Y provisions? It is 2015, and the noted improvements are not planned until 2016 at the earliest.

L-Recirc-1-9

Reference Page 3.9-40 Text added below needs further definition of why the BOS has not acted?

“In each case, the LOS would exceed Caltrans' 20-year concept LOS, but not the ultimate concept LOS.”

Reference Page 3.9-46: The following addition clearly defines the issue with some needed improvements not being consistent with development. It defines the BOS responsibilities to understand the 10 year history of significantly delayed, high priority CIP programs when establishing any future TIM fees. Implementation delays cost money, which the TIM fee structure needs to account for to capture the true 'life-cycle-costs' associated with not requiring concurrent improvements when new development is proposed.

L-Recirc-1-10

“The timing of actual construction of road improvements funded through the TIM fee program may lag behind development given that growth patterns may have changed or the TIM program zone may have financial obligations that delay the construction of planned improvements. The County's CIP is reviewed annually, as required by the General Plan, to update the most current costs of material, land, labor etc. which cause variations in cost estimates, with right-of-way acquisition costs being one of the biggest factors. Because forecasts are imperfect, actual permit activity is checked annually to update the current year, five year and 10-year budget of which recommendations for amending the CIP are brought to the Board. Timing of roadway improvements also shift due to actual growth patterns (checked annually when compared to 20-year forecast). The Board of Supervisors ultimately determines the prioritization of projects within the Capital Improvement Program and adjusts the TIM fee accordingly.”

Reference Page 3.9-46: The following added statement should be removed. The current General Plan extension of the original Measure Y was initiated by the BOS. If the original Measure Y did not include enough funding sources to resolve this issue, why did they support it? As a minimum the statement must be changed to state .....limitations in the BOS 2008 Measure Y extensions fee-based.....

L-Recirc-1-11

“This is because of the inherent limitations in Measure Y's fee-based funding approach, as discussed above.”

3.10.2 Environmental Impacts

L-Recirc-1-12

Reference: Page 3.10-18



Policy 5.2.1.3 should not be changed as the impacts are significant and avoidable. Given the current measurements of ground water loss during drought periods, Policy 5.2.3.5 needs to be revised accordingly.

L-Recirc-1-12  
Cont.

4.5.4 Summary of Impacts

The list of alternatives should be modified to include a "State Law compliant-Minimal GP update"

L-Recirc-1-13

5.1 Cumulative Impacts

Saratoga Estates should be added to Table 5-1.

L-Recirc-1-14

Green Valley Road should be added to Table 5-2

Reference: Page 5-11

The statement below acknowledges the cumulative impacts on traffic associated with the proposed ZOU changes. This further justifies the need for a new "State Law compliant-Minimal GP update" alternative.

However, the project would result in and cumulatively considerable incremental increase in traffic generation due to the TGPA's increase in density for mixed use projects and the expanded range of uses that can be considered under the ZOU."

L-Recirc-1-15

One of the purposes of Measure Y was to not allow the worsening of traffic to the point of reaching Los F. The statement below acknowledges that the traffic on Hwy 50, El Dorado Hills Blvd, and Green Valley Road will cumulatively be significantly impacted (aka worsened) by the proposed "project". This also justifies the need for a new "State Law compliant-Minimal GP update" alternative.

"Nonetheless, the Cumulative Projects are projected to result in significant cumulative impacts on U.S. Highway 50 and several major county roads. Together, the Cumulative Projects would cause a cumulatively significant impact on several segments of U.S. Highway 50 between its Ponderosa Road interchange and the Sacramento County line. In addition, traffic volumes are projected to be cumulatively significant on segments of Cameron Park Drive, El Dorado Hills Boulevard, Green Valley Road, Missouri Flat Road, Pleasant Valley Road, and South Shingle Road."

We would like to acknowledge and thank the County Long Range Planning Department for adding meaningful narrative/content in this RDEIR from what the DEIR contained.

If you have any questions on any of the comments and/or concerns expressed herein, please contact one of the TGPA & ZOU Sub-Committee Co- Chairmen; John Hidahl @ (916 933-2703).

APAC appreciates having the opportunity to comment.

Sincerely,

*John Hidahl*

John Hidahl,  
TGPA & ZOU Sub-Committee Co- Chairman, APAC

cc: BOS1, BOS 2, BOS 3, BOS 4, BOS 5  
Planning Commission  
APAC Read File

## Responses to Letter L-Recirc-1

### L-Recirc-1-1

This is an introductory statement. No response is necessary.

### L-Recirc-1-2

The commenter expresses their opinion that they consider the No-project alternative to be the “best available alternative.” They suggest that the EIR analyze a “State Law compliant-Minimal GP update” alternative. As discussed in Section 4.2, Preliminary Range of Alternatives, of the DEIR, the project is a limited set of amendments to the General Plan that have been publically vetted through a multi-year process and is not a comprehensive update or change in policies. The purpose of the TGPA is described in its objectives. It does not include updating the General Plan solely to achieve minimal State law requirements. The proposed alternative would not meet project objectives and is therefore rejected.

The DEIR identifies numerous significant and unavoidable impacts as a result of bringing existing zoning into consistency with the General Plan. The rezoning associated with that action would allow development to occur as provided under the General Plan. As described in the DEIR, the amount of development that would occur with implementation of the General Plan is substantial compared to existing conditions. Therefore, while the level of planned development does not greatly vary from the level of development projected under the General Plan, the change from existing conditions would be significant. This approach is in keeping with CEQA case law, which precludes an EIR from making a “plan-to-plan” comparison when determining the significance of a zoning amendment. Please see also response to comment O-Recirc-1-146.

### L-Recirc-1-3

This comment expresses the Planning Advisory Committee’s (PAC’s) intent to include design standards in future community planning efforts. It does not relate to the adequacy of the EIR, and no further response is necessary.

### L-Recirc-1-4

The County’s Travel Demand Model (TDM) is a macro model and was never intended to provide LOS at intersections. This fact has been reiterated numerous times to the County Board of Supervisors as well as the Community and Economic Development Advisory Committee (CEDAC) of El Dorado Hills Transportation Subcommittee.

Please see Master Response 14: Traffic Analysis Method and Travel Demand Model.

### L-Recirc-1-5

The 2008 changes to General Plan Policy TC-Xf were as a result of a voter voter-approved successor measure placed on the November 8, 2008 ballot. As explained in a February 3, 2014 letter to the Board of Supervisors from County Counsel, “The argument in favor of the measure was signed by, among other people Bill Center and then-Supervisor Sweeny. It passed with 71.47% “yes” votes. In addition to authorizing the aforementioned successor measure, the Board also adopted a resolution (No. 194-2008) revising the associated traffic policies. These revisions, however, were contingent

upon the voters approving the successor measure amending Policy TC-Xa. Because the voters approved that successor measure, the additional revisions became effective. The primary effect of those revisions was to clarify the timing of the Capital Improvement Program and the traffic improvement concurrency requirements. Specifically, Policy TCc-Xf was revised..." The Board resolution No. 194-2008 was adopted in an open forum with the public invited to comment.

The TIM fee is not a time specific program; it addresses the road improvements needed in a 20-year horizon in order to implement the General Plan. The Board annually determines the prioritization of the CIP and as such the expenditure of the appropriate TIM fee funds for the CIP projects.

### **L-Recirc-1-6**

In accordance to El Dorado County's analysis, the basic freeway segment of U.S. Highway 50 is not at LOS F. Caltrans concurs in their most recent May 5, 2015 comment letter that the appropriate analysis for the TGPA-ZOU analysis results in a LOS D on Highway 50. The 2-lane segment of Green Valley Road from the County line to west of Sophia Parkway currently operates at LOS F in the PM peak hour. This segment is being addressed by the City of Folsom's widening project from East Natomas Street to Sophia Parkway.

### **L-Recirc-1-7**

The comment referenced a list of Major County Roadways that intersect U.S. Highway 50 at interchanges. It is not a list of Major County Roadways. Once the Silva Valley Parkway interchange is complete Silva Valley Parkway will be added to a future list of Major County Roadways that intersect U.S. Highway 50 at interchanges.

### **L-Recirc-1-8**

Please see Master Response 5: Practical Constraints on Future Development under the TGPA/ZOU. Caltrans Performance Measurement System (PeMS) data is an integral part of the TDM. Volumes from the Caltrans PeMS data were used in the calibration/validation of the TDM.

Please see Master Response 14: Traffic Analysis Method and Travel Demand Model.

### **L-Recirc-1-9**

The County cannot spend TIM fee dollars in the City of Folsom. The LOS F on the short 2-lane segment of Green Valley Road from the County line to west of Sophia Parkway is the result of the City of Folsom not widening their portion of Green Valley Road. County and National standards require a transition from a four-lane facility to a two-lane facility and jurisdictional boundaries required this transition to occur on the El Dorado County side of the border line. However, the City of Folsom is currently working on widening their portion of Green Valley Road. This widening will eliminate the transitional 2-lane road and will allow the 4-lane road width all the way to the County line. This construction will eliminate the existing LOS F.

### **L-Recirc-1-10**

The referenced RPDEIR sentence relates to the terms "20-year build facility concept" and "ultimate facility concept" used by Caltrans in its June 2014 *Transportation Concept Report and Corridor System Management Plan*. As noted in Table 3.9-2 of the EIR, the 20-Year Concept reflects the minimum acceptable LOS over the next 20 years; the ultimate concept reflects the LOS for the future

roadway with improvements needed beyond a 20-year timeframe. The ultimate facility concept includes the construction of improvements such as high occupancy vehicle and auxiliary lanes that are not currently financed or programmed. The sentence simply describes the difference in LOS standards for the 20-year build and ultimate facility concepts. No change in the discussion is needed.

### **L-Recirc-1-11**

No change will be made to the statement in the FEIR. The statement accurately portrays operation of and the temporal limitations of the TIM program and CIP. Please also see the response to L-Recirc-1-5.

### **L-Recirc-1-12**

This comment does not address the adequacy of the DEIR or other environmentally related topic. State CEQA Guidelines Section 15132(d) requires the FEIR to contain “[t]he responses of the Lead Agency to significant environmental points raised in the review and consultation process.” The comment is not on a significant environmental point, and therefore no response is necessary.

### **L-Recirc-1-13**

Please see the response to comment L-Recirc-1-2. The comment relates to the commenter’s opinion on the advisability of one or more of the policies or regulations being proposed as part of the TGPA/ZOU project.

### **L-Recirc-1-14**

The proposed Saratoga Estates project is consistent with the General Plan, and its traffic is accounted for in the TDM assumptions. Saratoga Estates was included in the Cumulative Projects as the Rancho Dorado Project. It does not need to be added to Table 5-1. Table 5-1 lists those projects that are not accounted for because they have not been approved, or that are outside the county boundaries. They are therefore addressed under the cumulative impact analysis.

The cumulative impact analysis includes planned improvements to Green Valley Road, as shown in Table 5-2 of the Recirculated Partial DEIR. Green Valley Road will not be added to Table 5-2, as it is assumed the City of Folsom widening project will be complete and there will not be a Cumulative impact on Green Valley Road.

### **L-Recirc-15**

Please see the response to comment L-Recirc-1-2 regarding the suggested alternative. The EIR is simply disclosing the potential impacts of the project as proposed. The comment expresses the commenter’s opinion regarding the purpose of Measure Y. That does not relate to the adequacy of the EIR as an informational document, and no further response is necessary.

## 9.6 Organizations

## **Letter O-1—Rural Communities United (RCU), Thomas P. Infusino, Esq.**

Thomas P. Infusino. Esq.  
P.O. Box 792  
Pine Grove, CA 95665  
(209) 295-8866  
[tomi@volcano.net](mailto:tomi@volcano.net)

July 23, 2014

Ms. Shawna Purvines, Long Range Planning  
El Dorado County Community Development Agency  
2850 Fairlane Court, Building C  
Placerville, CA 95667

Dear Ms. Purvines:

The attached document is a public comment on the TGPA/ZOU draft EIR, made on behalf of both Rural Communities United (RCU) and the individual contributors listed below. We appreciate the extended time frame for public comment that has better allowed us to review the draft EIR, ask questions, and provide feedback that we hope will be constructive.

We look forward to the County's response to our comments, and hope it will result in a better understanding of the changes being proposed and their impacts on our County.

We also request that the contributors, as listed below, receive any future notices regarding the project, and that a copy of the final EIR be sent to Ellen Van Dyke of RCU at the address provided below.

Please retain a copy of these comments for the administrative record.

Sincerely,

Thomas P. Infusino

**Mailing Address for Final EIR:**

Ellen Van Dyke on behalf of RCU  
2011 E. Green Springs Rd  
Rescue, Ca 95672

O-1-1

## **Contributors List:**

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Jim Snoke, secretary El Dorado County Indian Council, Inc.

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Ellen & Don Van Dyke (vandyke.5@sbcglobal.net)



# **COMMENTS ON**

The El Dorado County  
Targeted General Plan Amendment (TGPA)  
&  
Zoning Ordinance Update (ZOU)

## **DRAFT ENVIRONMENTAL IMPACT REPORT (DEIR)**

submitted by

Rural Communities United  
July 23, 2014

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## **Executive Summary - Section ES of dEIR Review Comments**

An EIR shall contain a brief summary that identifies the significant effects of the project, the proposed mitigation measures and alternatives, the areas of controversy, and the issues to be resolved. (CEQA Guidelines, sec. 15123.)

1. Consider a more direct, less harmful, and less controversial approach to job creation.

Page ES-7 indicates that one of the objectives of the TGPA is to “promote and support the creation of jobs.” However, the TGPA does so in a most indirect and unproven way. A major focus of the TGPA is on promoting residential development. The theory put forth is that promoting residential development will indirectly promote job development. This has not been a successful formula in El Dorado County that has long had a jobs – housing imbalance. In addition, it is many of these new residential development policies that create some of the worst impacts of the TGPA. Finally, these new residential development policies trigger the most ardent opposition from citizens already suffering from both high infrastructure costs and lower levels of service from current levels of residential development.

O-1-2

If the County is serious about creating jobs, it should propose policies and programs for the general plan that directly promote job creation. Improving market information, providing one-on –one counseling for new businesses, planning and permit assistance, developing a revolving loan fund for capital, providing classes on how to expand and grow a business, infrastructure planning, are all effective means of economic development currently being employed in neighboring counties to successfully create jobs. In addition, these programs lack the environmental impacts and the public opposition associated with drastic land use changes. Please consider such an alternative in the Final EIR.

2. Provisions of the TGPA/ZOU, proposed mitigation, and proposed alternatives conflict with the TGPA/ZOU objectives, because the objectives conflict.

Page ES-7 indicates that an objective of the TGPA is “to protect agriculture in the county.” However, an objective of the ZOU is to expand allowed uses in the agricultural zones to provide for recreation and rural commerce. Another is to provide a range of intensities for home occupations. As explained in subsequent sections of these comments, these objectives of the TGPA/ZOU conflict with one another. Many provisions of the TGPA/ZOU that expand allowed uses and home businesses in the agriculture zone, for commerce unrelated to agriculture, harm agriculture by bringing the conflicting uses in to proximity with one another.

O-1-3

Because these objectives conflict, the County can try to use them to eliminate worthy mitigation measures and alternatives from consideration. For example, maintaining existing limits on commercial uses in agricultural areas, while meeting the objective of protecting agriculture, can be eliminated from consideration because it does not “expand allowed uses “ in the agricultural zone.

The essential ingredient in determining an alternative's feasibility is the assessment of the alternatives in relation to the objectives of the project. (*Planning and Conservation League v. Department of Water Resources* (App. 3 Dist. 2000) 83 Cal.App.4<sup>th</sup> 892) In the past, lead agencies have attempted to narrow the range of reasonable alternatives by defining the objectives so narrowly that there are no feasible alternatives to the project that meet its objectives. The courts have not allowed this. (*Rural Land Owners Association v. Lodi City Council* (3d Dist. 1983) 143 Cal.App.3d 1013, 1025-1026.) By imbuing the TGPA/ZOU with conflicting objectives, El Dorado County has attempted to set up a situation in which it can justify the rejection of any mitigation measure or alternative.

O-1-3  
CONT.

In the Final EIR, amend the TGPA/ZOU objectives so that they do not conflict. We strongly encourage you to keep the objective to protect agriculture in the county.

3. The TGPA/ZOU does not have a "problem solving" focus, and the EIR is not focused on finding feasible mitigation measures and alternatives.

Table ES-1 indicates that the TGPA/ZOU creates 33 significant and unavoidable impacts, and does not offer any mitigation measures for 21 of them.

CEQA and general plan law are integrated. For example, the topics discussed in a general plan include aesthetics, air quality, energy and utilities, land use, population and housing, hazardous and solid waste, mineral resources, public services and facilities, transportation, recreation, water supply, wastewater, noise, public safety, soils, biological resources, and open space. (Government Code, sec. 65302.) Not surprisingly, these same impact topics are evaluated in CEQA documents (See CEQA Checklist, DEIR, Appendix A, p. 2-1, *et seq.*)

O-1-4

A general plan is supposed to be a problem-solving document composed of goals, policies, objectives, standards and implementation measures. (See Gov. Code, secs. 65300-65302; *Camp v. Board of Supervisors* (1981) 123 Cal.App.3d 334, 348-352; OPR, *General Plan Guidelines*, 2003.) An EIR is supposed to focus on solving environmental problems by identifying mitigation measures and alternatives. (CEQA Guidelines, secs. 15126.4 and 15126.6.)

If a General Plan does a good job of solving problems for all of the topics it covers, then it will provide countywide standards, policies, and programs that will themselves reduce the impacts of new development. This, in turn, makes it easier for new development to qualify for streamlined environmental review, to mitigate its impacts, and to meet statutory standards for project approval. (E.g. Government Code 65451 for Specific Plans and 66473.1 to 66474 for Subdivisions.) When applied in this fashion as intended, general plan law, CEQA, and land use approval statutes work in concert to promote social harmony, economic prosperity, and environmental protection.

The underlying flaw in the TGPA/ZOU is that it ignores both the problem solving focus of General Plan law, and the mitigation focus of CEQA. Rather than solving problems associated with conflicting uses, the TGPA/ZOU seems focused on pushing these conflicting uses together to exacerbate the conflict. For example, it seems focused on

pressuring agricultural operations dependent on space to avoid nuisances, and clean groundwater for production, with intrusive levels of conflicting commercial and residential development.

Similarly, rather than mitigating impacts, the TGPA/ZOU creates 33 significant and unavoidable impacts, and does not offer any mitigation measures for 21 of them. (Table ES-1, p. ES-8 to ES-13.) There is no mitigation for 12 project-related significant impacts. There is no mitigation offered for all 9 of the cumulatively significant impacts.

While the TGPA/ZOU does this with the expressed intent of promoting economic development, these very same actions will impede such development. By forcing more projects to do EIRs instead of less burdensome environmental reviews, development costs increase for even simple projects. By clogging planning queues with unnecessarily complex projects, delay costs for all new proposals will increase. By failing to address key project approval issues early in the process (appropriate development density, water availability, etc.) more projects will fail to meet project approval standards still imbedded securely in state law.

O-1-4  
CONT.

In the Final EIR, please consider an alternative that includes County standards, policies, and programs that will help new job-creating proposals: to avoid problems associated with conflicting uses, to mitigate potentially significant impacts, and to more securely meet the development approval standards imbedded in state law.

#### 4. The DEIR does not evaluate a broad range of reasonable alternatives.

An EIR must evaluate a range of reasonable alternatives to the project capable of eliminating any significant adverse environmental effects of the project, or reducing them to a level of insignificance, even though the alternatives may somewhat impede attainment of project objectives, or may be more costly. (Pub. Resources Code, sec. 21002; CEQA Guidelines, sec. 15126, subd. (d); Citizens for Quality Growth v. City of Mount Shasta (3d Dist. 1988) 198 Cal.App.3d 433, 443-445.)

Table ES-2 lists three alternatives. (DEIR, p. ES-16.) One is the “No Project” alternative. Another is the Selective Approval of Components Alternative. However, this alternative’s definition is so flexible that the alternative defies quantitative analysis. Paradoxically, it is also so rigid that it only considers components of the proposed projects for inclusion, and thereby severely limits the potential to reduce impacts. The Transit Connection Alternative is the only defined action alternative. When a project has 33 significant unavoidable impacts, one would expect a broader range of alternatives feasible to reduce one or more of those impacts.

O-1-5

In the Final EIR, please consider an alternative that includes County standards, policies, and programs that will help new job-creating proposals: to avoid problems associated with conflicting uses, to mitigate potentially significant environmental impacts, and to more securely meet the development approval standards imbedded in state law.

#### 5. The Executive Summary fails to make a good faith effort to fully disclose the many controversies and issues to be resolved.

O-1-6

Pages ES-17 and ES-18 list only three controversies and issues to be resolved. Actually, in response to the Notice of Preparation, the public submitted extensive comments in writing and during public meetings. Nevertheless, these concerns remain un-analyzed, un-summarized and buried in Appendix B. Information scattered in an EIR or buried in an appendix is not a substitute for good faith reasoned analysis. (*California Oak Foundation v. City of Santa Clarita* (2005) 133 Cal.App.4<sup>th</sup> 1219, 1239.) We expect that these controversies and issues to be resolved will be raised again in public comments on the DEIR. Our own comments on the DEIR identify: controversies about impacts not analyzed in detail in the EIR (e.g. hazards & water quality), controversies about the significance of many impacts the EIR claims to be insignificant, controversies regarding the economic theories that are the basis for the TGPA/ZOU, controversies about the efficacy of TGPA/ZOU provisions in achieving TGPA/ZOU objectives, controversies about the consistency of TGPA/ZOU provisions with the remainder of the general plan, controversies regarding the feasibility of the TGPA/ZOU, and controversies regarding the feasibility of TGPA/ZOU alternatives and mitigation measures. In the Final EIR, please provide an accurate summary of the controversies and issues to be resolved, based upon an analysis of the public comments submitted both during scoping and on the DEIR. .

O-1-6  
CONT.

End of Comment Section

## Project Description - Chapter 2 dEIR Review Comments

The Project Description should reflect the policies and ordinances proposed for change under the TGPA/ZOU. These changes were based on adopted Resolutions of Intention (ROI's) 182-2011, 183-2011, and 184-2011, which are periodically referenced in the comments below.

"An accurate, stable, and finite project description is the sine qua non of an informative and legally sufficient EIR." (*County of Inyo v. City of Los Angeles* (3d Dist. 1977) 71 Cal.App.3d 185, 193, [139 Cal.Rptr. 396].) "A curtailed or distorted project description may stultify the objectives of the reporting process. Only through an accurate view of the project may affected outsiders and public decisionmakers balance the proposal's benefit against its environmental costs, consider mitigation measures, assess the advantage of terminating the proposal (i.e. the 'no project' alternative) and weigh other alternatives in the balance." (Id. at pp. 192-193.) The primary harm caused by "the incessant shifts among different project descriptions" was that the inconsistency confused the public and commenting agencies, thus vitiating the usefulness of the process "as a vehicle for intelligent public participation." A "curtailed, enigmatic or unstable project description draws a red herring across the path of public input." (Id. at pp. 197-198.) An accurate and complete project description is necessary to fully evaluate the project's potential environmental impacts. (*El Dorado County Taxpayers for Quality Growth v. County of El Dorado* (App. 3 Dist. 2004) 122 Cal.App.4<sup>th</sup> 1591.) A description of the project is an indispensable component of a valid environmental impact report under CEQA. (*Western Placer Citizens for an Agricultural and Rural Environment v. County of Placer* (App. 3 Dist. 2006) 144 Cal.App.4<sup>th</sup> 890.)

O-1-7

Comments are as follows:

1. *From draft EIR Section 2.1: "Except for the targeted amendments described in this chapter, the current General Plan would remain unchanged. A comprehensive update to the Zoning Ordinance is proposed as a part of the project, but many of the same uses are retained. Major new uses being proposed in the ZOU are examined at a general level in the pertinent impact analyses. All changes proposed in the ZOU are consistent with the existing General Plan land use designations and existing policies or with the proposed amended policies and minor land use diagram (map) corrections."*

O-1-8

The public has no way to evaluate this statement in the Project Description because there has been no complete list of the specific ZOU changes provided. The 'strike-out' version provided to the public shows changes from the previous drafts only, rather than changes from the ordinance in place currently. This draft EIR has not met the intent of the CEQA process for informing the public in order for them to engage in quality dialogue. "A prejudicial abuse of discretion occurs if the failure to include relevant information precludes informed decisionmaking and informed public

participation, thereby thwarting the statutory goals of the EIR process." (Kings County Farm Bureau et al. v. City of Hanford (5th Dist. 1990) 221 Cal.App.3d 692, 712 [270 Cal.Rptr. 650].)

O-1-9

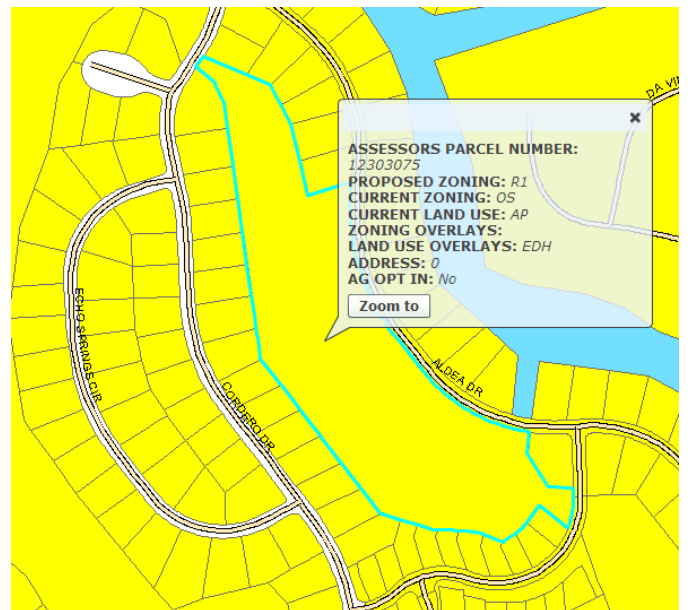
**Please provide a complete strike out version of the Zoning Ordinance Update as well as a comprehensive list of all proposed changes. Then recirculate the DEIR for public comments. (See CEQA Guidelines, sec. 15088.5, *Laurel Heights II* (1993) 6 Cal.4<sup>th</sup> 1112, 1129-1130 [recirculate an EIR when needed to avoid depriving the public of a meaningful opportunity to comment].)**

2. From Section 2.2:

*"None of these plans are proposed for amendments as part of the project;*

- *Meyers Community Plan*
- *Carson Creek Specific Plan*
- *Promontory Specific Plan*
- *Valley View Specific Plan*
- *El Dorado Hills Specific Plan*
- *Bass Lake Hills Specific Plan*
- *North West El Dorado Hills Specific Plan"*

This is not correct. Some examples of zone changes include APN's 123-030-75, 115-400-12 and 119-090-45 in the El Dorado Hills Specific Plan.



O-1-10

**Eliminate these zone changes from the project and review the project to confirm there are no other parcels being rezoned within the Specific Plans through this process without adequate site specific review and public noticing. Alternately, abide by the public noticing requirements for Specific Plan amendments.**

3. The 'Project Description' on page 2-4 downplays the number of changes being proposed and analyzed across the landscape:

*"The majority of the project's proposed General Plan amendments consist of policy changes within the existing General Plan designations (i.e., they are changes to the General Plan text). The project also includes a limited number of proposed changes*

O-1-11



to the land use map and General Plan Land Use Designations. These map changes are proposed in order to correct mapping errors in the adopted General Plan land use map, many of which were identified during the zoning map update process and affect approximately 0.10% of existing parcels within the county." This is only half the truth.

In addition there are over 37,000 zoning changes proposed, out of 108,000 parcels in the county, or well over one third (data from the County's GIS division). Some percentage of these is due to newly created zones, some are correcting inconsistencies, and others appear totally random.

This understatement of the changes across the landscape does not reflect "a good faith effort at full disclosure" of the impacts. (CEQA Guidelines, sec. 15151.)

**In the Final EIR, please expand the breakdown of zone changes to indicate the percentage of changes occurring under each categorical reason for the change.**

4. This is a reference to the General Plan changes proposed, from page 2-4:

*"While the TGPA includes a number of specific amendments to General Plan policies, most of the current General Plan's policies would remain unchanged. Maps and a list showing the proposed changes are available at <http://www.edcgov.us/landuseupdate/>. "*

However, there is no similar accounting of the changes proposed to the Zoning Ordinance, or to the Land Development Manual, or any specific discussion of the draft Mixed Use Design Manual. These documents all contain elements of the proposed changes. In the case of the LDM, policies have been moved there from the General Plan (Noise standards to name one category specifically). The associated impact analysis cannot be reviewed by the public if they are not aware of the changes.

**Please provide equally transparent lists for the changes to the Land Development Manual, the Zoning Ordinance (discussed under item #1) and any changes being incorporated into the new Mixed Use Design Manual, for the purposes of informing the public and allowing them to constructively engage in the review of the impacts. Then recirculate the DEIR for public comments. (See CEQA Guidelines, sec. 15088.5, *Laurel Heights II* (1993) 6 Cal.4<sup>th</sup> 1112, 1129-1130 [recirculate an EIR when needed to avoid depriving the public of a meaningful opportunity to comment].)**

O-1-11  
CONT.

O-1-12

5. The proposed revision creating three Rural Centers from the single Camino/Pollock Pines Community Region, was to be evaluated in the draft EIR. However, the description of this change errs in that the three centers were to include a contraction of the boundaries, providing buffers distinguishing each of the three centers from one another.

From the Project Description 'Land Use Map Changes, page 2-5

*"The TGPA proposes to divide the existing Camino/Pollock Pines Community Region to create three Rural Centers centered on Camino, Cedar Grove, and Pollock Pines (see Figure 2-3). This would allow each of the communities to develop in a manner that reflects its separate and distinct character. The proposed Rural Center designations would not extend beyond the existing boundary of the Community Region."*

O-1-13

**Revise the description of this change to reflect the proposal as presented in the Camino/Pollock Pines community meetings and adjust the impact analysis accordingly.**

6. The proposal to increase the density in Commercial/Mixed Use zones within Community Regions was thought to be required under Government Code section 65583.2(c)(B)(3). However, this is not a state requirement, but rather a consideration that might be deemed appropriate if needed, and should be analyzed as such. Our Housing Element was just approved in October of last year and additional density is not required.

From the draft EIR page 2-7:

*"Policy 2.1.1.3: Commercial/Mixed Use (in Community Regions). This policy would increase the maximum density for the residential portion of mixed-use projects in Community Regions from 16 dwelling units per acre to 20 dwelling units per acre to be consistent with 2009 amendments to State planning law (Government Code Section 65583.2(c)(B)(3))."*

O-1-14

This is the text from the California State Government Code:

**65583.2.**

**(c)** Based on the information provided in subdivision (b), a city or county shall determine whether each site in the inventory can accommodate some portion of its share of the regional housing need by income level during the planning period, as determined pursuant to Section 65584. The analysis shall determine whether the inventory can provide for a variety of types of housing, including multifamily rental housing, factory-built housing, mobile homes, housing for

agricultural employees, emergency shelters, and transitional housing. The city or county shall determine the number of housing units that can be accommodated on each site as follows:

**(B)** The following densities shall be deemed appropriate to accommodate housing for lower income households:

(i) For incorporated cities within nonmetropolitan counties and for nonmetropolitan counties that have micropolitan areas: sites allowing at least 15 units per acre.

(ii) For unincorporated areas in all nonmetropolitan counties not included in clause (i): sites allowing at least 10 units per acre.

**(iii)** For suburban jurisdictions: sites allowing at least 20 units per acre.

**Please revise the project description to clarify this difference, and provide analysis in the appropriate sections to reflect that this change is optional and not mandated by state code.**

O-1-14  
CONT.

7. ROI 182-2011 includes the addition of references in various policies regarding the importance of open space. From page 2 of 6 in the ROI:

*"Open Space: Consider amending policy to make reference to Objective 7.6.1"*

Objective 7.6.1 from page 157 of the existing 2004 General Plan reads:

*"OBJECTIVE 7.6.1: IMPORTANCE OF OPEN SPACE Consideration of open space as an important factor in the County's quality of life."*

The Project Description referencing this item in the ROI (on page 2-7 of the draft EIR) does not reflect this intent, and in fact makes no sense. It reads as follows:

*"Policy 2.2.1.2: Open Space. The policy to refer to General Plan Objective 7.6.1 and to allow for additional moderate income housing options would be amended."*

**Please revise the project description to clarify, and to reflect the intention of the change as proposed.**

O-1-15

8. Beginning on page 2-6 of the Project Description is a section titled 'General Plan Policy Amendments'. This itemization includes an incomplete list of changes to the Zoning Ordinance.

Examples of proposed Ordinance changes that are has not listed include 17.37.070**B** allowing self-monitoring of amplified sound, and 17.30.030(**G**)(5a)

O-1-16

allowing the zoning administrator (that's 'over the counter') to grant approval of any use permitted in the subject zone within a riparian setback.

**Please revise this Project Description section to be entitled 'General Plan Policy and Zoning Ordinance Amendments', or alternatively, add a separate section entitled 'Zoning Ordinance Amendments', and revise the finished section(s) so that the list of proposed changes is complete and comprehensive.**

O-1-16  
CONT.

9. The following premise is incorrect, indicating that inconsistencies between the existing Zoning Ordinance and the existing General Plan are in conflict with state law, thereby requiring this comprehensive update. The 2004 General Plan included Policies 2.2.5.6 and 2.2.5.7 specifically to address this issue. The circular and misleading logic from page 2-10 of the draft EIR, indicates a 'targeted' Zoning Ordinance update is not possible. From the draft EIR text (Project Description, pg 2-10):

*"The ZOU is a comprehensive update of the County's Zoning Ordinance. The update is needed so that the Zoning Ordinance will be consistent with the provisions of the General Plan's goals, objectives, policies, and Implementation Measures. Consistency between the general plan and zoning is mandated by state law (Government Code 65860). The current Zoning Ordinance is not consistent with the General Plan."*

If, after review of the impacts, a 'targeted' Zoning Ordinance update is preferred, this misleading premise could lead to the misguided conclusion that targeted changes are not possible. Assuming that electing to adopt just a small number of changes could not be done because of state law requirements could incorrectly preclude either Alternative 1 (No-Project) or Alternative 3 (Selective Approval).

**Please revise the above referenced suggestion indicating that state law mandates the comprehensive changes be made in whole.**

O-1-17

10. This verbiage also, on page 2-10, reinforces the misconception in Item #9 (above):

*"The proposed comprehensive ZOU has two major components:  
1. Revising the zoning maps to bring existing zoning designations into conformance with the General Plan, as required by state law.  
2. Comprehensively updating the text of the Zoning Ordinance to bring it into conformance with the General Plan to eliminate inconsistencies and to incorporate modern implementation tools."*

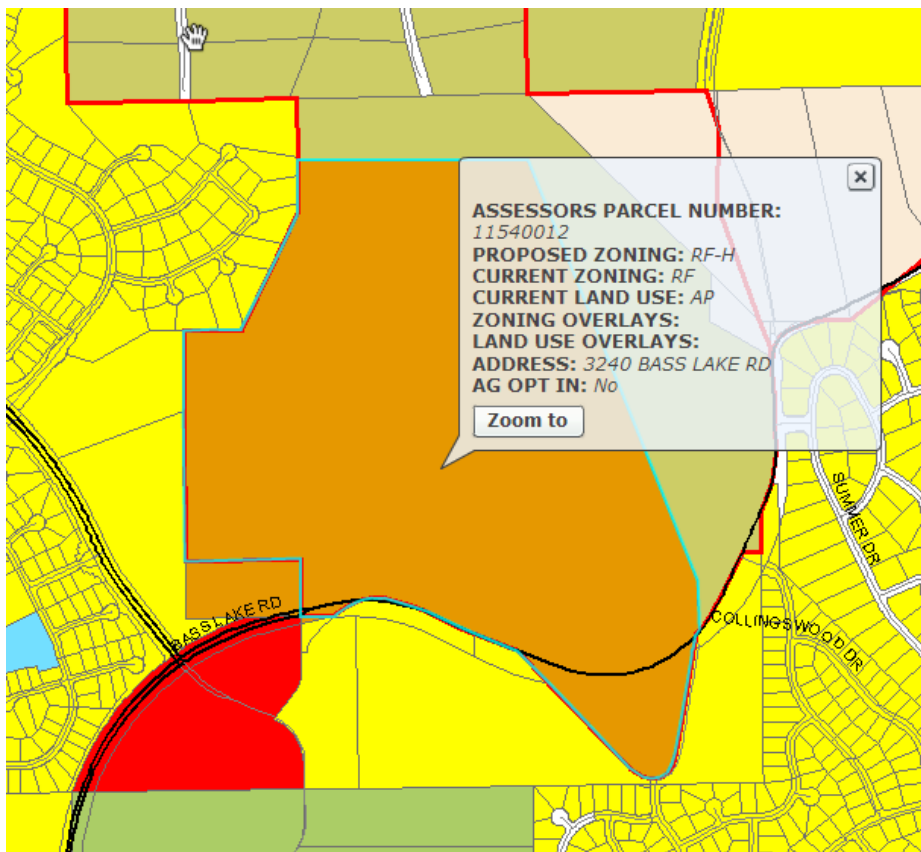
The 37,000 zoning changes on existing parcels are much more expansive than what is claimed as "required by state law". Misconceptions about what is being proposed and why, are critical to the analysis of 'significant and unavoidable impacts'.

O-1-18

**Please revise this portion of the Project Description for an accurate portrayal of the reason for proposed zone changes.**

O-1-18  
CONT.

11. Footnote '5' of Table 2-2 on page 2-12 of the dEIR, states that the RFH zone will only be assigned within Community Regions. The sample parcel shown below (APN 115-400-12) is Open Space in the area plan and is NOT within the Community Region, but is being changed from RF to RFH. Additionally it is within the EDH Specific Plan, and should not be changed according to Section 2.2 of the Project Description (page 2-2). It is also designated as open space in perpetuity according to the EIR for the EDHSP and is inappropriate for a 'high' intensity recreational use.



O-1-19

**Please correct the specific error mentioned and review Table 2.2 in its entirety. Correct any other inconsistencies discovered during the process along with the inconsistencies that reach into other sections of the dEIR review, such as Zoning and Land Use.**

12. The Mixed Use Design Guidelines (Appendix C) and the Land Development Manual (LDM), are not discussed anywhere in the Project Description. This is a significant

O-1-20

omission. "A curtailed or distorted project description may stultify the objectives of the reporting process." (*County of Inyo v. City of Los Angeles* (3d Dist. 1977) 71 Cal.App.3d 185, 192-193.)

**A complete disclosure of how the LDM and Mixed Use Design Guidelines are related to the project, which General Plan policies and Zoning Ordinances have been moved there, and any impacts of these changes, should be provided in the Project Description.**

O-1-20  
CONT.

13. The Community Outreach section (2.5.1) of the Project Description chapter describes multiple positive outreach efforts. However, the missing critical element is that the proposed changes were not adequately conveyed to the community. Without a comprehensive understanding of the proposal, as discussed in virtually all of the items above, the public has an inadequate understanding of how they might be impacted.

O-1-21

**The public outreach phase of this draft EIR effort must be repeated once fully comprehensive lists of all changes have been made available to the public.**

14. The Notice of Preparation section (2.5.2) of the Project Description chapter describes the second 30-day public review period:

*"A second NOP reflecting the revised ZOU was released on October 1, 2012 for a 30-day public comment period. As before, project-related information was posted on the dedicated project website, and all subscribers to the website were notified."*

O-1-22

This revised ZOU release still did not include a comprehensive list of the proposed changes, and no comprehensive list is available today. The impact analysis cannot possibly be complete if it is based on an incomplete list of changes, and the community cannot comment on what is being proposed, if they have not been informed of it. Additionally, many of the items the public DID know about, and questioned in the NOP comments, have not been addressed. These things together demonstrate a failure to engage and inform the public in this review, as required by CEQA.

**The public review phase of this effort must be repeated once a complete and accurate description of the project has been incorporated into the draft EIR, and item 13 above completed to fully inform concerned County residents. (Re DEIR recirculation see: CEQA Guidelines, sec. 15088.5; *Mountain Lion Coalition v. Fish and Game Com.* (1989) 214 Cal.App.3d 1043 [The draft EIR was so fundamentally inadequate and conclusory in nature that meaningful public review and comment were precluded].)**

## General Failures of the TGPA/ZOU Draft Environmental Impact Report

### Attestation of Document Review

In review of El Dorado County's (EDC) targeted General Plan amendments/zoning ordinance update (TGPA/ZOU) draft Environment Impact Report (dEIR), many contributors found the document extremely difficult to review and understand.

O-1-23

The TGPA/ZOU was difficult to review for the following reasons:

#### **I.) It was difficult to tell which of the policies described in the dEIR were new and which were 2004 General Plan policies (not to be revised).**

Especially as a new reviewer, it was difficult to differentiate between the 2004 General Plan policies and the new policies when paging through the dEIR chapters. This was especially true when 2004 policies were under development at the time of their inclusion in the General Plan, and therefore contain language to the effect that, "*The Zoning ordinance shall be amended...*" (as is the case with 2004 General Plan policy 7.3.3.4, for instance). Even though these policies are mostly identified in the text as 2004 General Plan policies, when language that implies revision is used in the policies, it is easily misunderstood by the inexperienced reviewer as a new TGPA/ZOU policy.

O-1-24

#### **2.) For many new policies, each time the policy was described, the description varied.**

Policy descriptions were *approximately* the same each time they were mentioned, but generally included some different information. While these "changes" can be ascribed in some cases as a tailoring of policy language to suit the topic of various chapters, this kind of repetition (with minor changes) served only to frustrate and confuse the reader. This also meant it was important for the reviewer to locate the majority of the references on any given policy to get a more complete picture of policy impact. For example, new policy 2.4.1.5:

O-1-25

Page 2-8 introduces the policy: "*This policy would set criteria for and identify infill sites and opportunity areas and provide, through an implementation measure, incentives for development of these vacant/underutilized areas. Implementation may support the use of mixed-use and "formbased" codes. These policy changes would not include amending the land use designations or increasing the densities currently provided for in the General Plan.*"

Next it is disclosed that the policy will impact sites of up to five acres in size that do not have wildlife habitat value.

Page 3.4-29 states: "*This amendment would encourage infill development on sites of up to 5 acres in size in existing communities where, among other limitations, the site does not have habitat value for endangered, rare, or threatened species. Although*

*limited to existing communities, the maximum site area eligible for infill is large enough to support habitat for special-status species. Because of the rural nature of the county, infill development of this size may have the potential to adversely affect biological resources when the project site either adjoins existing development or the site itself supports biological resources. Restricting this policy to sites without habitat for endangered, rare, or threatened species does not protect other special-status species. This impact would be significant and unavoidable. "*

The policy is then described as focusing development in Community Regions and Rural Centers.

Page 3.6-10 states: *"Proposed new Policy 2.4.1.5 promoting "infill" development would further encourage development that is consistent with the General Plan to take place within existing communities. This Land Use Element policy is consistent with the Housing Element's infill implementation measure and reinforces existing policies that focus new development in Community Regions and Rural Centers. As a result, this policy would not result in a significant effect as a result of substantial alteration or degradation of the existing land use character."*

Not sure what this next description really adds.

Page 3.7-8 states: *"A proposed new policy encouraging infill development on sites of up to 5 acres in size in existing communities. Infill would be required to be consistent with the General Plan and zoning provisions applicable to the given site. Because the infill must be consistent with the General Plan, infill development of this size would have the same effect as identified for the General Plan."*

Next the policy is described as promoting infill when at least two parcels adjacent to the proposed development site are already developed.

Page 3.8-8 states: *"Proposed new Policy 2.4.1.5 promoting infill development would encourage development within existing communities when at least two parcels adjacent to the proposed development site are already developed. This Land Use Element policy is consistent with the Housing Element's infill implementation measure and reinforces existing policies that focus new development in Community Regions and Rural Centers. Because this policy would not expand on the allowable development intensities under the General Plan it is not expected to induce substantial population growth."*

The primary harm caused by "the incessant shifts among different project descriptions" was that the inconsistency confused the public and commenting agencies, thus vitiating the usefulness of the process "as a vehicle for intelligent public participation." (*County of Inyo v. City of Los Angeles* (3d Dist. 1977) 71 Cal.App.3d 185, 97-198.)



3.) In several instances, the language used in the TGPA/ZOU was contradictory; this made it impossible to tell what the policy actually meant, and what its impact would be.

(a) The discussion regarding mitigation measures on  $\geq 30\%$  slopes is contradictory:

Page 3.6-10 states: “The proposed relaxation of the prohibition on development on slopes of 30% or greater would **potentially** result in **a significant and unavoidable impact**...Mitigation Measure BIO-1a would reduce this impact, but not below the level of significance. **This would be a significant and unavoidable impact.**”

O-1-26

The impact is first described as “**potentially significant and unavoidable**” and then as (definitely) significant and unavoidable. Then the dEIR presents the following statements:

Page 3.1-14 states: Mitigation Measure BIO-1a would reduce impacts related to allowing development on slopes of 30% or greater, but **not to a less-than-significant level**.

Page 3.4-32 & 3.4-39 state: Impacts related to allowing development on 30% hillsides would be reduced **to a less-than significant level** by Mitigation Measure BIO-1a.

(b) The ZOU contains the following contradiction that makes it difficult for the reviewer to identify which open space strategy takes precedence:

**17.28.050 states** “...planned developments within Agricultural Districts may set aside open space for **agricultural uses**...raising and grazing animals, orchards, vineyard, community gardens and crop lands,” **but page 45 of the ZOU states**, “Open Space Zone is intended to identify and protect land set aside for primarily open space purposes...the protection of rare and endangered plant or animal habitat, wildlife habitat...critical winter deer range and migration corridors, oak woodlands...**Intensive agriculture is not compatible.**”

O-1-27

(c) Another conflict comes to light in descriptions of Policy 8.2.4.2. This policy eliminates the requirement for special use permits, but would “*establish requirements for permits.*” So what is really happening here?

**Policy 8.2.4.2. Special Use Permit.** “This policy would be amended to **eliminate the requirement for a special use permit** for all visitor-serving uses, and instead **would establish standards, permitted uses, and requirements for permits** in the various zone districts in the Zoning Ordinance.”

O-1-28

(d) The discussion regarding standards for accessory structures for home occupation businesses is contradictory. Have standards for accessory structures been developed or not? (And, as an aside, reviewers are left to wonder how the impact of home

O-1-29

occupancy activities can be evaluated by planning staff/the public if standards are not in place.)

**Page ES 6 states:** "...*standards have been established* for the use of accessory structures..." but **page 2-13 states** "...and *establish standards* for the use of accessory structures..."

O-1-29  
CONT.

Under CEQA, an accurate, stable and finite project description is sine qua non of informative and legally sufficient EIR. (*Burbank-Glendale-Pasadena Airport Authority v. Hensler* (1991) 233 Cal.App.3d 577.)

#### **4.) Many policy impacts were not discussed, but were sidestepped with dismissive comments.**

Proposed Amendment to Policy 7.1.2.1 and Zoning Ordinance Section 17.30.060 (hillside development) states: "*There is no specific development project being proposed at this time, and the number, size, and habitat value of sites to which the proposed amendments might be applied cannot be known because this will depend upon the future proposals of individual land owners.*"

#### **AND**

"...*the number, size, and habitat value of sites to which the proposed amendments might be applied cannot be known...*" (Page 3.4-29)

O-1-30

In many cases, the impact *is* calculable, as is the case with development on slopes  $\geq$  30%. Topography maps of EDC, and/or other sources of information could easily delineate areas of  $\geq$  30% slope, and this information—coupled with known zoning densities (and in some cases, on-site review)—would enable planners to estimate the scope of impact. Unless an attempt is made to perform such evaluations, a fair and reasonable impact assessment has not been made; *nothing* has been done to shed light on the impact of the policy change. This analysis should be done in order to provide the reviewer with a fair and balanced estimate of the impact of policy implementation.

"A prejudicial abuse of discretion occurs if the failure to include relevant information precludes informed decisionmaking and informed public participation, thereby thwarting the statutory goals of the EIR process." (*Kings County Farm Bureau et al. v. City of Hanford* (5th Dist. 1990) 221 Cal.App.3d 692, 712.)

#### **5) Many terms critical to an understanding of policies were not defined.**

O-1-31

It is difficult for reviewers to comment on policy when the terms used are not defined or described. For example:

(a) Policies 2.2.3.1 and 2.2.4.1: Open Space. *“It would eliminate the provision that open space may be kept as **wildlife habitat**, instead providing that it may be retained in a **“natural condition.”**”*

What is the difference between maintaining open space as **“wildlife habitat,”** or in a **“natural condition”**?

(b) Page 2-8 states: Policy 2.4.1.5 : *“This policy would set criteria for...infill sites...Implementation may support the use of mixed-use and **‘formbased’ codes.**”*

Not sure what *formbased codes* are—are they defined? Their definition could make a difference in the reviewer’s view of policy impact.

(c) Although Policy 2.1.4.5 states that policy changes would not amend land use designations or **increase densities**, another description of the same policy states *“Because it would not result in an increase in allowable development **intensity**, this amendment would not substantially change impacts...”*

While the description of the policy goes on to state that the policy would not amend land use designations or **increase densities** and would *“...be consistent with the General Plan and zoning provisions applicable to the given site,”* it is unclear if this would be the case because new policies *“amend the zoning code to include a Traditional Neighborhood Design zone within Commercial and Multi-Family Land Uses.”* Plus, it is acknowledged implementation of this policy may entail the **development** and utilization of *“...zero-lot line, duplex with carriage house unit over garage, z-lot, bungalow, etc.),”* and that there will be a thrust to **“Develop or update, as considered necessary, applicable community plans, specific plans and design guidelines...”**

The reviewer is left to wonder: will this policy impact development *density* or *intensity*, or neither? It is unclear what all of this means—or could mean. The specifics of policy change need to be spelled out in a manner that facilitates an understanding of the scope of impact. It may or may not be true that the policy will not increase densities, but “wordplay” makes it impossible to tell.

O-1-31  
CONT.

O-1-32

O-1-33

6) Some of the new policies—or policy revisions—were not listed in the Executive Summary, despite the claim that a complete list was presented there. Unlisted policies included:

- **Policy Revision 5.2.1.3** “...would be revised such that medium-density residential, high-density residential, multifamily residential, commercial, industrial and research and development projects may be required to connect to public water systems... The current policy requires such development to be connected to public water systems in Community Regions.”
- **Policy Revision 5.3.1.1** “...would be revised such to state that high-density and multifamily residential, commercial, and industrial projects may be required to connect to public wastewater collection facilities...The current policy requires such development to be connected to public collection facilities.”
- **New Policy 2.4.1.5.** “This policy would set criteria for and identify infill sites and opportunity areas...”

O-1-34

7.) Many of the mitigations were not described in enough detail to determine if they would actually provide a reasonable amount of protection.

Page 3.4-33 states: **Revise Proposed Policy** 7.1.2.1 and Section 17.30.060, subsections C and D, as follows. “...the development proponent shall submit an independent Biological Resources Study, to be prepared by a qualified biologist, which examines the site for important habitat...”

O-1-35

It is not known if Biological Resources Studies have been established and performed (and found to be beneficial) or not; not enough detail is provided for the reviewer to make a determination. **As an aside:** the introduction “**Revise Proposed Policy**” is confusing. Is this proposed policy being **revised**, or is it a revision of a 2004 General Plan policy? (In other words, is this imprecise writing, or does it mean the proposed policy is under revision?) This use of language is partly responsible for making review of this document difficult.

8.) The status of some 2004 General Plan policies is not clear.

Despite the declaration that a 25/50 foot riparian/stream buffer would be applied to ministerial projects, and a 50/100 foot buffer for discretionary projects—it was not clear if setbacks have in fact been established. A discussion on page 3.4-28 states “**Zoning Ordinance Section 17.30.030.G** ...would establish standards requiring the avoidance and minimization of impacts on wetlands and sensitive riparian habitat.” The discussion further states, “The proposed code would also establish...setbacks from specified major lakes, rivers, and creeks within the county.”

O-1-36

The status of these policies needs to be clarified for the reviewer.

**9.) It is not clear why some policies are being proposed; no discussion regarding need is presented.**

Understanding the need for proposed policies is especially important in cases where the impact is identified as “significant and unavoidable.” For instance, the “why” behind the following proposed policies should be included in the dEIR:

- The deletion of language prohibiting creation of new parcels in dam failure inundation areas (Policy 6.4.1.4)
- The expansion of agricultural lands (and expansion of allowable activities on those lands) (multiple policies)
- The need for exemptions and alternatives to the 30% onsite open space requirement “to facilitate and encourage development of higher density housing types” (17.28.050)

O-1-37

Without a clear understanding of the intent behind the policy, there is no way to tell how it will be applied, how it might impact the environment, and how the impact could be mitigated. For example, does the County intend to promote development on slopes over 30%, generally allow development on slopes over 30%, or is this anticipated to be an unusual case? If it is anticipated to be an unusual case, then limiting the total amount of such development could be a feasible mitigation measure. If the County is promoting such development, then limits may not be feasible.

**10.) Many of the impacts (significant and unavoidable) were unsubstantiated.**

More discussion (and reasoning) behind the conclusions regarding significant and unavoidable impacts is necessary. It is not enough to state that the impacts cannot be mitigated, and move on from there. Sound reasoning, studies from peer-reviewed sources, etc., need to be relied upon and cited. EIRs should be “analytic rather than encyclopedic.” (CEQA Guidelines, sec. 15006, subd. (o).)

O-1-38

As is the case with all public documents, this dEIR should be “user friendly”—easily understood by the general public. EIRs must be “organized and written in a manner that will be meaningful and useful to decisionmakers and to the public.” (Pub. Resources Code, sec. 21003, sub. (b).) It should contain well-reasoned conclusions based on investigation and fact. That is the type of analysis envisioned under the California Environmental Quality Act; it was not accomplished in this dEIR.

END SECTION COMMENTS

## Water Quality - dEIR Review Comments

### Impacts to Surface and Groundwater Quality

#### Statement of Adverse Impact

The draft Environmental Impact Report (dEIR) does not include an analysis of project impact on **surface and groundwater quality**. This is an important area of concern because if/when the project is implemented, the need for potable surface and groundwater will increase. It is the **quality**<sup>1</sup> of available water that will ultimately dictate the **quantity** and **sustainability** of water available to meet project goals. Addressing water quality issues now will enable planners to modify the project to reduce or eliminate adverse impacts to surface and groundwater and thus ensure an adequate water supply for project elements that may move forward.

In addition, a good percentage of residents in El Dorado County (EDC) depend upon groundwater wells for their entire potable water supply. Runoff pollution from project implementation could potentially seriously adversely impact residential water wells. If the project is implemented, without careful consideration of its effect on runoff pollution, a serious water supply problem for existing residents could ensue.

Each of the following topic areas has the potential to adversely impact the quality and quantity of both surface and groundwater. Background information on water quality issues that face EDC, including documentation that supports the comments made in this section are included in **Appendix A: Water Quality**.

The proposed policies in the dEIR that will have an adverse impact on water quality include, but are not limited to, the following:

- **Topic 1:** Increase In Zoning Densities/Mixed Use Development
- **Topic 2:** Water/Sewage Disposal Other Than Public Water/Sewer
- **Topic 3:** Expansion of Commercial/Industrial into Rural Regions/Centers
- **Topic 4:** Revision of Community Region and Rural Center Boundaries
- **Topic 5:** Infill
- **Topic 6:** Development on Slopes  $\geq$  30 Percent
- **Topic 7:** Expanded Home Occupation Activities
- **Topic 8:** Agricultural Expansion/Zoning Changes
- **Topic 9:** Reduction of Stream/Riparian Setbacks
- **Topic 10:** Changes in Open Space Requirements

**NOTE:** For comments made in this water quality section, use of the term “**development**” includes, but is not limited to: the construction of residential, commercial, industrial, institutional, agricultural, and research and development projects.

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<sup>1</sup> Water *quality* is defined as a measure of the suitability of water for its intended use.

## Topic 1: Increase in Zoning Densities/Mixed Use Development

The following proposed policies will adversely impact water quality; negative impacts are described in the comment section that follows the list of policies.

**Policy 2.1.1.3:** “*This policy would increase the maximum density for the residential portion of mixed-use projects in Community Regions from 16 – 20 dwelling units per acre.*”

**Policy 2.1.2.5:** “*This policy would increase the maximum density for the residential portion of mixed-use project in Rural Centers from 4 – 10 dwelling units per acre.*”

**Policy 2.2.1.2:** “*Multifamily Residential (MFR). “The minimum allowable density for the MFR designation in the current General Plan is 5 dwelling units per acre, with a maximum density of up to 24 dwelling units. **The project would increase the designation’s minimum density to eight units per acre with an optional review** but retain the current maximum density of 24 units per acre. The project would amend the MFR designation to **encourage a full range of housing types including small lot, single-family detached design without a requirement for a planned development. The project would specify that mixed-use development within Community Regions and Rural Centers that combine commercial and residential uses shall be permitted under the MFR designation.**”*”

**17.28.050** Residential Development Requirements; Exemptions and Alternatives to the Onsite Open Space Requirement. “**To facilitate and encourage development of higher density housing types...exemptions and alternatives to the 30 percent onsite open space requirement are: ...projects within Community Regions or Rural Centers; Residential Multi-Family (RM) projects or the residential component of Mixed Use Developments.**”

**Policy 6.4.1.4:** “*Creation of new parcels which lie entirely within the 100-year floodplain as identified on the most current version of the flood insurance rate maps provided by FEMA shall be prohibited.*” (Language prohibiting the creation of new parcels in dam failure inundation areas has been deleted.)

### Comment 1A:

The increase in densities proposed by these new policies will put additional pressure on water quality/quantity. Based on a review of the dEIR, it can be supposed that at least a portion of this high density residential development will occur in Rural Centers and Rural Regions, areas that will most probably rely strictly on groundwater/septic systems. This is a precarious development strategy; groundwater is simply not a reliable water source. El Dorado Irrigation District (EID) has indicated that because groundwater sources in most of EDC are unreliable, “...ground water will not be relied on to augment firm yield supply or as a sole source of water for domestic, irrigation, or fire-fighting purposes.”<sup>2</sup> And, according to the draft Water Resources Development and Management Plan for EDC, usable groundwater is limited, especially in the western slope of the county where groundwater *quality* was characterized as “satisfactory but marginal.”<sup>3</sup> The Department of Water Resources weighed in on this issue, too, stating that groundwater supplies from the fractured rock sources (present in EDC) are highly variable in

O-1-40

<sup>2</sup> El Dorado Irrigation District. 2006. *Board Policies and Administrative Regulations*.

<sup>3</sup> Environmental Protection Agency. 2012. *Naturally Occurring Asbestos*, El Dorado Hills, Multimedia Exposure Assessment Preliminary Assessment and Site Inspection Report. <http://www.epa.gov/region9/toxic/noa/eldorado/pdf/asbestosreport0505.pdf>.

terms of water quantity and water quality and are an uncertain source for large-scale residential development.<sup>4</sup>

When new development—especially high density residential development—utilizes groundwater, wells in the immediate area of the development can "go dry." Developments with small lots and individual wells have the effect of lowering the water table in the immediate area, and, if the aquifer is low yielding, the aquifer can fall into "overdraft." Overdraft of groundwater supplies is characterized by groundwater levels that decline over a period of years and never fully recover, even in wet years.<sup>5</sup> Overdraft can lead to water quality degradation, a reduction of water availability, and other adverse environmental impacts.

- What goals are achieved by the increase in zoning densities? Has the State required EDC to adopt increases in zoning densities to facilitate the availability of moderate to low income housing? If so, in what areas of EDC will this type of development occur? How many developments of this kind are expected? How many developments will rely on groundwater?
- What is the likelihood that groundwater will provide a *sustainable* supply in the areas of anticipated development?
- Has El Dorado Irrigation District (EID) developed a detailed water budget by which to estimate groundwater usage/overdraft (to include recharge, extraction and change in aquifers)?
- What historical data do we have to support either the decline or stability of ground water levels in EDC?
- How many wells in EDC been "condemned" because their water was deemed non-potable? What was the source of the contamination? Is future ground water-dependent development planned in these areas?
- Does EDC sustain any liability for approving development projects that later faces water quality/quantity problems? That is, is EDC responsible for ensuring continued delivery of potable water if wells "fail" based on the granting of building permits/project approvals?
- How will property values be affected by issues of water quantity/quality in such developments? If property values drop, who will be responsible/liable for the loss?

O-1-40  
CONT.

#### **Comment 1B: Septic Tanks in Areas of Fractured Rock Aquifers**

A thorough assessment of the number of "cluster" or high density housing developments that will utilize groundwater/septic systems must be provided to adequately evaluate the impact of these proposed zoning proposals. It is not enough to say that because there are no development proposals on the table at this time, the impact of the proposed policies cannot be assessed. It is important—and possible—to make impact determinations based upon current zoning/land use/rezoning trends/ project proposals on the horizon/ and other "known quantities," and juxtapose these elements with the physical constraints of current and potential building sites. A reasonable attempt to perform such an evaluation is important, especially in the case of high density housing developments because most rural water problems are related to septic systems, and housing developments that are too dense.<sup>6</sup> Septic-tank effluent can easily travel down the hydraulic gradient and enter fractured rock aquifers, and, if the aquifer is supplying domestic wells, the effluent can introduce bacteria and toxic materials. These bacteria and

O-1-41

<sup>4</sup> Department of Water Resources. 2003. *California's Groundwater*. Bulletin 118, 2003 update.

<sup>5</sup> *Ibid.*

<sup>6</sup> Waller, R.M. 2014. *Ground Water and the Rural Homeowner*. United States Geological Survey. [http://pubs.usgs.gov/gip/gw\\_ruralhomeowner/](http://pubs.usgs.gov/gip/gw_ruralhomeowner/)



toxins gradually accumulate in the aquifer, and, if the aquifer also supplies surface water sources like creeks and rivers, those receiving waters become contaminated as well.

O-1-41  
CONT.

An additional problem arises when high density developments that utilize septic systems are built on sloping land. In “cluster-housing” developments on sloping land, the house at the highest location generally has the safer water supply. Because effluent migrates down beneath the development, effluent can be pumped, used, and again discharged by each house along its course. Thus, the house furthest downslope will receive the combined effluent from upslope houses. In developments on hillsides with closely spaced houses that include roadways, houses on the uphill side of a road will have a safer water supply; homes on the downslope side will receive effluent from upslope homes plus any contamination generated along the road.

Because treatment of contaminated water is possible, it is often viewed as a stopgap that can “rescue” an otherwise compromised water supply. But treatment can be difficult; while chlorination of water pumped from the aquifer is commonly recommended as a solution for bacteria-contamination, the underlying contaminated zone may take years to stop releasing contaminants.<sup>7</sup> Where contamination is the result of chemical contaminants, treatment can be even more difficult and long lived. It has to be realized that as housing development age, more contaminants will inevitably build in the water supply. In fact, where cluster developments are two or more decades old, almost perpetual recycling of septic waste occurs.<sup>8</sup>

- How much of the anticipated development will be supported by septic systems? What soils are present in the areas of anticipated impact?
- Is it expected that areas now proposed for development with wells/septic tanks will eventually face contamination problems? What actions are EDC prepared to take to resolve groundwater and septic failures?
- Is EDC prepared to condemn a property if there is a water quality/septic issue?
- Is there a contingency plan for these developments if wells become contaminated by septic tank effluent? Will EDC or the developer be responsible/liable to correct water contamination/dry well problems if/when they occur? If so, how will EDC or the developer accomplish remediation?
- If high density developments that rely on groundwater/septic adversely impact the water quality of adjacent landowners’ wells, is EDC or the developer liable to make landowners “whole”? If so, how will this be accomplished?
- Has EDC developed guidelines and mitigation measures for dealing with problems related to the contamination of aquifers by septic systems?
- How will EDC address a lawsuit initiated by property owners in a high-density development seeking compensation from EDC for aquifers contaminated by septic systems?
- Is EDC prepared to manage expedited projects designed to correct water/septic problems?

### **Comment 1C: Storm/Irrigation Water Runoff**

Storm and irrigation runoff from high density residential developments will inevitably contain contaminants from household cleaning products, pharmaceuticals, lawn and garden products, petroleum products, and chemicals from commercial development (allowed under the

O-1-42

<sup>7</sup> Waller, R.M. 2014. *Ground Water and the Rural Homeowner*. United States Geological Survey. [http://pubs.usgs.gov/gip/gw\\_ruralhomeowner/](http://pubs.usgs.gov/gip/gw_ruralhomeowner/)

<sup>8</sup> Waller, R.M. 2014. *Ground Water and the Rural Homeowner*. United States Geological Survey. [http://pubs.usgs.gov/gip/gw\\_ruralhomeowner/](http://pubs.usgs.gov/gip/gw_ruralhomeowner/)

multifamily residential designation). Fractured rock aquifers will provide an easy conduit for contaminants carried by storm or irrigation water runoff to enter groundwater. Contaminated runoff can also impact adjacent surface water (streams, lakes, etc.) which in turn feed groundwater aquifers. Thus, it is important for EDC planning staff to evaluate site specific contamination potential prior to approving high density residential development projects.

- What contingency plans are in place to mitigate contamination of surface water sources adjacent to development? What contingency plans are in place to mitigate a drop in surface water levels in areas of private domestic well use?
- Will storm water/irrigation runoff from developed areas be able to flow into surface water without prior treatment? Are current EDC “Post Construction Runoff Control Procedures” adequate to protect existing residential wells from potential runoff pollution (pesticides, vehicle fluids and similar contaminants) which could result from the proposed developments? If so, will any rare, threatened, endangered, or species of special interest be adversely impacted as a result of exposure to contaminated runoff?

O-1-42  
CONT.

**Comment 1D: Associated Problems in Mixed Developments (Multifamily Residential, etc.)**

A common source of contamination in residential/mixed development communities lacking a central water or sewage system is small waste-generating businesses (including home-occupation businesses) such as hair salons, veterinary clinics, auto-repair shops, recreation related restrooms in parks, etc. Under these circumstances, septic waste can easily enter aquifers and become subject to pumping by wells. Businesses that discharge contaminants into septic systems and are located upslope of residences can contaminate wells of all downslope residences.

- If commercial development (in multifamily residential “mixed use” developments, for instance) is the source of surface or groundwater contamination, will the business responsible for contamination be held liable/responsible for abating the contamination? How will the source of contamination be investigated/proven, and who will pay for the investigation?

O-1-43

**Comment 1E: Protection of Groundwater Recharge Areas**

The dEIR does not contain policies to protect groundwater recharge areas (nor does the 2004 General Plan). This is an important oversight, especially when an increase in zoning densities is being proposed. Land use decisions affecting groundwater recharge areas can reduce the amount of surface *and* groundwater available and impact the quality of each.<sup>9</sup> Thus, water and land use management agencies must work together to identify and protect groundwater recharge areas.

- How much of the proposed development will occur over aquifer recharge areas?
- Are there plans to protect/preserve recharge areas?
- How many recharge areas will be altered by paving, or other land use changes as development proceeds under the policies presented in this dEIR? Will these alterations impact groundwater quality or groundwater recharge rates at these sites?

O-1-44

**Comment 1F Development in Dam Failure Inundation Areas**

If development is allowed in dam failure inundation areas—and a dam fails or otherwise floods developed areas, many contaminants will be released into the water supply. The contaminants

O-1-45

<sup>9</sup> 2003. *California's Groundwater*. State of California Resources Agency, Department of Water Resources. Bulletin 118; October, 2003.

will vary with the type of development allowed in the inundation area, but contaminants are likely to include petroleum products, pesticides, sewage, and miscellaneous household products. This contamination can adversely impact human health, stream and terrestrial wildlife, and riparian habitat.

- Why is development being allowed in dam failure inundation areas? How is this issue handled in other counties?

#### **Additional Question Regarding Higher Density Development and Water Quality**

- Does EDC have enough water to support commitments to existing residents—and landowners with parcels yet to be developed (the approximate 16,000 buildable parcels already “on the books”)—and the zoning expansion proposed under this dEIR? What evidence/data supports the assumptions behind the adequacy of water supply? Does the data take into account water quality issues, dry-year scenarios, the effects of prolonged drought, and global climate change?

#### **Information Requests**

- Groundwater sources needs to be identified, evaluated in terms of sustainability, and mapped. It is well established that this s a critical part of the existing setting. “[T]he EIR does not discuss the volume of water contained in the aquifer or the size of the aquifer. We thus conclude the EIR's discussion of the environmental setting is not in compliance with CEQA Guidelines section 15125.” (*Cadiz Land Co., Inc. v. Rail Cycle, L.P.* (2000) 83 Cal.App.4th 74, 92, 99.)
- Recharge areas need to be identified and mapped to enable planners to avoid impacting these important resources. An EIR must describe the physical conditions and environmental resources within the project site and in the project vicinity, and evaluate all potential effects on those physical conditions and resources. (*County of Amador v. El Dorado County Water Agency* (1999) 76 Cal.App.4th 931, 952.)
- Areas likely/unlikely to support septic systems need to be evaluated and mapped. Existing conditions must be determined in the EIR. Impacts of the project must be measured against real conditions on the ground. Baseline determinations are the first rather than the last step in the environmental review process. (*Save our Peninsula Committee v. Monterey County Board of Supervisors* (App. 6 Dist. 2001) 87 Cal.App.4th 99.)
- Areas likely to be impacted by “urban” (including medium to high density residential) runoff should be mapped. This would enable planners to take this impact under consideration when projects are proposed for specific areas. Mapping these areas will enable county planners to evaluate the extent of the problem in EDC and plan accordingly. Without accurate and complete information pertaining to the setting of the project and surrounding uses, it cannot be found that the EIR adequately investigated and discussed the environmental impacts of the proposed project. (*Cadiz Land Co., Inc. v. Rail Cycle, L.P.* (2000) 83 Cal.App.4th 74, 92, 99.)

#### **Topic 2: Water/Sewage Disposal Other Than Public Water/Sewer**

**Policy 5.2.1.3:** “...would be revised such that medium-density residential, high-density residential, multifamily residential, commercial, industrial and research and development projects **may be required** to connect to **public water systems** if reasonably available when located within Community Regions and to either a public water system or to an approved

O-1-45  
CONT.

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**private water systems in Rural Centers. The current policy requires such development to be connected to public water systems in Community Regions.”**

**Policy 5.3.1.1:** “... would be revised such to state that high-density and multifamily residential, commercial, and industrial projects **may be required** to connect to public **wastewater collection** facilities if reasonably available as a condition of approval. **The current policy requires such development to be connected to public collection facilities.”**

**Page 3.6-10 states:** “The proposed changes to **Policies 5.2.1.3 and 5.3.1.1** would effectively relax the current requirement that higher intensity development connect to public water and wastewater disposal systems to instead **allow development to proceed without connecting to public systems** when public systems are not reasonably available. Because of the lack of reliable groundwater supplies within the county and the size requirements for individual septic system leach fields mandated by building code requirements, **this change would not result in higher intensity development. Instead, it would allow property to be developed, but only to the extent allowed by the site’s physical constraints. Where groundwater supplies are limited or the size of the site is limited, this will typically be a lower intensity of development than could be supported by public water and wastewater disposal systems. This would not result in a substantial alteration or degradation of land use character and therefore would have a less than significant impact.”**

**Comment 2A:** These policies will enable/promote development in areas not suited to the intensity/type of development identified in the policies. Because of the “...*the lack of reliable groundwater supplies within the county...*” (as stated in the dEIR), anything other than low density residential is inappropriate; in fact, even low density residential is problematic due to the unreliability of groundwater as a drinking water source.

For any development areas not supported by public water/sewer, not only is the *quantity* and *reliability* of the groundwater supply in question, but so to is the *quality* of the water supply. If contamination occurs—which is likely because of the fractured rock nature of the aquifers in EDC, and because of the scale and type of development proposed—contamination is not an easy problem to solve. Treatment of aquifers can be very difficult and expensive, and it is not always possible, depending upon the contaminant and the aquifer.

Septic systems are not appropriate for the intensity and type of development identified in the policies. Groundwater contamination in areas of septic tank usage is common and can be difficult to resolve. In addition, septic systems can prove ineffective due to percolation rates, and are highly dependent upon the presence of specific soil types to function properly. Septic systems are appropriate only for low-density residential development.

To indicate that development will “...*typically be lower intensity...development than could be supported by public water and wastewater disposal systems*” contradicts other policy statements. The residential development is, after all, described as “high, moderate, and multi-family” development: This is not “*lower intensity*” development. Thus, the conclusion that implementation of these policies “...*would not result in a substantial alteration or degradation of land use character and therefore would have a less than significant impact*” is false. Development of the intensity and type identified in these policies *will* have a profound impact in areas that lack public water and wastewater facilities. And—if development is allowed to proceed as proposed—the sustainability of such development is questionable.

**Comment 2B: Infrastructure Availability**

Policy 2.1.1.2 of the 2004 General Plan states that **Community Regions** will be established “...to define those areas which are appropriate for the highest intensity of self-sustaining compact urban-type development or suburban type development within the County based on the municipal spheres of influence, **availability of infrastructure**, public services, major transportation corridors and travel patterns.” Thus, proposed policy 5.2.1.3 in essence redefines Community Regions as regions not necessarily served by infrastructure (such as **public water systems**).

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CONT.

As an aside, proposed Policy 5.3.1.1—the companion policy to 5.2.1.3—does not speak to the topic of **public wastewater collection** requirements in Community Regions. Thus, it is not clear whether development in Community Regions is required to rely on public wastewater collection, or not, although the text on page 3.6-10 of the dEIR seems to indicate that development in Community Regions would also be exempt from the requirement to connect to public wastewater collection facilities.

- How much of EDC (land area) will these policies impact?
- Where in EDC is it anticipated most of this development will occur?
- What is the status of the groundwater supply in these areas?
- Are there contingency plans if groundwater/septic systems fail under this intensive development? The County should not be “improperly deferring the study of whether building such a system is feasible until the significant environmental impact occurs.” (*Gray v. County of Madera* (2008) 167 Cal.App.4th 1099, 1118-1119.)
- Does exclusion from the requirement to utilize public wastewater collection apply to development in Community Regions?
- How will the option to not develop on a public water system affect the ability of water purveyors to finance extensions of their public water and wastewater systems? Will a lack of customer density prevent some extensions in Community Regions, Community Centers, and/or Rural Regions? What effect will this have on water quality?

O-1-48

### Topic 3: Expansion of Commercial/Industrial into Rural Regions

**Policy 2.2.1.1: Commercial and Industrial.** “The General Plan states that commercial designations are “considered appropriate only within Community Regions and Rural Centers.” Industrial designations are allowed in Community Regions and Rural Centers, but in Rural Regions only when “constrained to uses which support on-site agriculture, timber resource production, mineral extraction, or other resource utilization.” **The TGPA proposes to change current policy restrictions that prohibit commercial and industrial land use designations in the Rural Regions.**”

**Policy 2.2.1.2. Industrial.** “The requirement that industrial lands be restricted to areas within, or in close proximity to Community Regions and Rural Centers would be deleted. **The requirement that industrial lands in rural regions have more limited industrial uses—for support of agriculture and natural resource uses—would be deleted.**”

Page ES-6, states, “The list of allowable uses in the **rural regions** has been increased to provide additional **agricultural support, recreation, home occupation, and other rural residential, tourist-serving, and commercial uses.**”

**Section 17.25.010 and 17.25.020 (Recreational Facilities, Low-intensity [RFL] and Recreational Facilities, High-intensity [RFH])** “RFL zoning would be allowable in **Rural Regions**

and Rural Centers; RFH zoning would be “**primarily located** in Community Regions and Rural Centers.” This includes: campgrounds, golf courses, off-highway vehicle recreation areas, ski areas, large amusement complexes, outdoor entertainment, hotel/motel.

**Comment 3A: Development Suitability**

The 2013-2021 Housing Element Update (October 29, 2013) states: “*Since many of these areas are in the Rural Regions...devoid of services (e.g., no water or wastewater services, limited road access), they are generally not suitable for residential development.*” And yet these policies propose to allow development that will include commercial, industrial, agricultural support (undefined), recreation (unspecified), home occupation, (multiple commercial possibilities) and other rural residential, tourist-serving (undefined), and commercial uses. Not only is the majority of this development inappropriate in Rural Regions, it will seriously impact surface and groundwater quality, largely because groundwater and septic systems will be relied upon for water supply and waste disposal, and because some of these types of developments have the potential to generate runoff pollution which could contaminate existing water supplies.

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**Comment 3B: Impact of Commercial/Industrial/Recreational Expansion**

Expansion of commercial, industrial, “agricultural support,” recreation, home occupation, and other “tourist-serving” uses into rural regions means more development will depend on groundwater supplies. Not only are these supplies limited, they are unreliable.<sup>10,11,12</sup> EID has stated that because of the unreliable nature of underground water sources in EDC, “...ground water will not be relied on to augment firm yield supply or as a sole source of water for domestic, irrigation, or fire-fighting purposes.”<sup>13</sup> We can assume this statement also applies to commercial/industrial/recreational development, which is in fact likely to require more water than “domestic.”

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**Comment 3C: Contamination of Surface and Groundwater Supplies**

Contamination of surface and groundwater supplies will become a significant problem in rural regions where commercial, industrial, “agricultural support,” recreation, home occupation, and other “tourist-serving” type development rely on groundwater and septic systems or waste “holding ponds” for wastewater disposal. If contamination occurs—which is likely because of the fractured rock nature of aquifers in EDC—it is not an easy problem to solve. Treatment of aquifers can be very difficult and expensive, and it is not always possible, depending upon the contaminant and the aquifer. In areas where sewer is available—but groundwater is used as a water source—the aquifer is likely to fall into “overdraft” (because it is not recharged by septic effluent). This can adversely impact the quantity of water available for adjacent residential users.

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Current EDC “Post Construction Runoff Control Procedures” are vague concerning control and treatment of runoff, and the potential runoff contamination from the various development types allowed under this proposal is considerable.

<sup>10</sup> State Water Resources Control Board. 2005. *Draft Voluntary Domestic Well Assessment Project: El Dorado County Data Summary Report*. State Water Resources Control Board, Groundwater Ambient Monitoring and Assessment Program, September, 2005.

<sup>11</sup> United States Geological Survey. 2014. *Fractured-Rock Aquifers: Understanding an Increasingly Important Source of Water* <http://toxics.usgs.gov/pubs/FS-112-02/>.

<sup>12</sup> El Dorado County Water Agency. 2007. *Water Resources Development and Management Plan*. Publication No. EDCW06-001. \_December, 2007. [http://www.edcgov.us/Water/final\\_water\\_resources\\_plan.html](http://www.edcgov.us/Water/final_water_resources_plan.html)

<sup>13</sup> El Dorado Irrigation District. 2006. *Board Policies and Administrative Regulations*.

Allowing off-highway recreational vehicles in rural regions has its water quality consequences, too. In the case of the Rubicon River, the sanctioned use of off-highway recreational vehicles resulted in periodic trail closures due to biological contamination.

### Questions Regarding Expansion of Commercial/Industrial/Recreational into Rural Regions

- Has groundwater availability and septic system viability been assessed in areas likely to be developed under these policies?
- Are current EDC “Post Construction Runoff Control Procedures” adequate to prevent groundwater contamination due to potential runoff from the proposed expansion of development types into rural regions?
- If riparian areas (including streams/lakes/rivers/vernal pools) are present on lands to be developed, how will they be protected from commercial/industrial, etc. pollutants that are likely to enter aquifers and resurface as contaminated surface water?
- Could the extension of these additional uses into Rural Regions reduce the availability of good quality water for groundwater-dependent agricultural enterprises? How does this achieve the objective of the TGPA to “protect agriculture in the county.” (DEIR, p. 2-2.)

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CONT.

### Topic 4: Revision of Community Region and Rural Center Boundaries

**Policies 2.9.1.2, 2.9.1.3, and 2.9.1.4:** *“Criteria for establishing Community Region and Rural Center boundaries would be amended by deleting the restriction that boundaries can be amended every 5 years; **this revision would allow revisions to the boundaries to be initiated by Board of Supervisors whenever necessary.**”*

**Comment 4A:** Revision of these policies to allow the Board of Supervisors (BOS) to revise Community Region/Rural Center boundaries whenever they deem appropriate would enable the BOS to create higher density development zones at will, any place, any time. Because the expansion or creation of such Regions/Centers would entail an increase in the intensity of development in these areas, water quality could be seriously impacted as development activity increases. For instance, if Region/Center lines are expanded, or if new Regions/Centers are created in areas that lack support services (such as a public water supply/sewer), the impact on groundwater could be significant and adverse. Groundwater could fall into overdraft due to increased demand, and contamination from septic systems and runoff would likely occur.

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- What provisions will be made to enable community members to define their own communities?
- Will communities impacted by changes in community region and rural center boundaries be involved in the decision making process?
- Will such changes require an environmental impact analysis?

### Topic 5: Infill

**New Policy 2.4.1.5:** *“This policy would set criteria for and identify infill sites and **opportunity areas** and provide, through an implementation measure, **incentives for development** of these vacant/underutilized areas. Implementation may support the use of mixed-use and **“formbased” codes**. These policy changes **would not include amending the land use designations or increasing the densities** currently provided for in the General Plan.”*

**Page 3.4-29 states: Proposed Amendment to Policy 2.4.1.5 (infill development)**

*“This amendment would encourage infill development on sites of up to 5 acres in size in existing communities where...the site does not have habitat value for endangered, rare, or threatened species. Because of the rural nature of the county, infill development of this size may have the potential to adversely affect biological resources... Restricting this policy to sites without habitat for endangered, rare, or threatened species does not protect other special-status species. **This impact would be significant and unavoidable.**”*

**ES.1.2 ZOU** *“Alternative options for open space requirements have been provided that are part of a planned development to provide **more flexibility and incentives for infill development** and use that focuses on **recreation** in Community Regions and Rural Centers.”*

**Table 3.1-2. Proposed Amendment to Policy: (New) Policy 2.4.1.5**

*“The County shall implement a program to promote infill development in existing communities...[when]...d) Approval of a project would not result in any significant effects relating to traffic, noise, air quality, **or water quality.** e) The site can be **adequately served** by all required utilities and public services.”*

**(New) Implementation Measure:** *Promote Infill Development: “The program shall be linked to land-use, housing, air quality, transportation and circulation strategies that support development within existing communities, reduce vehicle miles traveled, increase energy efficiency, and encourage the development of affordable housing. The program shall include, but not be limited to:*

- a. Adopt criteria to be used within existing communities with developed areas currently capable of being served by **public water and public or private sewer**;*
- b. Provide incentives for residential and commercial infill development including **financial incentives** for pedestrian-oriented and transit-friendly design features;*
- c. **Amend the zoning code to include a new Traditional Neighborhood Design zone within Commercial and Multi-Family Land Uses;***
- d. **Support medium and high density residential or mixed use development** along commercial and transportation corridors;*
- e. Develop and utilize approved standard plan types (i.e., **zero-lot line**, duplex with carriage house unit over garage, **z-lot**, **bungalow**, etc.) to **streamline the approval process** for infill projects. **Standard plans shall include various housing and commercial types and styles.** Standard plan(s) approved as part of a project shall be compatible with neighboring residential or commercial district patterns for which the development is located; and*
- f. Develop or update, as considered necessary, applicable community plans, specific plans and design guidelines to incorporate pedestrian-oriented, transit-friendly, and or energy efficient configurations design as primary goals.”*

*“This proposed policy would promote infill that is consistent with the applicable general plan designation within existing communities. Because **it would not result in an increase in allowable development intensity**, this amendment would not substantially change impacts on existing scenic views of implementation of the General Plan.”*

**Comment 5A: Infill Development Impact on Water Quality/Quantity**

Infill projects will have a significant negative impact on water quality/quantity. Policies related to infill will have the effect of increasing residential/commercial/industrial development on parcels that currently are vacant or “underutilized.” This is likely to mean more development will occur that will be dependent on groundwater and septic systems, a scenario that is likely to result in contaminated aquifers and adjacent wells.

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Incentivizing such development will not only promote growth in areas not previously developed, it will promote development types not previously allowed (i.e., it will incentivize “mixed-use” development). This equates to an increased demand on water supply and, in some areas where groundwater/septic tanks/wastewater “holding ponds” are used, contamination of surface and groundwater will likely occur. Especially in the case of commercial, industrial, research and development type projects, the contamination potential is significant.

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CONT.

**Comment 5B: Density or Intensity?**

Implementation of this policy may also have the effect of increasing densities in infill properties, which can in turn impact water quality. Although Policy 2.1.4.5 states that policy changes would not amend land use designations or **increase densities**, and would “...be consistent with the General Plan and zoning provisions applicable to the given site,” it is unclear if this would be the case because new policies “amend the zoning code to include a Traditional Neighborhood Design zone within Commercial and Multi-Family Land Uses.” Plus, it is acknowledged implementation of this policy may entail the development and utilization of “...**zero-lot line, duplex with carriage house unit over garage, z-lot, bungalow, etc.**,” and that there will be a thrust to “**Develop or update, as considered necessary, applicable community plans, specific plans and design guidelines...**” And finally, one description of the policy states, “Because it would not result in an increase in allowable development **intensity**, this amendment would not substantially change impacts...”

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Which is meant? That implementation of this policy will not impact development *density* or *intensity*, or neither? It is unclear what all of this means—or could mean. The specifics of this policy change need to be spelled out in a manner that facilitates an understanding of the scope of the impact. An accurate and complete project description is necessary to fully evaluate the project’s potential environmental impacts. (*El Dorado County Taxpayers for Quality Growth v. County of El Dorado* (App. 3 Dist. 2004) 122 Cal.App.4<sup>th</sup> 1591.)

**Comment 5C: Project “Criteria” and Impact Evaluation**

Because the criteria for infill sites have not been established, it is not possible to evaluate the impact of this policy. (While the impact on biological resources has been identified as “...*significant and unavoidable*,” presumably criteria could be established that are stringent enough to avoid impact at the “significant” level.)

- What analysis of the criteria/impacts have been performed to arrive at the conclusion regarding the scale of impact?
- What analysis has been performed to determine if a balance between infill and impact can be modified to reduce impact?
- What specific data/information is the impact determination based upon? An EIR must contain facts and analysis, not just the bare conclusions of the agency, and must provide sufficient detail so that those who did not participate in its preparation can understand and consider meaningfully the issues raised by the proposed project. The decision to approve a project is a nullity if based upon an EIR that does not provide the decision makers and the public with the required information about the project. (*Bakersfield Citizens for Local Control v. City of Bakersfield* (2004) 124 Cal.App.4<sup>th</sup> 1184.)

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**Comment 5D: More Policy Terminology**

Terminology used within the infill policy make assessment of the impacts of policy implementation unclear. For instance, the description of policy 2.4.1.5 reads, “*This policy would...identify infill sites and **opportunity areas**...*” and states that implementation “...may

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support the use of **mixed-use** and **“formbased”** codes.” “Opportunity areas,” “mixed use,” and “formbased codes” are not defined. This terminology must be defined to facilitate an understanding of how these elements influence project design. EIRs must be “organized and written in a manner that will be meaningful and useful to decisionmakers and to the public.” (Pub. Resources Code, sec. 21003, sub. (b).)

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CONT.

Also, while *mixed use* and *formbased* codes are identified as elements of “policy change,” they apparently “... would not include amending the land use designations or increasing the densities currently provided for in the General Plan.” If they do not impact land use designations or densities, how do they facilitate infill projects? How do they function?

#### **Comment 5E: Project Incentives and Streamlining**

What project “incentives” are on the table? For instance, could *density bonuses* or *streamlining* be part of an “incentive” package? Analysis of this proposed policy by the public requires that these incentives be identified in the dEIR (i.e., the type and scale of incentives can define project impact; project impact can be modified by limiting/modifying project incentives.)

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Exactly how development will be “encouraged” on vacant or underutilized parcels is not defined. The method of accomplishing this “encouragement” is important, and could equate to a significant impact in these areas.

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#### **Comment 5F: Impact Evaluation**

The statement that “*This impact would be significant and unavoidable*” is true only to the extent that projects are allowed to proceed in a manner that is incompatible with the character of the community and the natural environment in which they are placed. Careful planning could mitigate impacts. The County cannot just leap to the conclusion that the impacts will be significant and unavoidable, and approve a statement of overriding considerations. All feasible mitigation must be adopted, and other mitigation properly found infeasible, before an agency can make a statement of overriding considerations. (*Los Angeles Unified School District v. City of Los Angeles* (1997) 58 Cal.App.4<sup>th</sup> 1019.) Adopting a statement of overriding considerations does not justify certification of the EIR absent adoption of the mitigation measures. (*City of Marina v. Board of Trustees* (2006) 39 Cal.4<sup>th</sup> 341.)

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#### **Questions Regarding Infill**

- What is the definition of “opportunity areas”?
- It is stated that this policy will “... set criteria for and identify infill sites and opportunity areas.” Who will set the criteria? Why hasn’t the criteria been established prior to the development of this project (dEIR)? How can the public adequately determine potential impacts without knowing what the “criteria” will be? Has EDC staff make impact determinations without knowing the criteria? This statement defers mitigation in the absence of a commitment to meet a clear mitigation standard. CEQA does not allow this. When approving projects that are general in nature (e.g. general plan amendment), agencies must develop and approve whatever general mitigation measures are feasible, and cannot merely defer the obligation to develop mitigation measures. (*Citizens for Quality Growth v. City of Mount Shasta* (3 Dist. 1988) 198 Cal.App.3d 433, 442.) “The CEQA process demands that mitigation measures timely be set forth, that environmental information be complete and relevant, and that environmental decisions be made in an

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accountable arena." (*Oro Fino Gold Mining Corporation v. County of El Dorado* (3d Dist. 1990) 225 Cal.App.3d 872, 884-885.)

- What does "mixed use" include?
- What "incentives" are being offered? The incentives should be identified/defined in the dEIR so the public can evaluate the impact of projects that include incentives.
- Why are infill projects subject to streamlining?
- What are the Open Space "options"?
- What are "formbased" codes? These should be defined in the dEIR/ZOU. If a development based on formbased codes differs from the standards established elsewhere in EDC code, that should be identified and the differences described.
- Does the infill policy allow for the "re-visitation" of properties currently zoned low density residential and—at property owner request—invite a revision to a higher density? Is it possible this could happen under this policy (or any other policy)?
- Why aren't special status species' habitat needs part of this policy? After all, it is only "incentivized" infill—why incentivize development in areas of important wildlife habitat?

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CONT.

## Topic 6: Development Slopes $\geq$ 30 percent

**Page 3.1-14 states:** "Allowing development on slopes of 30% or greater would allow new development to be built higher on slopes. Despite the proposed Zoning Ordinance provisions requiring special consideration of grading, geotechnical engineering, landscaping, and other concerns, **there is no practical means of avoiding the introduction of new structures into natural environments when development would occur in rural areas.** Implementation of **Mitigation Measure BIO-1a:** Limit...development on slopes containing special status species habitat, [which] would reduce this impact. However, **because this type of development would adversely affect the vividness and intactness of scenic views, this impact would be significant and unavoidable.**"

**Proposed Amendment to Policy 7.1.2.1 and Zoning Ordinance Section 17.30.060 (hillside development)** "These amendments would authorize development on slopes exceeding 30% under specified circumstances. **There is no specific development project being proposed at this time, and the number, size, and habitat value of sites to which the proposed amendments might be applied cannot be known because this will depend upon the future proposals of individual land owners.** However, this amendment would expand the area of the county that is suitable for development onto land that has previously been undeveloped."

**Page 3.4-24; Section 17.30.060 (Hillside Development Standards)** "Establishes standards regulating development on portions of existing lots where the natural gradient (i.e., slope) exceeds 30%. **Development could proceed with an erosion and sediment control plan in place. Development would be prohibited on sites where the slope has a vertical height of 50 feet or more and exceeds 30%, except 'where reasonable use of an existing lot or parcel would otherwise be denied.'** In those cases, stricter development standards would apply."

**ES.1.2 Zoning Ordinance Update (ZOU)** "Standards for hillside development, including limitations on the development of slopes that are 30% or greater, have been established. These include the **method for calculating average slope.**"

**ZOU, Page 23; F. Reasonable Use Criteria for Placement of Septic Systems on Existing Legal Lots or Parcels.** "General Plan Policy 7.1.2.1 restricts the placement of **septic systems**

on steep slopes. Where public or private sewer service is unavailable, septic systems are integral to the development of most structures. Thus, the **placement of an effluent disposal field on slopes of 30 percent or greater is considered as part of the reasonable use determination** required for the development of parcels with slopes greater than 30 percent.”  
“Septic system components may be located in areas containing slopes greater than 30 percent **where alternative locations are not feasible** or where the placement would reduce the overall disturbance of slopes.”

**Revise proposed Policy 7.1.2.1 and Section 17.30.060, subsections C and D, as follows.**  
“Development shall be prohibited where ground disturbance would **adversely affect important habitat** through conversion or fragmentation and shall comply with the provisions of General Plan Policy 7.4.1.6 regarding avoidance of important habitats. In order to demonstrate that adverse effects on important habitat will be avoided, the development proponent shall submit an independent **Biological Resources Study**, to be prepared by a **qualified biologist**, which examines the site for important habitat...Measure CO-U. Where required by the Grading Design Manual, technical studies from **qualified professionals, such as** soils or geotechnical reports to assess the erosion potential or slope stability may be required.”

**Revised Policy 7.1.2.1:** “Development or disturbance of slopes over 30% shall be **restricted**. **Section 17.30.060(D): Exemptions.** **”Agricultural activities that utilize [Best Management Practices] BMPs, as recommended by the County Agricultural Commission and adopted by the Board.”**

**Mitigation Measure BIO-1a:** “The proposed relaxation of the prohibition on development on slopes of 30% or greater would potentially result in a significant and unavoidable impact...Mitigation Measure BIO-1a would reduce this impact, but not below the level of significance. **This would be a significant and unavoidable impact.**”

**Comment 6A: Grading and Hillside Ordinances**

Development on slopes  $\geq 30\%$  will have a significant impact on water quality. Septic effluent will be likely to “daylight” as it travels downslope. Effluent will travel down fractured rock aquifers and—if development occurs in a high-density residential development served by private wells—effluent from residences upslope will contaminate neighborhood wells downslope. Septic effluent is also more likely to contaminate nearby surface water sources as it travels downslope into aquifers that feed surface water, or as it combines with subsurface runoff that enters streams.

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**Comment 6B: Unknown Impact**

The TGPA states, “...the number, size, and habitat value of sites to which the proposed amendments might be applied cannot be known...” This does not constitute a reasonable and fair assessment of the impact. Topography maps of the county, and/or other sources of such information, could easily delineate areas of  $\geq 30\%$  slope, and this information—coupled with known zoning densities, and in some cases, on-site review—would enable planners to estimate the scope of impact of development under this policy. (Remember, the project description must include “precise boundaries” of the project on a “detailed map, preferably topographic.” (See CEQA Guidelines, sec. 15125, subd. (a).) For this part of the project, that would be a map of areas of the county with private land over 30% slope.) This analysis should be done in order to provide a fair and balanced estimate of the impact policy implementation.

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**Comment 6C: Previously Undeveloped Areas**

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Because this amendment will expand the area of EDC that is “suitable for development onto land that has previously been undeveloped” there will be more pressure on water resources, including groundwater. Groundwater supplies in EDC are limited, unreliable, and subject to contamination.

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CONT.

**Comment 6D: Biological Resources Study/Technical Studies**

In order to demonstrate that adverse effects on important habitat will be avoided, policy 7.1.2.1 specifies that a *Biological Resources Study* will be prepared by a “qualified biologist.” And, where required by the Grading Design Manual, technical studies will be performed by “qualified professionals, such as...” (undefined).

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The “qualified biologist” is not required to have more than a B.A. degree in an unspecified area of emphasis (other than “biology.”) and—regarding the “technical studies” required under the Grading Design Manual—the area of expertise/qualifications of “qualified professionals” are not specified. The specifics regarding these “experts” need to be clearly identified and defined. These individuals must have appropriate credentials and ideally be from a pool of individuals independent of interests that would bias their analyses. Thus, the “pools” from which these individuals are chosen should also be identified/defined.

**Comment 6E: Agricultural Activities**

Agricultural activities utilizing Best Management Practices (BMPs) (“as recommended by the County Agricultural Commission and adopted by the Board”) are exempt from restrictions on the development of slopes  $\geq 30\%$ . (Section 17.30.060[D]). **This exemption is inappropriate.** Agricultural areas are now subject to a full array of development opportunities (see **Topic 8**) and should be able to accomplish development goals without disturbing slopes  $\geq 30\%$ .

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**Comment 6F: Significant and Unavoidable**

The impact of development on slopes  $\geq 30\%$  has been identified in the dEIR as “significant and unavoidable.” Because there is no State mandate to build on slopes  $\geq 30\%$ , this is a *choice* that county planning is offering for consideration; it should be rejected.

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**Questions Regarding Development on Slopes  $\geq 30\%$ :**

- What mandatory obligations are fulfilled by allowing development on slopes  $\geq 30\%$ ?
- How many *current* parcels in the county are now unbuildable that could be developed if this policy is implemented? How much development could occur on parcels with slopes **up to** 30%? How many parcels with slopes **greater than** 30% could be developed?
- What “stricter development standards” would apply to development on slopes exceeding 30%? Have these standards been developed? If not, who will develop them? Why have the details of this mitigation measure been deferred?
- How does EDC’s method for calculating average slope ensure that the data points used provide an appropriate statistical sample of the project area? Is the procedure current and available to the public?
- Will commercial/industrial development be allowed on slopes  $\geq 30\%$ ?
- What actions will the county take if/when septic systems approved for use by the county begin to “daylight” and/or contaminate wells/surface water adjacent to development on slopes  $\geq 30\%$ ?
- How will groundwater recharge areas be impacted by development on land with slopes  $\geq 30\%$ ?
- Who will be legally/financially responsible for the consequences of approving such development?

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- Have any “biological resources studies” been performed in EDC? Does EDC have a defined process under which to perform these studies (established guidelines)? If so, who defined what is to be evaluated? If the guidelines under which the studies are to be performed have not been established, when will they be established? By whom?
- What technical studies required under the Grading Design Manual have been conducted? What “*qualified professionals*” were used for the study, and what were their credentials? What standards have been established for the development of such a study?
- What BMPs would mitigate development on slopes  $\geq 30\%$ ? What is meant by BMPs “as recommended by the County Agricultural Commission and adopted by the Board”? Are these BMPs the County Agricultural Commission developed, or BMPs developed by another entity/agency/department?

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CONT.

## Topic 7: Expanded Home Occupancy Activities

**Policy 8.2.4.2. Special Use Permit.** “This policy would be amended to **eliminate the requirement for a special use permit** for all visitor-serving uses, and instead **would establish standards, permitted uses, and requirements for permits** in the various zone districts in the Zoning Ordinance.”

**Page ES 6 states:** “A range of intensities for home occupations, based on size and zoning of parcels, has been provided, and **standards have been established** for the use of accessory structures, ingress and egress of customers, and number of employees. This includes provisions for “cottage food operations.”

**Page 2-13 states:** “Provide a range of intensities for home occupations, based on size and zoning of parcels, and **establish standards** for the use of accessory structures, ingress and egress of customers, and number of employees. This includes provisions for “cottage food operations” (small, home-based producers of food for commercial sale) as now allowed under state law.”

**Page ES 6 states:** “The list of allowable uses in the **rural regions** has been increased to provide additional agricultural support, recreation, **home occupation**, and other rural residential, tourist-serving, and commercial uses.”

**Page 3.6-11 states:** “However, the proposed provisions for **Health Resort and Retreat Centers, Agricultural and Timber Resource Lodging, and Ranch Marketing could substantially alter the character of agricultural and timber resource areas.** A Health Resort and Retreat Center ...would be considered **an expanded home occupation** under the proposed Zoning Ordinance. It would be permitted in the PA (planned agricultural), AG (agricultural grazing), FR (forest resource), and TPZ (timber production) zones upon approval of a CUP, provided that it has been deemed consistent with surrounding agricultural uses by the Agricultural Commission. **No maximum size limit is proposed.** Although the CUP requirement would allow the imposition by the County of restrictions intended to reduce a resort/retreat center’s aesthetic, noise, and traffic impacts, **this type of use could nonetheless substantially alter the existing character of the agricultural or timber production area** by introducing new structures and activities that are different from existing uses. **The proposed right to farm ordinance (section 17.40.290 of the ZOU) will reduce this impact by limiting conflict between agricultural uses, including within the FR and TPZ zones, and resort/retreat center uses.** This impact would be reduced to a less than significant level by **Mitigation Measure AG-1a: Amend the ZOU to limit the size of proposed Health Resort and Retreat Centers.**”

**Comment 7A: Home Occupancy Activities and Water Quality**

Allowing home occupancy activities could seriously impact water quality, especially in areas that rely on wells/septic systems. Home occupations such as auto repair businesses, hair salons, veterinary clinics, etc. utilize toxic chemicals/substances that can contaminate surface and groundwater sources. Runoff from auto repair sites, septic effluent from clinics and other home businesses can contaminate aquifers and nearby surface water.

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**Comment 7B: Resorts and Retreat Centers**

Because health resorts and retreat centers will be considered home occupations in areas allowing residential uses (including "...*Agricultural, Rural Lands, Resource, Commercial and Special Purpose zones*"), criteria needs to be established for the size/function of this type of development. These criteria need to be established before the impact of such development can be accurately assessed. Because groundwater/septic would need to be relied upon to support this development in many areas, size restriction is important.

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**Questions Regarding Home Occupancy**

- Since home occupancy activities will be allowed in rural regions, how will the drinking water sources of adjacent residences be protected from possible contamination by chemicals not normally associated with residential living?
- Why abolish the current system under which Special Use Permits are acquired?
- Will neighbors of those engaged in home occupations have a forum to voice concerns and objections prior to the approval of home-based businesses if the Special User Permit process/requirement is dropped?
- What recourse will residents have to "close down" a home occupation business that is "disruptive" or that contaminates adjacent well water supplies?
- Have "standards" for home occupancy activities been established? The discussion under Policy 8.2.4.2. states "...*This policy...**would establish standards, permitted uses, and requirements for permits.***" While page ES 6 states: "...**standards have been established for the use of accessory structures...**" and page 2-13 states "...**establish standards for the use of accessory structures...**" If these standards have not been developed, who will develop them? Will the public be involved? How can the impact of home occupancy activities be reasonably evaluated if the standards have not yet been developed? Why is the formulation of this mitigation being impermissibly deferred?
- How would allowing home occupations impact residential Covenants, Conditions and Restrictions (CCRs)? Would this new policy take precedence over CCRs?
- Why has no size limit been imposed on health resorts and retreat centers? Could a large "home" be built that predominantly serves as a resort or retreat and therefore "skirt" zoning ordinances?
- What are "Special Purpose" zones? Have they been defined? These zones—and the activities allowed in them—need to be described to enable an evaluation of their potential impact.

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**Topic 8: Agricultural Expansion/Zoning Changes**

**ES.1.2 ZOU Allowed uses in the agricultural and rural lands zones have been expanded to provide opportunities for agricultural support, recreation, and rural commercial activities, including ranch marketing on agricultural grazing land.**

**Policy 2.2.5.10:** Agricultural Support Services. *“Delete policy requirement for special use permit for agriculture support services; incorporate standards and permitted into Zoning Ordinance.”*

**Revised Policy 7.1.2.1 and 17.30.060(D):** Agricultural activities that utilize BMPs *“...as recommended by the County Agricultural Commission and adopted by the Board...”* are exempt from restrictions on the *“prohibition on development or disturbance”* of slopes  $\geq 30\%$

**Policy 7.4.2.2:** *“Horticultural and grazing projects on agriculturally designated lands are exempt from the restrictions placed on disturbance of natural areas when utilizing “BMPs” recommended by the County Agricultural Commission and adopted by the Board of Supervisors when not subject to Policy 7.1.2.7.”*

**Policy 7.4.2.9:** *“The Important Biological Corridor (-IBC) overlay shall apply to lands identified as having high wildlife habitat values...except...Agricultural Lands...”* **“Lower thresholds for grading permits...”**

**Policy 8.2.4.2:** Special Use Permit. *“This policy would be amended to eliminate the requirement for a special use permit for all visitor serving uses, and instead would establish standards, permitted uses, and requirements for permits, in the various zone districts in the Zoning Ordinance.”*

**Policy 8.2.4.4:** *“The proposal considers amending the policy to allow for ranch marketing activities on grazing lands.”*

**Proposed Zoning Ordinance Section 17.21.020 (land uses in Agricultural, Rural Lands, and Resources Zones)** *“Agricultural, Rural Lands, and Resources land uses...include some uses (e.g., Feed and Farm Supply Store; **Industrial, General; Off-Road Vehicle Recreation Area**) that are typically intensive...”*

**Page 3.2-17 states:** *“...key provisions that have the potential to remove agricultural land from production are the change to **Ranch Marketing** and the introduction of **Health Resort and Retreat Center** as a potential use. Ranch Marketing (Section 17.040.260)...can include outdoor entertainment and **concerts**... The matrix in Section 17.21.020 also would allow a number of intensive land uses in these zones: **Industrial...Off-Highway Vehicle Recreation...Ski Area...Public Utility Services Facilities...**”*

**ES.1.2 ZOU** *“The list of allowable uses in the rural regions has been increased to provide additional **agricultural support, recreation, home occupation, and other rural residential, tourist-serving, and commercial uses.**”*

**Comment 8A: Expansion of Allowed Uses in Agricultural Districts**

The dEIR proposes sweeping changes to the agricultural lands of EDC. According to the dEIR, the TGPA/ZOU would add 17,241 acres to the Agricultural Districts, and expand allowable uses/activities in these districts. The expansion of agriculturally designated lands—in combination with the expansion of allowable activities on lands zoned agricultural—will impact water quality (and quantity) in numerous ways. It will not only add agricultural contaminants to new regions of EDC (pesticides, herbicides, nitrates, animal waste, etc.), but also contaminants from industrial, off-highway vehicle recreation, ski areas, public utility services facilities, health resorts, retreat centers, home occupation businesses, recreational facilities/activities, and an unspecified category identified as **“general.”** Contaminants from any/all of these activities will

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enter streams, lakes, rivers and groundwater aquifers in these largely rural areas. Because some of these agricultural lands overlay aquifer recharge areas, contamination of groundwater—and ultimately, of surface water—from groundwater sources is inevitable.

- What were the 17,241 acres of land zoned before they were included in the Agricultural Districts?
- Did they previously fall under the list of agricultural zoning designations that provide for the maintenance of “permanent open space”?
- Were they designated Open Space (OS) Zones?
- Because much of this land now supports wildlife, wildlife corridors, riparian habitat, etc., what mitigation is being proposed to offset the impact on these species/communities?
- What uses/development will be allowed under the “general” category?

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CONT.

#### **Comment 8B:**

The dEIR states that the TGPA proposed to “...remove 137 acres that have been determined unsuitable for agricultural use.” What criteria were used to remove acreage from an agricultural designation? On page 231 of the dEIR, correspondence (via email) from a landowner to Planner Lillian McLeod indicates that landowners with land in agricultural districts had to “opt in” to keep their properties zoned agricultural; if they did not respond to the letter, their property defaulted to residential zoning. Not only does this procedure sound inappropriate, it may not be legal; it is the equivalent of the “slamming” practices employed by telecommunications companies. What if the landowner was away on an extended stay or ill, and was therefore unable to respond? What if the letter was lost in the mail or misplaced?

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This “selection process” runs counter to the statement on page ES-1 of the dEIR that states the TGPA removed “... 137 acres that have been determined unsuitable for agricultural use;” the correspondence cited above identifies different criteria for the removal of acreage from the agricultural designation. Thus, while Policy 8.1.1.2 identifies the criteria used to *include* land in the Agricultural District boundary, the terms of exclusion seem less measured, and in fact, independent of any such criteria. Apparently the County Agricultural Commission identified parcels to be added or removed from agricultural zones, but this determination was followed by opt-in letters to landowners.

- How does EDC justify using an “opt-in” method for zoning revision when “opt-out” would be more appropriate? Are there concerns that this might look like an attempt to marginalize agriculture?

#### **Comment 8C: Exemptions**

In addition to the numerous expanded activities allowed in agricultural districts, many of the mitigations imposed on development in other zoning categories have been relaxed or exempted for Agricultural Districts. These include:

- exemption from the prohibition on development on slopes  $\geq 30\%$  (for agricultural activities that utilize best BMPs);
- exemption from restrictions placed on the disturbance of natural areas (when utilizing BMPs);
- exemption from restrictions imposed under the The Important Biological Corridor (IBC) overlay that applies to lands having high wildlife habitat value;
- lower thresholds for grading permits; and
- exemption from the requirement for a special use permit for all visitor serving uses and agricultural support services.

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The exclusion/relaxation of these elements will not only impact wildlife and wildlife habitat in agricultural districts, but it will have a significant adverse impact on surface and groundwater quality. Grading of areas adjacent to (or in) riparian/stream buffer areas will have a serious, direct impact on water quality (and on the wildlife value of such areas). Development on slopes  $\geq 30\%$  will impact water quality (as described under **Topic 6** of this Water Quality discussion). While the disturbance of natural areas and development on slopes  $\geq 30\%$  is to be mitigated by adherence to BMPs, the specifics of the BMPs are not identified in this dEIR, other than to say they are “...recommended by the County Agricultural Commission and adopted by the Board...” That is not to say the BMPs are supported by field study and performance standards, only that they have been approved by a commission and a board, at least one of which is not in the position to judge the merits of BMPs. In the Final EIR, please list the BMP’s and provide some indication of how effective they have been in El Dorado County or elsewhere. “[A] project proponent’s prior environmental record is properly a subject of close consideration in determining the sufficiency of the proponent’s promises in an EIR. (Laurel Heights Improvement Association of San Francisco v. Regents of the University of California (1988) 47 Cal.3d 376, 420.)

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CONT.

The elimination of special use permits for “visitor serving uses,” and “agricultural support services” and (in their place) the establishment of “...standards, permitted uses, and requirements for permits,” means that there will be no requirements in place for an undetermined amount of time—at least until “standards” are developed. (As an aside, the fact that “requirements for permits” has been added to the list of “in lieu” requirements for special use permits causes some confusion: indicating that “requirements for permits” will be established implies that a permitting process will be reinstated, which runs counter to the language in this new policy.)

- Are the specific BMPs referenced in the dEIR supported by scientific study and are they “widely accepted” standards?
- The terms of the new permit standards need to be outlined in this dEIR to facilitate an evaluation of the impact of this change.
- Who will be responsible for developing standards for “visitor serving uses”?
- What is the expected timeframe for their development?
- Will applications for visitor serving uses be held up until such standards are developed, or will development be allowed to occur without standards?
- Will the standards resemble those currently established under special use permits? If not, how will they differ?
- “Visitor serving uses,” “tourist serving uses,” and “agricultural support services” need to be defined and the allowable “activities” under each itemized.

**Comment 8D: Loss of Agricultural Land and Agricultural “Character”**

It has been acknowledged that changes proposed by the new policies have the potential to remove agricultural land from production. Ranch Marketing, the introduction of health resorts and retreat centers, industrial, off-highway vehicle recreation, ski areas, public utility services facilities, home occupation, agricultural support services, and “...other rural residential, tourist-serving, and commercial uses” all have the potential to transform agricultural districts into highly commercialized districts that no longer support agricultural activities. This commercialization of agricultural districts will in turn seriously impact water quality through the same mechanisms that come into play in commercial districts in urban settings.

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### **Comment 8E:**

Because agricultural operations will expand into areas not previously farmed—assuming these areas will be farmed, and not “commercialized” (i.e., used to support recreation, tourism, etc.)—contamination of surface and groundwater by virtue of nitrates, pesticides, herbicides and other chemicals used for pest control will likely occur. According to the UC Davis Center for Watershed Sciences, agricultural operations are one of the leading contributors to nitrate contamination in drinking water supplies (mainly due to the use of fertilizers). Therefore, this land use conversion—from previously unfarmed areas to farmed areas—will mean that more surface and groundwater contamination will likely occur. The EIR needs to analyze, evaluate, and propose mitigation measures for this potentially significant impact.

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### **Additional Questions: Agricultural Expansion**

- If agricultural enterprises expand into areas adjacent to residential properties where both will be using groundwater and the agricultural operation draws down a common use aquifer to the extent that adjacent private domestic wells are no longer viable, who will be responsible for the homeowner’s loss of water supply? Will the agricultural operation be liable for ensuring continued water supply to its neighbors, or does the expense of redrilling a well or establishing a new well site fall on the homeowner? What does case law say about this?
- Who will be responsible if agricultural operations contaminate wells of adjacent residential properties?
- What measures will be implemented to ensure agricultural operations in areas not served by EID water/sewer do not contaminate surface and groundwater sources?
- Because groundwater is generally an unreliable source of drinking water in EDC, how is groundwater going to support not only the individual agricultural operations, but the “recreational venues” allowed on site?
- What will be done to ensure pesticide use does not contaminate surface and groundwater in areas of agricultural operations?
- Will aquifer recharge areas be identified prior to establishing farming entities on the newly established 17,241 acres?
- Will buffer areas for streams and other sources of surface water be protected from runoff from agricultural sites? Will standards be developed? If so, who will monitor/enforce buffer area requirements? Will different provisions be made for different types of agricultural operations (i.e., row crop/orchard/vineyard/dairy/grazing/etc.)?
- It has been acknowledged in the DEIR that changes proposed by the new policies have the potential to remove agricultural land from production. How is this consistent with the TGPA objective to “protect agriculture in the county”? (DEIR, p. 2-2.)

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## **Topic 9: Reduction of Stream/Riparian Setbacks**

**Page 3.4-28 states:** “*Project Impacts: The proposed ZOU includes Zoning Ordinance Section 17.30.030.G (protection of wetlands and sensitive riparian habitat) that would **establish standards** requiring the avoidance and minimization of impacts on wetlands and sensitive riparian habitat. These standards would apply to all ministerial and discretionary permits proposed adjacent to **perennial streams, rivers, or lakes, any intermittent streams and wetlands shown on the latest U.S. Geological Survey Quad maps, and any sensitive riparian habitat within the county.** Ministerial development would be required to be set back **25 feet from any intermittent stream, wetland or sensitive riparian habitat, or a distance of 50 feet from any perennial lake, river, or stream.** All discretionary development with the potential to impact wetlands or sensitive riparian habitat would require a **biological resource evaluation** to establish the area of avoidance and **any buffers or setbacks required to reduce the***”

**impacts to a less than- significant level** (this would be in addition to any required CEQA analysis). Where all impacts are not reasonably avoided, the biological resource evaluation would be required to **identify mitigation measures** that may be employed to reduce the significant effects. The **proposed code** would also establish greater setbacks from specified major lakes, rivers, and creeks within the county.”

**2004 General Plan Policy 7.4.2.2:** “Where **critical wildlife areas and migration corridors** are identified during review of projects, the County shall protect the resources from degradation by requiring all portions of the project site that contain or influence said areas to be retained as non-disturbed natural areas through **mandatory clustered development** on suitable portions of the project site or other means such as **density transfers** if clustering cannot be achieved. **The setback distance for designated or protected migration corridors shall be determined as part of the project’s environmental analysis.** The intent and emphasis of the Open Space land use designation and of the **non-disturbance policy** is to ensure continued viability of contiguous or interdependent habitat areas and the preservation of all movement corridors between related habitats. **The intent of mandatory clustering is to provide a mechanism for natural resource protection while allowing appropriate development of private property.”**

**2004 General Plan Policy 7.3.3.3:** “The County **shall develop** a database of important surface water features, including lake, river, stream, pond, and wetland resources.”

**2004 General Plan Policy 7.3.3.4:** 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...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. **Until standards for buffers and special setbacks are established in the Zoning Ordinance, the County shall apply a minimum setback of 100 feet from all perennial streams, rivers, lakes, and 50 feet from intermittent streams and wetlands.** These interim standards may be modified in a particular instance if...a different setback is necessary **or would be sufficient** to protect the particular riparian area at issue. 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.

**Policy 7.4.2.3:** “Consistent with Policy 9.1.3.1 of the Parks and Recreation Element, **low impact uses such as trails and linear parks may be provided within river and stream buffers** if all applicable mitigation measures are incorporated into the design.”

**Policy 7.4.2.4:** “Establish and **manage wildlife habitat corridors...and natural resource protection areas to allow for wildlife use. Recreational uses...shall be limited to those activities that do not require grading or vegetation removal.**”

**Policy 7.4.2.8:** “Develop **within five years** and implement an **Integrated Natural Resources Management Plan (INRMP)**...The INRMP shall include the following components: **Aquatic environments including streams, rivers, and lakes; Wetland and riparian habitat...**”

**Policy 7.3.3.5:** “Rivers, streams, lakes and ponds, and wetlands shall be **integrated** into new development in such a way that they enhance the aesthetic and natural character of the site while disturbance to the resource **is avoided or minimized** and fragmentation is limited.”

**Policy 7.4.2.9:** “The Important Biological Corridor (-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...Agricultural Lands...the IBC policies will not apply:** Higher wetlands/riparian retention standards and/or more stringent mitigation requirements for wetland/riparian habitat loss; Increased riparian corridor and wetland setbacks...”

#### **Comment 9A: Stream/Riparian Setbacks**

The riparian/stream setbacks for ministerial projects (25/50 feet) and discretionary projects (50/100 feet) are not based on scientific study; they are wholly inadequate. (For a discussion on stream/riparian buffers and how they may impact water quality, see **Appendix A.**)

It has been established that development and encroachment setbacks should include the entire *active floodplain*<sup>14</sup> of a creek or river to adequately preserve stream banks and associated riparian vegetation. And, while there is no single, abrupt, well-documented threshold setback width that would provide maximum benefits for all riparian functions (because riparian functions have different mechanistic bases and are affected by different site attributes), it is well known that most riparian functions would be affected if setbacks included a buffer of less than **66 feet beyond the active floodplain**. Consequently, narrower widths are not adequate for long-term conservation of riparian functions. (This conclusion is based on a review of the scientific literature.) A recent study of riparian buffers states that for first and second order stream segments<sup>15</sup> **a minimum riparian setback that includes the entire active floodplain plus a buffer of 98 feet of adjacent land (on each side of the active floodplain)** is required; along higher order stream segments (i.e., third order and greater), and along those in or adjacent to conservation lands, **a setback of at least 328 feet—and preferably 656 feet from the active floodplain** is necessary to conserve stream and riparian ecosystem functions, including most wildlife habitat functions. Although these setbacks may seem large—especially relative to those recommended in this dEIR—even these setback distances would not be sufficient for the conservation of many wildlife species with large area requirements. (For instance, some species that live in riparian areas must move to other areas to reproduce, as is the case with pond turtles.) In the Final EIR, provide a more detailed analysis of the wildlife impacts of the new riparian buffer that reflects current available scientific literature on the subject. That is necessary for a “good faith effort at full disclosure.” (CEQA Guidelines, sec. 15151.)

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#### **Comment 9B: Establishing Standards**

To add to the uncertainty regarding the county’s establishment of stream/riparian setbacks, it appears as though—despite the declaration that a 25/50 foot buffer would be applied to ministerial projects, and a 50/100 foot buffer for discretionary projects—standards for stream/riparian setbacks have in fact **not been established**, nor has it been specified when

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<sup>14</sup> *Active floodplain* means the geomorphic surface adjacent to the stream channel that is typically inundated on a regular basis (i.e., a recurrence interval of about 2–10 years or less). It is the most extensive low depositional surface, typically covered with fine overbank deposits, although gravel bar deposits may occur along some streams.

<sup>15</sup> *First order* stream segments are upstream segments that have no tributaries, and *second order* segments are formed by the junction of first order segments.

they will be. The discussion on page 3.4-28 states “Zoning Ordinance Section **17.30.030.G** ...would **establish standards** requiring the avoidance and minimization of impacts on wetlands and sensitive riparian habitat.” The discussion further states, “The **proposed code** would also establish...setbacks from specified major lakes, rivers, and creeks within the county.”

The text on page 3.4-28 includes a statement to the effect that discretionary development would require a **biological resource evaluation** to establish “areas of avoidance and any buffers or setbacks required.”

- When will “standards” and “code” be established? What will they be based on? Will any state/federal agencies with expertise in wildlife habitat issues be included in the development of the standards? Will any state/federal water agencies be involved? Will the standards be subjected to environmental review under CEQA? How can the Board of Supervisors make an informed decision to change the riparian setbacks without knowing the details of these standards? “A prejudicial abuse of discretion occurs if the failure to include relevant information precludes informed decisionmaking and informed public participation, thereby thwarting the statutory goals of the EIR process.” (Kings County Farm Bureau et al. v. City of Hanford (5th Dist. 1990) 221 Cal.App.3d 692, 712 [270 Cal.Rptr. 650].)
- Is the setback under ministerial development (25/50 feet) established, or open to modification? Why does it differ from the setback for discretionary development? Why no “biological resource evaluation”?
- The dEIR states that “Zoning Ordinance Section **17.30.030.G** ...would establish standards requiring the **avoidance and minimization of impacts.**” Which is meant—avoidance or minimization? Or are two sets of standards going to be developed?
- Will residential, etc. development that may impact these resources be “held up” until appropriate setbacks/buffers are established in code?

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#### **Comment 9C: 2004 General Plan Mandatory Cluster Development and Density Transfers**

The legality of General Plan Policy 7.4.2.2 that guarantees “...*appropriate development of private property*...” in the form of “mandatory clustered development” or “density transfers” is called into question. **Requiring** a specific density outcome for a given development project runs counter to the California Environmental Quality Act (CEQA) environmental review process, and undermines the decision making power of the County Board of Supervisors. The “...*appropriate development of private property*” is not something that can or should be wholly determined by the project developer.

O-1-80

#### **Comment 9D: Exemptions and Modifications**

Exemptions from riparian/stream setbacks are allowed under the following circumstances:

- where buffers deny reasonable use of the property, but only when “*appropriate mitigation measures and BMPs*” are incorporated into the project;
- on agriculturally zoned lands used for horticultural and grazing activities (that also employ BMPs); and
- when development in or immediately adjacent to such features is planned “...*so that impacts on the resources are minimized;*”
- when EDC makes findings—based on documentation “*provided by the project proponent*”—that “*avoidance and minimization*” are infeasible; and
- if “...*a different setback is necessary or would be sufficient to protect the particular riparian area at issue.*”

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All of these exceptions mean that riparian/stream buffers are not universally applied and the result is fragmentation of riparian zones. This fragmentation seriously impacts water quality and the value of riparian areas to wildlife, and should be avoided. The Final EIR must analyze, evaluate, and provide mitigation measures for this potentially significant impact.

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#### **Comment 9E: Activities Allowed in Riparian/Stream Buffers**

The activities allowed in riparian/stream buffers that degrade the quality of the riparian zone include:

- "...low impact uses such as **trails and linear parks**...within river and stream buffers if all applicable mitigation measures are incorporated into the design;"
- **Recreational uses**...in "**managed** wildlife habitat corridors" limited to activities that do not require grading or vegetation removal; and
- **Integrated** rivers, streams, lakes and ponds, and wetlands that "...enhance the aesthetic and natural character of the site while disturbance to the resource is avoided or minimized and fragmentation is limited."

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These allowed uses may please people, but they are destructive to wildlife habitat and water quality and quantity.

#### **Comment 9F: Natural Resources Management Plan**

According to the 2004 General Plan, a Natural Resources Management Plan (INRMP) was to be developed "within five years" of Plan approval. The INRMP was to include strategies for the protection of "...aquatic environments including streams, rivers, and lakes; Wetland and riparian habitat..." As of this date, the plan has not been developed.

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#### **Comment 9G: Riparian/Stream Setbacks**

Two citations (based on field study) say all that needs to be said regarding the impact agricultural and other types of development have on riparian and stream ecosystems:

- Developed land uses (including agricultural uses) within recommended buffer setbacks preclude the effectiveness of setbacks.<sup>16</sup>
- Conversion of large portions of a watershed or region to developed and agricultural land uses is associated with broad negative effects on riparian and stream ecosystems.<sup>17</sup>

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The Final EIR must analyze, evaluate, and provide mitigation measures for this potentially significant impact.

#### **Comment 9H: Efficacy of Riparian/Stream Setbacks**

On whole, this dEIR does not present a reasonable plan for the protection of stream/riparian environments. The assumptions and criteria used to develop "protections" aren't based on science, and most of the "plans" to protect these areas are either not yet established, or to be established by individuals of unknown qualifications, whose findings are presented to governing bodies not qualified to assess the scientific basis of the recommendations/plans.

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#### **Additional Questions Regarding Riparian/Stream Setback**

<sup>16</sup> Jones & Stokes. *Setback Recommendations to Conserve Riparian Areas and Streams in Western Placer County*. 2005. February, 2005.

<sup>17</sup> Findlay and Houlahan 1996, Roth et al 1996, Booth and Jackson 1997, Magee et al. 1999, Doyle et al. 2000, Paul and Meyer 2001, Allan 2004, Hatt et al. 2004, Pellet et al. 2004, Wissmar et al 2004, and Jones & Stokes 2005).

- Has EDC developed a database of important surface water features as indicated in the 2004 General Plan?
- How many parcels in EDC are unbuildable if effective riparian/stream buffers are instituted?
- What is the (revised) schedule for development of the INRMP. How can the public—or planning staff—determine the impact of projects on these resources without this plan in place (since its provisions are not yet defined)?
- What surface water impacts are anticipated as a result of reducing buffer zones in residential developments? What surface water impacts are anticipated in areas of commercial/industrial/Research & Development type development and in agricultural districts? When answering these questions, please substantiate your assertions with evidence.

## Topic 10: Changes in Open Space Requirements

**Page 3.6-8 states:** *“The project proposes to amend Policy 2.2.3.1 to **exempt certain residential planned development projects from the 30% open space requirement.** This would allow residential planned developments consisting of five or fewer lots, infill development, Multi-Family Residential, or Commercial/Mixed Use to proceed without devoting 30% of the project site to open space.”*

**Policies 2.2.3.1 and 2.2.4.1: Open Space.** *“Amend the 30% open space requirement for Planned Development to exempt certain types of residential development from that requirement and to allow high density residential planned developments to provide for **half of the 30% open space requirement to be in private yards.**”*

*“The amendment would revise the 30% open space requirement in High Density Residential (HDR) -PDs to a discretionary **15 and 15 set aside: 15% to be provided in a recreational or landscaped buffer/greenbelt and 15% to be provided in private yards.** It would eliminate the provision that open space may be kept as wildlife habitat, instead providing that it may be retained in a natural condition.”*

**Policies 2.2.3.1, 2.2.3.2, and 2.2.5.4:** Amend the 30% open space requirement for Planned Development **community regions and rural centers** to allow lesser area of “improved open space” on site, and **consider options to provide a portion of the required open space off-site or by an in-lieu fee option.**

**ES.1.2 ZOU** *“Alternative options for open space requirements have been provided that are part of a planned development to provide **more flexibility and incentives for infill development** and use that focus on **recreation** in Community Regions and Rural Centers.”*

**Objective 7.6.1.3(D).** *“Residential agricultural’ would be deleted from the list of zoning regulations that provide for maintenance of permanent open space.”*

**17.28.050 Residential Development Requirements; Exemptions and Alternatives to the Onsite Open Space Requirement.** *“To facilitate and encourage development of higher density housing types...exemptions and alternatives to the 30 percent onsite open space requirement are: Residential planned developments consisting of five or fewer lots or units; Projects within Community Regions or Rural Centers; Residential Multi-Family (RM) projects or the residential component of Mixed Use Developments.”*



**Alternatives for Improved Open Space.** The common open space requirement may be reduced to 15 percent of the total site for Planned Developments...where: **a.** The common open space is improved for active recreational uses...or for passive recreational uses; **b.** Area equal to 15 percent of the total site is...private yards and patios.

**Open Space requirements for Planned Developments within Agricultural Districts.** In order to conserve and promote agricultural activities and uses within the County, planned developments within Agricultural Districts **may** set aside open space for agricultural uses...**include raising and grazing of animals, orchards, vineyards, community gardens and crop lands.**”

Page 45 of the ZOU states: “The OS, Open Space Zone, is intended to identify and protect land set aside for primarily passive open space purposes including, but not limited to, the protection of rare and endangered plant or animal habitat; wildlife habitat, such as critical winter deer range and migration corridors; sensitive riparian areas; oak woodlands; visual resources as a part of a development plan or along a designated scenic corridor; and watersheds and groundwater recharge areas. Intensive agriculture is not compatible, although low intensity agriculture such as seasonal grazing may be compatible.”

“Where the OS Zone is applied as part of a development plan, the uses allowed under the development plan permit are allowed, including a full range of recreational facilities. Where the County determines it is necessary...limited infrastructure, including but not limited to, roads, water, wastewater, drainage facilities and other utilities are expressly allowed in the OS zone.”

**Proposed amendment to Policy 2.2.3.1 (open space in –PD zones)**

“This amendment would reduce the open space area available for wildlife habitat in –PD zones and thereby increase the potential to adversely affect special-status species. General Plan Policy 7.4.1.6 requires discretionary projects to **avoid fragmenting habitat when feasible or to mitigate** for the loss if avoidance is not feasible. Discretionary projects would also be subject to **CEQA review** that would specify the necessary mitigation in order to comply with this policy. **This would be sufficient to protect habitat from fragmentation. This impact would be less than significant.**”

“The TGPA would delete Policy 2.2.5.4 that now requires development applications that have the potential to create 50 parcels or more to be subject to the Planned Development combining zone district, thereby requiring 30% of the site to be left in open space. The open space requirement is not strictly for the purpose of avoiding or mitigating an environmental effect. Open space may include **recreational uses**, for example. **Its primary environmental benefits are aesthetic**, by providing visual relief from buildings... **However, given the limited practical application of these amendments, the TGPA and the related changes in the ZOU would not result in a significant environmental effect. This impact would be less than significant.**”

**Impact LU-3: Conflict with any applicable habitat conservation plan or natural community conservation plan (no impact)** “**There are no habitat conservation plans or natural community conservation plans in El Dorado County** (U.S. Fish and Wildlife Service 2013; California Department of Fish and Wildlife 2013). Therefore, the project would not conflict with any such plan and there would be no impact.”

**Comment 10A: Open Space Policies**

The proposed policies will:

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- exempt planned development projects from the 30% open space requirement;
- allow “certain types” (undefined) of residential developments to provide for half of the 30% open space in private yards and patios;
- enable high-density residential planned developments to exercise a discretionary 15/15 set aside—15% in recreational or landscaped buffers and 15% in private yards, while “eliminating the provision that open space may be kept as wildlife habitat;”
- amend the 30% open space requirement in Community Regions and Rural Centers to allow a lesser area of “improved open space” and consider providing open space off-site or by an in-lieu fee option;
- provide infill projects with “alternative options for open space” to “provide more incentives for infill development;”
- delete Residential Agriculture from the list of zoning regulations that provide for maintenance of permanent open space;
- provide “exemptions and alternatives” to open space to facilitate and encourage development of higher density housing types in developments such as residential multi-family, mixed use, and projects within Community Regions and Rural Centers;
- allow planned developments within Agricultural Districts to set aside open space for agricultural uses such as “raising and grazing animals, orchards, vineyard, community gardens and crop lands;”
- include infrastructure, including roads, water, wastewater, drainage facilities and other utilities” with Open Space Zones;
- (quote) “*reduce the open space area available for wildlife habitat;*”
- describe the primary environmental benefits of open space as aesthetic, “by providing visual relief from buildings;” and
- declare that the policies will not “conflict with any applicable habitat conservation plan or natural community conservation plan” because “There are no habitat conservation plans or natural community conservation plans in El Dorado County.”

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CONT.

**Thus, the conclusion, as presented in the dEIR, is out-of-step with the reality of policy impact:** “...*given the limited practical application of these amendments, the TGPA and the related changes in the ZOU would not result in a significant environmental effect. This impact would be less than significant.*”

**Comment 10B:**

The policies impacting open space are wholly inappropriate; they undermine the stated objectives of the 2004 General Plan which state growth will be provided for “...***in an environmentally balanced manner, [that] maintains the rural character and quality of the living environment...while conserving agricultural lands, forest and woodlands, and other natural resources.***” The General Plan “Statement of Vision” goes on to include the statement, “***Maintain and protect the County’s natural beauty and environmental quality, vegetation, air and water quality, natural landscape features, cultural resource values, and maintain the rural character and lifestyle...***”

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For the TGPA/ZOU, however, the stated purpose is “...***to provide a framework for future development in the County that takes into account population growth, economic factors, demographics, and community needs and wants.***” This shift is telling, and it is fully reflected in the revision to open space policies.

Open space zoning is relied upon to do much of the “heavy lifting” when it comes to “...***maintaining the rural character and lifestyle...***” that the majority of county residents have

come to expect, and hope to maintain. To change the open space formula—to redefine it as the provision of recreation areas, landscaped plots, and backyards is to subvert its real purpose and value to both wildlife and current and future county residents.

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CONT.

### Questions Regarding Open Space

- How does “natural condition” differ from “wildlife habitat”?
- What is “improved open space”? What elements might it contain?
- What is the definition of—or what are the standards for—a “greenbelt”?
- What are the criteria for a “landscaped buffer”?
- How would open space be provided “off-site”? (What is the formula?)
- What are the particulars of the “in-lieu fee” option? What is the formula? What would the in-lieu fees actually be spent on (i.e., do they go into the EDC General Fund)? How have they been spent in the past?
- Why was Residential Agriculture removed from the list of zoning regulations that provide for permanent open space?
- ES.1.2 ZOU states “*alternative options to open space requirements have been provided.*” What are the options that are specifically being referred to?
- What are “active” and “passive” recreational uses? What is included in each category?
- 17.28.050 states “...planned developments within Agricultural Districts may set aside open space for **agricultural uses**...raising and grazing animals, orchards, vineyard, community gardens and crop lands,” but page 45 of the ZOU states, “*Open Space Zone is intended to identify and protect land set aside for primarily open space purposes...the protection of rare and endangered plant or animal habitat, wildlife habitat...critical winter deer range and migration corridors, oak woodlands...**Intensive agriculture is not compatible.***” How can these two “visions” co-exist in the same document? Which is “correct”? Rather than meeting the ZOU objective to “eliminate conflicting provisions,” the new open space provisions are in fact establishing new conflicts. (DEIR, p. 2-3.)
- Page 45 of the ZOU states that roads, water, wastewater, drainage facilities and other utilities are allowed in the Open Space Zone. How do these facilities complement open space? Why are they “counted” as part of open space?
- Why are some of the largest, most dense residential developments “excused” from providing open space for their residents?

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### Conclusion

Substantial evidence in the record does not support the County’s conclusion that there is no need to address water quality the EIR. In fact, a fair argument, based upon substantial evidence now in the record, supports the notion that the proposed project may have significant impacts on water quality, and therefore must be analyzed in the EIR.

Please add this impact topic (Water Quality) to the draft EIR with the appropriate analysis, covering the above issues, along with analysis of any additional changes that may be unknown to the public due to the incomplete list of changes that has been provided to date. (The materials in Appendix A below may prove useful in preparing this new section of the EIR.)

“The discussion should include relevant specifics of the area, the resources involved, physical changes, alterations to ecological systems, and changes induced in population distribution, population concentration, the human use of the land (including commercial and residential development), health and safety problems caused by the physical changes.” (CEQA Guidelines, sec. 15126.2, subd. (a).) Then recirculate the DEIR for public comment. (Re DEIR

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recirculation see: CEQA Guidelines, sec. 15088.5; *Mountain Lion Coalition v. Fish and Game Com.* (1989) 214 Cal.App.3d 1043 [The draft EIR was so fundamentally inadequate and conclusory in nature that meaningful public review and comment were precluded.] "A prejudicial abuse of discretion occurs if the failure to include relevant information precludes informed decisionmaking and informed public participation, thereby thwarting the statutory goals of the EIR process." (*Kings County Farm Bureau et al. v. City of Hanford* (5th Dist. 1990) 221 Cal.App.3d 692, 712.)

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## Appendix A

### Water Quality

#### **Statement of Adverse Impact**

The draft Environmental Impact Report (dEIR) does not include an analysis of project impact on **surface and groundwater quality**. This is an important area of concern because if/when the project is implemented, the need for potable surface and groundwater will increase. It is the *quality*<sup>18</sup> of available water that will ultimately dictate the *quantity* and *sustainability* of water available to meet project goals. Addressing water quality issues now will enable planners to modify the project to reduce or eliminate adverse impacts to surface and groundwater and thus ensure an adequate water supply for project elements that may move forward.

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The significance of water quality on water supply is supported by the California Department of Water Resources (DWR). DWR concludes that local agency management must consider water quality because natural or anthropogenic contamination and pumping patterns that are not managed to protect water *quality* may limit the *quantity* of water that is available for use in a basin.<sup>19</sup>

While El Dorado County (EDC) surface and groundwater has been described as generally of good quality, acknowledged is the fact that there are few studies to support this conclusion.<sup>20,21</sup> In fact, evidence points to numerous surface and ground water quality problems in EDC, many of which will be exacerbated by project proposals. Previously uncontaminated surface waters and aquifers will be adversely impacted if “*development*” (residential, commercial, industrial, institutional, agricultural, research and development, etc.) proposals outlined in this dEIR advance to completion.

#### **Why Water Quality is Vulnerable to Project Proposals**

To understand the impact dEIR project proposals will have on water quality, it is important to understand the origin and characteristics of EDC surface and groundwater, and the complexity of surface/groundwater interactions.

#### **Setting**

##### Surface/Groundwater Interactions

El Dorado County is located in the Sierra Nevada geomorphic province of California. The Sierra Nevada province is characterized by steep-sided hills and narrow, rocky stream channels. The southwestern foothills of EDC are composed of rocks of the Mariposa Formation including amphibolite, serpentinite, and pyroxenite. The Calaveras Formation occurs in northwestern

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<sup>18</sup> Water *quality* is defined as a measure of the suitability of water for its intended use, with respect to dissolved solids and gases and suspended material.

<sup>19</sup> Department of Water Resources. 2003. *California's Groundwater*. Bulletin 118, 2003 update.

<sup>20</sup> El Dorado County Water Agency. 2007. *Water Resources Development and Management Plan*. Publication No. EDCW06-001, December, 2007.

<sup>21</sup> State Water Resources Control Board. 2005. *Draft Voluntary Domestic Well Assessment Project: El Dorado County Data Summary Report*. State Water Resources Control Board, Groundwater Ambient Monitoring and Assessment Program, September, 2005. Page 4.

areas of the county, and includes metamorphic rocks such as chert, slate, quartzite, and mica schist, and serpentinite. The higher peaks in the eastern part of the county consist primarily of igneous and metamorphic rocks intruded by granite. Groundwater does not penetrate these hard rock masses; aquifers in EDC are fed via fractures in rock.

The characteristics of a fractured hard rock system that affect the ability of water users to develop groundwater resources include the size and location of fractures, the interconnection between fractures, and the amount of material deposited within fractures. Because fracture width generally decreases with depth, groundwater recharge, movement and storage in fractures of hard rock are limited.<sup>22,23,24</sup>

In fact, groundwater in the fractured rocks of the Sierra Nevada foothills is highly variable in terms of water quality and quantity; thus, the following entities have characterized EDC groundwater in the following terms:

- Department of Water Resources: EDC groundwater is an unreliable source for large-scale residential development.<sup>25</sup>
- EDC Water Agency: Usable groundwater is limited, especially in the western slope of EDC.<sup>26</sup>
- U.S. EPA: EDC western slope groundwater quality is “*satisfactory but marginal*.”<sup>27</sup>
- El Dorado Irrigation District (EID): Because of the unreliable nature of underground water sources in most of EDC, “*...ground water will not be relied on to augment firm yield supply or as a sole source of water for domestic, irrigation, or fire-fighting purposes*.”<sup>28</sup>

Originally, foothill development relied on water from springs and river diversions with flumes and ditches for conveyance that date back to gold mining era operations. Current development is primarily based on individual private wells, and as pressure for larger scale development increases, questions about the reliability of groundwater supplies need to be addressed. Many foothill communities have considerable experience with dry or drought year shortages, and some communities have had to rely on water brought up the ridges in tanker trucks.<sup>29</sup>

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<sup>22</sup> State Water Resources Control Board. 2005. *Draft Voluntary Domestic Well Assessment Project: El Dorado County Data Summary Report*. State Water Resources Control Board, Groundwater Ambient Monitoring and Assessment Program, September, 2005.

<sup>23</sup> United States Geological Survey. 2014. *Fractured-Rock Aquifers: Understanding an Increasingly Important Source of Water*. <http://toxics.usgs.gov/pubs/FS-112-02/>.

<sup>24</sup> El Dorado County Water Agency. 2007. *Water Resources Development and Management Plan*. Publication No. EDCW06-001. December, 2007. [http://www.edcgov.us/Water/final\\_water\\_resources\\_plan.html](http://www.edcgov.us/Water/final_water_resources_plan.html)

<sup>25</sup> Department of Water Resources. 2003. *California's Groundwater*. Bulletin 118, 2003 update.

<sup>26</sup> El Dorado County Water Agency. 2007. *Water Resources Development and Management Plan*. Publication No. EDCW06-001. December, 2007. [http://www.edcgov.us/Water/final\\_water\\_resources\\_plan.html](http://www.edcgov.us/Water/final_water_resources_plan.html)

<sup>27</sup> Environmental Protection Agency. 2012. *Naturally Occurring Asbestos*, El Dorado Hills, Multimedia Exposure Assessment Preliminary Assessment and Site Inspection Report. <http://www.epa.gov/region9/toxic/noa/eldorado/pdf/asbestosreport0505.pdf>.

<sup>28</sup> El Dorado Irrigation District. 2006. *Board Policies and Administrative Regulations*.

<sup>29</sup> Department of Water Resources. 2003. *California's Groundwater*. Bulletin 118, 2003 update.

Well Reliability and Water Quality—Drought Year Performance

During the drought of 1976 and 1977, EDC’s Division of Environmental Health initiated a water well survey; the following table lists median depth and estimated production rate for wells in 15 planning areas.<sup>30</sup>

**Well Characteristics in El Dorado County**

| County Planning Area        | Number of Wells Surveyed | Median Depth (Feet) | Median Rate (gpm) |
|-----------------------------|--------------------------|---------------------|-------------------|
| Camino-Fruitridge           | 57                       | 100                 | 5                 |
| Cool                        | 29                       | 200                 | 5                 |
| El Dorado/Diamond Springs   | 19                       | 150                 | 4                 |
| Finnon                      | 37                       | 150                 | 10                |
| Garden Valley               | 70                       | 150                 | 10                |
| Gold Hill                   | 2                        | ---                 | 5-10              |
| Kelsey                      | 45                       | 125                 | 4                 |
| Latrobe                     | 23                       | 200                 | 5                 |
| Lotus-Coloma                | 66                       | <100                | 10                |
| Pilot Hill                  | 21                       | 150                 | 7                 |
| Pleasant Valley             | 199                      | 100                 | 6                 |
| Rescue                      | 120                      | 125                 | 10                |
| Shingle Springs             | 42                       | 125                 | 4                 |
| Somerset/Fairplay/Mt. Aukum | ---                      | ---                 | 10                |
| Pollock Pines               | 10                       | ---                 | 8                 |

Source: Calkins, Carla, *Water Well Survey Report*, June 1978

had flow rates less than 1 gallon per minute and some wells had gone dry.<sup>31</sup> Other reports substantiate the limitation of groundwater as a dependable public water supply, or for augmenting surface water storage during droughts. Surveys also indicate that groundwater *quality*, though satisfactory in most areas of the western slope, is often marginal.<sup>32</sup> Thus, future development occurs in areas beyond pipeline service, both *quality* and *quantity* of groundwater could be jeopardized.

Surface and Groundwater Contamination in Fractured Rock Aquifers

Because water flows relatively rapidly through fractured rock aquifers—as opposed to percolating through sand and gravel as it does in unconsolidated aquifers—fractured rock aquifers are highly susceptible to contamination from human activities.<sup>33</sup> Thus, water quality can be seriously impacted by land use practices that permit septic systems to be built in areas of fractured rock aquifers; and because it is difficult to determine the direction and rate of contaminant migration, remediation is especially problematic.<sup>34</sup> In the Sierra foothills, for example, where insufficient soil depths are available to properly leach effluent before it reaches the aquifer, septic systems have contaminated groundwater.<sup>35</sup>

<sup>30</sup> El Dorado County Water Agency. 2007. *Water Resources Development and Management Plan*. Publication No. EDCW06-001. December, 2007. [http://www.edcgov.us/Water/final\\_water\\_resources\\_plan.html](http://www.edcgov.us/Water/final_water_resources_plan.html)

<sup>31</sup> *Ibid.*

<sup>32</sup> *Ibid.*

<sup>33</sup> United States Geological Survey. 2014. *Contamination in Fractured Rock Aquifers*. [http://toxics.usgs.gov/investigations/fracrock\\_aquifers.html](http://toxics.usgs.gov/investigations/fracrock_aquifers.html).

<sup>34</sup> United States Geological Survey. 2014. *Fractured-Rock Aquifers: Understanding an Increasingly Important Source of Water* <http://toxics.usgs.gov/pubs/FS-112-02/>.

<sup>35</sup> Department of Water Resources. 2003. *California’s Groundwater*. Bulletin 118, 2003 update.

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## Sources of Contamination

Surface and groundwater *contamination*<sup>36</sup> sources are generally identified as either naturally occurring, or those caused by human activity. Some basic sources of contamination are described on the following pages.

### Naturally Occurring Sources of Contamination<sup>37,38,39,40,41,42</sup>

- **Microorganisms:** Bacteria, viruses, parasites and other microorganisms—some of which can cause illness—are sometimes found in water supplies. Some of these organisms can cause illnesses. The effects can be short-term and severe (similar to food poisoning), recur frequently, or develop over time. Giardia and cryptosporidium are pathogens that have caused illness in large numbers of people. Pathogens enter water from animal wastes, including human sources such as septic tanks and wastewater-treatment discharge.
- **Radionuclides:** Radionuclides are radioactive elements that may be present in underlying rock and ground water and include uranium, radium and thorium. Although radioactivity is not considered a significant contaminant statewide, it is an important contaminant in communities in the Sierra Nevada.
- **Radon:** Radon gas is a product of the breakdown of uranium in soil. While radon is not particularly dangerous when consumed in water, use of household water containing radon can elevate indoor air levels. (Radon can cause lung cancer when inhaled.)
- **Nitrates and Nitrites:** High nitrate levels are usually due to human activities (the use of fertilizers in agriculture, for example), but they may be found naturally in groundwater. Drinking large amounts of nitrates and nitrites is particularly harmful to infants and can cause “Blue Baby” syndrome, a condition that disrupts oxygen flow in the blood.
- **Heavy Metals:** Underground rocks and soils may contain arsenic, mercury, cadmium, chromium, lead, and selenium that can leach into water supplies.
- **Asbestos:** Asbestos occurs in natural deposits and can cause benign intestinal polyps in humans. Major sources of asbestos in drinking water are decay of asbestos cement water mains and erosion of natural deposits.

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<sup>36</sup> *Contamination*, as defined in Section 13050 of the California Water Code, is an impairment of the quality of the waters of the state by waste to a degree which creates a hazard to the public health through poisoning or through the spread of disease. Contamination includes any equivalent effect resulting from the disposal of waste, whether or not waters of the state are affected.

<sup>37</sup> Environmental Protection Agency. 2012. *Private Wells: Human Health*.

<http://water.epa.gov/drink/info/well/health.cfm>

<sup>38</sup> Environmental Protection Agency. 2013. *Water on Tap: What You Need to Know*.

<http://water.epa.gov/drink/guide/>

<sup>39</sup> United States Geological Survey. 2014. *A Primer on Water Quality*. Publication FS-027-01.

<http://pubs.usgs.gov/fs/fs-027-01/>

<sup>40</sup> Department of Water Resources. 2003. *California's Groundwater*. Bulletin 118, 2003 update.

<sup>41</sup> United States Geological Survey. 2011. *Groundwater Quality in the Tahoe and Martis Basins, California*. Fact Sheet 2011-3143.

<sup>42</sup> Environmental Protection Agency. 2013. *Basic Information about Asbestos in Drinking Water*.

<http://water.epa.gov/drink/contaminants/basicinformation/asbestos.cfm>



### Contamination Caused by Human Activity<sup>43,44,45,46,47</sup>

- **Bacteria:** Sources of bacteria in water include farms (animal wastes), sanitary landfills, garbage dumps and septic systems. Children, the elderly, and people with weak immune systems are especially at risk when exposed to water-borne bacteria.
- **Fertilizers and Pesticides:** Fertilizers and pesticides from agricultural operations, home lawn and garden products, golf courses, etc., can easily work down through fractures in rocks, or, following rain events, runoff to streams and lakes where they promote abundant growth of algae, which leads to low oxygen in the water and the possibility of fish kills. Contamination of surface and groundwater by pesticides is widespread and, while some pesticides have not been used for 20 to 30 years, they are still detected in fish and streambed sediment at levels that pose a risk to human health, aquatic life, and fish-eating wildlife. Chemicals used to treat buildings and homes for termites or other pests may also contaminate water sources.
- **Heavy Metals:** Human activities such as mining, construction, and agriculture can release large amounts of heavy metals into nearby water sources. For instance, some older fruit orchards may contain high levels of arsenic (which was once used as a pesticide) and mining activities can contribute mercury. The simple act of homeowners washing cars releases copper, nickel and other metals in runoff water, which can reach creeks, or leach into groundwater.
- **Industrial Products and Wastes:** Many harmful chemicals are used by industry and commercial businesses (gas stations, dry cleaners, etc.) Spills and improper disposal of chemicals and industrial wastes are also common sources of contamination.
- **Leaking Underground Tanks & Piping:** Petroleum products, chemicals, and wastes stored in underground tanks may contaminate water supplies. Tanks and piping that are improperly constructed or installed can leak; steel tanks and piping can corrode over time and release contaminants.
- **Landfills and Waste Dumps:** While landfills are designed to contain leaking liquids, floods can carry contaminants over barriers designed to contain wastes. Older dumpsites contain a wide array of contaminants that can seep into water sources.
- **Household Wastes:** Improper disposal of many common products can contaminant water sources. These products include cleaning solvents, motor oil, paints, paint thinners, pharmaceutical drugs, detergents, etc. Septic systems can also contaminate groundwater, especially where aquifers are fed via hard rock fractures.

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<sup>43</sup> Environmental Protection Agency. 2012. *Private Wells: Human Health*.

<http://water.epa.gov/drink/info/well/health.cfm>

<sup>44</sup> Environmental Protection Agency. 2013. *Water on Tap: What You Need to Know*.

<http://water.epa.gov/drink/guide/>

<sup>45</sup> United States Geological Survey. 2014. *A Primer on Water Quality*. Publication FS-027-01.

<http://pubs.usgs.gov/fs/fs-027-01/>

<sup>46</sup> Fram, M.S. and K. Belitz. 2012. *Status and Understanding of Groundwater Quality in the Tahoe-Martis, Central Sierra, and Southern Sierra Study Units, 2006-2007: California GAMA Priority Basin Project*. United States Geological Survey Scientific Investigations Report 2011-5216, April 10, 2012.

<sup>47</sup> United States Geological Survey. 2011. *Groundwater Quality in the Tahoe and Martis Basins, California*. Fact Sheet 2011-3143.

- Water Treatment Chemicals: Improper handling or storage of water treatment chemicals (disinfectants, corrosion inhibitors, etc.) can contaminate water supplies.
- Volatile Organic Compounds (VOCs): VOCs are in many household, commercial, industrial, and agricultural products.

There are so many chemicals in use today that evaluating the risk to human health and aquatic life is complicated. Because health based standards have not been established for *mixtures* of chemicals found in water, <sup>48</sup> health risks are sometimes incalculable.

**Tables 1 and 2** are taken from the Environmental Protection Agency publication *Getting up to Speed: Ground Water Contamination*. They identify additional sources of surface and groundwater contamination.

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<sup>48</sup> United States Geological Survey. 2001. *A Primer on Water Quality*. Publication FS-027-01. <http://pubs.usgs.gov/fs/fs-027-01/>

**Table 1 TYPICAL SOURCES OF POTENTIAL GROUND WATER CONTAMINATION BY LAND USE CATEGORY**

| Category                       | Contaminant Source              |                                   |
|--------------------------------|---------------------------------|-----------------------------------|
| Agriculture                    | Animal burial areas             | Irrigation sites                  |
|                                | Animal feedlots                 | Manure spreading areas/pits       |
|                                | Fertilizer storage/use          | Pesticide storage/use             |
| Commercial                     | Airports                        | Jewelry/metal plating             |
|                                | Auto repair shops               | Laundromats                       |
|                                | Boat yards                      | Medical institutions              |
|                                | Construction areas              | Paint shops                       |
|                                | Car washes                      | Photography establishments        |
|                                | Cemeteries                      | Railroad tracks and yards         |
|                                | Dry cleaners                    | Research laboratories             |
|                                | Gas stations                    | Scrap and junkyards               |
|                                | Golf courses                    | Storage tanks                     |
|                                | Industrial                      | Asphalt plants                    |
| Chemical manufacture/storage   |                                 | Pipelines                         |
| Electronics manufacture        |                                 | Septage lagoons and sludge sites  |
| Electroplaters                 |                                 | Storage tanks                     |
| Foundries/metal fabricators    |                                 | Toxic and hazardous spills        |
| Machinework/metalworking shops |                                 | Wells (operating/abandoned)       |
| Mining and mine drainage       |                                 | Wood preserving facilities        |
|                                |                                 |                                   |
| Residential                    | Fuel oil                        | Septic systems, cesspools         |
|                                | Furniture stripping/refinishing | Sewer lines                       |
|                                | Household hazardous products    | Swimming pools (chemical storage) |
|                                | Household lawns                 |                                   |
| Other                          | Hazardous waste landfills       | Recycling/reduction facilities    |
|                                | Municipal incinerators          | Road deicing operations           |
|                                | Municipal landfills             | Road maintenance depots           |
|                                | Municipal sewer lines           | Storm water drains/basins         |
|                                | Open burning sites              | Transfer stations                 |

Source: U.S. EPA, 1991a.

Table 2

**POTENTIAL HARMFUL COMPONENTS OF COMMON HOUSEHOLD PRODUCTS**

| Product                                   | Toxic or Hazardous Components                                                       |
|-------------------------------------------|-------------------------------------------------------------------------------------|
| Antifreeze (gasoline or coolants systems) | Methanol, ethylene glycol                                                           |
| Automatic transmission fluid              | Petroleum distillates, xylene                                                       |
| Battery acid (electrolyte)                | Sulfuric acid                                                                       |
| Degreasers for driveways and garages      | Petroleum solvents, alcohols, glycol ether                                          |
| Degreasers for engines and metal          | Chlorinated hydrocarbons, toluene, phenols, dichloroperchloroethylene               |
| Engine and radiator flushes               | Petroleum solvents, ketones, butanol, glycol ether                                  |
| Hydraulic fluid (brake fluid)             | Hydrocarbons, fluorocarbons                                                         |
| Motor oils and waste oils                 | Hydrocarbons                                                                        |
| Gasoline and jet fuel                     | Hydrocarbons                                                                        |
| Diesel fuel, kerosene, #2 heating oil     | Hydrocarbons                                                                        |
| Grease, lubes                             | Hydrocarbons                                                                        |
| Rustproofers                              | Phenols, heavy metals                                                               |
| Car wash detergents                       | Alkyl benzene sulfonates                                                            |
| Car waxes and polishes                    | Petroleum distillates, hydrocarbons                                                 |
| Asphalt and roofing tar                   | Hydrocarbons                                                                        |
| Paints, varnishes, stains, dyes           | Heavy metals, toluene                                                               |
| Paint and lacquer thinner                 | Acetone, benzene, toluene, butyl acetate, methyl ketones                            |
| Paint and varnish removers, deglossers    | Methylene chloride, toluene, acetone, xylene, ethanol, benzene, methanol            |
| Paint brush cleaners                      | Hydrocarbons, toluene, acetone, methanol, glycol ethers, methyl ethyl ketones       |
| Floor and furniture strippers             | Xylene                                                                              |
| Metal polishes                            | Petroleum distillates, isopropanol, petroleum naphtha                               |
| Laundry soil and stain removers           | Hydrocarbons, benzene, trichloroethylene, 1,1,1-trichloroethane                     |
| Other solvents                            | Acetone, benzene                                                                    |
| Rock salt                                 | Sodium concentration                                                                |
| Refrigerants                              | 1,1,2-trichloro-1,2,2-trifluoroethane                                               |
| Bug and tar removers                      | Xylene, petroleum distillates                                                       |
| Household cleansers, oven cleaners        | Xylenols, glycol ethers, isopropanol                                                |
| Drain cleaners                            | 1,1,1-trichloroethane                                                               |
| Toilet cleaners                           | Xylene, sulfonates, chlorinated phenols                                             |
| Cesspool cleaners                         | Tetrachloroethylene, dichlorobenzene, methylene chloride                            |
| Disinfectants                             | Cresol, xylenols                                                                    |
| Pesticides (all types)                    | Naphthalene, phosphorus, xylene, chloroform, heavy metals, chlorinated hydrocarbons |
| Photochemicals                            | Phenols, sodium sulfite, cyanide, silver halide, potassium bromide                  |
| Printing ink                              | Heavy metals, phenol-formaldehyde                                                   |
| Wood preservatives (creosote)             | Pentachlorophenols                                                                  |
| Swimming pool chlorine                    | Sodium hypochlorite                                                                 |
| Lye or caustic soda                       | Sodium hydroxide                                                                    |
| Jewelry cleaners                          | Sodium cyanide                                                                      |

Source: "Natural Resources Facts: Household Hazardous Wastes," Fact Sheet No. 88-3, Department of Natural Science, University of Rhode Island, August 1988.

## Drinking Water Standards

Primary and secondary standards for maximum contaminant levels (MCLs) in drinking water have been established under the federal Safe Drinking Water Act of 1974. (The MCL is the highest concentration of a contaminant allowed in public drinking water [i.e., public supply wells] and is an enforceable water quality standard.) Primary standards are developed to protect public health and are legally enforceable. Secondary standards are generally for the protection of aesthetic qualities such as taste, odor, appearance, and factors that may affect human skin or tooth coloration. Under these primary and secondary standards, the United States Environmental Protection Agency (U.S. EPA) regulates more than 90 contaminants; the California Department of Public Health (CDPH) regulates about 100.<sup>49</sup> (*It should be noted that while there are many possible contaminants, many are never actually monitored for; thus it is unlikely many of the chemicals listed in the preceding tables will be detected in water unless they are targeted for monitoring.*) Groundwater quality analyses typically include field measurements (temperature, pH, conductivity), minerals (calcium, magnesium, chloride) nutrients (phosphorus, nitrate), minor elements (arsenic, cadmium, iron), organic compounds (pesticides, petroleum derivatives), and pathogens (bacteria).<sup>50</sup>

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## Water Quality in EDC: Groundwater

### Private Domestic Wells

No federal, state, or local entities oversee or regulate water quality in EDC's private, domestic wells. It is up to individual well owners to make certain their well water is up to drinking water quality standards. Well owners are urged to test their wells annually for total coliform bacteria, nitrate, and electrical conductivity (EC), and every five years for aluminum, arsenic, barium, cadmium, chromium, fluoride, iron, lead, manganese, mercury, selenium, and silver. They are also urged to test if changes occur in EC, taste, color, or odor; if surrounding land use has changed;<sup>51</sup> if someone in the household is pregnant or nursing; if a neighbor finds an unsafe contaminant; if it is suspected for any reason that the drinking water may contain any other kind of contamination; or if a well pump is replaced or a well is reconditioned.<sup>52</sup>

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During 2003 and 2004 (and as part of a small pilot study in 2001), the State Water Board Groundwater Ambient Monitoring and Assessment (GAMA) Program Unit initiated a voluntary domestic well assessment project in EDC.<sup>53</sup> Under this project, 398 private domestic wells were sampled; GAMA used maximum contaminant levels (MCL)<sup>54</sup> as a benchmark for well water quality data. Of the wells sampled, 30 percent (119 wells) would not pass state primary drinking water standards for public water systems. (Multiple chemicals were detected in some wells.)

The most common primary MCL exceedance was coliform (*total coliform*, present in 111 domestic wells, and *fecal coliform*, present in 14 domestic wells), followed by arsenic (15 domestic wells) and nitrate (7 domestic wells).

<sup>49</sup> Department of Water Resources. 2003. *California's Groundwater*. Bulletin 118, 2003 update.

<sup>50</sup> Department of Water Resources. 2009. *Groundwater Information Center: Ground Water Quality*.

<sup>51</sup> State Water Resources Control Board. 2011. *A Guide for Private Domestic Well Owners*. Division of Water Quality, Groundwater Ambient Monitoring and Assessment Program, April, 2011.

<sup>52</sup> State Water Resources Control Board. 2005. *Draft Voluntary Domestic Well Assessment Project: El Dorado County Data Summary Report*. Groundwater Ambient Monitoring and Assessment Program, September, 2005.

<sup>53</sup> *Ibid.*

<sup>54</sup> *Ibid.*

Of particular interest is the nitrate data from EDC. In general, nitrate contaminated groundwater is in part caused by excessive use of fertilizer, and animal and human waste (i.e. septic systems). Nitrate concentrations in natural groundwaters are typically less than 2 milligrams per liter (mg/L) nitrate as nitrogen, equivalent to approximately 9 mg/L nitrate as NO<sub>3</sub>. Based on water quality data collected from the 398 domestic wells in EDC, 256 wells had detections of nitrate. Of those, seven wells exceeded the MCL of 45 mg/L (nitrate as NO<sub>3</sub>) and 100 wells had concentrations above 9 mg/L (nitrate as NO<sub>3</sub>), indicating that the source of nitrate is likely due to human activities.

Although additional research is necessary to determine the degree and source(s) of domestic well contamination, the results of the EDC Voluntary Project underscore the importance of establishing policies that protect groundwater quality.

A summary of the GAMA domestic well sampling results are presented in tables 1 and 2. Figure 1 identifies the locations of wells sampled in EDC.

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CONT.

**Table 1.** GAMA Domestic Well Voluntary Assessment Project commonly observed chemicals for wells in EDC, 2001, 2003 - 2004.

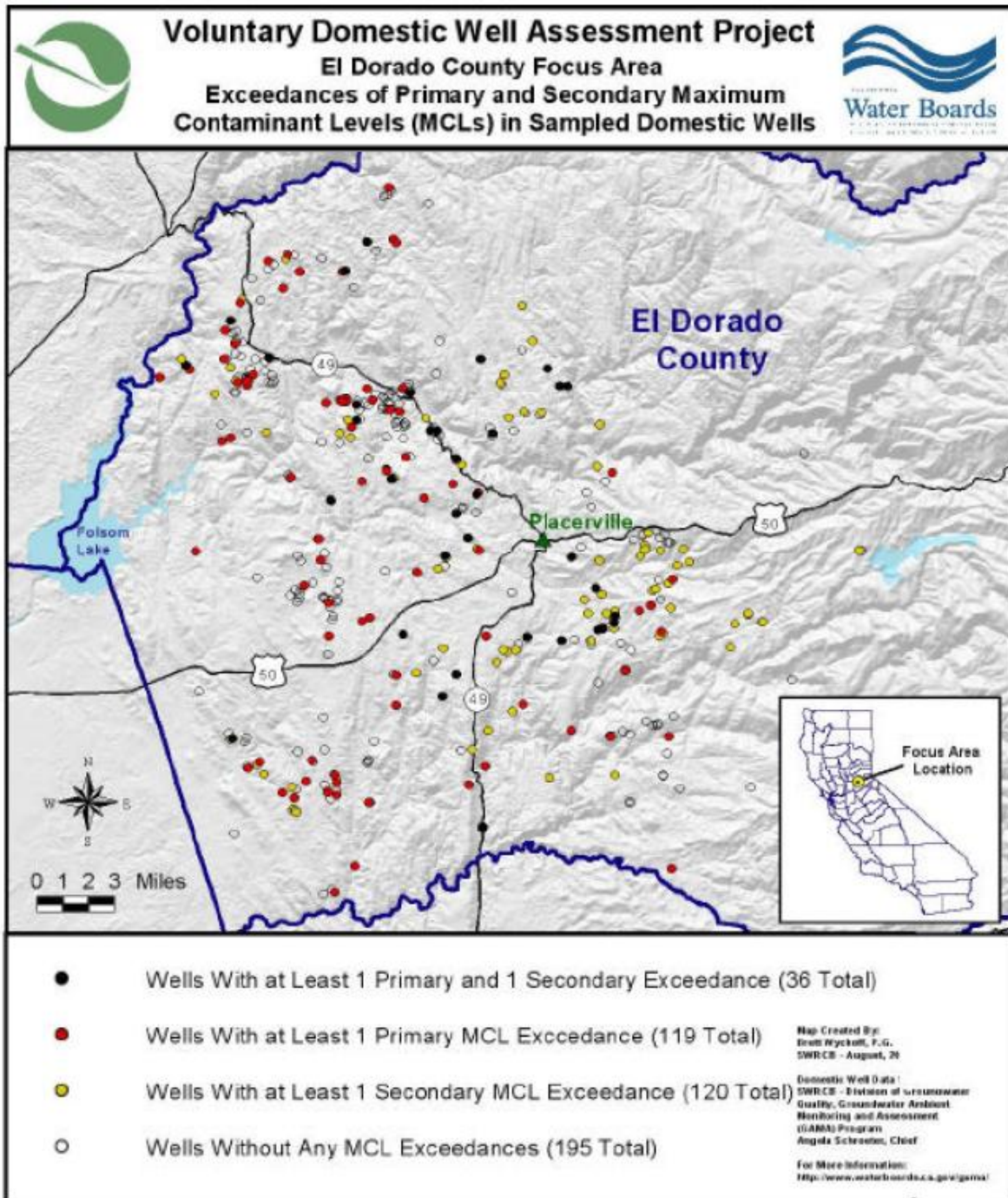
| GAMA Domestic Well Project<br>Summary Results<br>Commonly Observed Chemicals<br>Number of samples Above CDPH Drinking Water Standards |                         |                          |                                  |                            |                            |                                  |                             |                                                       |
|---------------------------------------------------------------------------------------------------------------------------------------|-------------------------|--------------------------|----------------------------------|----------------------------|----------------------------|----------------------------------|-----------------------------|-------------------------------------------------------|
| Compound                                                                                                                              | Drinking Water Standard | Yuba (2002)<br>128 Wells | El Dorado (2003-04)<br>398 Wells | Tehama (2005)<br>223 Wells | Tulare (2006)<br>181 Wells | San Diego (2008-09)<br>137 Wells | Monterey (2011)<br>79 Wells | Cumulative Domestic Well Project Totals<br>1146 Wells |
| <b>BACTERIA INDICATORS</b>                                                                                                            |                         |                          |                                  |                            |                            |                                  |                             |                                                       |
| Total Coliform                                                                                                                        | Present <sup>3</sup>    | 28 (22%)                 | 111 (28%)                        | 56 (25%)                   | 60 (33%)                   | 34 (25%)                         | 11 (14%)                    | 300 (26%)                                             |
| Fecal Coliform                                                                                                                        | Present <sup>3</sup>    | 4 (3%)                   | 14 (4%)                          | 3 (1%)                     | 15 (8%)                    | NAS <sup>2</sup>                 | 1 (1.3%)                    | 37 (3.2)                                              |
| <b>GENERAL MINERALS &amp; IONS</b>                                                                                                    |                         |                          |                                  |                            |                            |                                  |                             |                                                       |
| Nitrate                                                                                                                               | 45 mg/L <sup>3</sup>    | 2 (2%)                   | 7 (2%)                           | 2 (1%)                     | 75 (41%)                   | 25 (18%)                         | 9 (11%)                     | 119(10%)                                              |
| Nitrite                                                                                                                               | 1 mg/L                  | NAS <sup>2</sup>         | NAS <sup>2</sup>                 | 2 (1%)                     | 4 (2.2 %)                  | NAS <sup>2</sup>                 | 5 (6%)                      | 11 (<1%)                                              |
| Perchlorate                                                                                                                           | 6 µg/L <sup>3</sup>     | Not Sampled              | Not Sampled                      | Not Sampled                | 2 of 40 (5%)               | 5 (4%)                           | 9 (11%)                     | 16 of 256 (6%)                                        |
| Chloride                                                                                                                              | 500 mg/L <sup>4</sup>   | NAS <sup>2</sup>         | NAS <sup>2</sup>                 | NAS <sup>2</sup>           | NAS <sup>2</sup>           | 2 (1%)                           | NAS <sup>2</sup>            | 2 (<1%)                                               |
| Sulfate                                                                                                                               | 500 mg/L <sup>4</sup>   | NAS <sup>2</sup>         | NAS <sup>2</sup>                 | NAS <sup>2</sup>           | NAS <sup>2</sup>           | 3 (2%)                           | 1 (1.3%)                    | 4 (<1%)                                               |
| Total Dissolved Solids                                                                                                                | 1,000 mg/L <sup>3</sup> | 5 (4%)                   | 5 (1%)                           | 5 (2%)                     | 4 (2%)                     | 22 (16%)                         | 5 (6%)                      | 46 (4%)                                               |
| <b>METALS</b>                                                                                                                         |                         |                          |                                  |                            |                            |                                  |                             |                                                       |
| Aluminum                                                                                                                              | 1,000 µg/L <sup>3</sup> | 18 (14%)                 | 12 (3%)                          | 6 (3%)                     | 2 (1%)                     | NAS <sup>2</sup>                 | NAS <sup>2</sup>            | 38 (3.3%)                                             |
| Arsenic                                                                                                                               | 10 µg/L <sup>4</sup>    | 6 (5%)                   | 15 (4%)                          | 30 (14%)                   | 3 (2%)                     | 3 (2%)                           | 8 (10%)                     | 65 (6%)                                               |
| Cadmium                                                                                                                               | 5 µg/L                  | NAS <sup>2</sup>         | ND <sup>5</sup>                  | NAS <sup>2</sup>           | NAS <sup>2</sup>           | 2 (1%)                           | 3 (2%)                      | 5 (<1%)                                               |
| Chromium                                                                                                                              | 50 µg/L <sup>3</sup>    | 1 (<1%)                  | NAS <sup>2</sup>                 | 1 (<1%)                    | 2 (1%)                     | NAS <sup>2</sup>                 | NAS <sup>2</sup>            | 4 (<1%)                                               |
| Iron                                                                                                                                  | 300 µg/L <sup>4</sup>   | 14 (11%)                 | 81 (20%)                         | 31 (14%)                   | 2 (1%)                     | 21 (15%)                         | 6 (8%)                      | 155 (14%)                                             |
| Manganese                                                                                                                             | 50 µg/L <sup>4</sup>    | 21 (16%)                 | 98 (25%)                         | 19 (9%)                    | 2 (1%)                     | 45 (33%)                         | 13 (16%)                    | 198 (17%)                                             |
| Thallium                                                                                                                              | 2 µg/L                  | NAS <sup>2</sup>         | NAS <sup>2</sup>                 | NAS <sup>2</sup>           | 6 (3%)                     | NAS <sup>2</sup>                 | 18 (23%)                    | 24( 2%)                                               |
| Vanadium                                                                                                                              | 50 µg/L <sup>3</sup>    | NAS <sup>2</sup>         | NAS <sup>2</sup>                 | NAS <sup>2</sup>           | 14 (8%)                    | 2 (1%)                           | NAS <sup>2</sup>            | 16 (<2%)                                              |
| Zinc                                                                                                                                  | 5,000 µg/L <sup>4</sup> | NAS <sup>2</sup>         | 1 (<1%)                          | NAS <sup>2</sup>           | 1 (<1%)                    | 2 (1%)                           | NAS <sup>2</sup>            | 4 (<1%)                                               |
| <b>ORGANICS</b>                                                                                                                       |                         |                          |                                  |                            |                            |                                  |                             |                                                       |
| Volatile Organic Compounds                                                                                                            | Varies by compound      | NAS <sup>2</sup>         | 1 (<1%)                          | NAS <sup>2</sup>           | 10 (6%)                    | NAS <sup>2</sup>                 | NAS <sup>2</sup>            | 11 (<1%)                                              |

**Table 2.** GAMA Domestic Well Voluntary Assessment Project summary of detections above a drinking water standard for EDC wells, 2001, 2003 - 2004.

| <b>Summary of Detections Above a Drinking Water Standard</b>                                                                                                                                                                                                                                                                                                                                                                                                                                                      |                                             |         |                                                           |                                 |          |         |
|-------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------|---------------------------------------------|---------|-----------------------------------------------------------|---------------------------------|----------|---------|
| <b>GAMA Domestic Well Project - El Dorado County Focus Area (2003-04)</b>                                                                                                                                                                                                                                                                                                                                                                                                                                         |                                             |         |                                                           |                                 |          |         |
| Total Number of Wells Sampled: 398                                                                                                                                                                                                                                                                                                                                                                                                                                                                                |                                             |         |                                                           |                                 |          |         |
| Chemical Constituent of Concern                                                                                                                                                                                                                                                                                                                                                                                                                                                                                   | Wells Above Public Drinking Water Standards |         | Range of Detections Above Public Drinking Water Standards | Public Drinking Water Standards |          |         |
|                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                   | Number                                      | Percent |                                                           | MCL                             | SMCL     | NL      |
| <b>Bacteria Indicators</b>                                                                                                                                                                                                                                                                                                                                                                                                                                                                                        |                                             |         |                                                           |                                 |          |         |
| Total Coliform                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                    | 111                                         | 28%     | NA                                                        | Present                         |          |         |
| Fecal Coliform                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                    | 14                                          | 4%      | NA                                                        | Present                         |          |         |
| <b>Metals</b>                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                     |                                             |         |                                                           |                                 |          |         |
| Antimony                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                          | 2                                           | <1%     | 11 – 12 µg/L                                              | 6 µg/L                          |          |         |
| Aluminum                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                          | 11                                          | 3%      | 220 – 1,500 µg/L                                          | 1,000 µg/L                      | 200 µg/L |         |
| Arsenic                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                           | 14                                          | 4%      | 11 – 110 µg/L                                             | 10 µg/L                         |          |         |
| Iron                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                              | 80                                          | 20%     | 310 – 87,000 µg/L                                         |                                 | 300 µg/L |         |
| Lead                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                              | 3                                           | 1%      | 18 – 110 µg/L                                             |                                 |          | 15 µg/L |
| Manganese                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                         | 97                                          | 24%     | 51 – 1,800 µg/L                                           |                                 | 50 µg/L  |         |
| Nickel                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                            | 1                                           | <1%     | 150 µg/L                                                  | 100 µg/L                        |          |         |
| Zinc                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                              | 1                                           | <1%     | 5.8 mg/L                                                  |                                 | 5 mg/L   |         |
| <b>Major Ions &amp; General Chemistry</b>                                                                                                                                                                                                                                                                                                                                                                                                                                                                         |                                             |         |                                                           |                                 |          |         |
| Nitrate (as NO <sub>3</sub> )                                                                                                                                                                                                                                                                                                                                                                                                                                                                                     | 7                                           | 2%      | 50 – 84 mg/L                                              | 45 mg/L                         |          |         |
| <b>Organic Compounds (Pesticides and VOCs)</b>                                                                                                                                                                                                                                                                                                                                                                                                                                                                    |                                             |         |                                                           |                                 |          |         |
| Benzene                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                           | 1                                           | <1%     | 15 µg/L                                                   | 1 µg/L                          |          |         |
| MTBE                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                              | 1                                           | <1%     | 5.7 µg/L                                                  | 13 µg/L                         | 5 µg/L   |         |
| Notes:<br>California Department of Public Health (CDPH) Public Drinking Water Standards used for comparison purposes only. Domestic well water quality in California is not regulated.<br>MCL = CDPH Primary Maximum Contaminant Level; SMCL = CDPH Secondary Maximum Contaminant Level; NL = CDPH Notification Level<br>NA = Coliform are evaluated on a presence/absence criteria. No range can be determined.<br>µg/L = micrograms per liter; mg/L = milligrams per liter<br>VOCs = volatile organic compounds |                                             |         |                                                           |                                 |          |         |



**Figure 1.** Well sampling results for wells sampled during the SWRCB's GAMA Program Domestic Well Assessment Project, 2001, 2003 - 2004.



### Water Quality of Community Water Systems

EDC is under contract with the CDPH to ensure the delivery of safe, adequate, and dependable water; community water systems are permitted, inspected and monitored under EDC's Small Water System Program. There are about 175 community water systems in EDC (surface and groundwater-based systems) that fall under this Small Water System Program.<sup>55</sup> Sampling for total coliform bacteria is performed once per month; sampling of inorganic chemicals (arsenic, asbestos, cyanide, mercury, nitrate, nitrites, etc.) and secondary standards (aluminum, copper, chloride, corrosivity, etc.) is required every three years; sampling for radiological constituents is required every four years; organic chemical analyses (VOCs, including MTBE) are due every six years.<sup>56</sup>

According to a recent study by the SWRCB, *Community Water Systems that Rely on a Contaminated Groundwater Source for Drinking Water*,<sup>57</sup> approximately 63,404 residents of EDC are 100 percent reliant on public well water systems that received CDPH MCL violations on two or more occasions during the 2002-2010 CDPH compliance cycle. *Principal contaminants*<sup>58</sup> for which the violations were issued include 1,2-dichloroethane (1,2-DCA), tetrachloroethylene (PCE), gross alpha particle activity, and arsenic.<sup>59</sup> (Methyl tertiary butyl ether [MTBE] contamination of domestic groundwater supplies in South Lake Tahoe has also been documented, although not under this study.)<sup>60</sup>

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### Groundwater Based Water Systems

While small water system operators are required to monitor their water on a regular basis, many fail to comply with monitoring requirements. According to U.S. EPA's Safe Drinking Water Information System, the following groundwater-based water systems violated monitoring/reporting requirements:<sup>61</sup>

- Latrobe School in Shingle Springs failed to conduct the necessary monitoring for coliform in 2002 and 2004; for arsenic in 2008, and nitrates in 2012.
- Gold Beach Park in El Dorado was issued failure to monitor violations in 2003, 2008, 2011, 2012 (and received an MCL violation in 2004 for coliform).
- Tahoe Valley Elementary School was issued a violation in 2012 for "complete failure to report under the consumer confidence rule," among other reporting violations in 2005, 2012.

<sup>55</sup> El Dorado County Environmental Health. *Small Water System Program*.

[http://www.edcgov.us/Government/EMD/EnvironmentalHealth/Small\\_Waster\\_System\\_Program.aspx](http://www.edcgov.us/Government/EMD/EnvironmentalHealth/Small_Waster_System_Program.aspx)

<sup>56</sup> El Dorado County Environmental Health. *Sampling Requirements for Community Water Systems using a Groundwater Source*

[http://www.edcgov.us/Government/EMD/EnvironmentalHealth/Sampling\\_Requirements\\_for\\_Community\\_Water\\_Systems\\_using\\_a\\_Groundwaster\\_Source.aspx](http://www.edcgov.us/Government/EMD/EnvironmentalHealth/Sampling_Requirements_for_Community_Water_Systems_using_a_Groundwaster_Source.aspx)

<sup>57</sup> *Community water system* is defined as a community public water system (Health and Safety Code Section 116395).

<sup>58</sup> *Principal contaminant* is defined as a chemical detected above a public drinking water standard on two or more occasions between 2002 and 2010.

<sup>59</sup> State Water Resources Control Board. 2013. *Communities That Rely on a Contaminated Groundwater Source for Drinking Water*. Report to the Legislature, January 2013.

<sup>60</sup> El Dorado County Water Agency. 2007. *Water Resources Development and Management Plan*. Publication No. EDCW06-001. December, 2007. [http://www.edcgov.us/Water/final\\_water\\_resources\\_plan.html](http://www.edcgov.us/Water/final_water_resources_plan.html)

<sup>61</sup> U.S. Environmental Protection Agency. *Safe Drinking Water Information System Violation Report*. June, 2014.

- Gray's Mart & Gas failed to comply with routine monitoring for coliform in 2003, 2005, 2006, 2007.
- Tahoe Elementary School was issued a violation in 2012 for "complete failure to report under the consumer confidence rule," among other reporting violations in 2005 and 2012.
- Madrone Montessori School in Rescue was issued "routine major monitoring" violations for coliform in 2002, 2003, 2004, 2008, 2009.

When monitoring was performed, water quality problems become apparent. According to the U.S. EPA's Safe Drinking Water Information System, numerous EDC campgrounds were issued coliform MCL violations.<sup>62</sup>

- Gerle Creek Campground, 2004, 2006, 2007, 2010
- Ice House Campground, 2010
- Stumpy Meadows Campground, 2002, 2003, 2006
- Wench Creek Campground, 2005, 2007
- Wolf Creek Campground, 2006
- Wright's Lake Campground, 2008
- Yellow Jacket Campground, 2003, 2007

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CONT.

#### Surface Water Based Water Systems

Surface water-based community systems are required to sample for total coliform bacteria once per month; sampling of inorganic chemicals (arsenic, cyanide, mercury, selenium, fluoride, nitrate, nitrites, etc.) and secondary standards (aluminum, copper, chloride, thiobencarb, corrosivity, total hardness, turbidity, etc.) is required every year; sampling for radiological constituents is required every four years; organic chemical analyses (VOCs, including MTBE) are due every six years.<sup>63</sup>

According to U.S. EPA's Safe Drinking Water Information System,<sup>64</sup> the following surface water-based water systems received violations:

- The City of Placerville received a water treatment technique violation in 2004.
- EID's Outingdale facility was issued a violation for monitoring of treatment in 2001, and for failing to monitor and report specific constituents in 2007.
- EID received a monitoring violation for coliform in 2012.

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#### **Water Quality in EDC: Surface Water**

Multiple activities in the EDC watershed threaten water quality, such as logging, road building, cattle grazing, fires, recreation, wastewater discharge, storm water runoff, runoff from urban areas, agricultural activities, and mining (residual mercury). A cursory (by no means comprehensive) review of the surface water quality in EDC yields the following information.<sup>65</sup>

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<sup>62</sup> U.S. Environmental Protection Agency. *Safe Drinking Water Information System Violation Report*. June, 2014.

<sup>63</sup> El Dorado County Environmental Health. *Sampling Requirements for Community Water Systems using a Groundwater Source*

[http://www.edcgov.us/Government/EMD/EnvironmentalHealth/Sampling\\_Requirements\\_for\\_Community\\_Water\\_Systems\\_using\\_a\\_Groundwater\\_Source.aspx](http://www.edcgov.us/Government/EMD/EnvironmentalHealth/Sampling_Requirements_for_Community_Water_Systems_using_a_Groundwater_Source.aspx)

<sup>64</sup> U.S. Environmental Protection Agency. *Safe Drinking Water Information System Violation Report*. June, 2014.

<sup>65</sup> El Dorado County Water Agency. 2007. *Water Resources Development and Management Plan*. Publication No. EDCW06-001. December, 2007. [http://www.edcgov.us/Water/final\\_water\\_resources\\_plan.html](http://www.edcgov.us/Water/final_water_resources_plan.html)

- American River: Turbidity levels, number of organisms and organic carbon concentrations peak during storm events. Discharges that contribute to these peaks include upper watershed runoff, urban runoff, and sanitary sewer overflows. The lower American River has a high occurrence of sanitary sewer overflows; watershed erosion and associated sediment loads remain problematic.
- Middle Fork of the American River: Because few studies have been conducted on Middle Fork of the American River water quality, not much is known about the presence of contamination. However, it is known that activities such as logging, road building, cattle grazing, fires, and residual mercury from mining activities threaten water quality in the watershed.
- South Fork American River (SOFAR): Timber harvest, recreation (off-road and passive), mining, and other activities impact SOFAR water quality.
- Rubicon River: Off-highway recreational vehicle use has resulted in periodic trail closures due to biological contamination.
- Apple Hill Area: Mixed residential and agricultural land use in the Apple Hill Area has contributed contaminants from both residential and agricultural sources.
- Urban Runoff: Major sources of urban runoff in EDC include El Dorado Hills, Cameron Park, and the City of Placerville. The City of Placerville discharges urban runoff into Hangtown Creek, a tributary to Weber Creek and the SOFAR. The City's plant on Hangtown Creek is undergoing an upgrade to improve discharge water quality.
- Deer Creek Wastewater Treatment Plant: EID's Deer Creek wastewater treatment plant includes a network of transmission and distribution pipelines, pump stations, storage tanks, pressure reducing stations, and various facilities located within Cameron Park. The California Sportfishing Protection Alliance (CSPA) filed suit against EID for illegal sewage spills, overflows and discharges to creeks tributary to the Cosumnes River and the Sacramento/San Joaquin Delta from the Deer Creek plant. Between October 2004 and March 2009, CSPA documented 423 violations of effluent and receiving water limits, five flow violations, 353 monitoring violations, and 443 reporting violations.<sup>66</sup> CSPA alleges that EID has been underreporting spills from this facility, and that EID illegally discharged effluent exceeding allowable limits for total coliform, total suspended solids, biochemical oxygen demand, ammonia, pH and chlorine residual and violated receiving water limits for temperature, pH and dissolved oxygen.
- El Dorado Hills Wastewater Treatment Plant: The CSPA documented illegal spills of reclaimed wastewater at the El Dorado Hills facility, and alleges that EID has been underreporting spills from this facility. Between October 2004 and March 2009, CSPA documented 289 violations of effluent and receiving water limits, 1,286 monitoring violations and 843 reporting violations.<sup>67</sup> CSPA alleges that EID illegally discharged effluent exceeding allowable limits for total coliform, total suspended solids, biochemical oxygen demand, ammonia, pH and chlorine residual and violated receiving water limits for temperature, pH and dissolved oxygen.
- Exceeded Basin Plan Water Quality Objectives:
  - Single sample criterion for bacteria samples (less than 400 organisms/100 milliliter [ml]) was exceeded on several mid-summer sampling dates at several sites in the watershed. On June 23, 2003, Union Valley Reservoir exceeded criterion for fecal coliform at three sites: Camino Cove (3180 organisms/100ml), Jones Fork Campground (550 organisms/100 ml), and Fashoda Beach (600 organisms/100ml). On July 22, 2003, Jones Fork of Silver Creek at Ice House Road had 1500

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CONT.

<sup>66</sup> California Sportfishing Protection Alliance. 2009. Newsletter. <http://dev.calsport.org>.

<sup>67</sup> *Ibid*.

- organisms /100ml Big Silver Creek at Bike Bridge had 1160 organisms /100ml. The fecal coliform counts were generally lower for sites upstream than downstream.
- Lead: Forty-six of the 406 lead samples (11.3 percent) exceeded the Primary MCL for lead (15 micrograms per liter [ $\mu\text{g}/\text{l}$ ]). All 46 occurred in reservoirs during the 2004 sampling events (2004 Spring Runoff, 2004 Summer Low Flow, and 2004 Fall Turnover and First Major Rain).
  - Copper: Several Upper American River Project reservoirs and rivers, including Rubicon River outflow, Gerle Creek outflow from Loon Lake, Gerle Creek inflow and outflow from Gerle Creek Reservoir, and portions of Silver Creek near Camino Dam and Powerhouse exceeded the criterion for dissolved copper.
  - Fish tissues: Fish tissues were tested for bioaccumulation of metals, including cadmium, mercury, arsenic, nickel, selenium, chromium, silver, copper, lead and zinc, consistent with protocols of the SWRCB Toxic Substances Monitoring Program. At least a moderate level of recreational fishing occurs at six of the 13 reservoirs: Loon Lake, Gerle Creek, Union Valley, Ice House, Slab Creek and Chili Bar. Sacramento Municipal Utility District collected fish from these reservoirs and analyzed filets for metals covered by the U.S. EPA screening values (SV) for recreation (arsenic, cadmium, mercury and selenium) and/or by the SWRCB Maximum Tissue Residue Level values. (arsenic, cadmium, mercury, and nickel). Of the 30 filets examined, two samples exceeded the U.S. EPA SV of 0.026 ppm for arsenic; at Union Valley Reservoir (0.06 ppm) and Ice House Reservoir (0.16 ppm). Two samples exceeded the U.S. EPA SVs for both Target Analytes and Green Areas of 0.4 ppm for mercury, and three samples exceeded the National Recommended Water Quality Criteria (U.S. EPA 2002) of 0.3 ppm for mercury: at Gerle Creek Reservoir (brown trout, 0.32 ppm), Union Valley Reservoir (smallmouth bass, 0.42 ppm) and Slab Creek Reservoir (brown trout, 0.59 ppm).

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CONT.

### **Surface/Groundwater Interactions: Impact on Water Quality/Quantity**

Because surface water/groundwater interactions are difficult to observe and measure, they are often ignored in water management policies. But because many natural processes and human activities affect the interactions of surface and groundwater, it is essential that water managers recognize and account for the relationship between them in their planning and operations.<sup>68</sup>

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### Groundwater and Streamflow Volume

Although the land surface is a convenient division for categorizing surface and groundwater resources, it is an arbitrary one. Surface and groundwater are linked in the hydrologic cycle; groundwater may be recharged by spring runoff in streams; later in the year the base flow of a stream may be provided by groundwater.<sup>69</sup> In fact, one of the primary concerns related to the use of groundwater as a drinking water source is the effect groundwater pumping has on streamflow. (Almost all groundwater used for irrigation and drinking water would become streamflow were it not pumped.)<sup>70</sup>

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<sup>68</sup> Winter, T.C. et al. 2014. *Ground Water and Surface Water: A Single Resource*. United States Geological Survey, circular 1139.

<sup>69</sup> Department of Water Resources. 2003. *California's Groundwater*. Bulletin 118, 2003 update.

<sup>70</sup> California WaterBlog, 2013; UC Davis Center for Watershed Sciences.  
<http://californiawaterblog.com/author/californiawaterblog/>

Wells that pump water out of aquifers can have a detrimental impact on aquatic ecosystems and the availability of surface water.<sup>71,72</sup> Groundwater discharge affects not only the chemistry of surface water, but plays an important role in regulating stream temperature.<sup>73</sup> Groundwater discharge provides cool-water environments that protect fish from excessively warm stream temperatures during the summer, and conversely, relatively warm groundwater discharge can protect against freezing during the winter.<sup>74</sup> This delicate balance can be upset by the small effects of many wells within a basin because they can produce substantial effects on streamflow and aquatic habitats.<sup>75</sup> For instance, the loss of streamflow due to groundwater pumping is the basis for the Cosumnes River Flow Augmentation Project. This Project is designed to recreate river conditions similar to those that existed prior to the reduction of groundwater levels underlying the Cosumnes River.<sup>76</sup> Groundwater overdraft has converted the river to a predominantly “losing stream,” practically eliminating base flows.<sup>77</sup>

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#### Water Quality and the Surface Water/Groundwater Connection

When groundwater pumping is large enough to cause stream flows to drop, induced infiltration of streamflow into aquifers can impact water quality of the underlying aquifer and any associated pumped wells. Infiltrated surface water contaminated by chemical pollutants or biological constituents such as *Giardia lamblia* and *Cryptosporidium* can cause illness in people ingesting the water.<sup>78</sup> Conversely, contaminated aquifers that discharge into streams can cause long-term contamination of surface water.

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#### **Protection of Aquifer Recharge Areas**

Because human activities can render groundwater recharge areas unusable, it is important to protect these areas from chemical and microbial constituents. To achieve aquifer protection, land use managers must develop and implement policies that limit land use activities in these areas. Such policies will ideally have the effect of protecting both groundwater *quality* and *quantity*.

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To ensure recharge areas continue to be replenished with high quality groundwater, water managers and land use planners should work together to:

- identify recharge areas so the public and local planning entities are aware of the areas that need protection from development;

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<sup>71</sup> Leake, S.A. and P. M. Barlow. 2013. *Understanding and Managing the Effects of Groundwater Pumping on Streamflow*. United States Geological Survey Fact Sheet 2013-3001, January 25, 2013.

<sup>72</sup> California WaterBlog, 2013; UC Davis Center for Watershed Sciences.  
<http://californiawaterblog.com/author/californiawaterblog/>

<sup>73</sup> Barlow, P.M. and S. A. Leake. 2012. *Streamflow Depletion by Wells—Understanding and Managing the Effects of Groundwater Pumping on Streamflow*. United States Department of the Interior, United States Geological Survey, Groundwater Resources Program, Circular 1376.

<sup>74</sup> *Ibid.*

<sup>75</sup> United States Geological Survey. 2013: *Understanding and Managing the Effects of Groundwater Pumping on Streamflow*. U.S. Department of the Interior, U.S. Geological Survey Fact Sheet 2013-3001. January 2013.

<sup>76</sup> Robertson-Bryan, Inc. 2006. *Cosumnes River Flow Augmentation Project: 2005 Project Deliverables*. April, 4, 2006.

<sup>77</sup> Fleckenstein, J., et al. 2004. *Managing Surface Water-Groundwater to Restore Fall Flows in the Cosumnes River*. Journal of Water Resources Planning and Management. June, 2004.

<sup>78</sup> Barlow, P.M. and S. A. Leake. 2012. *Streamflow Depletion by Wells—Understanding and Managing the Effects of Groundwater Pumping on Streamflow*. United States Department of the Interior, United States Geological Survey, Groundwater Resources Program, Circular 1376.

- include recharge areas in zoning categories that eliminate the possibility of contaminants entering aquifers;
- standardize guidelines for pre-treatment of recharge water, including recycled water; and
- develop a network of monitoring wells to collect data on changes in groundwater quality.

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CONT.

### **Stream/Riparian Setbacks**

The riparian zone is an ecotone, or transition zone, between aquatic and terrestrial habitats; it is characterized by an unusually high species diversity comprised of both aquatic and terrestrial plant and animal species. Unfortunately, this ecotone is in jeopardy: according to the U.S. Fish and Wildlife Service, California has lost 90 percent or more of its wetlands, which includes riparian communities. These communities provide habitat for up to 80 percent of the wildlife in the Western states; 50 percent of endangered species require wetlands at some point in their life cycle.<sup>79</sup> A contiguous riparian buffer provides migratory and wildlife corridors, which are of particular value in protecting amphibians, waterfowl populations, and fish spawning and nursery areas.

#### Riparian/Stream buffers and Water Quality

Riparian and stream buffers perform many ecological functions important to protecting water quality and quantity, biodiversity, habitat connectivity, and flood capacity. If properly maintained, riparian buffers have a significant capacity to mitigate some of the effects of development; they are an effective way to physically protect and separate a stream or wetland from future disturbance or encroachment.<sup>80</sup>

O-1-107

Riparian zones decrease sedimentation by intercepting sediment and debris before sediment-laden runoff can enter the stream system. This capture of sediments in turn traps particle-bound chemicals and pollutants, preventing them from degrading aquatic environments. Vegetation within a creek buffer decreases erosion and allows for increased soil infiltration by stabilizing stream banks and slowing flow velocities. In some settings, riparian areas remove pollutants traveling in storm water or groundwater.

Setbacks adjacent to streams/riparian areas provide numerous environmental protections and benefits, including:<sup>81</sup>

- restoration and maintenance of the chemical, physical, and biological integrity of water resources;
- reduction of sediment entering the stream;
- removal of pollutants from runoff and urban storm water;
- stabilization of stream banks;
- maintenance of base flow of streams;
- contribution of organic matter (food and energy for aquatic ecosystems);

<sup>79</sup> San Francisco Bay Regional Water Quality Control Board. 2004. *Local Government Riparian Buffers in the San Francisco Bay Area*. July 2004.

[http://www.waterboards.ca.gov/sanfranciscobay/publications\\_forms/documents/bufferreport1204.pdf](http://www.waterboards.ca.gov/sanfranciscobay/publications_forms/documents/bufferreport1204.pdf)

<sup>80</sup> *Ibid.*

<sup>81</sup> U.S. Environmental Protection Agency. 2012. *Model Ordinances Language: Aquatic Buffer Model Ordinance*. November, 2012.

- provision of tree canopy to shade streams and promote healthy environments for fish and other aquatic organisms;
- provision of wildlife habitat; and
- scenic value.

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CONT.

Most contamination problems in riparian areas are the result of the following actions:<sup>82</sup>

- elimination of natural channels, including loss of wetlands, wildlife, fisheries and riparian areas;
- increased sedimentation due to construction activities and land clearing;
- unmitigated changes in hydrology that upset the geomorphic equilibrium of streams, causing destabilization and erosion of channels;
- increased pollutant loads associated with urban activities;
- impairment of fish habitat from water diversions, sedimentation of channels, removal of vegetation; and
- increased pollutant loads associated with agricultural activities.

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Developed land uses (including agricultural uses) within recommended buffer setbacks preclude the effectiveness of setbacks.<sup>83</sup> Conversion of large portions of a watershed to developed and agricultural land uses is associated with broad negative effects on riparian and stream ecosystems (Findlay and Houlihan 1996, Roth et al 1996, Booth and Jackson 1997, Magee et al. 1999, Doyle et al. 2000, Paul and Meyer 2001, Allan 2004, Hatt et al. 2004, Pellet et al. 2004, Wissmar et al 2004, and Jones & Stokes 2005).<sup>84</sup>

#### What Some Relevant Science “Says” About Stream/Riparian Setbacks

The following information was taken from Jones & Stokes, 2005.<sup>85</sup>

- Development and encroachment setbacks should include the entire *active floodplain*<sup>86</sup> of a creek or river to adequately preserve stream banks and associated riparian vegetation. Because active floodplain boundaries are more stable and measurable than stream banks or the boundaries of riparian vegetation (that are dynamic and change with time), the boundary of the active floodplain—which can be readily delineated—is a preferable basis for determining setback widths rather than edges of stream banks, stream centerlines (or thalwegs), or any boundaries based exclusively on channel widths or vegetation.

<sup>82</sup> San Francisco Bay Regional Water Quality Control Board. 2004. *Local Government Riparian Buffers in the San Francisco Bay Area*. July 2004.

<sup>83</sup> Jones & Stokes. *Setback Recommendations to Conserve Riparian Areas and Streams in Western Placer County*. 2005. February, 2005.

<sup>84</sup> *Ibid.*

<sup>85</sup> *Ibid.*

<sup>86</sup> *Active floodplain* means the geomorphic surface adjacent to the stream channel that is typically inundated on a regular basis (i.e., a recurrence interval of about 2–10 years or less). It is the most extensive low depositional surface, typically covered with fine overbank deposits, although gravel bar deposits may occur along some streams.



- There is no single, abrupt, well-documented threshold width setback that would provide maximum benefits for all riparian functions. Rather, because riparian functions have different mechanistic bases, they are affected by different site attributes, and the relationship between setback widths and reduction of human effects differs among riparian functions. Nevertheless, several defensible arguments can be constructed regarding the appropriate width for a buffer to include within riparian setbacks. First, most riparian functions would be affected if setbacks included a buffer of less than 20 m (66 feet) beyond the active floodplain; consequently, narrower widths are not adequate for long-term conservation of riparian functions. This conclusion is based largely on a review of the scientific literature. In addition, stream incision and a discontinuous cover of woody plants reduces the benefits of narrow buffers. This variability in vegetation extent and structure reduces the effectiveness of narrow setbacks.

O-1-108  
CONT.

Recommendations for riparian setbacks are presented below:

- Apply to first and second order stream segments a minimum riparian setback that includes the entire active floodplain plus a buffer of 30 m (98 feet) of adjacent land (on each side of the active floodplain), or the distance to the nearest ridgeline or watershed boundary, whichever is less. (First order stream segments are upstream segments that have no tributaries, and second order segments are formed by the junction of first order segments.) Though the purpose of this setback would be to conserve stream and riparian functions; it would not be sufficient for the conservation of many wildlife species with large area requirements.
- Along higher order stream segments (i.e., third order and greater), and along lower order segments at selected sites (e.g., those in or adjacent to conservation lands), apply a setback of at least 100 m (328 ft), and preferably 150 m (656 ft), from the active floodplain for the purpose of conserving and enhancing stream and riparian ecosystem functions including most wildlife habitat functions. Along these larger stream segments, floodplains and riparian areas are more extensive, continuous, and structurally diverse than for lower order stream segments (e.g., first and second order). These areas constitute corridors connecting a watershed's lower order stream segments, and, at a watershed scale, the riparian areas of these higher order segments contain particularly important habitats for most riparian-associated species.
- The conservation of wildlife habitat functions within these areas may be necessary for the persistence of their populations. For this reason, a wider setback, sufficient for the retention of wildlife habitat functions, is recommended along stream segments. Recommendations would result in a total setback width ranging from slightly more than 30 m (98 feet) on most first- and second order stream segments to over 150-200 m (492-656 feet) on higher-order streams.
- By basing these recommendations, in part, on the width of active floodplains, a variable, site-specific setback width that accounts for stream size is created. The width of the active floodplain provides a clear, functional basis for a variable width criterion that accomplishes the same purpose more directly than criteria based on stream order, slope, and other attributes of streams and their settings.

O-1-109

Riparian woodland restoration and enhancement measures should include:

- Where feasible, contiguous areas larger than 5 ha (12 ac) should be maintained, enhanced and linked to provide habitat refuge areas for sensitive species. These areas should be connected by riparian corridors more than 30 m (98 feet) wide on both sides of the channel wherever possible, in order to provide movement and dispersal corridors for wildlife.

O-1-110

- The preservation, restoration and linkage of large parcels of undeveloped and uncultivated lands adjacent to riparian areas will provide significant benefits to riparian species. Thus, large contiguous areas of riparian vegetation surrounded by “natural” uplands should be conserved to the greatest extent possible.
- Potential effects of adjacent land uses on riparian areas should be thoroughly evaluated during regional land use planning, and during the environmental review and permitting processes for specific projects, and these effects should be avoided to the maximum extent practicable.
- Re-creation of regular disturbance events (e.g., high water) on the floodplain will enhance vegetation and breeding bird populations in most systems (Riparian Habitat Joint Venture 2004).
- Within setbacks, most developed land uses would be incompatible with the conservation of stream and riparian functions. Developed land uses should be restricted to unavoidable crossings by roads and other infrastructure, because any structures or alterations of topography, vegetation or the soil surface are likely to affect both stream and riparian functions, and could result in substantial effects both on-site and downstream.

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CONT.

- For the purpose of long-term conservation of plant habitat functions, riparian setbacks should include the entire active floodplain, regardless of the current extent of riparian vegetation on that surface. The distribution of riparian vegetation is not static within the active floodplain, and the diversity of vegetative structure and species composition is strongly related to the hydrologic and geomorphic processes within the active floodplain. Therefore, conversion of any portion of the active floodplain to developed or agricultural land-cover types would affect hydrologic and geomorphic functions and affect plant habitat functions.

O-1-111

- Riparian-associated wildlife species differ in the specific habitat attributes they require in riparian systems. Consequently, structurally diverse vegetation, as well as the full range of naturally occurring physical conditions and disturbance regimes, are necessary to provide suitable riparian habitat for the entire community of associated wildlife species. Many riparian-associated wildlife species use, and often require, both riparian and adjacent upland habitats for reproduction, cover, and/or foraging.

O-1-112

Recommendations for riparian setbacks by agricultural operations are presented below:

- Along first- and perhaps second-order streams, mitigation for adjacent agricultural uses would include filter strips and riparian buffers managed according to standards established by the National Resources Conservation Service. Such practices would improve the buffers' effectiveness for conserving some functions. Along first- and perhaps second-order streams, compatible developed land uses could include open space and low-density residential development, provided no impervious surfaces, infrastructure, or irrigation are placed within the setback.

O-1-113

## **On Site Water Treatment (OSWT) - dEIR Review Comments**

On June 19, 2012, the California Water Resources Control Board established new standards for Onsite Water Treatment Systems also known as the “OWTS Policy”, hereinafter referred to as OWTS. These OWTS standards went into effect on May 13, 2013. OWTS systems are commonly referred to as septic systems. Each of the nine California Regional Water Quality Control Boards were required to adopt this policy, modifying it if necessary and with the approval of the State Water Resources Control Board, to fit the applicable regions unique requirements. The OWTS is divided into four tiers. Tier 0 applies to existing OWTS. Tier 1 applies to low risk new or replacement OWTS. Tier 2 applies to local agency OWTS management Plans, which must still conform and be approved by the Regional Water Quality Control Board. Tier 3 applies to impaired areas. Each of the jurisdictions within the county is required to adhere to this policy.

O-1-114

El Dorado County has not adopted their own conforming policy under Tier 2; therefore, they are bound by Tier 1 of the OWTS. Of particular interest are Tier 1 sections 7.7 and 7.8 of the State and Regional OWTS.

OWTS Tier 1, section 7.7 states, “Natural ground slope in all areas used for effluent disposal shall not be greater than 25 percent.” It is standard practice to locate septic systems downhill from a dwelling thus allowing gravity to move the waste through the system. Otherwise, the waste must be collected in a separate holding tank and pumped uphill to a septic system in compliance and on the same property, a more complicated and costly solution.

TGPA Policy 7.1.2.1. If El Dorado County proposes to allow development on slopes exceeding 30%, then any septic system, located on the same slope will be in violation of the OWTS. Furthermore, the county will be in violation of the OWTS if it allows septic systems to be located on any part of a property where slopes exceed 25 %.

OWTS Tier 1, section 7.8 states “The average density for any subdivision of property made by Tentative Approval pursuant to the Subdivision Map Act occurring after the effective date of this Policy and implemented under Tier 1 shall not exceed the allowable density values in Table 1 for a single-family dwelling unit, or its equivalent, for those units that rely on OWTS.”

**Table 1: Allowable Average Densities per Subdivision under Tier 1.**

| <b>Average Annual Rainfall<br/>(in/yr)</b> | <b>Allowable Density<br/>(acres/single family dwelling unit)</b> |
|--------------------------------------------|------------------------------------------------------------------|
| 0 - 15                                     | 2.5                                                              |
| >15-20                                     | 2                                                                |
| >20-25                                     | 1.5                                                              |
| >25-35                                     | 1                                                                |
| >35-40                                     | 0.75                                                             |
| >40                                        | 0.5                                                              |

“Average annual rainfall” in Table 1 means the average of the annual amount of precipitation for a location over a year as measured by the nearest National Weather Service station for the preceding three decades.

TGPA Policies 2.1.1.3 and 2.1.2.5. As can be seen in Table 1 of Section 7.8, the minimum parcel size which can be created, using Table 1 is 0.5 acres. The average rainfall in El Dorado Hills is 25 inches a year. Using Table 1, a parcel created in the Eldorado Hills area and using an OWTS would have to be a minimum of 1.5 acres. Cameron Park and Shingle Springs average 35 inches of rain per year. Using Table 1, a parcel created in the Cameron Park or Shingle Springs areas and using an OWTS would have to be a minimum of 1 acre. The average rainfall in Placerville is 38.75 inches per year. Using Table 1, a parcel created in the Placerville area would have to be 0.75 acres. With these minimum parcel sizes in mind, how can El Dorado consider increasing the density of the residential portion of mixed –use projects in Community Regions and Rural Centers, where these parcels may require septic systems. Again, this would be in violation of the OWTS.

Finally, El Dorado must address the current capacity of its sewer treatment plant to ascertain if it can accommodate the current number of unbuilt parcels which will be required to be on public sewers. It seems only logical that before El Dorado County can approve any additional parcels beyond the current capacity of its sewage treatment facilities, any additional treatment facilities which will be necessary should already be in place.

Appendix A of the DEIR indicates that the DEIR need not address water quality issues. (NOP, p. 11; Initial Study, pp. 2-2, 2-23 to 2-27.) As noted above, substantial evidence in the record does not support the County’s conclusion that there is no need to address water quality in the EIR. In fact, a fair argument based upon substantial evidence in the record supports the notion that water quality must be analyzed in the EIR. There are in fact changes being proposed that may violate water quality or waste discharge requirements. The CEQA Guidelines mandate that an EIR shall discuss any inconsistencies between the proposed project and any applicable regional plans including waste treatment and water quality control plans. (CEQA Guidelines, sec. 15125, subd. (d).) The County’s conclusion that there are no potentially significant wastewater impacts to discuss is erroneous.

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CONT.

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## Hazards - dEIR Review Comments

According to the draft EIR, it has been determined that none of the proposed changes to General Plan policy or Zoning Ordinances would result in increased risk or exposure to County residents, concluding that no further analysis is needed (dEIR page 3-2; Appendix A). However, the following policy and ordinance revisions do indeed pose potential risk and must be analyzed for potential impacts.

Comments are as follows:

1. From the dEIR Project Description on page 2-9:

*"Policy 6.4.1.4 and 6.4.1.5. New Parcels in Flood Hazard Areas. Reference to the flood insurance rate maps would be removed from these policies to address recommendations by the Office of Emergency Services and Homeland Security regarding dam failure inundation."*

This is a misleading and incomplete description of the changes being proposed by the project. The actual revisions to policies 6.4.1.4 and 6.4.1.5 *eliminates the prohibition of creating new parcels within dam inundation zones and allows for development on those parcels*. The policies as proposed showing the strike out version:

*"Policy 6.4.1.4 Creation of new parcels which lie entirely within the 100-year floodplain as identified on the most current version of the flood insurance rate maps provided by FEMA ~~or dam failure inundation areas as delineated in dam failure emergency response plans maintained by the County~~ shall be prohibited.*

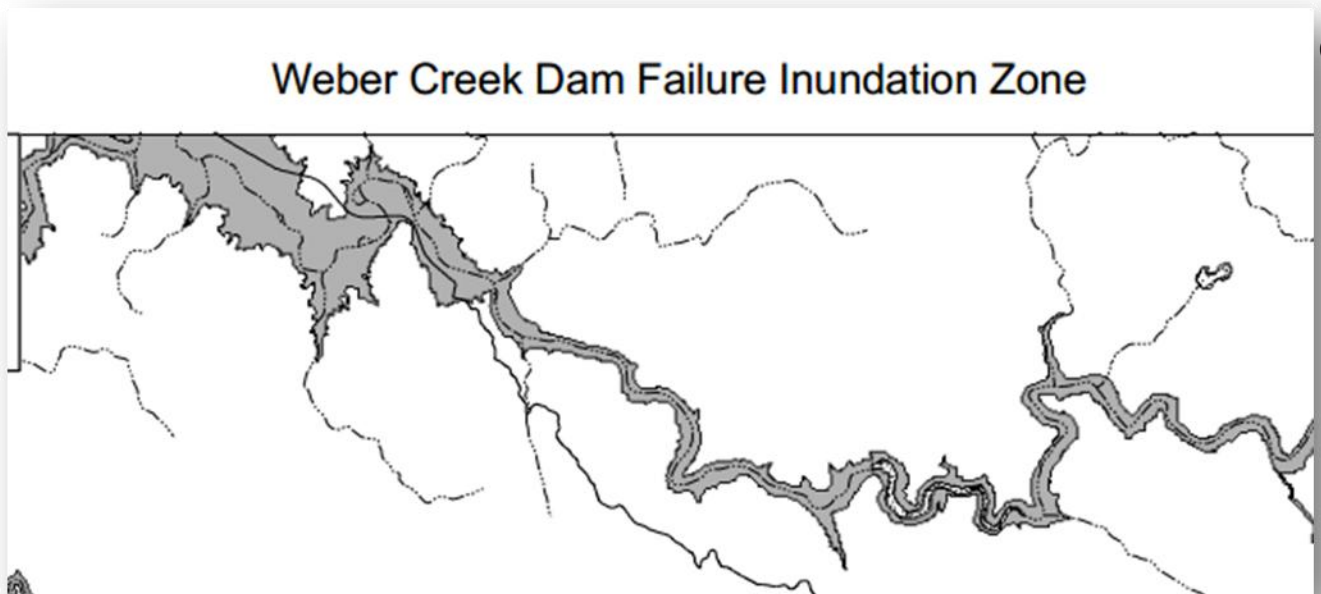
*Policy 6.4.1.5 New parcels which are partially within the 100-year floodplain ~~or dam failure inundation areas as delineated in dam failure emergency response plans maintained by the County~~ must have sufficient land available outside the FEMA or County designated 100-year floodplain or the dam inundation areas for construction of dwelling units, accessory structures, and septic systems. Discretionary applications shall be required to determine the location of the designated 100-year floodplain ~~and identified dam failure inundation areas on the subject property"~~*

This change brings increased risk of exposure to flood hazard and has not been either acknowledged or adequately analyzed:

- a) **Provide maps of the inundation areas with parcels delineated, and include data that quantifies the number of existing parcels and homes, as well as the potential parcels and number of potential homes and other facilities that would possibly be impacted by this change.**
- b) **Provide data to substantiate any claims that the impact might not be significant.**
- c) **Provide specifics as to any recommendations being made by the Office of Emergency Services and Homeland Security.**
- d) **Substantiate any claims as to why this would be a 'required' change. Provide citations.**

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- e) Contrary to county staff response to NOP comment page 714/1212, the County does have 10 dam inundation zone maps, as listed in Appendix A of the 2004 General Plan. Clarify what was meant by the staff response. (map example here)



- f) Government Code 8589.5 requires inundation maps to be on file with the Office of Emergency Services. Provide substantiating evidence if this is not required for El Dorado County.

2. **[New] Ordinance 17.27.040 A-C** - Dam inundation zones. The policy that this new ordinance was intended to implement (6.4.2.1) simply called for creating an 'overlay' zone to identify dam inundation areas, but the ordinance has been expanded to *circumvent the prohibition of development* in these zones. This new ordinance is in conflict with existing General Plan Policy 6.4.1.4, which does not allow the creation of new parcels within a dam inundation zone. The changes being affected remove the safeguards and would allow further residential development in these hazard areas.

From the draft Zoning Ordinance Update:

**"17.27.040 Dam Failure Inundation (-DFI) Combining Zone**

***A. Combining Zone Established. This Section implements General Plan Policy 6.4.2.1 to advise of the potential hazard in the event of dam failure and to protect public health and safety by establishing regulations that minimize public exposure to such hazards. Nothing in this Section is intended to preclude the development of any lot.***

From the existing (2004) General Plan, 'Health, Safety, &Noise' element, page 113:

***Policy 6.4.2.1 Apply a zoning overlay for areas located within dam failure inundation zones as identified by the State Department of Water Resources Division of Safety of Dams.***

- a) See item 1 above for the substantiating data needed in order to analyze the impact of this change, and provide this info.
- b) Revise the proposed ordinance verbiage to accomplish what was intended rather than furthering potential development in hazardous areas.

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CONT.

- 3. The proposed policy changes regarding dam inundation areas have been seriously misrepresented in the Impact Analysis Discussion, resulting in an incorrect dEIR conclusion of 'insignificant impact'. From the 'Impact Discussion' on page 2-26 of the dEIR, does the project:

***"g. Place housing within a 100-year flood hazard area, as mapped on a federal Flood Hazard Boundary or Flood Insurance Rate Map or other flood hazard delineation map?"***

*The County of El Dorado participates in the National Flood Insurance Program and limits development within floodplains by ordinance. The Zoning Ordinance Update includes Chapter 17.32 Flood Damage Protection, which will impose restrictions on development necessary to ensure the County's continued participation in the federal program. This project will not result in the designation of lands within the floodplain for development that are now not designated for development. This impact is considered to be less than significant.*

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AND

***"i. Expose people or structures to a significant risk of loss, injury, or death involving flooding, including flooding as a result of the failure of a levee or dam?"***

*The County of El Dorado participates in the National Flood Insurance Program and limits development within floodplains. This project will not result in the designation of lands within the floodplain for development that are now not designated for development. The Zoning ordinance Update includes Chapter 17.32 Flood Damage Protection and Section 17.27.040 Dam Failure Inundation Combining Zone, which will impose the necessary restrictions on development to ensure the County's continued participation in the federal program and establish enforceable restrictions on new development in any dam failure inundation area. Section 17.27.040 implements existing General Plan Policy 6.4.2 Dam Failure Inundation."*

The actual revisions to policies 6.4.1.4 and 6.4.1.5 eliminate the prohibition of development on parcels within dam inundation areas. See the strike out version of the policy change below from the TGPA:

***"Policy 6.4.1.4*** *Creation of new parcels which lie entirely within the 100-year floodplain as identified on the most current version of the flood insurance rate maps provided by FEMA ~~or dam failure inundation areas as delineated in dam failure emergency response plans maintained by the County~~ shall be prohibited.*

***Policy 6.4.1.5*** *New parcels which are partially within the 100-year floodplain ~~or dam failure inundation areas as delineated in dam failure emergency response plans maintained by the County~~ must have sufficient land available outside the FEMA or County designated 100-year floodplain or the dam inundation areas for*

*construction of dwelling units, accessory structures, and septic systems. Discretionary applications shall be required to determine the location of the designated 100-year floodplain and identified dam failure inundation areas on the subject property"*

**This proposed policy change would put more people at risk by allowing additional homes to be built within the dam inundation area, but portrays just the opposite in this section. These inconsistencies must be corrected, and information and analysis provided per item #1. The FEIR needs to make "a good faith effort at full disclosure" of the impacts. (CEQA Guidelines, sec. 15151.)**

4. It is unclear if [new] Ordinance 17.32.050C(1) is intended to exclude dam inundation zones from residential lot 'creation' prohibitions, similar to policy 6.4.1.4. The ordinance reads:

*"Creation of new lots which lie entirely within the SFHAs [Special Flood Hazard Area] as identified on the most current version of the flood insurance rate maps provided by FEMA is prohibited in compliance with General Plan Policy 6.4.1.4."*

It must be clarified if dam inundation zones are considered as separate entities from flood zones, in order to confirm if there is conflict between the new ordinance and the revised policy 6.4.1.4 (referenced above). Policy 6.4.1.4 will eliminate the *prohibition* of lot creation in dam inundation zones; that is, creating new parcels will be allowed in dam inundation zones. Allowing the creation of new residential parcels in these zones creates risk to the potential residents as well as potential cost to the county. Once the intent of the ordinance is clarified, the verbiage must be corrected.

- a) Clarify ordinance 17.32.050(C)1 for consistency with policy 6.4.1.4.
  - b) Explain how this is NOT a risk for potential residents
  - c) Explain how this is consistent with county policy to minimize public exposure to such hazards
  - d) Explain how lifting this prohibition does not allow additional residential development that would not otherwise occur, as confirmed in 17.32.040 ("Nothing in this Section is intended to preclude the development of any lot")
5. Eliminating construction noise from noise standards requirements is a significant exposure to residents adjacent to both transportation projects and building construction and grading projects.

From page 2-9 of the 'Project Description' in the draft EIR:

***"Policy 6.5.1.11. Noise Standards; Tables 6-3 through 6-5, Establish Noise Standards. This amendment would exempt construction activities occurring from 7 a.m. to 7 p.m. during the week or from 8 a.m. to 5 p.m. on weekends and holidays from those standards. In addition, the amendment would fully exempt public projects to alleviate traffic congestion and safety hazards from those noise standards. (No changes to the tables are proposed)"***

**This is a significant impact that must be analyzed.**

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6. Policy 7.1.2.1 and new ordinance 17.30.060 regarding lifting restrictions on development of 30% slopes, lists exemptions under section D. Many of the eleven exemptions pose increased risks to residents in regard to increased airborne contaminants, and increased stream contaminants for well water users. Additionally, grading operations are exempt from many requirements and these policies and exemptions must be analyzed together.

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- a) Please examine the list of exemptions to the restrictions on this policy, and review all associated risks.**  
**b) Additionally, review this policy relative to the exemptions to general grading restrictions and permit requirements together.**

7. Under 'Geology and Soils' on page 3-2 of the draft EIR, it says "*no reduction in safeguards are proposed*". Also, under 'Hazards and Hazardous Materials' it says "*no changes are proposed to regulations related to naturally occurring asbestos*".

Both of these statements conflict with the fact that there are changes proposed regarding meeting requirements for an El Dorado County Clean Air Act plan, as delineated in the existing (2004) General Plan. It appears the current requirement is being deleted in order to "update" it, with potentially no substitute in place.

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From the Executive Summary in the draft EIR, page ES-4, as well as with the Project Description on page 2-10:

*"Objective 6.7.1 and 6.7.5. These objectives would be amended to reflect updated air quality plan opportunities and add new policies and implementation measure that support the adoption of an Air Quality—Energy Conservation Plan."*

From the existing 2004 General Plan:

*"Objective 6.7.1: El Dorado County Clean Air Plan. Adopt and enforce the El Dorado County Clean Air Act Plan in conjunction with the County Air Quality Management District."*

**Please clarify all changes surrounding this item. It appears to be a 'kick the can down the road' type of issue. Please discuss any replacement policies and implementation and the timing of each, and analyze the potential impact of both the policies and the delays.**

8. The Home Occupation Ordinance (HOO) section 17.40.160C(10) does require review by Environmental Management for 'manufacturing' based home businesses. This draft EIR should then assume that every home based manufacturing business may be handling hazardous substances and evaluate the risk. Verbiage below:

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*"Any materials used or manufactured as part of the home occupation may be subject to the review and approval of Environmental Management and the applicable fire department prior to business license sign off by the Department."*

**Mitigation would be to add restrictions limiting the type and quantities of specific materials that can be used in home based production.**

## Hazards - dEIR Review Comments Continued

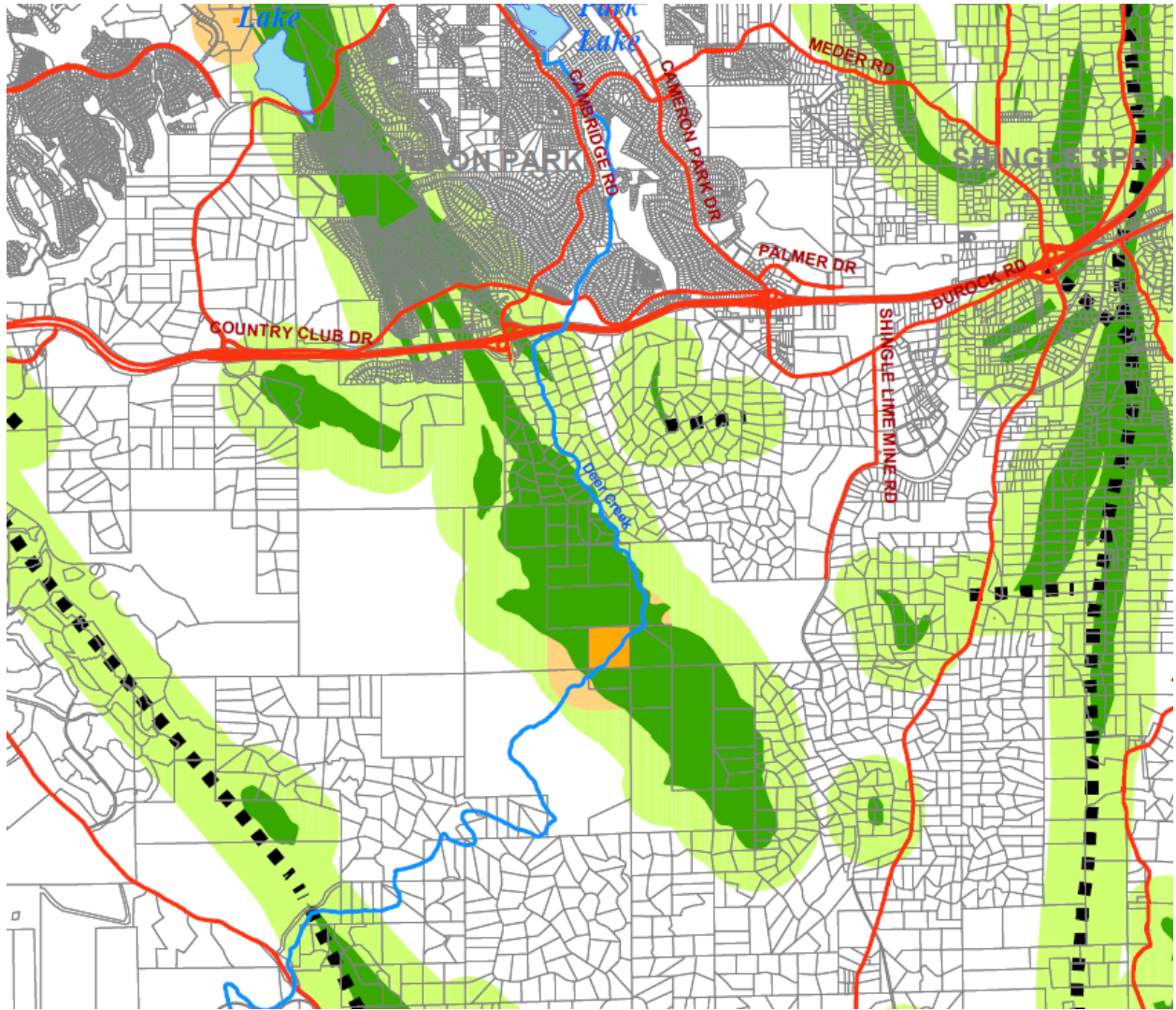
The General Plan Update is missing several important elements. TGPA does not contain elements to address **Hazards** or **Minerals**. This is remarkable considering that, according to the California Department of Public Health (CDPH), the El Dorado hills are a risky area and home to one of the largest Naturally Occurring Asbestos deposits in the world. There are six types of Naturally Occurring Asbestos in the United States, and the most dangerous of these are considered to be Actinolite and Tremolite. Actinolite and Tremolite are members of the amphibole group of silicate minerals. This material is toxic and inhaling the fibers can lead to asbestosis, lung cancer and both pleural and peritoneal mesothelioma.

The EPA conducted a study in 2005 and found that asbestos fibers, Actinolite and Tremolite, were present in almost all El Dorado Hills area samples. This asbestos is not limited to El Dorado Hills. Actinolite and Tremolite (herein after referred to as asbestos) are found in deposits throughout El Dorado County (see attached map, Exhibit H-1, "Asbestos Review Areas Western Slope County of El Dorado, California"). Previous developments in the El Dorado Hills have resulted in asbestos exposure to children living in these developments. Developers may claim that their activities during construction can be controlled by methods such as wetting the ground which is being disturbed. However, experiences gained in the El Dorado Hills area have shown these methods are not sufficient. This is due to the fact that once these asbestos deposits are disturbed they will become airborne with many of the common activities taking place in these developments following the developer's departure. These include, but are not limited to, children playing and riding bikes in unpaved areas, blowers used to clean property, and landscaping activities.

El Dorado County now has before it several applications for development, specifically Marble Valley and Lime Rock Valley, which contain large deposits of asbestos. Even worse, there is a **verified find** of asbestos situated within these proposed developments. The only acceptable alternative is to not develop in areas containing these asbestos deposits as they present an unacceptable HAZARD. When a portion of a parcel or parcels is removed from development consideration due to the presence of asbestos, it would not seem acceptable to use this area in calculating recreational open space for the project, as this would imply that it could be safely used by inhabitants of the development. These areas should be reserved as scenic open space and prohibited from human activity.

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Enlarged view of Lime Rock/Marble Valley area (partial Exhibit H-1 enlargement)



Conclusion:

Substantial evidence in the record does not support the County's conclusion that there is no need to address hazards in the EIR. In fact, a fair argument based upon substantial evidence in the record supports the notion that hazards must be analyzed in the EIR. The CEQA Guidelines indicate that an EIR should "evaluate any potentially significant impacts of locating development in other areas susceptible to hazardous conditions." (CEQA Guidelines, sec. 15126.2, subd.(a).) There are in fact changes being proposed that represent significant risk to county residents, and the conclusion on page 3-2 that there are no impacts to be discussed is erroneous.

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Please add this impact topic (Hazards) to the draft EIR with the appropriate analysis, covering the above issues along with analysis of any additional changes that may be unknown to the public due to the incomplete list of changes that has been provided to date.

Additionally, there are thirty three 'significant and unavoidable' impacts listed in Table 5-4 (dEIR, page 5-16). A single one of these impacts is sufficient cause for denial of the project. On the other hand, to approve the project, the County would have to find valid overriding considerations for each one of the 33 impacts listed. Such a statement of overriding considerations must be supported by a logical analysis of substantial evidence in the EIR or elsewhere in the record. (*Sierra Club v. Contra Costa County* (1992) 10 Cal.App.4<sup>th</sup> 1212.) All feasible mitigation must be adopted, and other mitigation properly found infeasible, before an agency can make a statement of overriding considerations. (*Los Angeles Unified School District v. City of Los Angeles* (1997) 58 Cal.App.4<sup>th</sup> 1019.)

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These are some of the significant and unavoidable impacts that represent potential risks to county residents, as listed on page ES-14:

- " AQ-5: Expose sensitive receptors to substantial pollutant concentrations*
- NOI-1: Exposure of noise-sensitive land uses to short-term (construction) noise*
- NOI-2: Exposure to ground transportation noise sources as a result of the TGPA*
- NOI-3: Exposure to ground transportation noise sources as a result of the ZOU*
- NOI-4: Exposure of noise-sensitive land uses to fixed or non-transportation noise sources*
- NOI-5: Exposure to aircraft noise"*

This list cannot be considered complete until further information and analysis is provided per the dEIR comments, in order to fully ascertain the impacts of the extensive changes being proposed.

END SECTION COMMENTS

The following Exhibit H-1, is an El Dorado County map showing the extent of Naturally Occurring Asbestos (NOA) on the West Slope, and is included here for reference in the discussion of expanded development into areas containing NOA.

*Cover Sheet for* **Exhibit H-1**





## Aesthetics - Section 3.1 dEIR Review Comments

The premise of the Aesthetics review in the draft EIR as noted on page 3.1-1 is that the proposed changes from the project will not change development patterns, therefore "*the discussion in this section describes the 2004 General Plan EIR's evaluation and significance conclusions. This section relies [on] the county's existing visual character (not that in 2004) as the baseline for its analysis of the project.*" This is a false premise because:

- a. there are multiple density increasing policies, expansive changes of use within zone districts, and the expansion of commercial and industrial uses into Rural Regions
- b. multiple ordinance and policy changes directly affect aesthetics throughout the county (including sound wall policy and new multi use guidelines)
- c. mitigations as laid out in the 2004 General Plan were either not followed or were not effective, and must be reevaluated rather than simply setting a new 'baseline' as is indicated.

Comments are as follows:

1. The description of the environmental setting for this section (draft EIR, page 3.1-6) is incorrect: "*The suburban communities of El Dorado Hills and Cameron Park include extensive retail, office, and residential development. They do not have the rural appearance found in much of the rest of the county.*"

While there is indeed retail, office, and high density residential in EDH and Cameron Park because of their location within the Community Regions, there are also many rural neighborhoods that have been overlooked with this blanket statement. The neighborhoods along Malcolm-Dixon Rd in EDH have many parcels of 1 acre and larger with small country road access and a very rural feel. All along the Green Valley corridor are many 5 acre and larger parcels. Cameron Park Estates and many areas south of Hwy 50 in Cameron Park and EDH, are neighborhoods of 5 acre and larger parcels.

This mischaracterization has caused countless land use conflicts between existing residents and proposed new projects adjacent to them. Residents on a 5 acre parcel in Cameron Park do not appreciate being trampled by new development in order to protect residents on 5 acre parcels in Pollock Pines: all are considered rural and should be protected as such.

"An EIR must contain an accurate description of the project's environmental setting. An EIR "must include a description of the physical environmental conditions in the vicinity of the project ... from both a local and regional perspective. This environmental setting will normally constitute the baseline physical conditions by which a lead agency determines whether an impact is significant." (Guidelines, § 15125, subd. (a).) There is good reason for this requirement: "Knowledge of the regional setting is critical to the assessment of environmental impacts.... The EIR must demonstrate that the significant environmental impacts of the proposed project

O-1-127

were adequately investigated and discussed and it must permit the significant effects of the project to be considered in the full environmental context." (Guidelines, § 15125, subd. (c).) We interpret this Guideline broadly in order to "afford the fullest possible protection to the environment." (*Kings County Farm Bureau, supra*, [221 Cal.App.3d 692](#), 720.) In so doing, we ensure that the EIR's analysis of significant effects, which is generated from this description of the environmental context, is as accurate as possible." (*Friends of the Eel River v. Sonoma County Water Agency* (2003) 108 Cal.App.4<sup>th</sup> 859, 874.)

O-1-127  
CONT.

**In the Final EIR, please correct this description of the environmental setting, and discuss the problems that arise in addressing aesthetics with 'one size fits all' policies in such a diverse county as El Dorado.**

2. Table 3.1-1 Key Public Scenic Viewpoints in El Dorado County, dEIR page 3.1-7 appears to be a reproduction of Table 5.3-1 from the draft EIR for the 1996 General Plan, as reproduced and adopted in the 2004 General Plan. This table should not be re-adopted as 'new'.

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**In the Final EIR, re-designate this table to identify the data source as 'forwarded' from the 2004 General Plan.**

3. Policy 2.6.1.6 requires community participation in the identification of scenic corridors, as well as the regulations governing how they are, or are not, developed.

**In the Final EIR, update Table 3.1-1 to confirm that previous mitigation measures have been effective in protecting currently designated 'scenic' vistas and corridors.**

O-1-129

"Because an EIR cannot be meaningfully considered in a vacuum devoid of reality, a project proponent's prior environmental record is properly a subject of close consideration in determining the sufficiency of the proponent's promises in an EIR." (*Laurel Heights Improvement Association of San Francisco v. Regents of the University of California* (1988) 47 Cal.3d 376, 420.)

4. Per Caltrans (Scenic Highway Program), the local county corridor protection programs are expected to ensure that activities within the scenic corridor are compatible with scenic resource protection and community values (dEIR page 3.1-2). The allowance of billboards (Shingle Springs), neon lighting (Cameron Park), and ridge top development (Serrano in EDH) along the Hwy 50 corridor have not been in keeping with either this expectation or 2004 General Plan policy.

**In the Final EIR, please explain why 2004 policies have not been enforced and mitigations have been lacking, and how future mitigations will differ in their effectiveness.**

O-1-130

"Because an EIR cannot be meaningfully considered in a vacuum devoid of reality, a project proponent's prior environmental record is properly a subject of close consideration in determining the sufficiency of the proponent's promises in an EIR."



5. The original Salmon Falls Area Plan (adopted in 1983 and still a current regulation) included protection for ridgelines and natural features under 'Goal D'. This goal is referenced in the EDH Specific Plan EIR (1987) under Appendix I. And yet, below is a picture of ridgeline development in the EDHSP that is in direct conflict with this aesthetic goal.



O-1-131

The 2004 General Plan, policy 2.6.1.1(i) restricts ridge development. The verbiage in policy 2.6.1.5 specifically references the avoidance of "*visual breaks to the skyline*". The draft EIR has omitted this in the evaluation of the 2004 General Plan and its EIR.

**In the Final EIR, please discuss the failure to mitigate this significant impact of the 2004 General Plan, and how it might be addressed now.**

The courts have explained the reason that mitigation measures must be enforceable, and must be monitored to ensure that they are implemented. "The purpose of these requirements is to ensure that feasible mitigation measures will actually be implemented as a condition of development, and not merely adopted and then neglected or disregarded. (See § 21002.1, subd. (b).) [fn. 5](#)" (*Federation of Hillside & Canyon Associations v. City of Los Angeles* (2000) 83 Cal.App.4th 1252, 1260 - 1261.)

6. The protection of visual resources was maintained through numerous policies in the General Plan that are now proposed for revisions which reduce these protections. These will both independently, and cumulatively, have substantial impact on aesthetics. They include, but may not be limited to:

**Policy 2.3.2.1:** revised to allow Disturbance of slopes thirty (30) percent or greater  
**Policy 2.2.4.1:** revised for reduction of open space, and omission of the requirement that it be of public benefit

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**Policy 2.5.2.2:** new commercial development was previously to be located nearby existing commercial facilities; expansion of commercial & industrial into the Rural Region voids this protection

**Policy 2.6.1.1(l):** sound walls were previously restricted in the foreground of scenic corridors

**Ordinance changes:** revisions to the zoning ordinance may include impacts that have not been clearly delineated.

**In the Final EIR, please provide a comprehensive list of the changes that have been left out of Table 3.1-2 as noted above, update the table, and evaluate the cumulative impact of all of these changes.**

The discussion of cumulative impacts must either "list past, present, and reasonably anticipated future projects producing related or cumulative impacts" or provide "A summary of projections contained in an adopted general plan or related planning document which described or evaluated regional or areawide conditions." Then it must summarize their "expected environmental effects" and "examine reasonable, feasible options for mitigating or avoiding the project's contribution to any significant cumulative effects." (CEQA Guidelines, sec. 15130.)

7. Programs which have not been defined cannot be evaluated for impact. And the public cannot comment on a vague policy. For example, from Table 3.1-2 on page 3.1-9 of the dEIR:

*"(New) **Policy 2.4.1.5** The County shall implement a program to promote infill development in existing communities."*

How much infill development does the County hope to promote? Is this infill residential, commercial, and industrial? What incentives might be provided? Will significant adverse impacts (aesthetic, traffic congestion, air pollution, etc.) be traded off to allow this infill?

**In the Final EIR, please provide some details regarding the proposal, and then provide a complete evaluation of the impacts.**

An accurate and complete project description is necessary to fully evaluate the project's potential environmental impacts. (*El Dorado County Taxpayers for Quality Growth v. County of El Dorado* (App. 3 Dist. 2004) 122 Cal.App.4<sup>th</sup> 1591.)

8. Page 3.1-13 of the draft EIR includes this caveat:

*"Note that El Dorado County is preparing a new sign ordinance separately from this project. Because that ordinance is not a part of this project and will be subject to its own CEQA analysis, it is not being considered here or otherwise included in this analysis."*

- a) To this, we would like to note that the sign ordinance is integral to aesthetics issues, and should not have been separated out of this review. An EIR must discuss

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CONT.

O-1-133

O-1-134

significant cumulative impacts, and/or explain why the cumulative impacts are not significant. (CEQA Guidelines, sec. 15130; Citizens to Preserve Ojai v. County of Ventura (2d Dist. 1985) 176 Cal.App.3d 421, 432 [222 Cal.Rptr. 247].) The discussion of cumulative impacts must either "list past, present, and reasonably anticipated future projects producing related or cumulative impacts" or provide "A summary of projections contained in an adopted general plan or related planning document which described or evaluated regional or area wide conditions." Then it must summarize their "expected environmental effects" and "examine reasonable, feasible options for mitigating or avoiding the project's contribution to any significant cumulative effects." (CEQA Guidelines, sec. 15130.)

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CONT.

**b)** Page 3.1-5 lists sign ordinance references, indicating there is some coverage of this issue, which could obfuscate the fact that a review and analysis has not been done. This is very confusing. Either the ordinance issue is covered in the EIR or it is not. EIRs must be "organized and written in a manner that will be meaningful and useful to decision makers and to the public." (Pub. Resources Code, sec. 21003, sub. (b).)

**As of this date, there is no sign ordinance draft included as a part of this update. Apparently, no impact assessments in this dEIR should be construed as including the upcoming sign ordinance approval. If the county insists on leaving the sign ordinance impact analysis out of the Final EIR, please make that clear where any references to sign regulations may occur in the document, or remove the references.**

9. The 2004 General Plan 'aesthetics' EIR evaluation is presumably incorporated into this EIR 'by reference' according to page 3.1-14. We reject that action based on the fact that *the subject mitigations have not been substantiated as effective*, and also that the proposed changes that make up 'the project' have not been confirmed as consistent with those policies.

As listed in items 5 and 6 above, policies and their associated mitigations have not been adhered to, specifically those regarding ridge top development (policy 2.6.1.5), scenic corridor designations (policy 2.6.1.8; note that no additional EDC segments of Hwys 49 or 50 have been designated as scenic by Caltrans), and policy 2.2.5.2 (see item 10 below).

O-1-135

- a. **list the mitigations and all portions of the 2003 EIR intended to be incorporated into this document**
- b. **then substantiate the efficacy of each mitigation intended to be incorporated**
- c. **the incorporated material includes footnote 1 on page 5.3-6 of the 2003 EIR, referring to a Federal Hwy Administration program that was pending in 2003. Confirmation of the program's viability and current applicability must be provided.**

The administrative record must contain substantial evidence supporting the agency's view that the measures will mitigate the impacts. "A clearly inadequate or unsupported study is entitled to no judicial deference." (Laurel Heights Improvement Association of San Francisco v. Regents of the University of California (1988) 47 Cal.3d 376, 422 & 409 fn. 12.)

O-1-135  
CONT.

10. According to page 3.1-14 of the draft EIR, Mitigation Measure 5.3-1(a) from the 2003 EIR was adopted as Policy 2.2.5.2 in the 2004 General Plan. This mitigation measure was intended to establish a 'conformity review' process for permits. The policy that was adopted (2.2.5.2) actually does the opposite, by allowing a project that does NOT conform with the General Plan to be made consistent *by changing the policies with which it conflicts*.

This has been utilized in many projects over the years, the most recent being the proposed EDH Apartments. This project is being said to 'strictly adhere to the General Plan and Town Center requirements' *after* the approval of a General Plan Amendment, Zone change, Specific Plan amendment, and Development Standards revisions. This is not technically 'conforming' to the General Plan, and voids any protections afforded from existing policies.

O-1-136

The courts have explained the reason that mitigation measures must be enforceable, and must be monitored to ensure that they are implemented. "The purpose of these requirements is to ensure that feasible mitigation measures will actually be implemented as a condition of development, and not merely adopted and then neglected or disregarded. (See § 21002.1, subd. (b).) **fn. 5**" (*Federation of Hillside & Canyon Associations v. City of Los Angeles* (2000) 83 Cal.App.4th 1252, 1260 - 1261.)

**In the Final EIR, please explain how a mitigation measure can protect a scenic corridor when conformity may be achieved by voiding the 'protective' policy rather than upholding it. A policy intended to protect natural resources can just be made to 'go away' if a project is found to be inconsistent with it.**

11. This excerpt from the 2004 General Plan conclusion, restated on page 3.1-13 of the draft EIR for this General Plan update, indicates that the Community Regions and Rural Centers had their boundaries *reduced* prior to the 2004 General Plan:

*"...provide greatly enhanced protection for visual resources. The reduced boundaries and increased land use densities of the Community Regions and Rural Centers would reduce the incentive for residential development to be dispersed through the Rural Regions as ministerial development. Along with the General Plan policies, this development pattern would protect scenic views, resources, and view sheds from encroachment by higher intensity development in the lower intensity rural areas."*

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The idea that the boundaries were reduced at that time has not been substantiated in either document, and in fact, many lands were added into those regions via site

specific requests in 1995 with no individual parcel review. It is a false assertion that these reduced boundaries will cause scenic views to be protected, or that there is reduced incentive for rural development. Both are incorrect, and additional information is needed before this conclusion from the 2004 General Plan can be incorporated into the analysis for the current update.

The administrative record must contain substantial evidence supporting the agency's view that the measures will mitigate the impacts. "A clearly inadequate or unsupported study is entitled to no judicial deference." (Laurel Heights Improvement Association of San Francisco v. Regents of the University of California (1988) 47 Cal.3d 376, 422 & 409 fn. 12.)

- a. **Provide documentation that the Community Region and Rural Center boundaries were indeed 'reduced', by providing maps showing both the 'before' and 'after' boundaries (indicate both the parcels removed and the parcels added prior to the 1996 General Plan adoption, which was the basis of the 2004 boundaries).**
- b. **Provide appropriate market analysis to substantiate how the potential buyer for a 10 acre parcel is convinced to purchase a condominium instead; these are two separate markets and there is no explanation as to why increasing the number of urban parcels will reduce the demand for rural land.**
- c. **Map the low density lands within the Community Regions as well as those on the perimeter, and analyze the aesthetic impact of converting them to high density development. This would include the rural lands that make up Dixon Ranch, San Stino, and Marble Valley/Lime Rock Valley, to name a few.**

O-1-137  
CONT.

12. From the section analysis on page 3.1-14, it is stated that there are two changes proposed that might have an impact on scenic vistas. Yet the Executive Summary conclusion lists four significant and unavoidable impacts. We believe there will actually be more when the changes have been more fully analyzed.

*"There are no specific projects being proposed by the project. However, as described above, there are two proposed changes that could result in development that would have adverse effects on scenic vistas."*

O-1-138

**In the Final EIR, please reconcile the difference between the Executive Summary conclusion and the Aesthetics review conclusion.**

13. From the Aesthetics analysis on page 3.1-14, the conclusion is reached that allowing development on slopes over 30% would allow building higher up on hillsides, but dismisses the impact on the Community Regions:

*"Allowing development on slopes of 30% or greater would allow new development to be built higher on slopes. Despite the proposed Zoning Ordinance provisions requiring special consideration of grading, geotechnical engineering, landscaping, and other concerns, there is no practical means of*

O-1-139

*avoiding the introduction of new structures into natural environments when development would occur in rural areas."*

El Dorado is a foothills county. Item no.5 above demonstrates how the Community Regions are affected by this policy as well, and have been readily dismissed in favor of concerns for rural areas. Mitigation BIO-1a would not likely protect the urban areas (Community Regions and Rural Centers) against building higher on slopes and creating community eye-sores. Not one of the mitigation measures proposed is aimed at mitigating impact to these areas.

O-1-139  
CONT.

**In the Final EIR, please review and rewrite the analysis for this and all sections to eliminate the bias shown that gives consideration to rural regions over more developed areas.** The fact that past mismanagement of aesthetic resources in Community Regions and Rural Centers have resulted in significant aesthetic impacts is not reason to dismiss future impacts as insignificant. In fact, the more severe the existing environmental problems are, the lower the threshold for treating the project's cumulative impacts as significant. (Kings County Farm Bureau et al. v. City of Hanford (5th Dist. 1990) 221 Cal.App.3d 692, 718-721 [270 Cal.Rptr. 650].)

14. From the section analysis on page 3.1-15, an assertion is made regarding the proposed changes:

*"As discussed under Impact AES-1, it is reasonably foreseeable that the proposed ZOU provisions described above could result in new development that adversely affects existing scenic resources. No other part of the project would have that potential."*

The lists of proposed changes that will have an impact cannot be confirmed as 'complete', and therefore this statement is no more than an assertion. Until a comprehensive list of the proposed zoning ordinance changes is provided to the public in an understandable format, this statement must be removed.

O-1-140

**Please revise the analysis to include only the changes that are listed to date. More changes are proposed than have not been made clear to the public, and even a single 'unadvertised' change is unacceptable in the eyes of CEQA. Provide a comprehensive list of changes in the Zoning Ordinance update.**

Under CEQA, an accurate, stable and finite project description is sine qua non of informative and legally sufficient EIR. (*Burbank-Glendale-Pasadena Airport Authority v. Hensler* (1991) 233 Cal.App.3d 577.) An accurate and complete project description is necessary to fully evaluate the project's potential environmental impacts. (*El Dorado County Taxpayers for Quality Growth v. County of El Dorado* (App. 3 Dist. 2004) 122 Cal.App.4<sup>th</sup> 1591.) A description of the project is an indispensable component of a valid environmental impact report under CEQA. (*Western Placer Citizens for an Agricultural and Rural Environment v. County of Placer* (App. 3 Dist. 2006) 144 Cal.App.4<sup>th</sup> 890.)

15. Ordinance changes, particularly in the Home Occupation sections, omits the requirement for 'display of goods' to be hidden from view of neighboring parcels. Even parking of company vehicles and equipment could have impact in some zones. This is not listed anywhere in the aesthetics review, and will have major impact in areas of expanded uses.

O-1-141

**Please add this change, note all zones affected, and analyze the impacts regarding aesthetics and quality of life.**

16. The Home Occupancy Ordinance (HOO) expands the allowable parking in all neighborhoods, which would have a significant impact in high density residential areas. Many neighborhoods have CCR's specifically to combat this type of 'offense', not just so that someone can park their car in front of their house after work, but also for appearances sake. This has not been included in any analysis.

O-1-142

**Please review the effect of street parking that proposed changes to the HOO will have in all neighborhoods.**

17. Ordinance 17.37.070A has been revised to make sound walls optional rather than prohibited along Hwy 50, and not restricted at all along local busy roads such as Green Valley Rd. The previous requirements were for setbacks and berms as mitigation. The net result will be to allow a tunnel effect to be created along rural roads where the current views are of rolling foothills and oak woodland. This is a significant impact in transition zones all around the perimeter of the Community Regions and possibly elsewhere. The installation of concrete block walls just off the right of way is not consistent with the rural nature of our county, nor the policies in the existing General Plan that are intended to keep us rural.

O-1-143

**Please provide likely roadways where areas are targeted for development and local roads will be impacted by this. Include the segments of Green Valley Rd where projects are already proposing to do this, and add the other likely targeted areas.**

**Provide an explanation as to how this policy is consistent with the existing General Plan.**

18. Visual screening for RV parks is eliminated through ordinance revision 17.40.100(D)2, and only screening for safety is retained:

*"Fencing. A fence, wall, landscaping screen, earth mound or other screening approved by the Director, or otherwise required by this Title, shall be required as needed for public safety."*

O-1-144

**Please review the possible locations of these areas with the expanded uses, and assess the aesthetic impact.**

Conclusion:

There are thirty three 'significant and unavoidable' impacts listed in Table 5-4 (dEIR, page 5-16). A single one of these impacts is sufficient cause for denial of the project. To approve the project, the County would have to find true overriding considerations for each one of the 33 impacts listed. Such a statement of overriding considerations must be supported by a logical analysis of substantial evidence in the EIR or elsewhere in the record. (*Sierra Club v. Contra Costa County* (1992) 10 Cal.App.4<sup>th</sup> 1212.)

The significant and unavoidable impacts from the **Aesthetics** section, as listed on page ES-14:

" **AES-1:** *Result in a substantial adverse effect on a scenic vista*

**AES-2:** *Substantially damage scenic resources, including but not limited to trees, rock outcroppings, and historic buildings along a scenic highway*

**AES-3:** *Substantially degrade the existing visual character or quality of the site and its surroundings*

**AES-4:** *Create a new source of substantial light or glare that would adversely affect daytime or nighttime views in the area"*

Additionally, this list cannot be considered complete until further information and analysis is provided per the dEIR comments, in order to fully ascertain the impacts of the extensive changes being proposed.

END SECTION COMMENTS

O-1-144  
CONT.



The following Exhibit is an Article published in the Mountain Democrat July 11, 2014.

'Grand jury report: County slammed for not enforcing ordinance'

by Chris Daley

O-1-145

The purpose of this exhibit is to show that county ordinances and policies are not being enforced, and to demonstrate the unreliability of the County's mitigation promises.

Cover sheet for **Exhibit 3.1-1**

# Grand jury report: County slammed for not enforcing ordinance

**By Chris Daley**

From page A1 | July 07, 2014 |

According to the annual Grand Jury report, several county departments and individuals failed to protect the public from threats to the environment and to the health of local residents. The report cites the departments of Transportation and Community Development as well as the District Attorney's Office at best for inattention and perhaps ineptitude or bowing to political pressure regarding the lack of enforcement of several county ordinances, particularly the "Grading, Erosion and Sediment Control Ordinance." As a result, property owners graded their land without permits causing some significant environmental impacts.

At issue are several chinks in the permitting process, especially that if an individual or contractor simply does not apply for a grading permit and consequently does not pay the fee for same, the county evidently has no impetus to make a lawful inspection of the work. Under the ordinance, however, it's clear that the county does have the authority to stop the work, mitigate the damages and charge the offender for the costs, the report states.

The report notes that the fee and permit application are the triggers for involvement by the appropriate county departments, especially Transportation and Planning/Community Development. The Grand Jury studied one particularly egregious case that involved land in the area of the proposed Diamond Springs Parkway and Diamond-Dorado retail development.

According to the report, the landowner hired a grading contractor who failed to complete the necessary application documents and payment of the permit fee. That individual allegedly then did substantial grading of earth containing toxic limestone waste at the site of a former Diamond Lime processing plant, which is also within the plan boundaries for the parkway and retail project. In addition, the state Department of Fish and Wildlife opened an investigation of the property and issued citations for fines of nearly \$100,000, the report says. The county issued "stop work" orders that went unheeded. The Fish and Wildlife agency forwarded the case to District Attorney Vern Pierson for legal action. The DA's Office opened a case but later closed it for reasons that are unclear in the report.

Deputy District Attorney Jim Clinchard, however, discussed the case Wednesday in a phone call responding to a Mountain Democrat request for information.

The case was originally handled by an attorney in 2012-2013 who is no longer with the department, Clinchard said. Relevant documents and office records are incomplete and not easily traced, but more importantly, he said that as a misdemeanor criminal case, "it would have been incredibly difficult to prove criminal intent." Winning a criminal case would not

necessarily solve the pollution problem because the owner could tell a judge he had no money for the cleanup work and putting him in jail or on probation, likewise, would not address the issue, Clinchard reasoned. Based on considerable experience with “environmental” cases, he said proving criminal intent is typically a huge barrier to winning a case. He also pointed out that the case was dismissed long before the recent Grand Jury was impaneled and that the case may be more appropriately handled by the state, that is Fish and Wildlife and Water Quality agencies.

Clinchard described the county’s existing ordinance as “a very powerful tool” that could have been used and could be used to resolve the actual environmental problems. The statute of limitations has run out on the matter as a criminal case, he said.

The report describes the initiation of the case as follows: “Citizens using the El Dorado Trail, a bike/pedestrian path on the former railroad right-of-way at the North perimeter of the property, reported white, milky water and dead mammals in two tributaries of Webber Creek to the CDFW. CDFW documented lime discharge from the property on March 17, 2011. Testing showed alkalinity up to pH 12, equivalent to ammonia or oven cleaner, on the property. A CDFW violation case was filed with the county District Attorney.”

Why the situation was not addressed more aggressively and therefore persists to today is noted in the report:

“Both County staff and officials reported that they perceived it to be *the will of the Board of Supervisors* that the Ordinance not be enforced. They stated that El Dorado is a *property rights county*; the will of the Board of Supervisors is that property owners not be burdened by strict compliance with requirements perceived to be onerous for some property owners. Several witnesses reported they believed the Ordinance imposed excessive burdens on property owners maintaining rural access roads.

“The public appears to understand that the Ordinance is not enforced. Neither of the contractors who performed illegal grading in Report No. 13-15 or 13-16 felt required to obtain a permit for the grading they performed. In Report No. 13-16 the Contractor appears to have understood that if he failed to pay the fee for a grading permit no action would be taken to enforce the terms of the permit.”

Under the guidelines of the Grand Jury, the county has 90 days from publication of the report to issue an official response. The departments that had and continue to have the authority under the ordinance to do something about the specific situation described in the report, mainly transportation and the community development agency, are under the direction of Assistant Chief Administrative Officer Kim Kerr. She responded by e-mail to a request for comment from the Mountain Democrat Tuesday.

“We received your e-mail. The County will not be providing a comment on the report until our official response is due,” she wrote.

## Agriculture & Forestry Resources - Section 3.2 dEIR Review Comments

*1. Under the Existing Conditions (Section 3.2.1), discussions of Objective 8.1.3 from the current General Plan (PROTECTION OF AGRICULTURAL LANDS) is completely left out. The County has already reinterpreted Policies 8.1.3.1 and 8.1.3.2 which only leaves Policies 8.1.3.3, 8.1.3.4, and 8.1.3.5.*

*Policy 8.1.3.4 is very important for agricultural protection:*

*"A threshold of significance for loss of agricultural land shall be established by the Agriculture Department and the Planning Department, with opportunity for public comment before adoption, to be used in rezone applications requesting conversion of agricultural lands to non-agricultural lands, based on the California LESA system. For projects found to have a significant impact, mitigation shall include 1:1 replacement or conservation for loss of agricultural land in active production and/or 1:1 replacement or conservation for land identified as suitable for agricultural production. A monitoring program should be established to be overseen by the Agricultural Department."*

*It is unclear how Policy 8.1.3.4 is being implemented with the new General Plan and Zoning Ordinances.*

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*The Zoning Ordinance Update changes the criteria for allowing residential development in Timber Preserve Zones. By not only allowing, but encouraging residential development on Timberlands, growing and harvesting of timber will be severely impacted. The new zoning ordinance is too vague to protect this most important resource. It is unclear how the General Plan's assumption that the viability of the timber industry is critical to the maintenance of the County's customs, culture, and economic stability will be maintained.*

O-1-147

### Existing TPZ criteria:

17.44.050 Criteria for residential use.

A. Residential use of timberland is in general inconsistent with growing and harvesting of timber. However, it is recognized that in certain situations such as intensively managed minimum size acreages, nurseries, etc., in private ownership, living quarters and outbuildings are necessary in connection with the management and protection of the property. Therefore, by recommendation of the agricultural commission acknowledging that three consecutive years of intensive management of his lands have been shown by the landowner, the zoning administrator may grant a special use permit for construction of one owner or caretaker occupied single-family detached dwelling or a mobile home on an approved foundation.

B. The following criteria will aid the agricultural commission in determining what constitutes intensive management and must be in any case considered in granting a special use permit for a residence.

C. Where a landowner has:

1. A timber inventory of his stand;
2. Conducted commercial harvesting operations;
3. Provided legal and physical access to his property so commercial operations can be carried out;
4. Made a reasonable effort to locate the boundaries of the property and has attempted to protect his property against trespass;
5. Conducted disease or insect control work;
6. Performed thinnings, slash disposal, pruning and other appropriate silvicultural work;
7. Developed a fire protection system or has a functioning fire protection plan;
8. Provided for erosion control on existing roads and skid trails and has maintained existing roads;
9. Planted a significant portion of the understocked areas of his parcel. (Ord. 3153 §1, 1981: prior code §9432(E))

17.44.060 Development standards. The following area and building regulations shall apply in TPZ districts unless a variance is first obtained from the planning commission or zoning administrator:

A. Minimum parcel area:

1. Any use permitted in Sections 17.44.040 or 17.44.050 shall be allowed on any existing parcel of record as of October 12, 1976,
2. Any use permitted in Sections 17.44.040 or 17.44.050 shall be allowed on a parcel of not less than one hundred sixty contiguous (as defined in Section 51100(b) of Article 7, Chapter 6.7 of the Government Code) acres or the equivalent of a quarter of a section or sections within which the parcel is located, whichever is less, where the parcel is created after October 12, 1976;

B. Minimum setback, one hundred feet on any side;

C. Maximum building height shall not exceed fifty feet, nor shall buildings exceed any applicable height restrictions imposed by airport approach districts. (Ord. 3452 §1, 1984: prior code §9432(F))

### Proposed TPZ criteria:

**F. Disclosure Notice of Rezone.** Within 10 days of final action of a zone change application that either includes or deletes property from a TPZ, the Clerk of the Board shall cause to be recorded an instrument which will serve as constructive notice of the zone change action to prospective buyers of the subject property.

**H. Required Findings to Support Residential, Recreational and Other Non-Timber Uses.** Certain uses within the TPZ may be compatible with growing and harvesting timber in certain circumstances, and may be allowed by Conditional Use Permit. When approving a Conditional Use Permit, as allowed in Table 17.21.020 (Agriculture and Resource Zone Districts Use Matrix), for compatible, non-timber related uses, the review authority shall consider the recommendations of the Ag Commission and shall make the following findings:

1. The proposed use is compatible with and will not detract from the land's ability to produce timber;
2. Fire protection and public safety concerns have been adequately met, including the ability to provide adequate public access, emergency ingress and egress, and sufficient water supply and sewage disposal facilities;
3. The proposed use will not adversely impact the area's watershed, wildlife, and

other natural resources.

**2.** *It also appears that the new zoning ordinance for TPZ, creates more criteria for TPZ parcels to be allowed. This also conflicts with the maintenance of the County's customs, culture, and economic stability. The El Dorado-Alpine Counties 2013 Agricultural Crop and Livestock Report, reported \$11,422,718 value in the timber harvested. According to what constitutes a threshold of Significance, the change in the TPZ ordinance will have a significant impact on that value. Given the importance that the timber resource is to the culture, customs and economic stability of El Dorado County this change is more than just a significant impact that cannot be mitigated it will be a catastrophic change to the entire General Plan. (See CEQA Guidelines, sec. 15131, subd. (b) [economic and social effects can be used to determine the significance of a physical change in the environment].) The changing of the zoning ordinance conflicts with the policies and Objective 8.3.1 of the current 2004 General Plan.*

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**3.** *Since the TGPA/ZOU targets on the creation of Agricultural Districts for implementation, it leads to the question of the Board of Supervisors intent. Looking at Figure 3.2-1, the El Dorado county Important Farmland of 2010, from the Farmland Mapping & Monitoring Program, it shows Prime Farmland (661 acres), Farmland of Statewide Importance (827 acres), Unique Farmland (3,206 acres), Farmland of Local Importance (59,565 acres), and Grazing Land (193,883 acres) distributed throughout the entire mass of El Dorado County.*

*The 2004 General Plan EIR concluded that the adoption of that plan created the potential for 63,307 acres of these particular acres listed to be converted to other uses. The discussion in the TGPA/ZOU EIR explains the amount of acreage being added into Agricultural Districts, but does not explain what the overall affect will be to Agricultural Zoned Lands throughout the County. Will Agricultural Zoned Lands outside of these Districts have the same protections as within? Or once these Districts are established, will Agricultural Lands outside these Districts face more pressure to convert to non-agricultural uses. The Study agrees that the impact to the conversion of Agriculture will still be significant and unavoidable. To date, the measures to mitigate that impact, within the current plan, has been mostly ignored, amended or not implemented. Two new mitigation measures added with this project will not change this impact.*

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**4.** *Page 3.2-17 of the TGPA/ZOU, under Impact AG-3, Project Impacts, states, "The TGPA is not proposing any amendments that would result in inconsistent levels of protection for "agricultural operations". Then it is stated that the right-to-farm ordinance provides county-wide protections for "on going agricultural operations", therefore the threat to Agriculture will be less than significant. This is basically a play on words, is misleading to the public and does not address the true impact that implementing the TGPA/ZOU project will have on protections to Agriculture.*

O-1-150

*Currently the right-to-farm provides protections to Agricultural "Zoned" Parcels throughout the county, regardless of their current operational status. Currently, numerous agriculturally zoned parcels exist with conflicting General Plan Land*

*Designations throughout El Dorado County. This is allowed according to Policy 2.2.5.6.*

*Once the TGPA/ZOU project is implemented many of these currently Agricultural "zoned" parcels have the potential to be converted to higher density uses without any analysis. Those parcels will then lose their right-to-farm protections unless they meet all the new criteria for sustaining "on going agricultural operations".*

*It is the same strategy that has come into play by the El Dorado Irrigation District with new Commissioner members working to change the rules and regulations in place that have historically protected farm rates. This section of the TPGA/ZOU appears to be tainted and lacking the information needed for a true analysis as to the impacts this project will have on current agricultural protections. Will the right-to-farm ordinance eventually only be allowed on parcels contained in Agricultural Districts? If this becomes the case, implementing this plan **WILL** provide an inconsistent level of protection for agricultural operations based on location in identified agricultural areas (meaning whether they are in or out of Agricultural Districts) , contrary to this project's stated "less than significant" statement.*

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CONT.

**5.** *The discussion regarding converting the Community Region line in Camino – Pollock Pines to three Rural Centers ends with the impact being less than significant. The main TGPA/ZOU discussion starts with the possible impact to the future of the Camino Mill due to the different allowances for noise levels between Community Regions and Rural Centers. Contrary to this assumption, when looking at the 2004 General Plan noise policies, they address how "new" noise-sensitive land uses being created shall be protected and how "new" proposed non-transportation uses shall be mitigated. The 2004 General Plan does not address existing land uses that retain that use as being affected by the noise ordinance.*

*The other argument from the TGPA/ZOU was based on the premise that making the change would have little affect because the area does not have the infrastructure or services to reach its potential development intensity. This has been the argument from the developer lobbyists throughout the process. (Don't worry, be happy.. the possibility of this ever happening is way down the road.) This discussion sounded more like propoganda for reasons not to change the overlay to a less growth inducing designation than an analysis as to what the impact would be on Agricultural and Timber resources adjacent to and within these lines. Given that the pressures to allow higher densities for urban development would be reduced, the conclusion in this report should be; making this change would have no impact to Agriculture and Forest resources.*

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*An EIR cannot underestimate the impacts of the project, by assuming that, once the project is adopted, it will not be implemented. If the County wishes to adopt an alternative for which the EIR suggests there will be no additional significant impacts, then the County can choose the "No Project" alternative. On the other hand, if the County wants to adopt the TGPA/ZOU, it must disclose the impacts of its full implementation. "It is vitally important that an EIR avoid minimizing the*

*cumulative impacts. Rather it must reflect a conscientious effort to provide public agencies and the general public with adequate and relevant detailed information about them.' [Citation.] A cumulative impact analysis which understates information concerning the severity and significance of cumulative impacts impedes meaningful public discussion and skews the decisionmaker's perspective concerning the environmental consequences of a project, the necessity for mitigation measures, and the appropriateness of project approval. [Citation.] An inadequate cumulative impact analysis does not demonstrate to an apprehensive citizenry that the governmental decisionmaker has in fact fully analyzed and considered the environmental consequences of its action." Citizens to Preserve Ojai v. County of Ventura (2d Dist. 1985) 176 Cal.App.3d 421, 431 [222 Cal.Rptr. 247], quoting San Franciscans for Reasonable Growth v. City and County of San Francisco (1st Dist. 1984) 151 Cal.App.3d 61, 79.)*

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CONT.

**6.** *On page 3.2-14, the TGPA/ZOU states that the project includes "minor" revisions to policies of the General Plan's Agriculture and Forestry Element that would make the following changes:*

- Clarify setback requirements of agriculturally incompatible uses adjacent to agriculturally zoned land.
- Provide consistency with the ZOU provisions allowing Williamson act parcels to be zoned Agricultural Grazing (AG), Planned Agriculture (PA), or Limited Agricultural (LA), rather than only Exclusive Agricultural (AE) or Agricultural Preserve (AP) as under the existing Zoning Ordinance.
- Clarify that visitor serving uses will be allowed in agricultural areas pursuant to the Zoning Ordinance.

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*The policy changes being allowed in the TGPA/ZOU are opening up more allowed uses on Agricultural Lands, but the Zoning changes will create a more restrictive environment than the current policies. Without comparing how the new Zoning policies, with new regulations, will impact existing resource industries that depend on existing extended uses on their property, with the uses now allowed based on the existing Ranch Marketing and other existing policies, it is unclear as to what the true impact to the Agricultural and Timber Resources will be given these changes.*

*A better discussion needs to take place regarding the impact of the zone change categories for Agriculture. Art Marinaccio, brought forward these proposed changes and it is known that he has worked as a consultant to the property owners of the San Stino project which entails converting hundreds of acres of agricultural ranch lands to residential and commercial use which have been historically held in Williamson Act contracts. The impact to Agriculture and Forestry due to the above changes has not been clearly defined in the analysis. One should not have to search through volumes of documents to figure this out on their own. Information scattered in an EIR or buried in an appendix is not a substitute for good faith reasoned*



analysis. (*California Oak Foundation v. City of Santa Clarita* (2005) 133 Cal.App.4<sup>th</sup> 1219, 1239.)

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CONT.

*This section needs to be more concise and clear as to what impact the policies changes will have on Agriculture and Forestry.*

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**7.** *According to the Methods of Analysis on page 3.2-11, "Existing conditions are the baseline against which the significance of the project's potential impact is evaluated." As documented above many changes have taken place over the years in regards to policies and development that will negatively affect Agricultural lands.*

*Much of the Agricultural Zoned Lands exist as they have prior to the 2004 General Plan being adopted since the change to Agricultural zoning has not yet taken place. The intent of the LUPPU/ZOU is to implement these zone changes without individual analysis to the impact of those changes. These and past policy changes, over the years, have not been analyzed for their cumulative impact on Agriculture and Forestry Resources.*

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*Currently numerous speculators have brought forward projects that will convert thousands of Agricultural zoned lands to higher density land uses. These proposed projects are currently being processed, but mostly sitting in the hopper waiting for the new General Plan and Zoning Codes to be finalized.*

***Once the changes, provided for by the TGPA/ZOU, are implemented, they will have a significant and very destructive impact on the County's Agricultural and Forestry Resources. Not only that, they will also impact the County's Custom, Culture and Economic Stability, the Plan Purpose, Statement of Vision, Plan Assumptions, Plan Concepts and Plan Objectives which are the basis of the entire 2004 El Dorado County General Plan. Inconsistencies between the TGPA/ZOU and environmental protection provisions of the general plan are evidence of a significant land use impact on the environment, and may make the TGPA/ZOU legally infeasible. (See CEQA Checklist, DEIR, Appendix A, p. 2-28.; Gov. Code, esc. 65300.5.) Please disclose this in the Final EIR.***

*To merely address "Loss of the county's rural character as a result of new, higher density residential development," while the projects causing this impact are moving forward separate from the TGPA/ZOU process, is irresponsible to the public. The potential impacts created by TGPA/ZOU ends up being left out of the discussion. It should be stated that implementing the TGPA/ZOU will give these projects a new advantage, those issues need to be addressed and not avoided or simply pushed to Chapter 5, which in the end merely concludes that this project is Growth Inducing, without specifying how.*

*As the governmental body of El Dorado County likes to often state when changing protection policies, "since there is no development project involved in the new policy, there is no impact." Much of this document reads the same way. Digging through the document to Chapter 5.2 it is stated that this project could, however,*

*indirectly induce growth by removing barriers to growth. Again one should not have to dig so far to find this information.*

*I will always remember a quote told to me from Bill Stephens, former Agricultural Commission for El Dorado County, "One man's barrier is another man's protection."*

*Following the TGPA/ZOU document to the end, and along with the cumulative affects of all the previous changes to the General Plan mentioned in the attachment to this comment, the overall impact to Agricultural and Forestry Resources will be Significant and Unavoidable due to this project. Simply alluding to the fact that this is not any different than the impacts of the past is not acceptable mitigation.*

*New mitigation measures must be implemented in order to retain the essence of the 2004 General Plan. If not this whole endeavor should be abandoned. County Staff needs to return to the Board of Supervisors with implementation measures that will actually encourage the growth of the Agricultural and Timber Resources, rather than impact them, as was intended and PROMISED in the current 2004 General Plan.*

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CONT.

**Comments regarding the March 2014 El Dorado County TGPA/ZOU Draft Program EIR, 3.2 Agricultural and Forestry Resources:**

**Attachment 3.2-A. Agriculture and Forestry Background Information**

*The Current 2004 El Dorado County General Plan, after years of battling over land use, was the result of being placed on the ballot in the form of Measure B. One of the selling points for Measure B was the protections that would be provided to Agriculture.*

*From the "El Dorado County Taxpayers Coalition for Open Roads and Quality Neighborhoods" the public was told:*

"The 2004 General Plan protects agriculture against urban sprawl and protects the county from over-development by providing agricultural lands as open space, e.g.; working landscapes, and by providing a buffer against urban sprawl."

"The 2004 General Plan provides the most protection for agricultural land use, including grazing. Source: 2004 General Plan, Land Use Element: Polciy 2.2.1.2 Agricultural Lands (AL) Land Use Designation & Policy 2.2.2.2 Agricultural District (-A) Overlay Designation."

"Protects our county's agricultural lands, using them as open space buffers against over-development and urban sprawl."

"They all new [now] agree that the 2004 General Plan is the right way to control growth, preserve our rural and agricultural lands, fix transportation problems, protect jobs and encourage healthy economic growth."

*The importance of protecting Agriculture from urban development is expressed throughout the General Plan as one of the most important lands that require sound management.*

**The 2004 General Plan's Custom, Culture, and Economic Stability**

**statement** is as follows: (Parts having to do with timber, grazing and agricultural lands are underlined.)

Public land within El Dorado County provides economic and ecological value to the County, State, and Nation. Since the Eldorado Forest comprises about 57 percent of El Dorado County's land base, and these Federal lands are exempt from local property taxes, the County requires Federal and/or State compensation to offset the loss of potential tax dollars to the County's economy.

Activities on public land include but are not limited to timber harvesting, grazing, mining, tourism, recreation, and the production of clean water within a healthy forest environment.

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El Dorado County is blessed with abundant natural resources and has long been recognized for its spectacular beauty. While impacted, these same attributes exist today. The County has a tradition of appreciating and conserving these resources, using them wisely, and upholding a strong ethic of stewardship over these assets. It is the combination of these features that are now referred to as rural character.

The value and historical productivity of the Eldorado National Forest is associated with commodity production, ecological diversity, and geological significance. Its long-term economic and environmental value depends upon overall forest health.

There is an abundance of non-timber oriented natural resource lands in the County. Some of these lands have produced, and will continue to produce, a variety of agricultural products. Others are inherently valuable for their natural environmental characteristics. All of the County's natural resource lands are important to the local and regional economies due to their availability for crop production, recreational opportunities, watershed values, and contributions to the tourism industry.

In general, in order for these resources and opportunities to be available in the future, these important lands require sound management. The General Public specifies the manner in which the historic culture, custom, and economic importance of these lands can be sustained in the future. Conflicts do exist as a result of population expansion into resource rich lands. This Plan provides policy guidance and direction on how to avoid and/or minimize these conflicts. Careful management applies especially to the County's abundant water resources and watershed areas. Healthy economies cannot be maintained without a reliable and clean water source.

This Plan also acknowledges that the County will continue to grow but will attempt to retain the qualities of its natural resource base, both consumptive and environmental, in order to maintain its custom and culture and to assure its long-term economic stability. This Plan acknowledges the ecological and historic values of these lands while saving and conserving the lands for future economic benefits for all the purposes stated in this section. **The rural character of the County is its most important asset.** Careful planning and management can maintain this character while accommodating reasonable growth and achieving economic stability.

The County will actively participate with Federal and State agencies in the development and implementation of policies that affect our custom, culture, and economic stability.

To facilitate this participation, the El Dorado County Board of Supervisors shall establish Memorandums of Understanding (MOUs) with the United States Forest Service, the Bureau of Land Management, the California Department of Forestry, the California Department of Fish and Game, and other agencies as the need arises.

**The 2004 General Plan's Statement of Vision** includes #4 which states:

Promote a better balance between local jobs and housing by encouraging high technology activities and **value added activities tied directly to available**

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CONT.

**resource base industries such as the timber industry, tourism, agriculture, mining, and recreation.**

**The 2004 General Plan’s Plan Assumptions** includes:

#4. Agriculture and Timber:

The agriculture and timber industries will remain economically viable during the 20-year planning time horizon of the Plan. **The viability of these industries is critical to the maintenance of the County’s customs, culture, and economic stability.**

*Agriculture in El Dorado County has been such an important part of retaining the rural way of life that the "El Dorado County Taxpayers Coalition for Open Roads and Quality Neighborhoods" propaganda also stated that:*

“According to state law, a General Plan must address seven subjects – land use, transportation, housing, conservation, open space noise and safety. Our plan addresses these areas and four others – agriculture & forestry, public services, parks and recreation and economic development – making it one of the most comprehensive plans in the state.”

*Agriculture and Forestry is so important in El Dorado County that even though it is not required in the General plan it was added as an extra element to the General Plan.*

**The 2004 General Plan’s Agriculture and Forestry Principle** states:

The Plan must provide for the conservation and protection of El Dorado County’s important natural resources, and recognize that the presence of these resources pose a constraint to development.

*Protecting Agriculture is an element that is recognized to constrain development, meaning it is OKAY to impede development in order to protect this resource.*

**The 2004 General Plan’s Agriculture and Forestry Introduction:**

The Agriculture and Forestry Element addresses the conservation, management, and utilization of the County’s agricultural and forest lands. In El Dorado County, these lands are regarded by residents as fundamental components of the County’s rural character and way of life. In recent years large influxes of new residents have resulted in increased development and thus a changed landscape. While this growth has benefited the County in many ways, the low-density residential growth has threatened important agricultural and forest lands. Prudent management of the County’s agriculture and forestry resources is needed to provide future generations with opportunities to experience both the economic benefits and rural lifestyle residents now enjoy. This prudent management strategy involves maintenance of large parcel sizes and the minimization of incompatible land use encroachment into these resource rich lands.

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The Agriculture and Forestry Element is consistent with the requirements set forth in California Government Code Section 65302 and other applicable sections. The conservation and management of agricultural and forest lands is identified by the residents of El Dorado County as an important issue to be addressed by the General Plan. This element encompasses portions of the mandatory Land Use, and Conservation and Open Space Elements set forth by the California Government Code. Provisions within each of these elements apply to agricultural and forest lands. Specifically, State law requires that the general plan shall include:

"A land use element which designates the proposed general distribution and general location and extent of the use of land for ... agriculture... (Government Code Section 65302(a)).

"A conservation element for the conservation, development, and utilization of natural resources including .... soils.." (Government Code Section 65302(d)).

An open space element "used for the managed production of resources, including ... Rangeland, agricultural lands, and areas of economic importance for the production of food or fiber ... " (Government Code Section 65560(b)(2)).

The focus of the Agriculture and Forestry Element is on conserving these non-renewable lands for agriculture and timber activities, natural resource values, and long-term productivity.

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*Soon after the General Plan was adopted a group of developer lobbyists – mainly the promoters of Measure B (the public voter adopted 2004 General Plan) – started a process of gutting and amending the 2004 El Dorado County General Plan that they had just promoted. (Bernard Carlton, of the El Dorado County Taxpayers Association, has told me several times that "they knew that this plan was horrible, but they just needed to get it adopted so they could fix it.") Their first line of business was to increase the Floor Area Ratio from .25 to .85 on Commercial, Research and Development, and Industrial properties. This increased the County's Commercial, Industrial and Research and Development build out from 24 million square feet to 84 million sq. ft. The Environmental Impact Report (EIR) stated that adopting this amendment would add 26 significant and unavoidable impacts with these two impacts (Impact 5.1-2: Substantial alteration or degradation of land use character in the county or Subareas and Impact 5.2-2: Degradation of existing visual character or quality of the area or region) having no feasible mitigation measures that the Board of Supervisors (BOS) could adopt. Therefore the BOS stated that the economic, legal, social, technological benefits outweighed the unavoidable environmental impacts and adopted the amendment. Even though it appears at build out, El Dorado County does not have the water to sustain this*

growth. This was adopted on 7/10/07 without any consideration as to the impact this increased density would have on the County's agricultural resources. Also the overriding considerations stated that in balancing between competing goals of growth and economic development versus the need to protect the environment, that growth and economic development were more important, thus the overriding considerations. This was counter to the 2004 General plan statements from above showing the stewardship needed over our natural resources for economic stability. Especially given that "the County's rural character is it's most important asset."

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On April 22, 2008 the BOS directed staff to prepare an amendment to Policy TC-Xa, which would reflect their reinterpretation of the 1998 provisions of Measure Y. The new measure stated, "Shall the voter-enacted Measure Y General Plan policies be extended ten years and amended to provide: (1) Traffic from major single-family residential subdivisions shall not result in, or worsen, Level of Service F (gridlock) traffic congestion; (2) No additional county roadways may operate at Level of Service F without voter approval or 4/5ths vote of County Supervisors; (3) Developer-paid traffic fees, combined with any other funding source, shall pay to build necessary road improvements?"

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Most residents did not understand the change in verbiage.

After the passage of this Measure on 11/4/08, with the new 4/5ths vote to amend or allow projects even when they create a LOS F, multiple large projects have been brought forward. The Board of Supervisors have also made adjustments to the Traffic mitigation fees for special interests and a lobbyist promoting high density senior housing. Also within the housing element that was adopted, the Board, in 2008, inserted into the element, "As part of the reauthorization process for General Plan policies related to concurrency, the Board of Supervisors has proposed modifications that will reduce the impact on residential development. This includes **allowing for single family residential subdivisions of five or more parcels or all other residential developments to commence** as long as construction of the necessary road improvements are included in the County's 10-year or 20-year CIP.

This modification will no longer require road improvements to be completed prior to occupancy of the development." (Added in 2009) – "Requirements for concurrency of services and development are contained in the General Plan and County Code and will be modified to provide more flexibility in development of multi-family housing."

Without the 4/5's vote of the Board of Supervisors to override the gridlock policy, many of these future projects would not be allowed due to Highway 50 already being at Level of Service F during peak hours, which would require developers to provide the infrastructure to mitigate for the increased traffic. Developers historically would rather pass this impact onto the public and rarely pay for the true cost of mitigating infrastructure impacts created by their projects. When these mostly high density projects move forward they will be impacting existing and

adjacent agriculturally zoned parcels. This change in Measure Y, once the LUPPU process is completed, will contribute to creating a significant impact to Agricultural and especially grazing lands in El Dorado County.

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On 6/19/07 BOS directed staff to prepare an amendment to Policy 2.2.5.20 for relief to limit review of the single family dwellings building permits. Prior to the amendment, a General Plan Consistency Review was required on any development greater than 120 square feet. The amendment changed this threshold to 4,000 square feet. This amendment was initiated by Art Marinaccio, a commercial real estate broker, and recommended by an Ad Hoc committee formed "To improve the permit process" and then adopted by the BOS. The recommendation no longer required an applicant to readdress parcels created on subdivisions once they had been approved through the CEQA process. These CEQA statements for new subdivisions, no matter the impact, are usually Negative Declarations. Often El Dorado County Staff reports, when they move to create a new subdivision, will state that since there is no development project, therefore there is no impact. That way when an applicant or developer goes to build on this property they do not have to acknowledge compatibility issues surrounding them. This new policy was mostly created to avoid mitigation of Oak trees, but it also affects adjacent agricultural lands. (Refer to El Dorado County #A07-0011) No longer checking for compatibility issues has the potential for significant impacts on Agriculture.

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On 10/11/07 the public (Kathye Russell, development consultant) raised concern regarding agriculture buffers and setbacks. On 12/13/07 the Planning Commission adopted a Resolution of Intention to exempt those lands that are located in rural centers and community regions from Policy 8.1.3.1 (Agricultural buffers). On 5/14/08 the Ag Commission approved a motion to recommend to the Planning Commission to amend 8.1.3.1 and provided criteria to be adopted by a separate resolution, which defines when the exemption is applicable. Art Marinaccio wanted to omit "and will not intensify conflict with an adjacent agricultural operation". The Agricultural Commission moved to recommend to the Board of Supervisors to initiate a General Plan amendment to allow creation of parcels less than 10 acres and to adopt criteria through Board resolution and added "approving authority" per planning staff. On 10/9/08 Planning Commission (PC) requested staff to go to the Ag Commission and that the process be streamlined when reviewing buffers and setbacks (to lessen Ag Commission input). Art Marinaccio mentioned to the PC that the criteria drafted is not what the BOS requested, but what the Ag Commission wants. At the 11/5/08 Ag Commission meeting, Art Marinaccio stated that the BOS could just do a policy interpretation rather than a General Plan amendment. Valerie Zentner, Farm Bureau Executive Director, stated that the policy should be changed



by General Plan amendment as language is very clear in the policy which does not allow it to be interpreted any differently then warned the Commission to proceed with caution. On 12/1/08 Jack Sweeney introduced his own policy for 8.1.3.1. & 8.1.3.2., written by Jim Brunello, (lawyer & property owner of land which abuts Agricultural zoned land), and initiated Board agenda item to be heard on 12/9/08. On 2/2/09 Board adopted Jack Sweeney's interpretation of policies 8.1.3.1 & 8.1.3.2 to limit review by Ag commission in regards to buffers and setbacks in and adjacent to Community Regions and Rural Centers. Bill Stephens, the Agricultural Commissioner at the time, stated that the Board should do this by General Plan Amendment rather than a reinterpretation. County Council was asked for advice if what they were doing was legal and Lou Greene of County Council basically stated that the Board could do whatever they wanted. On 5/12/09 Board adopted criteria to limit review by Ag commission in regards to buffers and setbacks in and adjacent to Community Regions and Rural Centers. Being that there are only 5 policies in the 2004 General Plan to provide protection of agricultural lands from adjacent incompatible land uses and this reinterpretation reduced the protections clauses of 2 of those polices, this change will contribute to creating a significant impact on agriculturally zoned parcels.

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On 4/18/06 the Board of Supervisors (BOS) adopted a resolution of intention to amend the General Plan with regards to Floor Area Ratio (FAR) and Mixed Use Development (MUD). Later the Board directed staff to address MUD separately from FAR (On 7/10/07 the amendment to increase FAR was adopted). MUD was to include FAR of 1.00, allow residential density from 10 to 24 dwelling units (DU) per acre, and to provide bonus densities for affordable housing. On 7/18/06 the BOS entered into a contract with Pacific Municipal Consultants (PMC) to provide critical environmental impact services to the county. PMC provided a range of options the County could consider regarding the MUD and recommended not to undergo an EIR since it would be too expensive and the findings may not support the desired outcome. In 2007, Planning staff contacted four market analysis firms whose thoughts on MUD for El Dorado County were not strong. A statement was made, in the 10/9/08 staff report, that parcels within Community Regions are of interest to the development community for consideration of more dense urban development as supported by the County's General Plan policies pertaining to Community Regions. In the 10/9/08 Staff concluded that MUD would not degrade the quality of the environment, reduce habitat, threaten plant or animal communities or eliminate important examples of California history or prehistory. Nor would the project cause substantial importance that identifies new or more intense significant impacts. Therefore, staff prepared a Negative Declaration for this amendment.

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*During this time Developer Lobbyists appeared to have taken over the General Plan implementation process along with most committees and commissions having to do with land use and development. These lobbyists rewrote the professional staff's ordinance that had been prepared for the Board of Supervisors. They gave a 2-1/2 hour presentation at the BOS workshop regarding what they could accept for the mixed use development ordinance. They also mentioned that they were not affordable home builders. The proposed rewrite of the mixed use on commercial properties included: authority of the Board to reduce the required 30% open space; increase of Dwelling Units from 10 to 24; commercial no longer required to be the primary use; residential and commercial no longer required to be built at the same time; a single site may include contiguous properties; residential can be on a separate parcel from commercial and can be single or multi-family; and zero line setbacks, "by right" with a planned development overlay. Taken out of professional staff's ordinance was: standard lot area and width; design review; and coordination between projects, infrastructure, and open and public spaces. This Ordinance came before the Board on August 4, 2009 for the MUD general plan amendment's final approval. At the 6/30/09 Board meeting regarding the MUD proposed adoption, I objected to the Negative Declaration and mentioned that the way this amendment has been gutted and transformed by the "working MUD group" (the Developer Lobbyists), is to cause the opposite effect of the original intent of the MUD policy. Below is the argument attached to the item prior to adoption of the MOU ordinance:*

December 9, 2009

Board of Supervisors  
330 Fair Lane  
Placerville, CA 95667

RE: General Plan Mixed Use Amendment  
Item # 66, 12-08-09 Agenda  
Project # 09-0156

Dear Board of Supervisors,

I would like to state my opposition of the adoption of the Mixed Use General Plan amendment. I object to the negative declaration stating that this project could not have a significant effect on the environment.

The planning staff report makes assumptions that are not well studied. The study is outdated due to amendments and reinterpretations of General Plan policies.

*Assumptions in italics:*

*"Mixed-use projects located within urbanized areas of the unincorporated County are expected to reduce traffic impacts when sited near alternative forms of transportation such as bus routes, bike and pedestrian walkways."* There is no requirement for these mixed use projects to be located near alternative forms of transportation. These projects would also by right be allowed

into rural areas of the unincorporated County, therefore there is no guarantee these projects will reduce traffic impacts. In fact placing this type of development in a rural county is much more likely to create traffic impacts. The concept of “smart growth” was to alleviate the impact of development on Agricultural lands, encouraging denser projects to be infilled into already existing urban cities. Placing these projects in El Dorado County will actually impact the County’s agricultural lands since developers are looking to place these projects on parcels containing choice soils for farming.

*“Development resulting from the proposed amendment would only occur in areas designated for commercial uses, none of which are considered important scenic resources.”* Commercial zoned parcels are located in Camino along Highway 50 which is designated as a scenic highway, therefore this statement is not true.

*“Impacts to existing communities would be less than significant due to future projects would only take place on sites within the County’s Community Regions and Rural Centers.”* Most of our small historic towns are located within these community regions and rural centers. Such as Diamond Springs, El Dorado, Camino, Pleasant Valley to name a few. These towns still sit without any historic protections. Allowing these developments to go into these areas without protections, and design standards these historic towns will be forever lost. Building mixed use projects outside of these existing communities will destroy the economic viability of these communities. More safeguards need to be in place to protect our historic and existing communities before haphazardly approving massive mixed use projects. Therefore adopting this amendment could have a significant impact on our existing communities.

*“Short-term and long-term impacts would be less than significant to the CBC noise standards.”* The staff report only addressed the noise level from construction and airports. Due to the fact that there are no limitations from the list of acceptable uses of commercial development that would be allowed attached to residential, no one knows the impact of the long term noise levels.

*“There is no potential for a significant impact due to substantial growth with the proposed amendment either directly or indirectly.”* Since 70% of a commercial parcel can be residential and since the residential can be built prior to the commercial, creating the possibility of the commercial not be developed, this amendment will create a more substantial imbalance in the County’s current jobs to housing ratio.

*“No significant impacts are expected to public services either directly or indirectly.”* The Board of Supervisors are working with developers to reduce the amount of funds required by developers to mitigate the long term effect of their development. There is no proof that these proposed projects will not impact public services. On the contrary an increase tax base in small rural communities rarely reduces individual tax burdens or meets the demands of new public services required.

*“No significant traffic impacts are expected either directly or indirectly.”* This study was based on facts relative to August 22, 2006. Since this time the road design standards have changed along with the traffic impact mitigation program. Therefore these issues need to be reevaluated. The other issue is there is an assumption that due to the increased density of dwelling units there will be new transit services provided. The 2004 General Plan EIR

determined that the insufficient transit capacity was significant and unavoidable, therefore the impact to alternative transportation is not less than significant.

*“No significant utility and service system impacts are expected either directly or indirectly.”*

Under the General Plan 2025 conditions and its associated population growth, all development is expected to lead to a substantial increase in OWTS resulting in significant and unavoidable impacts. Under build out conditions Mixed Use would result in increased OWTS flows discharge beyond those documented in the 2004 General Plan EIR. Under build out conditions, the project would cause an impact on surface water, requiring all water purveyors to seek additional water rights. Simply acquiring a water supply facility letter from EID, which does not take in consideration previous obligations, and stating that this amendment is no worse than the Far Area Ratio Amendment is not enough to reduce this obviously significant impact to utility and service system to less than significant.

The staff discussion states that the study only took into consideration those elements which applied to the Mixed Use Amendment. The review did not address Agriculture and Forestry, Geology, Soils and Mineral Resources, Biological Resources and Cultural Resources, Recreation, due to being previously addressed in the General Plan EIR and not being affected by this project. Therefore, this project will not degrade the quality of the environment, reduce habitat, threaten plant or animal communities or eliminate important examples of California history or prehistory. Impacts would be less than significant. I disagree. **The county has yet to do much of the work in identifying our agricultural, historical, cultural and natural resources. There are many agricultural parcels that are of choice soils which are no longer protected. Our farms and ranches need to be protected in order for our future generations to have the ability to sustain themselves. We need to find ways for our farms and ranches to remain viable.** The county has yet to identify historical sites and landmarks. SB18 states that the county is required to consult our native local tribes whenever they adopt a General Plan amendment. To my knowledge this has not been done. SB18 also requires the county to work with the native local tribes in order to identify sacred cultural sites and set them aside for preservation. The county has not appropriately dealt with our biological corridors and oak woodlands. The county has yet to determine a location of a 4 year college, locations for parks and recreational activities, and the location of a permanent solid and liquid waste disposal facility. The county has yet to designate our historic landmarks, roads and districts.

There is much to do before adopting the Mixed Use Amendment. It is important to not wait until 2013 to create zones and design standards for mixed use that will help these projects to blend in with existing communities.

If the Board of Supervisors wishes to continue in this endeavor to adopt the Mixed Use amendment without Mixed Use zones and design standards, I request an Environmental Impact Report be prepared showing the effects of adopting this amendment in order to determine mitigation for the impacts.

Respectfully,

Sue Taylor

*The potential for high density on commercial without any setback requirements and reduced open space has created the potential for higher density adjoining Agricultural parcels. The final hearing on this resolution was set for 12/8/09. A massive storm on that day ended up shutting down areas throughout the entire County, burying areas in snow and causing major power outages. The Board Meeting was cancelled due to the power being knocked out. The meeting was moved to two days later, before the public could be notified due to the massive power outages and major restraints to transportation due to large piles of snow throughout the county. After Supervisor Ray Nutting and Commercial Real Estate Broker Art Marinaccio shoveled the sidewalks for the building which holds the Board Chambers, on 12/10/09 the Board of Supervisors adopted #09-0156 General Plan Amendment A08-0001/Ordinance, OR08-0001 Mixed Use Development. The wish list brought forward by the developer lobbyist group was mostly adopted short of density of 10 being increased was revised to 16 rather than 24. Without the mitigation policies that had been recommended by staff, this General Plan Amendment and Ordinance has created the potential for significant impacts for Agriculture and other Natural Resource industries.*

O-1-161

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*While a member of the Ad Hoc Committee to fix the County's permit process, I attended a meeting with Planning to assess the issues in regards to processing development plans. A member of staff gave us a document they put together that showed that the county has no way to monitor or verify if mitigation actually ever takes place. Therefore any mitigation that has been proposed for any impacts to Agriculture since the adoption of the 2004 General Plan is a moot point since the County has a poor record of ever following through and no program for mitigation monitoring.*

O-1-162

*Comments submitted by,*

*Sue Taylor*

*Former Apple Hill Grower  
Long time Resident of El Dorado County  
P. O. Box 961  
Camino, CA 95709*

*With collaboration from,*

*Save Our County*

The following attachment was a 2004 handout that was used to "sell" Measure B - our current General Plan - to the voters. The protection of the county's agricultural land, rural character, and prevention of gridlock traffic due to over-development, were selling features.

O-1-  
163

Cover sheet for **Attachment 3.2-B**

# What You Should Know About

## THE 2004 EL DORADO COUNTY GENERAL PLAN

- State planning law requires every county to adopt and maintain a “blueprint for development – a General Plan. This General Plan is El Dorado County’s basic planning document and is the vehicle through which a county addresses, balances and fits together the competing interests and needs of its residents.  
*Source: 2004 General Plan; El Dorado County General Plan website:*  
[www.co.eldorado.ca.us/generalplan/](http://www.co.eldorado.ca.us/generalplan/)
- According to state law, a General Plan must address seven subjects – land use, transportation, housing, conservation, open space, noise and safety. The 2004 El Dorado County General Plan addresses these areas and four others - agriculture & forestry, public services, parks and recreation and economic development – making it one of the most comprehensive plans in the state.  
*Source: Government Code #65302; El Dorado County General Plan website:*  
[www.co.eldorado.ca.us/generalplan/](http://www.co.eldorado.ca.us/generalplan/)
- The General Plan offers traffic solutions with identified funding sources. *Source: 2004 General Plan, Transportation & Circulation Element, Policy TC-Xa, Xf, Xg, Xh*
- The General Plan mandates that developers pay the full cost of mitigating impacts for new development. *Source: 2004 General Plan, Transportation & Circulation Element.*
- Over 36,000 hours of public hearings have been held to discuss the General Plan.  
*Source: Official Records of El Dorado County*
- About 1,300 homes a year will be built under Measure B – some 26,000 over the next twenty years, a third of what opponents claim. Fewer than 10,000 new lots/homes are currently approved and yet to be built. *Source: El Dorado Hills Fire Department; El Dorado County New Dwelling Permits, 1995-2004.*
- Without a General Plan, the El Dorado Irrigation District cannot access at least 20,000 additional acre-feet of water supplies. *Source: El Dorado Irrigation District Counsel Tom Cumpston Analysis, 10/18/04.*

## OPEN ROADS & QUALITY NEIGHBORHOODS

- The 2004 General Plan protects agriculture against urban sprawl and protects the county from over-development by providing agricultural lands as open space, e.g.; working landscapes, and by providing a buffer against urban sprawl.  
*Source: 2004 General Plan Policy, Land Use Element – Objective 2.1.3 (rural regions) and Policy 2.2.2.2 (Agricultural Districts and primary use)*
- The 2004 General Plan provides the most protection for agricultural land use, including grazing. *Source: 2004 General Plan, Land Use Element: Policy 2.2.1.2 Agricultural Lands (AL) Land Use Designation & Policy 2.2.2.2 Agricultural District (-A) Overlay Designation.*

- The General Plan includes all the traffic improvement recommendations of the 2004 El Dorado County Planning Commission – plus the entire Circulation Element of the Planning Commission’s Environmentally-Constrained alternative. *Source: 2004 General Plan, Traffic & Circulation Element Policy TC-Xh, TC-Xi.*
- The sum total of the difference between the General Plan and the Environmentally-Constrained alternative (which opponents support) is only 511 residents or 201 new homes through the year 2025. *Source: 2004 General Plan*
- The Board of Supervisors has approved funding for \$150 million of traffic improvements to be spent in the next five years between Cameron Park and the County line – and designated new development as the source of this funding. *Source: Approved 5-year Capital Improvement Plan for El Dorado County.*
- El Dorado is the only county in California that charges a fee on each home built for the express purpose of paying for state-maintained highway improvements. *Source: 2004 General Plan, Transportation & Circulation Element, Page 59.*
- Proponents of the Highway 50 initiative and opponents of the General Plan are the same people who included restrictions in Measure Y that prohibit the county from using its own state and federal tax dollars to improve Highway 50. *Source: Measure Y, 1998; Supervisory Decision of 12/7/99 accepting Measure Y Committee’s definition of restriction of the use of “grants and other funding sources.”*

## OPEN ROADS & QUALITY NEIGHBORHOODS

El Dorado County Taxpayers Coalition for Open Roads and Quality Neighborhoods  
 Yes on Measure B, PO Box 1992, Placerville, CA95667, [www.protecteldoradocounty.org](http://www.protecteldoradocounty.org)

Sponsored by taxpayers, conservationists, local business, real estate businesses and farmers.

### THE COMMUNITY’S PLAN

After years of hard work and thousands of hours of open public debate, our county finally has a General Plan, as required by state law. The plan is backed by a wide range of local business, agriculture and public safety leaders, taxpayer and neighborhood advocates, elected officials, conservationists and respected community organizations – all of whom agree that this is the right plan to protect the quality of our neighborhoods and deal effectively with the traffic congestion caused by unplanned growth.

Those endorsing the plan include:

- El Dorado County Fire Chiefs Association
- El Dorado County Citizens for Water
- Taxpayers Association of El Dorado County
- Taxpayers for Responsible Government
- El Dorado County Chamber of Commerce
- El Dorado County Farm Bureau
- El Dorado County Chamber Agricultural Council
- Apple Hill Growers Association



- Friends of El Dorado County
- U.S. Representative John T. Doolittle
- Senator Rico Oller
- Assemblyman Dave Cox
- Assemblyman Tim Leslie
- Assemblyman Alan Nakanishi
- El Dorado County Supervisor Helen Baumann
- El Dorado County Supervisor Dave Solaro
- El Dorado County Supervisor Jack Sweeney
- El Dorado County Auditor-Controller Joe Harn
- El Dorado County Assessor Tim Holcomb
- El Dorado Irrigation District President George Wheeldon
- El Dorado Irrigation District Vice President John P. Fraser
- El Dorado Irrigation District Director Bill George
- El Dorado Irrigation District Director Harry Norris
- El Dorado Irrigation District Director George Osborne
- El Dorado County Republican Central Committee

### **A CAREFULLY CRAFTED DOCUMENT**

The plan represents years of hard work and community input – a carefully crafted plan put together by professional planners, community leaders and elected officials after much study and over 36,000 hours of open public hearings on how best to protect our neighborhoods and deal with traffic and unplanned growth.

According to state law, a General Plan must address seven subjects – land use, transportation, housing, conservation, open space noise and safety. Our plan addresses these areas and four others – agriculture & forestry, public services, parks and recreation and economic development – making it one of the most comprehensive plans in the state.

The plan is specifically designed to solve problems, control growth, protect taxpayers and preserve our way of life.

- Requires developers – not taxpayers – to pay for needed road improvements.
- Imposes strict new controls on growth and limits the number of apartments that can be built.
- Protects our county’s agricultural lands, using them as open space buffers against over-development and urban sprawl.
- Requires long-range transportation planning so new roads are built before gridlock strikes.
- Increases local fire protection and secures the rights to 32,000 acre-feet of clean, affordable water for county residents.
- Protects private property rights by creating a process for individual landowners to appeal planning decisions.

## **WHAT HAPPENS WITHOUT THE GENERAL PLAN**

Without the General Plan, El Dorado County will become the only county in California without an approved plan to control growth and prepare for the future. We'll be forced back to square one of the planning process – costing millions of tax dollars, delaying needed traffic improvements and opening the door to planning chaos.

Rather than fixing problems, they'll just get worse.

This plan is the result of years of hard work and careful public review, in which past concerns were mitigated and compromises negotiated. As a result, the 2004 General Plan has been embraced by a wide range of community groups – many of which opposed previous plans.

They all new agree that the 2004 General Plan is the right way to control growth, preserve our rural and agricultural lands, fix transportation problems, protect jobs and encourage healthy economic growth.

To join our team or learn more, please call 530-677-8613 or visit [www.protecteldoradocounty.org](http://www.protecteldoradocounty.org).

## **OPEN ROADS & QUALITY NEIGHBORHOODS**

A committee sponsored by local businesses and taxpayers, farmers and conservationists

El Dorado County Taxpayers Coalition for Open Roads and Quality Neighborhoods  
ID# 1267824, PO Box 1992, Placerville, CA 95667

## ***For Open Roads & Quality Neighborhoods*** **We Support the 2004 El Dorado County General Plan**

### **Organizations and Public Officials**

El Dorado County Fire Chiefs Association  
El Dorado County Citizens for Water  
Taxpayers Association of El Dorado County  
Taxpayers for Responsible Government  
El Dorado County Chamber of Commerce  
El Dorado County Farm Bureau  
El Dorado County Chamber Agricultural Council  
El Dorado County Association of Realtors  
El Dorado Joint Chambers Commission  
El Dorado Business Alliance  
Friends of El Dorado County  
El Dorado Hills Chamber of Commerce  
El Dorado Builders Exchange  
Shingle Springs/Cameron Park Chamber of Commerce  
South Lake Tahoe Chamber of Commerce  
South Lake Tahoe Association of Realtors  
Building Industry Association of Superior California (BIASC)

### **Local Residents**

Rhonda Adair  
Tom Addison  
Edward Akin  
Jim & Chris Aldrich  
Harry Allen  
James Allen  
Joyce Amlick  
Maryann Argyres  
Imran Aziz  
Chuck Bacchi  
Dennis Badzik  
Lou Barber  
May Barisone  
Hal Barker  
Henry Batsel  
Frank Baumann  
Kimberly Beal

David Jones  
Dennis Jordon  
Gladis Katskis  
Ed Keller  
Sharon Kerrigan  
James Kidder  
Kerry King  
John Knight  
Mike Kobus  
Harry Kohaut  
Tim Land  
Robert Laurie  
Chuck Legge  
Douglas Leisz  
Gladis Lkatskis  
Sherilyn Lum-A  
Jason & Michell  
Geri Maher

SAGE  
 Team 2000 Plus  
 Apple Hill Growers Association  
 El Dorado Farm Trails  
 Local 2749 Lumber Production & Industrial Workers Union  
 El Dorado Winery Association  
 Fair Play Winery Association  
 Marble Valley Regional Center for the Arts  
 U.S. Representative John T. Doolittle  
 Senator Rico Oller  
 Assemblyman Dave Cox  
 Assemblyman Tim Leslie  
 Assemblyman Alan Nakanishi  
 El Dorado County Supervisor Helen Baumann  
 El Dorado County Supervisor Dave Solaro  
 El Dorado County Supervisor Jack Sweeney  
 El Dorado County Assessor Timothy Holcomb  
 El Dorado County Auditor-Controller Joe Harn  
 El Dorado Irrigation District Director George Osborne  
 El Dorado Irrigation District Director George Wheeldon  
 El Dorado Irrigation District President John P. Fraser  
 El Dorado Irrigation District Director Bill George  
 El Dorado Irrigation District Vice President Harry Norris  
 El Dorado County Planning Commissioner John Knight  
 El Dorado County Planning Commissioner Dave Machado  
 El Dorado County Planning Commissioner Alan Tolhurst  
 South Lake Tahoe Council member John Upton  
 South Lake Tahoe Council member Ted Long  
 El Dorado Union High School District President Mary Muse  
 Camino Elementary School Board Member Brian Veerkamp  
 Former El Dorado County Supervisor John Cefalu  
 Former El Dorado County Supervisor Joe Flynn  
 Former El Dorado County Supervisor Vernon Gerwer  
 Former El Dorado County Supervisor Bill Johnson  
 Former El Dorado County Supervisor Mark Nielsen  
 Former El Dorado County Supervisor Ray Nutting  
 Former El Dorado County Supervisor Walt Shultz  
 Former El Dorado County Planning Commissioner Marcia Gerwer  
 Former El Dorado County Planning Commissioner Tom Mahach  
 Former El Dorado County Planning Commissioner Jim McKeehan  
 Former El Dorado County Planning Commissioner Brian Veit  
 El Dorado County Republican Central Committee  
 El Dorado County Republican Women Federated  
 El Dorado West Republican Women  
 Georgetown Divide Republican Women Federated  
 Camino Union School District Board

*(partial list)*

*(partial list)*

**Local Businesses**

Ackerman Emergency Equipment  
 All Star Rents

|                          |                 |
|--------------------------|-----------------|
| David Becker             | Al Manard       |
| Joe Benguerel            | Debbie Manning  |
| Larry & Gay Berge        | Linnea Marengo  |
| Douglas Bisbee           | Art Marinacco   |
| Candie Bliss             | Sue Mary        |
| Timothy L. Bolen         | Center Masonic  |
| Tom Bolinger             | Pamela Masters  |
| Bradley Bonar            | Dennis & Judy M |
| Liz Boyd                 | Edwin Mathews   |
| Mary Brehan              | Owen K. McGui   |
| Laurel Brent-Bumb        | Claire McNeal   |
| Rich Briner              | Trudy Meyer     |
| Marie Brooks             | Katie Midkiff   |
| Kevin Brown              | Ira Mirsky      |
| Richard Brown            | Sylvia Moore    |
| Skip Brown               | Martene Moser   |
| Loring Brunius           | Martin & Diane  |
| Paul Buchanan            | Dave Nelson     |
| Lori Bume                | Dennis Nickson  |
| Gerald Burnette          | Vanessa Norgau  |
| Michael Cadei            | Carol-Anne Ogd  |
| Gerry Camp               | Judy Onorato    |
| Christa Campbell         | Eve Oswald      |
| Bernard Carlson          | Susan & Fred O  |
| Charles Carr             | Gary Peters     |
| Jim Carter               | Daniel Pinski   |
| Roy E. Carter            | PJ & Ray Presgr |
| Sammy Cemo               | Denise Proctor  |
| Scott Chad               | Morgan Pulcine  |
| Lauri Clupper            | Joy Pyne        |
| Steve Cockerell          | Rill Randall    |
| Denise Cork-Nutting      | Don Reid        |
| Tabatha Cotton-Keefauver | Jean Reinder    |
| Sue Cox                  | David Reppas    |
| Richard & Betty Creason  | Russell Reyes   |
| Jeff Culver              | Carl Reynolds   |
| Tom Davis                | Carmen Richard  |
| Wendi-Mae Davis          | Linda Riley     |
| Phil Dawson              | Allison Rinauro |
| Heidi De Hart            | Jeanne Rios     |
| Kathie Debord            | Cyndi Romano    |
| Robert Dominikus         | Paige Romine    |
| Kelly Dondero            | Tom Roslee      |
| Van L. Dossey            | Kathye Russell  |
| Carolyn Doty             | Peggie Ryan-Lau |
| Doretta Doyle            | Bolet Salvador  |
| Melissa Dozier           | Donna Sauber    |
| Harry Dunlop             | Trent Saxton    |
| Cheryl Dworman           | Ian Schofield   |
| Kari Dyer                | Boyd Sears      |
| Will Eber                | Harriett Seigel |
| Anne Eckert              | Nejatian Shan   |
| Christal Ferguson        | Gordon & JoAn   |
| Betty Franklin           | Thomas Shinn    |
| Shiva Frentzen           | Kyle Smith      |
| Chris Fusano             | Wendell Smith   |

Irish Creek Ranch  
KFRD Investment Inc.  
Lorang Brothers Construction  
Town Center East, LP  
Wallace-Kuhl and Associates  
*(partial list)*

|                          |                       |
|--------------------------|-----------------------|
| Dolores Garcia           | Mary Stubbe           |
| Jerry Garvin             | Maureen Studen        |
| Thaleia Georgiades       | Blain Stumpf          |
| Patti Ghan               | Steve Swars           |
| Amar Ghorl               | Charles & Sheila      |
| Kathleen Gilchrest       | Kathy Teresi          |
| Moni Gilmore             | Sam Teresi            |
| Pam Gosso                | Jeff Thoma            |
| Karen Gregor             | Rennie Thomas         |
| Hin Gyrewishi            | Sean Tucker           |
| David & Rebecca Harnagle | John Tyler            |
| Chuck Harrell            | Bill Vandergrift      |
| Ron & Dee Hayden         | Doug Veerkamp         |
| Thomas Heflin            | Barbara Vermil        |
| Clay Heil                | Joe Vicini            |
| Joan Heinig              | Mike & Nancy          |
| Laura Hernandez          | Dolly Wager           |
| Mela Hernandez           | Lori & David W        |
| Bob Hill                 | Cheryl Webb           |
| Angela Honoroff          | Cecil Wetsel          |
| Elizabeth Humenick       | Doug Wiele            |
| Maxine Hurley            | Bryan Wilkinson       |
| Doug Hus                 | John A. Winner        |
| Carrin Jankowski         | Dana Wishon           |
| Betty January            | James & Donna         |
| Joyce Johns-Roske        | Dave Yorty            |
| Susan Johnson            | John Zachry           |
| William Johnson          | <i>(partial list)</i> |

## **Biological Resources - Section 3.4 dEIR Review Comments**

The Integrated Natural Resources Management Plan (INRMP) that will provide the implementation ordinances for preserving our oak woodlands is said to be "*still under development*" (page 3.4-8 of the dEIR) and is not being done as part of this EIR.

O-1-164

In the meantime, the 2004 General Plan policies and mitigation measures will need to suffice, and are repeated and referenced in this dEIR. The problem is, those policies and mitigation measures have gone unheeded, with some overturned in court, and they cannot be re-referenced here with any expectation that they have value for preserving and mitigating. The Final EIR must disclose that the fee-based portion of the oak woodland mitigation program has been rejected by the court as inadequate. This is a key aspect of the regulatory setting.

In 2007 there was an '*Important Oak Woodland Habitat*' map adopted by the Board of Supervisors. Then in 2009, four residential subdivisions were approved over top of presumably 'identified' important oak woodlands. The "mitigations" are not working. Map below (Exhibit 3.4-1 excerpt on the left, with the location of development approved in 2009 shown on the right):

### **Important Oak Woodland Habitat**

(BOS 6/25/07)



The failure of this current mitigation program needs to be disclosed in the Final EIR. Among the other relevant aspects of the environmental setting, the agency must divulge

harm to the environment caused by current and past mismanagement. (*Friends of the Eel River v. Sonoma County Water Agency* (2003) 108 Cal.App.4<sup>th</sup> 859, 874.) “[A] project proponent’s prior environmental record is properly a subject of close consideration in determining the sufficiency of the proponent’s promises in an EIR.” (*Laurel Heights Improvement Association of San Francisco v. Regents of the University of California* (1988) 47 Cal.3d 376, 420.)

O-1-164  
CONT.

The proposed changes in the TGPA/ZOU reduce open space, increase density, and reduce stream setbacks. The protections to our biological resources must be secured as *part of* the proposed TGPA/ZOU changes, and not afterward. **The impact analysis in this dEIR is based on illegitimate mitigations and policies, and cannot be substantiated. INRMP must be completed and a new analysis provided that evaluates the INRMP policies relative to the proposed TGPA/ZOU changes.**

O-1-165

Specific policy comments follow below.

1. Under 'Project Impacts' on page 3.4-42:

*"The proposed ZOU includes new Zoning ordinance Section 17.30.030.G (protection of wetlands and sensitive riparian habitat) that would require the avoidance and minimization of impacts on wetlands and sensitive riparian habitat"*

Ordinance 17.30.030(G)5a reads as follows:

*The uses, structures and activities allowed in the applicable zone are allowed within riparian areas with an approved Minor Use Permit.*

This new ordinance allows any grading or building activity to occur within the riparian setback with over-the-counter approval from the zoning administrator. While the dEIR summary says this ordinance is for 'protection', the administrator need only find that it is infeasible to grade or build elsewhere. If the setback is for protection and it need not be heeded, there is no protection.

**I challenge the interpretation presented here, and ask for substantiating data as to how impacts are being minimized by this policy.**

2. The same section on page 3.4-42 states:

*"The proposed code would also establish greater setbacks from the county’s major lakes, rivers, and creeks."*

O-1-167

In reality, current policy 7.3.3.4 requires setbacks of 50 and 100 feet from intermittent and perennial streams. Proposed ordinance 17.30.030G reduces these setbacks to 25 and 50 feet.

O-1-167  
CONT.

**This is a pretty basic math error that could only produce erroneous analysis; a new analysis is required. In this regard, the DEIR does not reflect a “good faith effort at full disclosure.” (CEQA Guidelines, sec. 15151.)**

3. Ordinance 17.30.060 will allow development on 30% and greater slopes. The dEIR says stricter development standards will apply so there is no impact. However, all the 'exceptions' have not been evaluated, including the blanket exception to both agriculture and grading.

O-1-168

**Please provide slope maps, oak woodland habitat mapping, wildlife corridor locations, and riparian mapping, to overlay and analyze this change for significant impact. The project description must include “precise boundaries” of the project on a “detailed map, preferably topographic.” (See CEQA Guidelines, sec. 15124, subd. (a).) For this part of the project, that would be a map of areas of the county with private land over 30% slope.**

## BIOLOGICAL RESOURCES - Section 3.4 Continued

I do not understand the purpose of this Targeted General Plan Amendment. After reading it, it seems as though the main purpose is to make more land available for development and to allow more kinds of development on different sorts of land.

The other main purpose seems to be to minimize the amount of mitigation required for the impacts that would result from these proposed changes.

O-1-169

- 1. Why do most of the policy changes proposed increase densities, encourage more mixed use, allow building on steeper slopes, and allow LESS open space?**
- 2. What is the true purpose of this amendment?**
- 3. Who are the main beneficiaries of this amendment?**

The DEIR is poorly organized and difficult to follow. It would be easier to assess if proposed changes to a policy were listed directly before or following the existing policy, along with mitigation measures. EIRs must be "organized and written in a manner that will be meaningful and useful to decisionmakers and to the public." (Pub. Resources Code, sec. 21003, sub. (b).)

O-1-170

It would also be easier to assess if the proposals and their impacts were addressed separately and not compared to the 2004 General Plan and the EIR for that plan. However, one cannot discuss this DEIR Biological section without first addressing the 2004 General Plan and the inadequate or non-existent mitigation measures used there. Some of the same measures are being applied to the TGPA and DEIR. Among the other relevant aspects of the environmental setting, the agency must divulge harm to the environment caused by current and past mismanagement. (*Friends of the Eel River v. Sonoma County Water Agency* (2003) 108 Cal.App.4<sup>th</sup> 859, 874.) “[A] project proponent’s prior environmental record is properly a subject of close consideration in determining the sufficiency of the proponent’s promises in an EIR.” (*Laurel Heights Improvement Association of San Francisco v. Regents of the University of California* (1988) 47 Cal.3d 376, 420.)

O-1-170  
CONT.

The most important document in the 2004 General Plan pertaining to wildlife conservation, environmental impacts, and mitigations is the Integrated Resources Management Plan (INRMP). This plan was to identify “important habitat in the County” and establish “a program for effective habitat preservation and management. “ It was to be completed within five years of the adoption of the 2004 plan.

O-1-171

It is 10 years later, and the INRMP still does not exist, yet the INRMP is referred to in the DEIR. The following are mitigation measures that are *supposed* to be part of the INRMP.

A. “Habitat Inventory,” to be updated every three years.

1. **Have the following important habitats been inventoried and mapped:**
  - A. **Habitats that support special-status species.**
  - B. **Aquatic environments including streams, rivers, and lakes?**
  - C. **Wetland and riparian habitat.**
  - D. **Important habitat for migratory deer herds.**
  - E. **Large expanses of native vegetation.**
2. **How can you know what habitats are available for preservation if you have not inventoried them?**
3. **How can you acquire lands for mitigation if there is no habitat inventory?**
4. **Who will do the inventory?**
5. **Where will the inventory be done?**
6. **How extensive will the inventory be? “Habitat Inventory” is so broad a term, it is open to lots of interpretations. It needs to be better defined.**
7. **How do you define “large expanses of native vegetation?”**

O-1-172



B. "Habitat Protection Strategy"

1. Is there a "strategy for protecting important habitats based on coordinated land acquisitions?"
2. Has any land been acquired?
3. If so, is there a management strategy for acquired land?

"The goal of the strategy shall be to conserve and restore contiguous blocks of important habitats to offset the effects of increased habitat loss and fragmentation elsewhere in the county"

4. If this strategy exists, has it been updated AT LEAST every five years based on the "habitat monitoring program?" (see F. below)
5. Who decides what is "important?" Based on what criteria?
6. How much habitat has been lost between 2009 and 2014 if this strategy has not been developed and applied? It was to be in place by 2009.

O-1-173

C. "Mitigation Assistance"

1. Has a program been established "to facilitate mitigation of impacts to biological resources resulting from projects approved by the County that are unable to avoid impacts on important habitats?"
2. Define criteria for the definition of "important."
3. Have "mitigation banks" been developed?
4. Have lists of potential mitigation options been maintained?
5. What options are listed?
6. Are there incentives for developer and landowner participation in the habitat acquisition and management components of the INRMP?
7. What sorts of incentives are proposed?
8. If a mitigation bank exists, what does it contain and what has it been used for?

O-1-174

D. "Habitat Acquisition"

To be based on the "Habitat Protection Strategy" (see B. above) and in coordination with the "Mitigation Assistance" program (see C. above).

1. Is there a program to identify habitat acquisition opportunities involving "willing sellers?"
2. Have any lands been acquired?
3. How is this land paid for?
4. Are any lands acquired in fee or protected through acquisition of a conservation easement?
5. Do any conservation easements exist?
6. Where are the conservation easements?
7. What do the conservation easements protect?
8. Is there a program to identify opportunities for partnerships between the County and other organizations for habitat acquisition and management?

O-1-175

**9. Where is the acquired land, and how much is there?**

O-1-175  
CONT.

E. "Habitat Management"

"Each property or easement acquired through the INRMP should be evaluated to determine whether the biological resources would benefit from restoration or management actions."

- 1. Have any properties or easements been evaluated?**
- 2. Have any properties or easements been acquired?**
- 3. Have any biological resources been identified as benefiting from restoration or management actions?**
- 4. Have any resources been restored or managed?**
- 5. How has restoration been accomplished?**
- 6. How is restoration and management paid for?**
- 7. What restoration has been done and where was it done?**
- 8. Who decides what to restore and manage?**

O-1-176

F. "Monitoring"

- 1. Is there a "habitat monitoring program" in the INRMP?**
- 2. Has habitat monitoring been incorporated into future County planning efforts "so as to more effectively conserve and restore important habitat?"**
- 3. Has there been any "special-status species" monitoring?**
- 4. Has the monitoring been reported to the CNDDDB?**
- 5. Have the monitoring results been compiled into an annual report presented to the Board of Supervisors?**
- 6. Who does the monitoring?**
- 7. Who pays for the monitoring?**
- 8. How are habitats identified for monitoring?**
- 9. How much habitat has gone unmonitored and unprotected since 2009 when the INRMP was to be completed?**

O-1-177

G. "Public Participation"

- 1. Has the INRMP been developed with and include provisions for public participation?**
- 2. Has there been "informal consultation with local, state, and federal agencies having jurisdiction over natural resources within the County?"**
- 3. What agencies were consulted?**
- 4. What is meant by "informal consultation?"**

O-1-178

H. "FUNDING"

- 1. Has a conservation fund been developed to adequately fund the INRMP?**
- 2. Does the fund include money for habitat maintenance and restoration?**

O-1-179

3. Is there funding from any source, including grants, mitigation fees, and the County general fund?
4. Have any mitigation fees been required for any project?
5. How much has been paid in mitigation fees?
6. For what projects were mitigation fees paid?
7. What were the mitigation fees used for?
8. Have any grants been applied for?
9. Is there any money set aside in the general fund to provide funding for the requirements in the INRMP?
10. How much money is provided?
11. How much money will be needed?
12. How much is in the fund right now?
13. How much of the fund has been used for meeting the requirements of the INRMP?
14. How has the fund been used?
15. Where has the fund been used?
16. Have project developers been required to pay for all mitigations needed because of their project?
17. Will funds be set aside for continued maintenance, management, and restoration of habitats that are part of the INRMP?
18. Is there been an INRMP annual report as described in section F above?
19. Does the annual report contain information on current funding levels?
20. Has the annual report projected anticipated funding needs?
21. Has the annual report anticipated potential funding sources for the following five years?
22. How has the conservation fund been used?

O-1-179  
CONT.

#### LAND USE ELEMENT

Since these policies are included as part of this DEIR, questions about how effective they are can be asked.

#### Ecological Preserves Policy 2.2.2.4

1. Do any Ecological Preserves exist?
2. Is there an overlay for Ecological Preserves?
3. Have any ecological preserves been established?
4. Have "implementation measures" been developed and approved?
5. What implementation measures have been developed and approved?
6. Are there measures in place to continue to maintain these preserves?
7. How long will the preserves be maintained?
8. How will maintenance of the preserves be funded?
9. How are preserves maintained?
10. How are the preserves monitored?
11. Who monitors the preserves?
12. Who pays for monitoring?

O-1-180

Conservation Element Policy 7.3.3.1

1. Have any projects included a delineation of river, stream, lake, pond, or wetland features?
2. Who decides whether a project will result in “discharge of material” or may affect the function and value of rivers, streams, lakes, ponds, or wetlands?

O-1-181

Policy 7.3.3.3

1. Has the County developed a database of important surface water features, including lake, river, stream, pond, and wetland resources?
2. How is “importance” determined?
3. Who determines what is “important?”

O-1-182

Policy 7.3.3.4

1. Has the Zoning Ordinance been amended to provide buffers and special setbacks for the protection of riparian areas and wetlands?
2. Has the County “encouraged” the incorporation of protected areas into conservation easements or natural resource protection areas?
3. How has encouragement been accomplished?
4. Has any protected land been incorporated into conservation easements or natural resource protection areas?
5. Where are these lands?
6. How much land is included?
7. Has the County ever allowed an exception to wetland and riparian buffers?
8. Why were exceptions made?
9. If avoidance and minimization of impacts are not feasible, why does the County allow exceptions to the buffers?

O-1-183

Policy 7.3.3.5

1. Have rivers, streams, lakes, ponds, and wetlands ever been “integrated into new development in such a way that they enhance the aesthetic and natural character of the site while disturbance of the resource is avoided or minimized and fragmentation is limited?”
2. What are examples of developments where these features have integrated in such a way?

O-1-184

Policy 7.4.2.3

1. Has any private land ever been purchased for preserve sites?
2. How much land and where is it located?
3. How does the County find “willing sellers.”

O-1-185

Policy 7.4.1.3

1. Have land uses ever been limited within established preserve areas to activities deemed compatible?
2. Who decides what is “compatible?”
3. Who monitors whether the land uses are limited?
4. Has a rare plant educational and interpretive program been developed?
5. Who developed this program?
6. Who manages, maintains, and monitors the program?

O-1-186

Policy 7.4.1.4

1. Have any “proposed rare, threatened, or endangered species preserves been designated Ecological Preserves (EP) overlay on the General Plan land use map?
2. How is a “rare, threatened, or endangered species” preserve identified?
3. How is such a preserve acquired?
4. How is such a preserve maintained?

O-1-187

Policy 7.4.1.5

1. Have species, habitat, and natural community preservation/conservation strategies been prepared to protect special-status plant and animal species and natural communities and habitats when discretionary development is proposed on land with such resources?
2. Has it ever been determined that those resources exist and either are or can be protected on public lands or private Natural Resource lands?
3. Why should existing resource preservation be used a mitigation for new disruption of these habitats?
4. If the lands exist, but are not already protected, how is it assured that they will be protected?
5. What is the time-line for protection?

O-1-188

Important Biological Corridor (IBC) Policy 7.4.2.9

“Important Biological Corridor overlay shall apply to lands identified as having high wildlife habitat values because of extent, habitat function, connectivity, and other factors.”

1. Is there an “Important Biological Corridor” (IBC) overlay?
2. Has an important biological corridor ever been identified and preserved in any project since 2004?
3. Who decides what is “important?”
4. Define “extent,” “habitat function,” and connectivity.”
5. What “other factors” are considered.

O-1-189

6. If there is no corridor overlay, how much habitat has been disturbed, how many habitats disconnected since the time the corridor overlay was to be in place?

7. How will those losses (in 6 above) be mitigated?

8. How many times has there been an increase in minimum parcel size to protect habitat?

9. How many times have any of the following been done to protect habitat:

Higher canopy-retention standards?

Lower thresholds for grading permits?

Higher wetland/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?

Standards set for retention of contiguous areas/large expanses of other (non-oak or non-sensitive) plant communities?

10. Have there been any “site reviews” to ensure that canopy is retained?

11. Have any hindrances to wildlife movement (e.g. fences that would restrict wildlife movement) been put in place and enforced?

12. Have any of the standards listed above been included in the Zoning Ordinance?

O-1-190

#### Policy 7.4.4.1

1. Has the Natural Resource land use designation been used to protect important forest resources from uses incompatible with timber harvesting?

2. What uses are considered incompatible?

3. How are wildlife, plants, streams and other animal and habitat resources protected in Natural Resource land?

O-1-191

#### Policy 7.4.4.2

1. Has the County ever encouraged “the protection, planting, restoration, and regeneration of native trees in new developments and within existing communities?”

2. How does the county accomplish this “encouragement?”

3. Has the “encouragement” ever been successful?

4. Where are some examples of the successful use of this encouragement?

O-1-192

#### Policy 7.4.4.4

1. Have any of the “mitigation options” listed to mitigate for “soil disturbance” ever been employed?

2. Has any applicant ever contributed to the County’s Integrated Natural Resources Management Plan (INRMP) conservation fund described in Policy 7.4.2.8?

3. If so, how much?

O-1-193

4. Have woodland habitats ever been replaced on a 1:1 ratio?
5. Where are these restored habitats?
6. How are the restored habitats monitored?
7. Have impacts to woodland habitat and mitigation requirements ever been addressed in a Biological Resources Study and Important Habitat Mitigation Plans described in Policy 7.4.2.8?
8. Has a formula for woodland replacement been developed by the County that accounts for the number of trees and acreage affected?
9. Where and how has this formula been employed?
10. Has any project applicant ever provided sufficient funding to the County's INRMP conservation fund to fully compensate for the impact to oak woodland habitat?
11. Has a preservation ratio of 2:1 ever been applied to compensate for fragmentation as well as habitat loss based on the total woodland acreage onsite directly impacted by habitat loss and indirectly impacted by habitat fragmentation?
12. Has the cost associated with acquisition, restoration, and management of the habitat protected ever been included in the mitigation fee?
13. If none of the above has been accomplished yet, how will the County mitigate for damages done during the time that this policy should have been in effect?

O-1-193  
CONT.

Policy 7.4.4.5

1. Has this policy ever been put into use?
2. Have corridors of oak trees ever been retained that maintain continuity between all portions of the stand that has been disturbed?
3. Who goes through the oak stand and decides how to maintain continuity between portions of the stand?
4. How do you define "continuity between all portions of the stand?"
5. Where are the corridors that have been retained?

O-1-194

Policy 7.4.5.1

1. Has a tree survey, preservation, and replacement plan ever been filed with the County prior to issuance of a grading permit?
2. Has a mitigation monitoring plan ever been incorporated into any projects to ensure that proposed replacement trees survive?
3. Has the plan provided funds for necessary replacement trees?
4. Who must pay for the monitoring?
5. Where are replacement trees present?

O-1-195

Policy 7.4.5.2

1. Has the County developed and implemented an Oak Tree Preservation Ordinance?

O-1-196

2. How do you define a “reasonable acceptable level” of oak tree loss?
3. How do you define “development of private property in a reasonable manner?”
4. Has an “Oak Tree Removal Permit Process” been developed?
5. Have any oak tree removal permits been issued?
6. Has any oak tree removal required replacement of trees in kind?
7. Have trees been replaced? Where are they? Did they survive?
8. Has any person ever had to provide to the County a written statement by the applicant or an arborist stating the justification for the development activity, identifying how many trees within the area will be protected, and stating that all construction activity will follow approved preservation methods?
9. What are the “approved preservation methods?”
10. Has anyone ever provided a site map that identifies all native oaks on the project site?
11. Does anyone from the County go onsite to confirm the information on the map?
12. Has anyone ever provided the County with a report by a certified arborist that provides specific information for all native oak trees on the project site?
13. Have any fines ever been issued to any person, firm, or corporation that damages or destroys an oak tree without first obtaining an oak tree removal permit?
14. Who has paid a fine, and where do these fines go?
15. How much is the fine?
16. Has the County Planning Department ever denied or deferred approval of any application for development of a property where oak trees have been removed without a permit?
17. Has any money ever been received for replacement of illegally removed or damaged oak trees?
18. If so, how much money was received?
19. How many trees and what kind of trees were used for replacement?
20. How is the replacement of trees monitored?
21. Has any money been deposited in the County’s Integrated Natural Resources Management Plan conservation fund?
22. If so, how much money?
23. Has that money been used for any purpose?
24. If so, for what purpose?

O-1-196  
CONT.

Policy 7.6.1.1

1. Does the General Plan land use map include an Open Space land use designation?
2. Has any land been designated as open space?
3. Where is this land?
4. Who owns this land?

O-1-197



5. How do the Rural Residential and Natural Resource areas add to open space and meet the purpose of implementing the goals and objectives of the Land Use and the Conservation and Open Space Elements?

6. Does using Rural Residential and Natural Resource areas as open space relieve the county and developers from providing open space?

7. Does this amount to using private land to provide open space?

8. Is there any way to maintain and manage this open space, especially in Rural Residential areas, and especially if the proposed “mixed uses” are allowed in those areas?

9. Has any open space ever been designated to conserve natural resource areas required for conservation of plant and animal life including habitat for fish and wildlife species?

10. Where is this open space, and who owns it?

11. How is the conservation of plant and animal life, including habitat for fish and wildlife species in this open space assured, especially if the open space is privately owned?

#### Policy 7.6.1.2

1. Has the County ever designated land as Open Space?

2. Whose land has been designated?

3. How much land has been designated?

4. How does the designation of land for low-intensity uses such as Rural Residential and Natural Resource land help provide open space or preserve open space and protect natural resources?

5. Is designating “low-intensity” lands that are privately owned as open space for the County just a way to add to the county’s open space requirements without actually purchasing land or setting aside specific land for habitat preservation?

6. Has there ever been implementation of the State Land Conservation Act Program?

7. What does that program accomplish?

8. Do zoning regulations implement Policy 7.6.1.1?

9. Is any land in the “Open Space Zoning District?”

10. How much land, and who owns it?

11. How does this implement the Open Space designation of the General Plan?

12. How can you assure that the uses of the following zones will really preserve open space for the purposes set forth above: A, AE, PA, SA-10, and TPZ?

13. Are you not counting on private citizens to provide open space, no matter how they use their land, thus relieving the County or developers from providing open space?

14. How do zoning regulations provide for maintenance of permanent open space in residential, commercial, industrial, agricultural, other zone districts?

14. How are the zoning regulations monitored and enforced?

15. Who pays for monitoring and enforcing?

O-1-197  
CONT.

O-1-198

16. Do the regulations really minimize impacts on wetlands, flood plains, streams, lakes, rivers, canals, and slopes in excess of 30 percent?

17. Again, who monitors and enforces the regulations?

18. How can zoning for mineral resource districts help conserve natural resource areas required for conservation of plant and animal life?

O-1-198  
CONT.

Policy 7.6.1.3

1. Does the Open Space (OS) Zoning District implement the Open Space designation of the General Plan land use map and all other land use designations?

2. How does land designated as A, AE, PA, SA-10, and TPZ zoning districts meet the requirements of Policy 7.6.1.1, especially A--“Conserving natural resource areas required for conservation of plant and animal life...?” This is another instance of using private lands to preserve open space, even though there are no regulations regarding where the open space is, how much there is, how it is maintained and managed.

3. How do zoning regulations “...provide for maintenance of permanent open space in residential, commercial, industrial, agricultural, and residential Sagricultural (sic) zone districts based on standards established in those provisions of the County Code.”

4. What are the standards in those provisions of the County Code?

5. How are those standards applied, monitored, and maintained?

6. Are there examples where the regulations have minimized impacts to wetlands, flood plains, streams, lakes, rivers, canals, and slopes in excess of 30 percent?

O-1-199

Policy 7.6.1.4

A. Implementation Measure CO-M:

1. Has an Integrated Natural Resources Management Plan been developed and implemented?

B. Implementation Measure CO-N:

1. Has the Important Biological Corridor overlay land use designation been reviewed and updated?

O-1-200

C. Implementation Measure CO-U:

1. Have sufficient funds been provided to the County’s conservation fund to acquire and protect important habitat at a minimum 2:1 ratio?

2. Have any lands been acquired or protected?

3. Who decides what is “important habitat?”

4. Has the cost associated with acquisition, restoration, and management of the habitat protected ever been included in the mitigation fee?

5. Have impacts on important habitat and mitigation requirements ever been addressed in a Biological Resource Study and an Important Habitat Mitigation Program?

6. Has the County adopted biological resource assessment standards?

7. Have “independent Biological Resources Studies” by a qualified biologist been done to assess a project site?

8. Who decides whether the biologist is qualified?

9. Who pays for the biologist?

O-1-200  
CONT.

Conservation Element (Policy 7.3.3.3).

1. Has the county developed a database of important surface water features?

2. Who decides what is important?

3. How is “important” defined?

O-1-201

Zoning Ordinance (Policy 7.3.3.4)

1. Has the Zoning Ordinance really provided buffers and setbacks to protect natural resources?

2. Do “Conservation Easements” and “Natural Resource Protection” areas exist?

3. Where has this zoning been applied?

4. What effect did it have on protecting resources?

O-1-202

Policy 7.4.1.2.

1. Have any lands ever been purchased or otherwise acquired as preserve sites?

2. If so, where are these lands?

3. If not, why not?

O-1-203

Policy 7.4.1.5.

1. Has a “Conservation Strategy” ever been developed and prepared to protect special-status plant and animal species and natural communities and habitats when discretionary development is proposed on lands with such resources?

2. How can you identify lands with such resources if you have never developed the INRMP and all of its sections?

O-1-204

Policy 7.4.1.6.

Where avoidance is not possible, development should be required to FULLY MITIGATE effects of important Habitat loss and fragmentation. This mitigation is defined in the INRMP, which, as already stated, does not yet exist.

1. **Have any developments been required to FULLY MITIGATE the effects of important habitat loss and fragmentation?**
2. **Where are these developments, and how was mitigation accomplished?**
3. **How to you define “fully mitigate?”**
4. **How to you determine what is “important?” The word “important” leaves too much room for interpretation.**
5. **How many impacts have gone unmitigated since 2004 (or 2009) because the INRMP was not completed when it was suppose to be?**

O-1-205

Policy 7.4.2.1.

1. **Is there a “Biological Resources Map” in the Planning Department?**
2. **Does it identify “critical” fish and wildlife habitats?**
3. **How is “critical” determined and defined?**
4. **Who has the research and how was it done to create a Biological Resources Map?**

O-1-206

These “critical” habitats are supposed to be protected through use of:

A. Open space

1. **Whose open space?**
2. **Where is it?**
3. **How much should be set aside?**
4. **How is it monitored, managed, and preserved?**

B. Natural Resources Land Use Designation

1. **Are any lands designated as Natural Resources Land?**
2. **Who owns those lands?**
3. **How are they protected?**
4. **How are these lands maintained?**
5. **Who determines and monitors their maintenance?**
6. **How many acres exist in these lands?**
7. **Where are these lands located?**

C. Clustering, large lot design, and setbacks.

1. **Has this ever been done to mitigate impacts?**
2. **Who decides how and where to cluster?**

3. Who decides the lot design?
4. What standards are used to make sure these measures actually provide proper mitigation?

O-1-206  
CONT.

Policy 7.4.2.2.

1. Have any critical wildlife areas and “mitigation corridors” ever been identified or established?

2. What criteria are used to define “critical” areas?
3. Who identifies these areas?

This policy states that the county shall protect these areas from degradation by requiring all portions of the project site that contain OR INFLUENCE said areas to be RETAINED as NON-DISTURBED natural areas.

4. Has any land ever been retained as NON-DISTURBED natural areas?
5. Who monitors whether the land remains non-disturbed?
6. How long will the land remain non-disturbed?
7. Who defines “non-disturbed”?
8. How much land has been retained as non-disturbed?
9. How many corridors have been protected?
10. What studies are used to determine where the corridors are and how to protect them?
11. Who pays for these studies and who conducts them?
12. What criteria are used to decide what “degradation” means? It needs to be specifically defined.
13. Who decides what lands “influence” the “critical” areas?
14. What are the criteria to decide “influence?”
15. Who monitors whether the lands that influence critical habitats are maintained and continue to provide a positive influence for critical habitat?

O-1-207

Open Space land use designation

“The intent and emphasis of the Open Space land use designation and of the non-disturb policy is to insure continued viability of contiguous or interdependent habitat areas and the preservation of ALL movement corridors between habitats.”

1. Is there any land designated as “open space?”
2. Where is this land, and how is it protected and preserved?
3. Who decides how much open space is needed for this cause?
4. How do you know where these habitats and corridors are?
5. Have any corridors been identified and preserved?
6. How are they preserved?
7. How long are they preserved?

O-1-208

If these important open space designations, migration corridors, setbacks, and other means of mitigation have not been done yet, there is no way to know what has already been lost or too disturbed to be of value, thus open to development when they

otherwise would not have been if these mitigation measures were in place. This is a truly sad and disturbing situation.

O-1-208  
CONT.

Policy 7.4.2.4

1. Have wildlife corridors been established, maintained, and managed in public parks and Natural Resource Protection areas?
2. Where are they?
3. Are they effective corridors, undisturbed by public activity in parks?
4. Who manages, maintains and monitors them?
5. Have any “Natural Resource Protection” areas been established?
6. Where are they?
7. Who decides how large they are?
8. Who maintains them?
9. What keeps them from being developed?
10. Who owns them?

O-1-209

Policy 7.4.2.6

1. Have any “El Dorado County Biological Community Conservation Plans” ever been required on any project to protect rare, threatened, and endangered plant species?

O-1-210

Policy 7.4.2.7

1. Has a “Plant and Wildlife Technical Committee” ever been formed to advise the Planning Commission and Board of Supervisors on plant and wildlife issues?
2. If there is a committee, has it formulated objectives?
3. Have the objectives been reviewed by the Planning Commission and the Board of Supervisors?

The County seems to believe that the failure of many of its mitigation programs makes them infeasible, and therefore justifies eliminating them in the TGPA/ZOU. Instead, what appears to be the case is not that the programs are infeasible, but that the County has simply refused to make any effort to implement them. The failure does not rest with the programs, but with the County. CEQA has very specific mitigation requirements. “The purpose of these requirements is to ensure that feasible mitigation measures will actually be implemented as a condition of development, and not merely adopted and then neglected or disregarded. (See § 21002.1, subd. (b).) [fn. 5](#)” (*Federation of Hillside & Canyon Associations v. City of Los Angeles* (2000) 83 Cal.App.4th 1252, 1260 - 1261.)

O-1-211

“Impact Mechanisms”

1. The proposed changes to the General Plan must examine impacts to biological resources that exist RIGHT NOW, not just those that are not foreseeable under the current plan. When the proposed project involves changing land use designations or zoning, the potential impacts should be compared not only to what would occur under the existing plan, but also to the existing physical conditions. (*Environmental Planning and Information Counsel v. County of El Dorado* (3d Dist. 1982) 131 Cal.App.3d 350, 354 [182 Cal.Rptr. 317].)

O-1-212

2. Agricultural District Boundaries

Increasing the possible acreage available to agricultural uses by over 17,000 acres could have a devastating effect on the current environment.

Agriculture is exempt from many of the mitigations measures that protect streams, plants, riparian habitats, wildlife, and wildlife corridors.

Agriculture can remove acres of land from a natural state to a controlled state, excluding all wildlife with fences or other deterrents. With the mitigation exemptions that agriculture is provided in this DEIR, the potential for damage to waterways caused by grading is significant. There is also a possibility of pollution caused by runoff of agricultural wastes and pesticides.

O-1-213

Agriculture can cause severe changes to and impacts on the environment, and it SHOULD NOT be exempt from the mitigations measures proposed for other uses.

**1. Why is agriculture exempt from most mitigations?**

**2. Why is it allowable for agriculture to have impacts on the environment that are not allowed by other sorts of changes to the environment?**

Policy 2.1.1.3

A. Increasing density from 16 to 20 dwelling units per acre would result in more than a “small increase in the intensity of residential development in Community Regions.”

Four more dwelling units per acre could have a devastating effect on wildlife and wildlife corridors as well as tree canopy and other environmental factors.

**Where is the quantitative analysis showing subject parcel locations and wildlife corridor maps?**

O-1-214

B. This document is comparing the impacts of this amendment to the impacts of the 2004 General Plan. The document should, under the law, measure the impacts of the amendment on the habitat that currently exists. (Please recall *Environmental Planning and Information Counsel v. County of El Dorado* (3d Dist. 1982) 131 Cal.App.3d 350, 354 [182 Cal.Rptr. 317].) As is stated in the DEIR, future residential development

O-1-215

“...would impact biological resources where it disrupts or destroys habitat and interferes with the life patterns of wildlife and plants.”

1. **What is the purpose of this increase in density?**
2. **How does this increase help retain the rural character of the County.**
3. **How does this increase retain wildlife habitat?**
4. **How does this increase affect traffic and air quality?**
5. **What is the mitigation for this proposed change in density?**
6. **What is the mitigation for impacts that are “significant and unavoidable?”**

O-1-215  
CONT.

#### Policy 2.1.2.5

A. **How can an increase in density allowed for mixed use development in a Rural Center from 4 dwelling units per acre to 10 dwelling units per acre cause only a “...small increase in the potential intensity of residential development in Rural Centers?”**

B. Not changing the location of development does not reduce the impact that this huge increase in density would have. **The conclusions are not logical; please substantiate.**

C. This change in policy WOULD increase the potential for residential development.

D. **What is the basis for stating that an increase from 4 to 10 dwelling units per acre “...does not increase the impact for residential development...” on biological resources by disrupting or destroying habitat?** The impact could be huge by not only destroying habitat, but by disrupting or destroying the continuity of habitat, as well as the continuity of wildlife corridors.

E. The impact would NOT be the same as under the 2004 General Plan EIR because this amendment should be evaluated in this EIR for the impacts that it would have on the existing environment. **Where is this analysis?**

F. **If the impacts are considered “significant and unavoidable,” what mitigation measures were considered to reduce those impacts? What evidence of benefits from the proposal is there to substantiate the overriding considerations?**

O-1-216

#### Policy 2.2.3.1

A. This amendment basically takes away any requirement to preserve open space in the Planned Development combining zones. **What is the basis of the need for this amendment? If the purpose is to promote affordable housing, why not limit the waiver of the 30% open space requirement to projects that provide low or moderate income housing as defined in the Housing Element?**

B. **What is the reason for the exemptions for certain kinds of uses or development?**

C. **Why are the open space requirements changed from “required” to “discretionary set aside?”**

D. Allowing 15 percent of discretionary “set aside” to be provided in private yards takes half of the burden of providing open space away from the developers and placing

O-1-217



it in the hands of private property owners. There is no requirement for those owners to retain their property in any form other than what they want. **What is the impact?**

E. Open space should be mandatory and should help preserve the rural atmosphere of the county, as well as provide for wildlife habitat. It should be one of the prices for development and one of the mitigations measures required for development.

F. Taking this requirement away serves no purpose for the quality of life in El Dorado County. It only serves to help project developers avoid any responsibility for retaining and maintaining a rural atmosphere, less pollutions, less noise, less light, and less wildlife habitat.

G. One of the purposes of open space should be for wildlife habitat. Removing that provision serves no purpose.

H. This amendment would cause fragmentation of habitat and wildlife corridors.

**Where is the analysis, and mapping of corridors and preserves?**

I. There is no assurance that ANY wildlife habitat or natural areas will be preserved by this amendment.

J. **What are the mitigation measures for the loss of 30 percent open space requirement?**

K. **What is the mitigation for fragmentation of habitat caused by this change?**

#### Policy 7.1.2.1

A. Removing the prohibition of development on slopes over 30 percent to a restriction opens up too many opportunities for severe impacts to wildlife habitat, plant and woodland habitat, corridor continuity, canopy cover, habitat continuity, and stream and riparian resources.

Z.O. section 17.30.060 is too vague to protect resources.

**1. Define “...where reasonable us of an existing lot or parcel would otherwise be denied.”**

**2. Specify what “stricter development standards would apply.”**

**3. What mitigations would apply to this proposed change?**

**4. Please explain how each policy change in the TGPA meets one or more of the objectives of the TGPA (see DEIR, p. 2-2.)?**

#### Zoning Ordinance Updates

##### Section 17.21.020

**1. What is the point of adding all these new forms of land use to Agricultural and Rural Lands and Resources?**

**2. How does this change affect the rural atmosphere, noise, light, air quality, wildlife habitat, water quality of these rural areas?**

**3. What mitigation was considered prior to determining that the impact is “significant and unavoidable”?**

##### Section 17.24.020

**1. What is the point and purpose of proposing these intensive land uses to rural area?**

O-1-217  
CONT.

O-1-218

O-1-219

O-1-220

2. What are the mitigations for “Adverse effects biological resources?”
3. How would these changes affect the rural atmosphere, open space, noise and light levels, traffic, wildlife habitat, water resources and water quality, canopy cover, migration corridors and continuity of habitat?

O-1-221

Section 17.25.010 and 17.25.020:

1. What is the point of allowing recreational facilities in Community regions and rural centers?
2. What are the impacts on rural atmosphere, open space, noise levels, traffic, wildlife habitat, water resources and water quality, canopy cover and plant habitat, migration corridors, and continuity of habitat?

O-1-222

### THRESHOLDS OF SIGNIFICANCE

Appendix G of CEQA guidelines should be used. The County’s list does not include impacts to:

1. Riparian habitat
2. Wetlands
3. Local tree ordinances
4. Local and State provisions of any adopted habitat conservation plan, natural community conservation plan, or other approved local, regional, or state habitat conservation plan.

O-1-223

### IMPACTS AND MITIGATION MEASURES

In most cases, the mitigation measures proposed would set vague restrictions on the changes that are proposed.

There is nothing in Mitigation Measures AG-1a, BIO-1b, BIO-1a, BIO-1c, BIO-2 that would specifically or significantly provide mitigation for these changes. These mitigation measures are too vague and too open for interpretation.

They also say nothing about conservation of: rural atmosphere, wildlife habitat, water resources and quality, air quality, open space, tree canopy, plant life, migration corridors or habitat continuity.

There is nothing to specifically limit noise or light pollution or increases in traffic.

O-1-224

### **What is the mitigation for “IMPACT BIO-3?”**

How can this document state that a proposal has a “substantial adverse effect on wildlife movement (significant and unavoidable) without first evaluating some sort of mitigation?”

The 2004 General Plan EIR should not be used as a comparison for this proposed project or this DEIR. This DEIR must stand alone. It must evaluate the impacts of the proposed changes on the environment as it exists now, not evaluate impacts based on how different this amendment is from the 2004 General Plan. (Please recall Environmental Planning and Information Counsel v. County of El Dorado (3d Dist. 1982) 131 Cal.App.3d 350, 354 [182 Cal.Rptr. 317].)

O-1-225

## **Biological Resources - Section 3.4 Continued**

1. In section 3.4.2 of the DEIR it states that, "The key changes pertinent to biological resources are listed below."

O-1-226

**Does this statement imply that there are other changes (not necessarily key changes) to biological resources that are not listed in the DEIR? If so, what are they?**

2. In section 3.4.2, of Agricultural District Boundaries, it states, "the project would ... remove 137 acres of land that have been determined unsuitable for agricultural use."

O-1-227

**Please identify these 137 acres mentioned and explain why they are unsuitable for agricultural use? Who determines that it is unsuitable for agricultural use?**

3. In section 3.4.2, of Policy 2.1.1.3:

**Why would it be proposed to increase density in a Community Region from 16 dwellings per acre to 20 dwellings per acre (an increase of 25%)?**

O-1-228

4. In section 3.4.2, of Policy 2.1.1.3:

I disagree with the statement that, "this [increase in density] does not substantially change ... the effect on biological resources". Increasing development density certainly does negatively impact biological resources. Higher density reduces open space, wildlife habitat, and wildlife corridors.

O-1-229

**Please substantiate your claim to the contrary.**

5. In section 3.4.2, of Policy 2.1.2.5:

**Why would it be proposed to increase density in a Rural Center from 4 dwellings per acre to 10 dwellings per acre (an increase of 150%)?**

O-1-230

6. In section 3.4.2, of Policy 2.1.2.5:

I disagree with the statement that, “the proposed amendment to Policy 2.1.2.5 does not increase the potential for residential development to have this [negative] effect [on biological resources]”. Increasing development density certainly does negatively impact biological resources by reducing open space, wildlife habitat, and wildlife corridors.

**Please substantiate your claim to the contrary.**

O-1-231

7. In section 3.4.2, Policy 2.2.3.1 would “exempt [condominiums conversions, residential planned developments, infill projects, multi-family residential developments, and commercial/mixed use developments] from the current requirement that 30% of a site be retained in open space for recreation, buffer, or habitat uses” and “would revise the 30% open space requirement in High Density Residential (HDR) – PDs to a discretionary 15 and 15 set aside”.

**Why would the proposed amendment reduce the open space requirement?**

**How does it advance one or more of the objectives of the TGPA (see DEIR, p. 2-2.)?**

O-1-232

**How are these proposed changes to the General Plan consistent with the Principle statement in the 2004 General Plan, Conservation and Open Space Element? The above, proposed changes weaken environmental protections and allow degradation to El Dorado County’s wildlife (by minimizing open space), wildlife corridors (by potentially narrowing riparian areas and denser development).**

**Is this proposed TGPA likely to result in impermissible inconsistencies with the provisions of the Conservation and Open Space Element?**

8. In section 3.4.2, Policy 2.4.1.5 encourages “infill development on sites of up to 5 acres in size in existing communities” with the limitation that “the site does not have habitat value for endangered, rare, or threatened species”.

**Please clarify “existing community”.**

O-1-233

**Who determines if a site does not have habitat value? What qualifications does this person have to make that determination?**

**Wildlife corridors should be considered at these identified infill development sites.**

O-1-234

9. Some of the proposed changes to the General Plan are designed to ultimately comply with CEQAs streamlining benefits. Please keep in mind that under SB 375 a proposed mixed-use residential project, transit priority project and sustainable communities project must be “consistent with the use designation, density, building intensity, and applicable policies specified for the project area in either an SCS or APS accepted by CARB” (sacog.org)

The Sacramento Area Council of Governments (SACOG) is the Metropolitan Planning Organization for several counties, including El Dorado County, and “SACOG is responsible for developing the federally required MTP and the new state-required Sustainable Communities Strategy (SCS)”. The MTP/SCS for SACOG will be adopted by February 2016. Currently the SCS is being developed and addressed by the Rural-Urban Connections Strategy (RUCS), which would apply to El Dorado County. The RUCS addresses “Small Communities” concerns and considerations:

O-1-235

*“Small Communities*

*Infrastructure needs and demand for municipal and commercial services can increase pressure for higher levels of growth, sometimes resulting in more housing that is not balanced with local jobs.*

Small communities are generally agriculturally based towns that appeal to those seeking a slower pace of life and would ideally like to keep it that way. However, many of these communities are having trouble maintaining that way of life, as road, sewer and water infrastructure breaks down.

Maintenance of public swimming pools, emergency services, wastewater treatment, and clean water requirements are significant infrastructure and service costs that are insensitive to population size. The costs are as high for small towns and big cities alike. Required infrastructure improvements for the potability of water levy the same burden of potability, despite a huge discrepancy in the number of rate payers. Additionally, residents leave town for shopping, professional services, and employment, thereby increasing travel and all the congestion and air quality impacts that go with it. They also leave much of their tax dollars in the coffers of other communities.

These infrastructure and service needs often leave small communities feeling forced to incentivize new development in order to pay for improvements and add enough housing units to attract commercial and professional services. This development, however, also

consumes and impacts much of the agricultural land that creates the base economy for many of these communities, creates more traffic from long distance commuting to regional job centers, and diminishes the small-town character.” (sacog.org/ruc)

O-1-235  
CONT.

If the RUCS is adopted in 2016, any developments in El Dorado County that want to qualify for CEQA streamlining benefits must take the RUCS criteria into account.

**Many aspects of the TGPA seem aimed at intensifying residential development in the foothills. This seems diametrically opposed to the objectives of the RUCS under preparation. By instituting the TGPA, might the County be making its development proposals ineligible for the CEQA streamlining benefits of the RUCS? How will this burden on development meet a TGPA objective?**

O-1-236

**The TGPA/ZOU triggers 33 significant and unavoidable impacts of future development. As a result, more development projects being processed in the County will be unable to qualify for Negative Declarations, and will instead have to prepare expensive EIR’s to address their contribution to cumulatively considerable impacts. How will adding this burden on new development meet one of the TGPA/ZOU objectives?**

O-1-237

**Please consider a TRPA alternative that would maintain existing mitigation programs in place, implement those long overdue, and assist job developers in successfully mitigating the impacts of their developments, so that more of them could qualify for expedited environmental review. This would actually advance the TGPA objectives to create jobs and to protect agriculture.**

O-1-238

10. Concerning Multi-Family Use (as mentioned in Resolution of Intention to Amend the General Plan, Res. No. 182-2011): Any considerations to amend density from 24 units per acre to 30 units per acre to try to comply with California Government Code 65583.2©(iv) and (e) must also consider and comply to California Government Codes 65580(e), 65583, 65584.04(c):

65580(e). The Legislature recognizes that in carrying out this responsibility, each local government also has the responsibility to consider economic, environmental, and fiscal factors and community goals set forth in the general plan ...”

O-1-239

65583. The housing element shall consist of an identification and analysis of existing and projected housing needs and a statement of goals, policies, quantified objectives, financial resources, and scheduled programs for the preservation, improvement, and development of housing.

65584.04(c). Public participation and access shall be required in the development of the methodology and in the process of drafting and adoption of the allocation of the regional housing needs.

O-1-240

11. As stated in the DEIR, “*Policy 7.1.2.1* amends the current *prohibition* of development (except where the prohibition would deny reasonable use of the property) on slopes over 30% to a *restriction* on development of slopes over 30%.”

As stated in the DEIR (3.3-27), “The 2004 General Plan EIR included Mitigation Measure 5.9-4(b), which established the policy prohibiting development on slopes over 30% ...”

O-1-241

**Why would the county consider changing the General Plan to allow development on slopes over 30% when:**

- a) **there are negative impacts on “Aesthetics” (ES-8, Table ES-1) ;**
- b) **“this type of development would adversely affect the vividness and intactness of scenic views, this impact would be significant and unavoidable” (3.1-14);**
- c) **“additional development on steep slopes would potentially result in a degradation of the habitat adjoining that development” (3.4-45); and**
- d) **“would substantially alter the existing land use character” (3.6-10)? ... Especially when, the DEIR states “development on slopes with a grade over 30% ... would potentially allow additional development on existing parcels that is restricted by current General Plan and zoning provisions. However, this increase in development is expected to be small” (3.9-23).**

**What TGPA objective is advanced by this proposal?**

Other potential negative impacts on development on steep slopes is: increased soil erosion, hillside instability, water drainage issues, potential downslope impacts of slope failures, consequences for error can be great, more difficult accessibility, and significant habitat/land degradation caused by increased grading needs for structural stability.

O-1-242

**Why change the General Plan regarding development on slopes over 30% when there are so many negative impacts as a result and yet a small increase in development?**

As mentioned, there are many secondary effects associated with development

on slopes 30% and greater not mentioned in the DEIR, as required by CEQA Section 15146, Degree of Specificity.

**Are there slope maps of El Dorado County? Please make available.**

Please do not adopt the proposed amendment to Policy 7.1.2.1 and Zoning Ordinance Section 17.30.060 which would authorize development on slopes exceeding 30%.

O-1-242  
CONT.

12. In the 2004 General Plan an Integrated Natural Resources Management Plan (INRMP) was to be developed by 2009. This INRMP was to mitigate the adverse effects of development.

**As of June 2014, the INRMP has yet to be implemented. When will this be made available to the public? All projects should be placed on hold until the INRMP has been developed and implemented.**

O-1-243

13. The riparian setbacks mentioned in the ZOU (17.30.030G) amendments provides little definitive protection against development and reduces the riparian zone to 25 feet from intermittent streams, wetland or sensitive riparian habitat and 50 feet from any perennial lake, river or stream (ZOU 17.30.030.3(d)). Basically all riparian protections within the 2004 General Plan have been stricken in the ZOU. In addition, proposed Zoning Ordinance 17.30.030G5a allows Planning Department staff to grant approval of any use permitted in the subject zone within a riparian setback. **Provide an analysis of the impact of these policy revisions.**

O-1-244

The importance of riparian zones cannot be underestimated and therefore their protection is of utmost importance and value (please see Placer County Planning Department "Setback Recommendations to Conserve Riparian Areas and Streams in Western Placer County" Feb. 2005). Riparian areas provide many benefits including, critical wildlife habitat, wildlife corridors, improve water quality, reduce erosion, and enhance recreational opportunities.

Rather than weaken riparian protections, the county should strengthen and enforce strong rules regarding riparian zone degradation, including expanding riparian zone habitat to include 150 foot setbacks from all perennial streams, rivers, lakes, and 75 feet from intermittent streams and wetlands.

**How have the riparian setbacks been determined? Has a comprehensive**



**study been completed (as the Placer County Planning Department did in “Setback Recommendations to Conserve Riparian Areas and Streams in Western Placer County”) to understand riparian zones size and its affects on things like wildlife and water quality?**

O-1-244  
CONT.

**What TGPA objective is advanced by this proposal?**

**14. Please define and clarify a Biological Resource Evaluation as mentioned in ZOU 17.30.030.3(b,c).**

O-1-245

15. The 2004 El Dorado County General Plan Conservation and Open Space Element “Principle” states “*the Plan must conserve and improve the County’s existing natural resources and open space*”.

**How has this Principle statement been honored in the past with proposed and implemented developments?**

**How does the Principle statement holdup within the proposed DEIR?**

O-1-246

**Why has the “Principle” from the 2004 El Dorado County General Plan Conservation and Open Space Element been omitted from the DEIR or not been referenced?**

**Please add the Principle back in to the General Plan Conservation and Open Space Element.**

**What would the impact be if the Principle were removed from the General Plan?**

Conclusion:

There are thirty three 'significant and unavoidable' impacts listed in Table 5-4 (dEIR, page 5-16). A single one of these impacts is sufficient cause for denial of the project. On the other hand, to approve the project, the County would have to find valid overriding considerations for each one of the 33 impacts listed. Such a statement of overriding considerations must be supported by a logical analysis of substantial evidence in the EIR or elsewhere in the record. (*Sierra Club v. Contra Costa County* (1992) 10 Cal.App.4<sup>th</sup> 1212.) All feasible mitigation must be adopted, and other mitigation properly found infeasible, before an agency can make a statement of

O-1-247

overriding considerations. (*Los Angeles Unified School District v. City of Los Angeles* (1997) 58 Cal.App.4<sup>th</sup> 1019.)

The significant and unavoidable impacts from the **Biological Resources** section, as listed on page ES-14:

***BIO-1: Result in the loss and fragmentation of wildlife habitat***

***BIO-2: Have a substantial adverse effect on special-status species***

***BIO-3: Have a substantial adverse effect on wildlife movement***

***BIO-4: Result in the removal, degradation, and fragmentation of sensitive habitats***

Additionally, this list cannot be considered complete until further information and analysis is provided per the dEIR comments, in order to fully ascertain the impacts of the extensive changes being proposed.

O-1-247  
CONT.

END SECTION COMMENTS

The following Exhibit 3.4-1, is the Important Oak Woodland Habitat map as presented by staff to the Board of Supervisors for the 6/25/07 Policy Workshop for the Oak Woodland Management Plan\*. From the accompanying staff memo for the workshop:

*"The composite map, "Important Oak Woodland Habitat", is intended to identify Oak Woodlands that will be the priority for conservation...."*

O-1-248

Many of these 'priority' areas have since been rezoned to higher density and have approved tentative maps on them. There does not appear to be any monitoring of these areas since 2008, or any corresponding 'conservation easement' map. Nor are there any similar maps posted showing 'special status species' or 'wildlife corridors'.

\*The map was adopted by the Board in this meeting with direction to remove the Low Density Residential (LDR) identification, then on 9/25/07 this version (showing LDR) was brought back.

Cover Sheet for **Exhibit 3.4-1**

# EL DORADO COUNTY IMPORTANT OAK WOODLAND HABITAT Public Review

## Legend

-  OWMIP Boundary \*
-  Important Oak Woodland Habitat \*
-  5 WHR Oak Woodland Types \*\*
-  Important Biological Corridor \*\*
-  Community Region \*\*
-  Rural Center \*\*
-  Low Density Residential \*\*

## Notes:

IOWH designation includes Large Expanses of Oak Woodlands, and all Valley Oak Woodlands excluding State and Federal lands and Commercial and Industrial lands.

Total Acreage of 5 WHR Oak Woodland Types = 248,857  
Total Acreage of Important Oak Woodland Habitat = 77,817.

Policy 7.4.1.6 and Implementation Measure CO-U apply only when rare, threatened or endangered species are present. Oak habitat identified on this map does not necessarily contain any rare, endangered or threatened species. Identification on this map does not imply that Policy 7.4.1.6 or Implementation Measure CO-U applies.

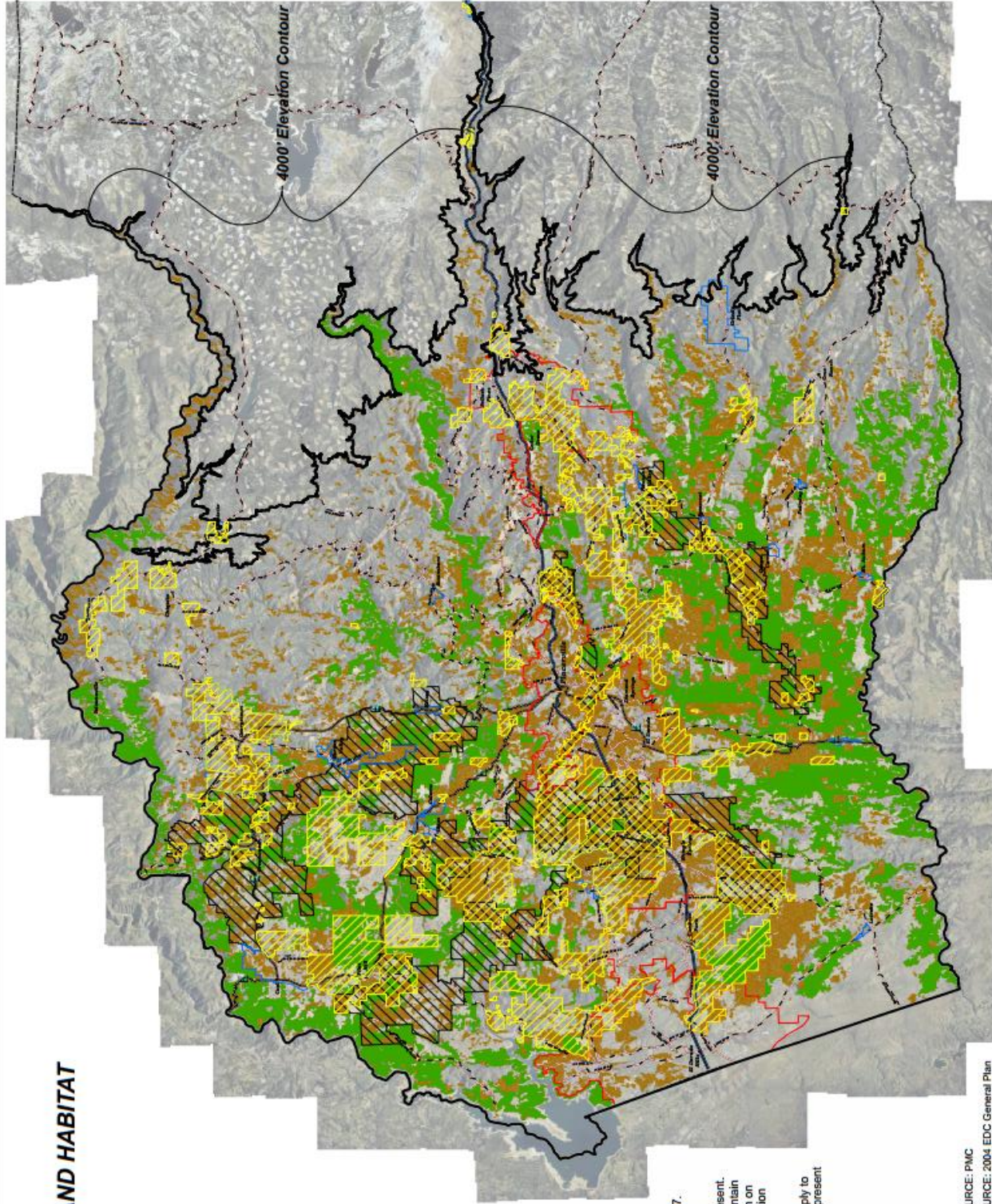
Policy 7.4.1.6 and Implementation Measure CO-U may apply to oak habitat if endangered, rare or threatened species are present at the same site.



Map displayed in State Plane Coordinate System (NAD 1983 California Zone 2, feet)

\* DATA SOURCE: PMC

\*\* DATA SOURCE: 2004 EDC General Plan





The following Exhibit 3.4-2 is an excerpt of an article published December 2012 in *Perkins/Coie\_Legal Counsel to Great Companies*.

O-1-249

The purpose of this exhibit is to show that key aspects of the regulatory setting have not been disclosed regarding the oak woodland mitigation program. The DEIR says only that this program is still under development (page 3.4-8).

**CEQA Year In Review 2012**\_Update 12.31.2012

A Summary of Published Appellate Opinions Relating to CEQA, By Marc Bruner, Julie Jones, Steve Kostka, Geoff Robinson and Barbara Schussman

Section excerpt:     **SUPPLEMENTAL CEQA REVIEW**  
                          **EIR Required for Oak Woodland Management Plan**  
                          ***Center for Sierra Nevada Conservation v County of El Dorado***  
                          (3d District 2012) 202 CA4th 1156

Cover sheet for **Exhibit 3.4-2**

## **SUPPLEMENTAL CEQA REVIEW**

### **EIR Required for Oak Woodland Management Plan**

#### ***Center for Sierra Nevada Conservation v County of El Dorado*** (3d District 2012) 202 CA4th 1156

Public agencies generally prefer not to prepare EIRs – at least for their own plans and projects – unless they have to. And CEQA attempts to avoid redundancy by encouraging reliance, to the extent possible, on a previously certified EIR to support the approval of a subsequent action. So, in 2008, when El Dorado County adopted its long-awaited countywide oak woodland management plan, the county didn't prepare an EIR, but instead relied on its 2004 general plan EIR.

Not so fast, said the Third District Court of Appeal, in *Center for Sierra Nevada Conservation v County of El Dorado*. The court held that although the General Plan EIR anticipated the development of the oak woodland management plan, it didn't analyze key provisions of the plan the county ultimately adopted, so the plan had to be analyzed in a new tiered EIR.

**Background.** El Dorado County's 2004 general plan allowed development that would cause significant and unavoidable impacts on oak woodland habitat and its dependent wildlife. The general plan created two options for mitigating this impact. Under Option A, a project applicant would adhere to tree canopy retention standards and would replace removed woodland habitat onsite. Under Option B — added late in the general plan process due to objections to Option A — an applicant would not be required to retain oak woodlands onsite but would instead pay a fee to a new conservation fund. The general plan required further action by the county: an integrated plan that would identify important habitat in the county and establish a program for effective habitat preservation and management.

In 2008, the county adopted the oak woodland management plan, which was intended to be the first component of the integrated plan. The plan included an Option B fee program allowing developers to pay 40% of the value of the land under any oak canopies to be removed. The county adopted the oak woodland management plan based on a negative declaration, finding that there would be no significant environmental effects that had not previously been examined in the general plan EIR.

**An EIR was required.** The court of appeal agreed with the Center for Sierra Nevada Conservation that an EIR was required. The county's primary argument was that the oak woodland management plan fit within the 2004 EIR as a mitigation measure under the General Plan. The court, however, identified several matters in the new plan that had not been previously addressed, including the Option B alternative, the prioritization of valley oaks, land acquisition options and proposed use of the mitigation funds collected. The court required the county to analyze all of these new matters in a new EIR.

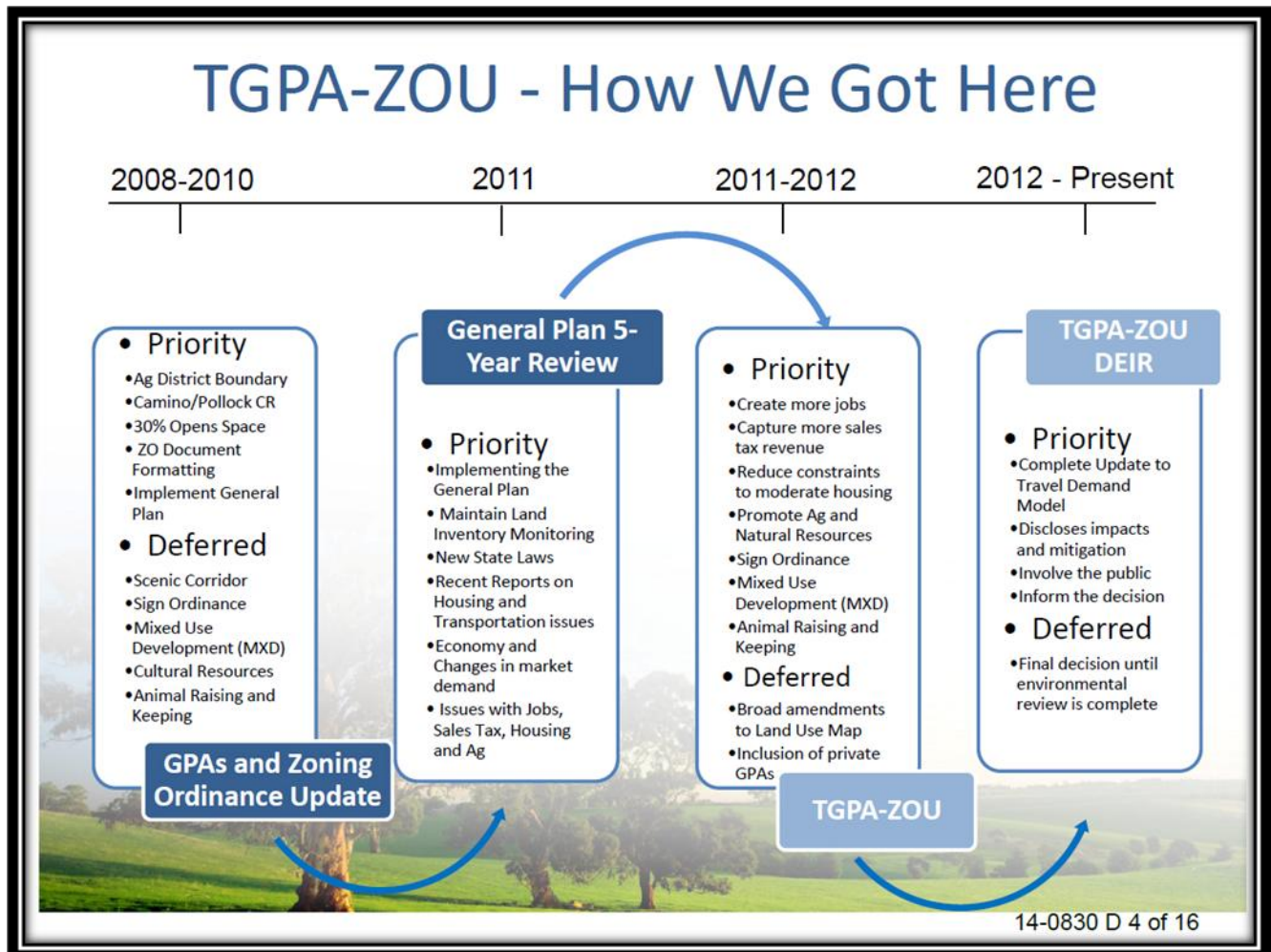
**EIR couldn't await integrated plan.** The court also rejected arguments that an EIR could await adoption of the county's full integrated plan, reasoning that approval of the oak woodland management plan alone "had the effect of allowing developers to pay a mitigation fee instead of preserving a substantial population of trees on site."

**General Plan EIR's impact conclusion didn't obviate a subsequent EIR.** Finally, the county argued that no EIR was required for the mitigation plan because the General Plan EIR had recognized that development would have a significant unavoidable impact on oak woodlands. The court rejected this argument as well, holding that the County may not shield all subsequent projects affecting the environment on the basis of its prior recognition that development and increased population will have an adverse effect on the region's oak woodlands. Because the General Plan EIR did not adequately cover the Option B mitigation fee program, the EIR's acknowledgement of a significant unavoidable impact was of no assistance to the county; a new EIR was required to consider the effects of the oak woodland management plan and Option B fee program on the environment as it existed with only Option A available to developers in El Dorado County.

## Cultural Resources - Chapter 3.5 DEIR review comments

El Dorado County has a poor track record of caring for its Cultural Resources and implementing policies to do so, as demonstrated in the slide excerpted below from the LUPPU presentation given to the Planning Commission on July 10, 2014. The slide shows that the county moved Cultural Resources to the Deferred list somewhere between 2008-2010 and never brought it back in the Priority list.

O-1-250



Additionally, residents have been asking for years for more protection for culturally significant sites and structures, to no avail. Some of these requests to the Board of Supervisors were captured on video and posted online:

Preserve Our History: <http://youtu.be/kxT2bZTpUCI>

Protect Our Cultural Resources: <http://youtu.be/Be5fJCTaEGo>

Preserve What We Have: <http://youtu.be/w1aGmdQSG2M>

Blending Our Communities: <http://youtu.be/UX6SKWDstH8>

O-1-250  
CONT.



The county has shown a pattern of delaying the implementation of many elements of the General Plan, which are mitigation measures of the 2004 General Plan, including the Cultural Resources Element. Therefore, it is not unreasonable to predict that mitigation measures proposed as part of this DEIR will be delayed and possibly never implemented. "A project proponent's prior environmental record is properly a subject of close consideration in determining the sufficiency of the proponent's promises in an EIR." (Laurel Heights Improvement Association of San Francisco v. Regents of the University of California (1988) 47 Cal.3d 376, 420.)

O-1-251

1. In the Cultural Resources, Regulatory Setting, Local, El Dorado County Historic Design Guide section on page 3.5-7, it states that the county has a design guide for the community of Shingle Springs, however that document is not attached to the DEIR nor referenced in Chapter 7 References Cited. A search of the county's website and a Google search find no such document. Was this document used in the DEIR analysis? Why is it mentioned here? The DEIR must provide references to all documents used in the DEIR analysis. (CEQA Guidelines, sec. 15148.)

O-1-252

2. In the Cultural Resources, Regulatory Setting, Tribal Consultation section on page 3.5-3, it states that "local governments 'provide opportunities for the involvement of California Native American Indian tribes during the preparation or amendment of a general plan (Government Code Section 65351)... for the purpose of discussing protections for cultural resources that are important to the tribes."

This policy is only a valid protection of cultural resources if the tribe that is consulted is a tribe that occupied the affected piece of land. El Dorado County has consulted in the past with tribe members that were not native to the affected piece of land, so the tribe would profess to not be affected by the proposed project. However, if the county had consulted with the native tribe that had actually occupied the land, they would have divulged their interest in the land as a sacred site and the county would have been required to preserve that site. Please describe this aspect of the regulatory setting in the Final EIR.

O-1-253

3. In DEIR section 3.5.2 Environmental Impacts, Zoning Ordinance Updates, it is stated that individual parcels throughout the county will be rezoned to be consistent with their General Plan designation. Changing the zoning on all of the inconsistent parcels within the county to match their General Plan Land Use is not required per General Plan Policy 2.2.5.6. Each parcel needs to be analyzed on its own merit for adequate infrastructure, as stated in General Plan Policy 2.2.5.6:

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Policy 2.2.5.6 Where approval of this General Plan has created inconsistencies with existing zoning, lower intensity zoning, in accordance with Table 2-4, may remain in effect until such time as adequate infrastructure is available to accommodate a higher density/intensity land use.

Policy 2.2.5.7 Where a zoning district applied to given land is consistent with the General Plan land use designation, the County reserves the right to deny development plans providing for permitted uses where adequate findings for approval (including adequate public facilities and services) cannot be made.

For example, parcel number 319-260-01 is a 62-acre parcel that is currently zoned for 5-acre residential parcels, but has a Research & Development (R&D) General Plan designation. The change in use from residential to R&D is an increase in land use intensity.

- a) Impact CUL-1 regarding historical resources on page 3.5-15 of the DEIR states that intensive uses will result in significant and unavoidable impacts, and any CEQA issues would be addressed in the Conditional Use Permit (CUP) process. However, parcel number 319-26-01 is being switched from a residential zone to an R&D zone as part of the ZOU without the benefit of the CUP process. This leaves no opportunity for CEQA to be addressed, thus creating a significant and unavoidable impact. There is no analysis or mitigation in the DEIR to address these impacts because there is an assumption that a CUP process will address the CEQA issues. All of the parcels that are being proposed for a zone change in the ZOU must have their CEQA issues addressed with proper analysis, not an erroneous assumption in the DEIR document.

CEQA requires agencies to adopt feasible mitigation measures in order to substantially lessen or avoid otherwise significant environmental effects. (Pub. Resources Code, secs. 21002, 21081, subd. (a); CEQA Guidelines, secs. 15002, subd. (a)(3), 15021, subd. (a)(2), 15091, subd. (a)(1).) When approving projects that are general in nature (e.g. general plan amendment), agencies must develop and approve whatever general mitigation measures are feasible, and cannot merely defer the obligation to develop mitigation measures until a specific project is proposed. (*Citizens for Quality Growth v. City of Mount Shasta* (3 Dist. 1988) 198 Cal.App.3d 433, 442 [243 Cal.Rptr. 727]). Generally, an agency cannot not rely on mitigating a significant impact by the development of a mitigation plan after project approval. "The CEQA process demands that mitigation measures timely be set forth, that environmental information be complete and relevant, and that environmental decisions be made in an accountable arena." (*Oro Fino Gold Mining Corporation v. County of El Dorado* (3d Dist. 1990) 225 Cal.App.3d 872, 884-885 [274 Cal.Rptr. 720].) "Numerous cases illustrate that reliance on tentative plans for future mitigation after completion of the CEQA process significantly undermines CEQA's goals of full disclosure and informed decision making; and consequently, these mitigation plans have been overturned on judicial review as constituting improper deferral of environmental assessment." (*Communities for a Better Environment v. City of Richmond* (2010) 184 Cal.App.4<sup>th</sup> 70, 92-93.) Finally, adopting a statement of overriding

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CONT.

O-1-255

considerations does not justify certification of the EIR absent adoption of the mitigation measure. (*City of Marina v. Board of Trustees* (2006) 39 Cal.4<sup>th</sup> 341.)

O-1-255  
CONT.

b) Furthermore, Impact CUL-2 regarding archeological resources on page 3.5-16 of the DEIR also states that intensive uses will result in significant and unavoidable impacts, and any CEQA issues would be addressed in the CUP process. However, parcel number 319-26-01 is being switched from a residential zone to an R&D zone as part of the ZOU without the benefit of the CUP process. This leaves no opportunity for CEQA to be addressed, thus creating a significant and unavoidable impact. There is no analysis or mitigation in the DEIR to address these impacts because there is an assumption that a CUP process will address the CEQA issues. All of the parcels that are being proposed for a zone change in the ZOU must have their CEQA issues addressed with proper analysis, not an erroneous assumption in the DEIR document.

O-1-256

4. In DEIR section 3.5.2 Environmental Impacts, Zoning Ordinance Updates, Section 17.22.010, the new Commercial Main Street zone is too vague to protect any cultural resources and may actually encourage new development rather than preserve historical areas. The DEIR analysis states that it is "generally appropriate" to apply to "historic downtown areas." This is a hypothetical assessment that has no detailed analysis to support it and assure the public that it is not detrimental to our historical sites. This zone has the potential to negatively impact historic downtown areas. The DEIR needs to include detailed analysis about its impacts and what mitigations are needed to protect the cultural and historical resources of the county.

O-1-257

An EIR must contain facts and analysis, not just the bare conclusions of the agency, and must provide sufficient detail so that those who did not participate in its preparation can understand and consider meaningfully the issues raised by the proposed project. The decision to approve a project is a nullity if based upon an EIR that does not provide the decision makers and the public with the required information about the project. (*Bakersfield Citizens for Local Control v. City of Bakersfield* (2004) 124 Cal.App.4<sup>th</sup> 1184.)

5. On page 3.5-12, section 3.5.2 Environmental Impacts, Zoning Ordinance Updates, Various Conditional Land Uses, it states that intensive, permanent land uses not allowed in the Zoning Ordinance could go through the CUP process and CEQA. These uses are listed in Table 3.5-2. However, it is acknowledged that even with the CEQA process there is the potential for such uses to adversely affect existing cultural resources.

O-1-258

This reliance on proper permitting is particularly troubling because there is precedent within the county demonstrating that permits are not always properly obtained for

projects that disturb soil. This precedence of circumventing the county permit process is documented in the 2014 Grand Jury report referenced in the Mountain Democrat newspaper, Exhibit 3.1-1 [link: [www.mtdemocrat.com/news/grand-jury-report-county-slammed-for-not-enforcing-ordinance](http://www.mtdemocrat.com/news/grand-jury-report-county-slammed-for-not-enforcing-ordinance)] See also Youngdahl report for required hazardous waste mitigation that was ignored [link to report: [http://www.google.com/url?sa=t&rct=j&q=&esrc=s&frm=1&source=web&cd=2&cad=rja&uact=8&ved=0CCYQFjAB&url=http%3A%2F%2Fwww.edcgov.us%2FGovernment%2FDOT%2FCEQA%2FDiamond Springs DEIR AppendixH-PhaseIEnvironmentalSiteAssessment.aspx&ei=hb7EU\\_mjFOiHjAK1tIDYCA&usq=AFQjCNEcrYI-k1JRPfIWnDG75UE5rRQPwA&sig2=13SES13GDqWNohxrz5-OKg&bvm=bv.71126742,d.cGE](http://www.google.com/url?sa=t&rct=j&q=&esrc=s&frm=1&source=web&cd=2&cad=rja&uact=8&ved=0CCYQFjAB&url=http%3A%2F%2Fwww.edcgov.us%2FGovernment%2FDOT%2FCEQA%2FDiamond%20Springs%20DEIR%20AppendixH-PhaseIEnvironmentalSiteAssessment.aspx&ei=hb7EU_mjFOiHjAK1tIDYCA&usq=AFQjCNEcrYI-k1JRPfIWnDG75UE5rRQPwA&sig2=13SES13GDqWNohxrz5-OKg&bvm=bv.71126742,d.cGE) ]

and in an online video of a 2009 Board of Supervisor meeting, Grado's Quik Stop on Sacred Miwok Site: <http://youtu.be/4G7pAK5xo3k>

(See attached files for the report by George Peabody and statements from El Dorado Rancheria. – Exhibits I & J from the report are no longer on the County website)



Recently the Planing Mill was torn down by Sierra Pacific Industries without any intervention from the County. No historical documentation was required by the County of El Dorado for the demolition. Since the County never red flagged this historic building as being a potential significant resource, over 50 years old, there was no way to seek protection or mitigation for destruction. See email message sent to two El Dorado County Supervisors:

**From:** "Taylor, Sue" <[sue-taylor@comcast.net](mailto:sue-taylor@comcast.net)>

**To:** "Veerkamp, Brian" <[bosthree@edcgov.us](mailto:bosthree@edcgov.us)>, "RayNuttingBOSDistr2" <[bostwo@edcgov.us](mailto:bostwo@edcgov.us)>

**Sent:** Tuesday, February 25, 2014 7:43:27 AM

**Subject:** The Camino Mill

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CONT.

Dear Supervisor Veerkamp and Supervisor Nutting,

I am sending this open letter to both Supervisor Veerkamp and Supervisor Nutting on the hopes that together there is something you can do to stop the demolition of the historic structures in the area of the Camino Mill Site.

I sending this to Supervisor Nutting due to the fact that you assisted SPI in the purchase of the mill in the first place and the connection you have with the timber industry and Supervisor Veerkamp because this is in your district.

One of the reasons that community members were pushing to create a rural center in Camino is that it would give us the ability to create a Historic District Overlay on the Mill. I'm guessing SPI figured this out and thus the rush to tear down their buildings. Not only is this site an important historic asset to the County it is also an important site for what our General Plan lists in it's Custom, Culture and Economic Stability statement. Due to the inaction of the Board of Supervisors since the 2004 General Plan was adopted, the County continues to lose many of it's historic resources and assets which sets El Dorado County apart from "anywhere USA".

With an huge financial sacrifice, our family has taken on the historic Hangman Building (featured in the State's Capital), to save it from demolition, but unfortunately we cannot afford to save all of the treasures in this County. Thank goodness someone had the foresight to designate our building as a historic resource, thus saving it from the City of Placerville's intended wrecking ball.

You say what can you do? Well first what about finding out if SPI acquired a demolition permit from the County. If they got that permit then we have a serious problem at the county level in that SPI has been allowed to demolish these significantly historic assets without any oversight.

Next I would talk to County Counsel and see if you there is some kind of emergency measure or action you can take to stop all demolition until some kind of formal archaeology survey can take place. Or declare a county wide emergency and create a measure that will protect all historic buildings over 100 years old until you get the regulations called for in the 2004 General Plan in place which will protect these assets.

If SPI does not plan on using there buildings for future activities, there should have been the opportunity for someone else to make use of them. Or they could have been re-purposed on the site into another use. It is such a loss to this county that there is a lack of understanding to the enormous wealth these structures have to the historical and visual integrity of El Dorado County. This is something that can never be replaced or replicated.

I hope that you will look into this and I would like to hear from you both of you in regards to this matter ASAP. Below it the section from the General Plan that if had been enacted would have served to protect the mill site from being flipped into a future smart growth village. If nothing else you can use Policy 7.5.2.2 (F) and insist that they stop until they have a survey done.

Thank you for any assistance you can give to the issue,

Sincerely,

Sue Taylor

530-391-2190

#### OBJECTIVE 7.5.2: VISUAL INTEGRITY

Maintenance of the visual integrity of historic resources.

Policy 7.5.2.1 Create Historic Design Control Districts for areas, places, sites, structures, or uses which have special historic significance.

Policy 7.5.2.2 The County shall define Historic Design Control Districts (HDCDs). HDCD inclusions and boundaries shall be determined in a manner consistent with National Historic Preservation Act (NHPA) Historic District standards.

A. The County shall develop design guidelines for each HDCD. These guidelines shall be compatible with NHPA standards.

B. New buildings and structures and reconstruction/restoration of historic (historic as per National Register of Historic Places [NRHP] and California Register of Historical Resources [CRHR] criteria) buildings and structures shall generally conform to styles of architecture prevalent during the latter half of the 19th century into the first decade of the 20th century.

C. Any historic building or structure located within a designated HDCD, or any building or structure located elsewhere in the county that is listed on the NRHP or CRHR, is designated a California Building of Historic Interest, or a California State Historic Landmark, or is designated as significant as per NRHP/CRHR criteria, shall not be destroyed, significantly altered, removed, or otherwise changed in exterior appearance without a design review.

D. In cases where the County permits the significant alteration of a historic building or structure exterior, such alteration shall be required to maintain the historic integrity and appearance of the building or structure and shall be subject to a design review.

E. In cases where new building construction is placed next to a historic building or structure in a designated HDCD or listed on the CRHR/NRHP, the architectural design of the new construction shall generally conform to the historic period of significance of the HDCD or listed property.

F. In cases where the County permits the destruction of a historic building or tearing down a structure, the building or structure shall first be recorded in a manner consistent with the standards of the NHPA Historic American Building Survey (HABS) by a qualified professional architectural historian.

Policy 7.5.2.3 New buildings and reconstruction in historic communities shall generally conform to the types of architecture prevalent in the gold mining areas of California during the period 1850 to 1910.

Policy 7.5.2.4 The County shall prohibit the modification of all National Register of Historic Places (NRHP)/California Register of Historical Resources (CRHR) listed properties that would alter their integrity, historic setting, and appearance to a degree that would preclude their continued listing on these registers. If avoidance of such modifications on privately owned listed properties is deemed infeasible, mitigation measures commensurate with NRHP/CRHR standards shall be formulated in cooperation with the property owner.

Policy 7.5.2.5 In cases where the County permits the demolition or alteration of an historic building, such alteration or new construction (subsequent to demolition) shall be required to maintain the character of the historic building or replicate its historic features.

Storage building:



Planing Mill Demolition:

(Speculation was that this building was of unique post and beam with mortise & tenon construction. As far as known nothing was documented for historic record even though Planning, The Board of Supervisors, the El Dorado County Historical Museum was contacted.)

[https://www.facebook.com/permalink.php?story\\_fbid=10152127088423882&id=134273483881](https://www.facebook.com/permalink.php?story_fbid=10152127088423882&id=134273483881)



Given the past circumvention of proper permitting for projects that disturb the soil, the fact that there is no detailed, in-depth analysis for the types of projects listed in Table 3.5-2, and the fact that the DEIR states in the conclusion of CUL-1 that "Destructive impacts to historical resources cannot be fully mitigated... Therefore, this impact is significant and unavoidable," the DEIR is insufficient and must include detailed analysis of the impact by each type of project listed in Table 3.5-2 to cultural resources.

O-1-259

In addition, since the County has failed to properly administer cultural resource mitigation in accordance with CEQA and existing county policies, we strongly encourage El Dorado County to consult with state and federal agencies, private consultants, other counties, and the Native American community to establish new and more effective general plan policies and zoning ordinance provisions to administer historic resources. These policies and ordinances should be included as mitigation measures in the TGPA and ZOU. It is ludicrous to suggest that properly administering historic and cultural resources is somehow infeasible in El Dorado County, when it is properly done in so many other counties in California.

O-1-260

Not only must the analysis include impacts to cultural resources, but also contain detailed, quantifiable analysis with regard to the following:

- a) Golf Course: Impacts to water due to the current water shortage, economic viability to see if the county can sustain another golf course (the El Dorado Hills golf course closed in recent years), water quality from run-off of fertilizers, aesthetics due to remove trees and vegetation, and other impacts of a golf course.
- b) Off-Highway Vehicle Recreational Area: Impacts to air quality from dust and emissions, water quality from run-off from vehicle oils and fluids, noise from the vehicles, land use due to compatibility conflicts with adjacent properties,

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aesthetics from removal of trees and vegetation, transportation and traffic, and other impacts from an Off-Highway Vehicle Recreational Area.

- c) Ski Area: Impacts to geology and soils due to erosion from grading and tree and vegetation removal, aesthetics from tree and vegetation removal, transportation and traffic from increased vehicles trips, and other impacts from a Ski Area.
- d) Public Utility Service Facility, Intensive: Impacts to hazardous materials from the use of hazardous materials, noise from the equipment, aesthetics from lights and the extensive removal of vegetation, air quality from odors from power-generating equipment and sewage treatment facilities, and other impacts from a Public Utility Service Facility, Intensive.
- e) Large Amusement Complex: Impacts to aesthetics from lights and extensive vegetation removal, land use due to compatibility conflicts with adjacent properties, noise from equipment and guests, air quality from odors associated with waste, transportation and traffic from increased vehicle trips, geology and soils due to erosion from extensive grading and terrain contouring, and other impacts from a Large Amusement Complex.
- f) General Industrial: Impacts to hazardous materials from use and storage of hazardous materials, water quality from byproduct waste run-off, aesthetics from extensive vegetation removal and lights, noise from equipment, air quality from odors, smoke, or steam, geology and soils due to erosion from extensive grading, land use due to compatibility conflicts with adjacent properties, and other impacts from General Industrial.

O-1-261  
CONT.

**The following Exhibit is a letter from the El Dorado County Indian Council.**

This letter is submitted as a response to the draft EIR to demonstrate how policy designed as mitigation to protect important cultural resources has been disregarded, resulting in irreplaceable losses due to past development, and mistrust moving forward for future development.

O-1-262

*cover sheet for* **Exhibit 3.5-1**



*The El Dorado County Indian Council, Inc.*

Multi-Tribal Service to Native Americans in El Dorado County

To: El Dorado County Board of Supervisors

July 14, 2014

The El Dorado County Indian Council, Inc. is of the opinion that El Dorado County policies allowing increased density, reduced open space requirements, exemption for agricultural grading, and allowing building on 30% or greater slopes may result in the desecration of important cultural resources and projects such as these must not only be analyzed carefully, but must also be mitigated – not simply made irrelevant by a negative declaration.

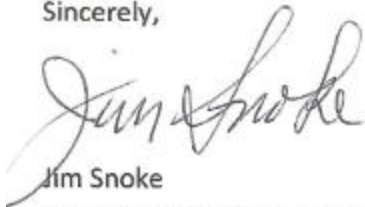
It is our opinion that El Dorado County has exhibited disregard for sensitive cultural sites and burial sites by failing to enforce provisions in the General Plan section 7.5.1.1 designed to protect these sensitive sites. Section 7.5.1.1 calls for El Dorado County to formally adopt a Cultural Resources Ordinance for the mitigation of historic and prehistoric cultural findings prior to and during the development of land-use projects. To our knowledge, that has not been done. Should such a policy have been in place, for example, the Kwik Stop station at Highway 49 and Pleasant Valley road, which was highly sensitive culturally and prehistorically, might not have been allowed to proceed unmitigated. Although input was provided at the time to this resource-destructive project, El Dorado County chose to allow the project to go through. That instance is not an isolated case.

We are also aware that the county no longer has an active Cultural Commission to oversee the preservation of historic and prehistoric cultural materials. As an inter-tribal entity registered with the state of California, The El Dorado County Indian Council, Inc. both encourages and demands that El Dorado County protect these important sites. We also insist that during the development of projects that may have a negative impact on prehistoric and historic cultural materials, a monitoring system must be put in place that includes a formal process for cessation of the project should any prehistoric cultural resources be uncovered as the project progresses. We believe that El Dorado County has the oversight responsibility to ensure that any and all projects do not desecrate sensitive cultural sites, and proper notice must be given to local groups such as ours so that we can provide input into them. These prehistoric sites represent the only truly-perishable natural resources in El Dorado County, and they must be protected at all costs.

The El Dorado County Indian Council, Inc. has among its membership a professional archaeologist, as well as members who have been trained in cultural resource identification and protection. Our membership also includes individuals who are directly descended from prehistoric Nisenan and Miwok inhabitants of what is now El Dorado County and whose relatives are buried here. Therefore, we have a commitment to, a responsibility for, and a deeply-vested interest in cultural resource preservation here.

We are concerned that any action authorized by the county must unilaterally take into account that both prehistoric and historic Native cemetery remains may be unearthed and destroyed unless there is proper oversight during the project. There are both State and Federal laws that must be complied with, and the county must understand that in cases of disturbance of historic and prehistoric Native remains, NAGPRA regulations call for the direct involvement of groups such as ours. We are fully prepared to give input into any proposed modification to the El Dorado County landscape, and will be on hand to evaluate projects as they are submitted. We would be happy to become part of the revitalization of the commission to provide oversight, preservation, and repatriation of prehistoric and historic cultural materials and human remains.

Sincerely,



Jim Snoke

Secretary, The El Dorado County Indian Council, Inc.

## Land Use and Planning - Section 3.6 dEIR Review Comments

An accurate and complete project description is necessary to fully evaluate the project's potential environmental impacts. (*El Dorado County Taxpayers for Quality Growth v. County of El Dorado* (App. 3 Dist. 2004) 122 Cal.App.4<sup>th</sup> 1591.)

On p ES-8, the DEIR states that “*the amended Plan would not substantially increase the residential development potential that presently exists under the General Plan. Similarly, the policy amendments would not substantially change how future developments under the General Plan would proceed. The analysis focuses on the proposed changes to the General Plan, differentiating them to the extent possible from impacts that are attributable to the General Plan as a whole.*” This is a completely inaccurate assessment of the changes being proposed.

O-1-263

In reality, the amended Plan would *substantially increase* the residential development potential that presently exists under the General Plan by allowing construction on steep slopes, increasing the allowed densities by 25-150%, decreasing or exempting the open space requirement and making connection to public water systems optional. Further, the amended Plan would substantially change how future developments would precede as the changes to the General Plan just mentioned would make certain developments a matter of right rather than requiring that these developments propose a General Plan amendment or seek a variance. Finally, the analysis in the EIR should include impacts that are attributable to the General Plan as a whole and not just focus on individual proposed changes. The impacts of the project must be measured against the real conditions on the ground. (*Save our Peninsula Committee v. Monterey County Board of Supervisors* (App. 6 Dist. 2001) 87 Cal.App.4<sup>th</sup> 99.)

### 1. Monitoring Results

Policies 2.9.1.1 through 2.9.1.2 require the County to monitor on an annual basis the rate at which land inventory is being developed, the population and employment growth, and other useful indicators of the County's growth. Increasing or decreasing development potential and changing boundaries of Community Regions and Rural Centers may be proposed by the County every five years based on the results of this monitoring process. The EIR must analyze the impacts of the proposed General Plan Amendments with respect to the results of this monitoring process. The description of the local and regional environmental setting must be sufficient to provide an understanding of the significant effects of the proposed project and its alternatives (CEQA Guidelines, sec. 15125.)

O-1-264

**a) Please provide the required monitoring results and the analysis of how the proposed General Plan Amendments reflect the trends of land inventory depletion, population and employment growth and other useful growth indicators.**

**b) Please show how the proposed changes to the Camino-Pollock Pines Community Region boundaries align with the monitored changes required by Policy 2.9.1.2**

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CONT.

**2. Dividing Camino-Pollock Pines into Three Separate Community Regions.**

On page 3.6-4, the DEIR states "Camino-Pollock Pines Community Region. The project proposes to divide the existing Community Region into three Rural Communities." Please note that this would change allowable zoning and could significantly impact certain property owners whose properties would become incompatible with their zoning and therefore very difficult to sell or finance.

The proposal for this revision has been before the Board of Supervisors multiple times since 2008, it was included in the original Resolutions of Intent that was the basis for the TGPA, and there has been more than adequate time in this update process for an extensive review of the specifics to have been provided. And yet the analysis provided here is minimal. It will be beyond unacceptable if there is inadequate information available for the Supervisors to make an informed decision on this issue. "A prejudicial abuse of discretion occurs if the failure to include relevant information precludes informed decisionmaking and informed public participation, thereby thwarting the statutory goals of the EIR process." (*Kings County Farm Bureau et al. v. City of Hanford* (5th Dist. 1990) 221 Cal.App.3d 692, 712; see also *Neighbors for Smart Rail v. Exposition Metro Line Construction Authority* (2013) 57 Cal.4th 439.)

O-1-265

**Confirm that there is adequate information on which to base this change, because the County cannot kick this can down the road any longer. In the Final EIR, please identify the staff reports and other materials in the administrative record that were used to analyze this land use change in the EIR. "The EIR shall cite all documents used in its preparation including, where possible, the page and section number." (CEQA Guidelines, sec. 15148.)**

**3. Expanding Agricultural District Boundaries**

On page 3.6-7, the DEIR states "the TGPA proposes to expand the Agricultural District Boundaries for Garden Valley-Georgetown, Coloma, Camino-Fruitridge, Gold Hill, Oak Hill, Pleasant Valley, and Fair Play-Somerset to implement General Plan Implementation Measure AF-J. In addition, a number of parcels now identified as being within Agricultural Districts would be removed from those districts based on the Policy 8.1.1.2 criteria."

O-1-266

General Plan Implementation Measure AF-J states as follows:

**MEASURE AF-J**

|                                                                                                                                                                                                                                                                                                                                                                                                           |                                                          |
|-----------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------|----------------------------------------------------------|
| <p>Complete an inventory of agricultural lands in active production and/or lands determined by the Agricultural Commission to be suitable for agricultural production. Once the inventory is complete, perform a suitability review (consistent with Policies 8.1.1.1, 8.1.1.2, 8.1.1.3, and 8.1.1.4) and amend the Agricultural District boundaries as appropriate. [Policy 8.1.1.7] Responsibility:</p> | <p>Department of Agriculture and Planning Department</p> |
| <p>Time Frame:</p>                                                                                                                                                                                                                                                                                                                                                                                        | <p>Within two years of General Plan adoption.</p>        |

O-1-266  
CONT.

The "inventory" is to include a determination by the Ag Commission as to whether the lands are 'suitable' for Ag production or not. Policy 8.1.1.2 specifies six specific criteria for lands included in Agricultural Districts. Lands that do not fit the Policy 8.1.1.2 criteria should not be designated as Agricultural Districts. On page 3.5-10, the DEIR states that "479 parcels, totaling 17,241 acres, are proposed to be added to the Agricultural Districts, and 96 parcels, totaling 137 acres, are proposed to be removed.", for a total of 575 parcels that must be reviewed.

- a) **The inventory in Measure AF-J must be completed as part of the DEIR in order to analyze the impact of expanding Agricultural District boundaries. Lands not confirmed as suitable may not be included in the final expansion. Please provide this inventory.**
  
- b) **Please provide an analysis table showing how each of these 575 parcels either meets or fails to meet the Policy 8.1.1.2 criteria.**
  
- c) **The provisions of the existing general plan are intended to protect agricultural lands by systematically identifying with the aid of knowledgeable Agricultural Commissioners, and then including them in the Agricultural Districts. If the proposed project does not follow that proper procedure, it will be in direct conflict with a provision of the general plan intended to avoid impacts to agricultural lands. This conflict suggests that the TGPA may have a significant impact on the environment. (See TGPA/ZOU DEIR, Appendix A, pp. 2-28.) In addition, the Government Code requires that a General Plan be internally consistent. Adoption of the aforementioned TGPA provision would render the general plan internally inconsistent. (Government Code, sec. 65300.5) Please disclose this in the Final EIR. It has a direct bearing on the feasibility of the proposed project.**
  
- d) **In the Final EIR, disclose all the provisions of the TGPA and the ZOU that are in conflict with provisions in the general plan designed to avoid or reduce environmental harm. The DEIR must discuss any inconsistencies**

between the proposed project and existing general plans and regional plans. (CEQA Guidelines, sec. 15125.)

- e) When the 2004 General Plan was approved, the findings of fact identified the policies in the general plan that would reduce or eliminate significant impacts. CEQA has specific procedures that must be followed when such mitigation measures are changed. The lead agency must make a finding of fact, based upon substantial evidence in the record, that the previously adopted measure is no longer feasible. (*Napa Citizens for Honest Government v. Napa County Board of Supervisors* (2001) 91 Cal.App.4<sup>th</sup> 342.) If the TGPA is changing a policy in the general plan that was intended to mitigate impacts, please follow this procedure.

O-1-266  
CONT.

#### 4. Increasing Residential Density of Mixed Use Projects

On pages 3.6-4 the DEIR proposes changing Policy 2.1.1.3 to increase residential density of mixed use projects in CRs from 16 to 20 units per acre to be consistent with 2009 amendments to Gov Code Sec 65583.2(c)(B)(3). Gov Code Sec 65583.2(c) (B) (3) deems certain densities appropriate to accommodate low income housing. It does not justify or mandate increasing the density of an existing parcel if that jurisdiction's low income housing requirements have already been met. The DEIR fails to provide any analysis showing that the increase in density is necessary to meet low income housing requirements. Further, it fails to show how merely increasing the density will encourage the development of low income housing.

O-1-267

a) Please provide an analysis of the County's mandated low income housing requirements for the next ten years including number of units, maximum income levels of buyers and maximum price of units. Then, please provide an analysis of current housing units and development proposals under submission that would meet this requirement. If a comparison between the requirements and our anticipated supply indicates a deficit, please provide an analysis of the least density change possible that would be necessary to meet this need. Please provide some evidence that the density limits are in fact the barrier to affordable housing development, and that raising these limits will actually result in affordable housing benefits in the county. Ultimately, the County will need such evidence to support a statement of overriding considerations. (*Sierra Club v. Contra Costa County* (1992) 10 Cal.App.4<sup>th</sup> 1212.)

b) Has the County considered a low income housing density bonus system or a low income housing requirement for developments that exceed a certain number of units, if indeed a deficiency of low income housing is substantiated? Has the County considered more aggressively participating in State and Federal programs that fund affordable housing development? Has the County formed a Housing Authority or appropriate non-profit housing corporation to facilitate accessing State and Federal Funds for affordable

O-1-268



housing development? In the Final EIR, please consider these and other much more direct, much more proven, and far less impacting options to help meet affordable housing needs in the county. Remember, all feasible mitigation must be adopted, and other mitigation properly found infeasible, before an agency can make a statement of overriding considerations. (*Los Angeles Unified School District v. City of Los Angeles* (1997) 58 Cal.App.4<sup>th</sup> 1019.)

O-1-269

On page 3.6-5, the DEIR proposes changing Policy 2.1.2.5 to increase residential density of mixed use projects in Rural Centers (RCs) from 4 units to 10 units per acre. On page 3.6-10, the DEIR states that the effect of this proposal is limited by the fact that mixed use development is not allowed outside of CRs and RCs. Not only is this not a reliable mitigation due to the ease of boundary changes as proposed under Policy 2.9.1.4, but it is factually incorrect. Zones allowing mixed use are Commercial (CC, CL and CM specifically), and the proposed revision to Policy 2.2.1.2 deems Commercial appropriate - and allowed - in the Rural Regions. See Table 2-1 below:

O-1-270

| Land Use Designations                                                                                                                      | Concept Areas     |               |               |
|--------------------------------------------------------------------------------------------------------------------------------------------|-------------------|---------------|---------------|
|                                                                                                                                            | Community Regions | Rural Centers | Rural Regions |
| Multifamily Residential*                                                                                                                   | •                 | •             |               |
| High-Density Residential*                                                                                                                  | •                 | •             |               |
| Medium-Density Residential*                                                                                                                | •                 | •             |               |
| Low-Density Residential                                                                                                                    | •                 | •             | •             |
| Rural Residential                                                                                                                          |                   |               | •             |
| Agricultural Lands                                                                                                                         |                   |               | •             |
| Natural Resource                                                                                                                           |                   |               | •             |
| Commercial*                                                                                                                                | •                 | •             | •             |
| Research & Development                                                                                                                     | •                 | •             |               |
| Industrial                                                                                                                                 | •                 | •             | •             |
| Open Space                                                                                                                                 | •                 | •             | •             |
| Public Facilities                                                                                                                          | •                 | •             | •             |
| Tourist Recreational                                                                                                                       | •                 | •             | •             |
| * May be applied in Rural Regions to reflect existing development when combined with the Platted Lands (-PL) overlay land use designation. |                   |               |               |

Additionally, the Policy 2.2.1.2 definition for Commercial is being modified to include exceptions that allow 100% residential development on a parcel designated for Commercial use if it has a zoning designation that allows mixed use (this includes the CC, CL, and CM zone districts). Revised Policy 2.2.1.2 from the TGPA (strike out version for clarity) reads as follows:

**Policy 2.2.1.2 Commercial (C):** The purpose of this land use category is to provide a full range of commercial retail, office, and service uses to serve the residents, businesses, and visitors of El Dorado County. Mixed use

*development of commercial lands within Community Regions and Rural Centers which combine commercial and residential uses shall be permitted. ~~The residential component of the project shall only be implemented following or concurrent with the commercial component.~~ Commercially designated parcels shall not be developed with a residential use as the sole use of the parcel unless the residential use is either (1) a community care facility as described in goal HO-4 or (2) part of an approved mixed use development as allowed by Policy 2.1.1.3 and 2.1.2.5, within an area zoned to allow for a mix of uses. Numerous zone districts shall be utilized to direct specific categories of commercial uses to the appropriate areas of the County. ~~Except as provided in Policy 2.2.2.3,~~ This designation is considered appropriate ~~only~~ within Community Regions, and Rural Centers and Rural Regions.*

O-1-270  
CONT.

- c) Revise the incorrect statement that "mixed use development is not allowed outside of Community Regions or Rural Centers", or clarify how exactly it is limited and revise Table 2-1 accordingly.**
- d) Provide a list of ALL zones that will potentially allow mixed use, and delineate which of those will be allowed in the Rural Regions. This should include a review of the Residential zones (Multi Family for one) that are to allow expansion of commercial use as well.**
- e) Re-evaluate the impact of this proposed density increase on all regions categorically (Community Regions, Rural Centers, Rural Regions), as well as County-wide**

The DEIR also states on page 3.6-10 that physical constraints such as lot size and lack of services would limit the ability of mixed use projects to reach their maximum allowable densities.

- f) What is the factual analysis supporting this conclusion?**
- g) Has the County prepared an inventory of all the parcels whose development potential would be affected by this proposed change?**
- h) Has each parcel in that inventory been assessed to determine whether we can rely on physical constraints to limit density below the maximum amount allowable?**

O-1-271

The policy verbiage in both Policy 2.1.1.3 (Mixed Use in the Community Regions) and 2.1.2.5 (Mixed Use in Rural Centers) contains a loophole of sorts that would allow up to 20 units per acre anywhere - Rural Regions included - as long as roads, water, and sewer can be brought in:

*"The maximum residential density of 20 dwelling units per acre may only be achieved where adequate infrastructure, such as water, sewer and roadway are available or can be provided concurrent with development. "*

O-1-272

Mitigation Measure LU-4a acknowledges this problem by removing the verbiage from Policy 2.1.2.5, but NOT from 2.1.1.3. In order to effectively convey that the

intent of these policies is not to promote higher density mixed use in the Rural Regions, LU-4a must be applied to both policies.

- i) Apply Mitigation Measure LU-4a to both Policies 2.1.1.3 and 2.1.2.5 to remove the verbiage allowing 20 unit/acre density mixed use in the Rural Regions. Alternately, substantiate how this can act as mitigation on only one of the policies without leaving the possibility of applying the remaining policy to a parcel in the Rural Region.**

O-1-272  
CONT.

5. 'Mixed Use' is not a zone district by itself, but rather is a combination of uses allowed on a single parcel, outside the parameters of a Planned Development. According to Ordinance 17.40.180, Residential development may occur with certain Commercial development, and Commercial development may occur with certain Residential development. Per 17.40.180, this is supposed to be made clear through Table 17.22.020. However, the table makes reference back to 17.40.180.

O-1-273

- a) Clarify all zone districts that may potentially accommodate mixed use. A description of the project is an indispensable component of a valid environmental impact report under CEQA. (*Western Placer Citizens for an Agricultural and Rural Environment v. County of Placer (App. 3 Dist. 2006) 144 Cal.App.4<sup>th</sup> 890.*) If the zoning code provisions remain impermissibly vague, they may be void.**

- b) If a clear delineation is not possible, explain how the impact of the proposed changes for increasing density have been analyzed.**

6. Increasing Multi-Family Residential Density

On pages 3.6-4 & 5, the DEIR proposes changing Policy 2.2.1.2 to:

- increase multi-family residential (MFR) density from 5 minimum / acre to 8 minimum;
- amend MFR designation to include small lot, single-family detached w/o requiring a planned development; and
- allow mixed-use in CRs and RCs to be designated as MFR.

O-1-274

It is clear that the increased minimum density is NOT required, per page 2-7 of the draft EIR Project Description, which reads:

*<sup>1</sup> The prior proposal to increase the MFR density to 30 units per acre described in the NOP for the DEIR was based on the belief that this was necessary in order for the housing element to accommodate the county's fair share of the regional housing need. After adoption of the Housing Element in late October 2013 and its ratification by the California Department of Housing and Community Development later that year, it is clear that the density is not needed in order to meet state law. Therefore, that part of the project is no longer being pursued.*

It is not clear what the advantage might be to the County of eliminating the Planned Development requirement, other than to aid developers in the application process, and that was presumably not the intent of the TGPA.

Allowing MFR to be designated as mixed use has not been fully analyzed.

**a) Please include the density increasing change of the 'minimum allowed' units in the footnotes, or substantiate why this change should not be included.**

**b) Analyze the impact of displacing multi unit housing in this zone by allowing single family units to be built instead**

**c) Analyze the impact of allowing mixed use within MFR zones, including quantifying data for all regions.**

O-1-274  
CONT.

**7. Exempting Certain Developments From the 30% Open Space Requirement**

On pages 3.6-4 & 5, the DEIR proposes changing Policies 2.2.3.1 and 2.2.4.1 to exempt certain types of residential development from the 30% open space requirement and for high density residential planned developments allow 50% of that 30% open space requirement to be in private yards.

On page 3.6-9, the DEIR assumes that the impact of this proposal would be less than significant “given the limited practical application of these amendments.”

**a) Where is the justification for this conclusion? Substantiate by analysis that there is in fact limited practical application. The public has no way of knowing from the data provided in this DEIR whether relaxing the open space requirement will increase potential development by 5% or 50%.**

“An EIR must contain facts and analysis, not just the bare conclusions of the agency, and must provide sufficient detail so that those who did not participate in its preparation can understand and consider meaningfully the issues raised by the proposed project. The decision to approve a project is a nullity if based upon an EIR that does not provide the decision makers and the public with the required information about the project.” (*Bakersfield Citizens for Local Control v. City of Bakersfield* (2004) 124 Cal.App.4<sup>th</sup> 1184.)

**b) Further, what is the justification for relaxing the open space requirement at all? This proposed amendment conflicts with the El Dorado County 2004 general Plan intent to foster a rural quality of life (stated on page 3.6-1 of the DEIR.) This conflict suggests that the TGPA may have a significant impact on the environment. (See TGPA/ZOU DEIR, Appendix A, pp. 2-28.) In addition, the Government Code requires that a General Plan be internally consistent. Adoption of the aforementioned TGPA provision could render the general plan internally inconsistent. (Government Code,**

O-1-275

**sec. 65300.5) Please disclose this in the Final EIR. It has a direct bearing on the feasibility of this component of the proposed project.**

O-1-275  
CONT.

**8. Encouraging Infill Development**

On pages 3.6-10, the DEIR discusses addition of Policy 2.4.1.5 that encourages infill development on sites of up to 5 acres. Without a more specific and descriptive definition of 'infill' this cannot be accurately analyzed. Additionally, the idea that development is 'consistent' with the General Plan is a separate concept from the idea of promoting and encouraging that development.

O-1-276

**Revise this analysis based on a more descriptive definition that is made known to the public, and delineate the development that would presumably not otherwise occur without this policy.**

**9. Making Public Sewer (Policy 5.3.1.1) and Water (Policy 5.2.1.3) Connection Optional**

On page 3.6-5, the DEIR is misleading in the verbiage listing the TGPA proposal to revise Policies 5.3.1.1 and 5.2.1.3, to make connecting to a public sewer system or public water system optional for most projects. As stated, it is not made clear that the change is to *relax* the existing restriction on providing public sewer/water, but rather makes it appear that being *allowed* to connect to public services is the option. This is misleading to members of the public reviewing this document, and contrary to the intent of CEQA review, which is to inform the public.

O-1-277

On page 3.6-10, the DEIR states that proposed changes regarding connection to public water and sewer would not result in higher intensity development because of the lack of reliable groundwater supplies and the size requirements of leach fields. This is flawed and circular reasoning. Yes, there may be some parcels that, despite the relaxed requirement making public water and sewer connection optional, will still not be feasible to develop because of a lack of groundwater or sufficient space to install leach fields. But this is not a mitigation that can be expected to apply in all cases, and should require site specific reviews.

On page 3.6-11, the DEIR asserts that this proposed amendment would have a less than significant impact because where groundwater supplies or the size of the site are limited, the development intensity will be lower than it would be if connected to public water and sewer. Additionally, the flawed assumption is made that utilizing septic systems will result in less degradation or alteration to the land.

**a) What is the reasoning for making connection to public water and sewer optional?**

**b) Please provide the analysis showing how this relaxed standard helps meet the project's objectives.**

- c) Please provide the factual analysis to substantiate the conclusion that development intensity will be lower on septic/groundwater. This would require a comparative analysis that has not been provided. Additionally, the trade-off should be analyzed regarding the depletion of groundwater as a resource.
- d) How many possible building sites will be developed because of this proposed amendment that would not otherwise have been developed at all?
- e) If the intention of this change is to meet affordable housing manadates, one feasible alternative to making public sewer and water optional and increasing the densities as proposed would be to leave the requirement for public sewer and water in place and the densities as they are, but propose an amendment to require that developers of projects over a certain size provide low income housing as part of their development. Did the County consider this alternative?
- f) Septic systems are substantially more impactive on the land in terms of the area of disturbance, water quality, and more. Please explain the assumption of 'less degradation' since the density of the development that can take advantage of this policy is not restricted.
- g) In the Final EIR, the County should evaluate the effect the possible increase in development relying on groundwater and septic systems will have on existing groundwater supplies and quality, especially for groundwater dependent agricultural operations in the Rural Regions. Land use could be dramatically affected if these operations run out of fresh water. Such a result would be contrary to the TGPA objective to “protect agriculture in the county.”
- h) Furthermore, the Final EIR should determine if making the connection to public water and sewer optional, will limit the reach of that infrastructure due to lack of customer density to finance it. This would dramatically alter the geographic pattern of buildout in the county, and its impacts. Contrary to the objectives of the TGPA it may severely impair economic development, job creation, and sales tax revenue.

O-1-277  
CONT.

#### 10. Expanding Development on 30%+ Slopes

On pages 3.6-4 & 5, the DEIR proposes changing Policy 7.1.2.1 to expand development on slopes over 30% by changing the complete prohibition to a restriction. Certain related requirements such as a plan for erosion control and engineered design will be removed from the General Plan and moved to proposed Zoning Ordinance 17.30.060.

O-1-278

a) **In order to assess the impact of the increased housing development that may result from the proposed amendment, please provide an estimated number of parcels and total acreage in the County with slopes over 30%. Remember, the project description must include “precise boundaries” of the project on a “detailed map, preferably topographic.” (See CEQA Guidelines, sec. 15124, subd. (a).) For this part of the project, that would be a map of areas of the county with private land over 30% slope.**

O-1-278  
CONT.

b) **Please provide any scientific or engineering analysis that has been done to support locating septic systems on slopes over 30%.**

c) **Please explain the alternatives to amending Policy 7.1.2.1 that were considered and why those other alternatives were rejected from further analysis in the DEIR.**

On page 3.6.-6, the DEIR says that proposed Zoning Ordinance 17.30.060 prohibits certain hillside development where “the development or disturbance [would] impair the stability of slopes on the property or on surrounding properties.”

O-1-279

d) **What is the proposed evaluation method to determine whether a project impairs the stability of the soil?**

The 2013-2014 Grand Jury Report of El Dorado County contains two investigations that demonstrate the County’s difficulty with enforcing its own regulations to prevent erosion and flooding. These investigation reports are attached as:

Exhibit 3.6 - 1: COUNTY ACTIONS CREATE FLOODING, COUNTY NO HELP WITH REPAIR, Case Number GJ-13-17

Exhibit 3.6 - 2: EL DORADO COUNTY FAILS TO ENFORCE ITS GRADING, EROSION AND SEDIMENT CONTROL ORDINANCE , Case Number GJ-13/14-18

O-1-280

Changing the prohibition to a mere restriction on slopes over 30% will require that the County approve numerous plans for erosion control and engineered design and enforce their implementation.

e) **If the Grand Jury found that the County was unable to effectively do this in 2013-2014, explain how the County proposes to do this with the proposed General Plan Amendments regarding slopes over 30%.**

“[A] project proponent's prior environmental record is properly a subject of close consideration in determining the sufficiency of the proponent's promises in an EIR.” (Laurel Heights Improvement Association of San Francisco v. Regents of the University of California (1988) 47 Cal.3d 376, 420.).

O-1-281

f) Provisions of the existing general plan that prohibit development on slopes are also intended to also preserve scenic vistas and separation of communities. If the proposed project does not do this, it will be in direct conflict with these provisions of the general plan. This conflict suggests that the TGPA may have a significant impact on the environment. (See TGPA/ZOU DEIR, Appendix A, pp. 2-28.) In addition, the Government Code requires that a General Plan be internally consistent. Adoption of the aforementioned TGPA provision could render the general plan internally inconsistent. (Government Code, sec. 65300.5) Please disclose this in the Final EIR. It has a direct bearing on the feasibility of the proposed project.

O-1-282

g) In the Final EIR, disclose all the provisions of the TGPA and the ZOU that are in conflict with provisions in the general plan designed to avoid or reduce environmental harm. The DEIR must discuss any inconsistencies between the proposed project and existing general plans and regional plans. (CEQA Guidelines, sec. 15125.)

O-1-283

h) When the 2004 General Plan was approved, the findings of fact identified the policies in the general plan that would reduce or eliminate each potentially significant impact. CEQA has specific procedures that must be followed when such mitigation measures are changed. The lead agency must make a finding of fact, based upon substantial evidence in the record, that the previously adopted measure is no longer feasible. (*Napa Citizens for Honest Government v. Napa County Board of Supervisors* (2001) 91 Cal.App.4<sup>th</sup> 342.) If the TGPA is changing a policy in the general plan that was intended to mitigate impacts, please follow this procedure.

O-1-284

11. Mitigation Measure Bio-1a does not explain the extent of the limitation. There is no way to evaluate the effectiveness of this as a mitigation.

O-1-285

a) Please provide more information.

## 12. Ranch Marketing

On page ES-3, the DEIR discusses the proposed deletion of a special use permit requirement from Policy 2.2.5.10. On page 3.6-6, the DEIR discusses the proposed expansion of allowable uses on agricultural lands under Chapter 17.21 of the Zoning Ordinance to include outdoor entertainment and concerts. This would eliminate the need for a finding that the use would have no significant adverse effect on surrounding property. Mitigation Measure LU-4b would require the use to be reviewed by the Agricultural Commission for compatibility with adjoining agricultural uses. This is not a large enough mitigation measure as compatibility with all adjoining uses can be a much higher standard than adjoining agricultural uses.

O-1-286

Please note that there has been at least one SUP issued under the winery ordinance that has resulted in significant conflict with adjoining residential uses. See Olivo



Winery Request for Revision to SUP No S 08-0012-R heard before the Agricultural Commission on June 9, 2014. The Agricultural Commission's staff initially recommended approval of the revision despite a petition signed by more than 150 neighbors complaining of the noise and traffic from numerous special events held at the winery. Staff's reasoning was that despite ample evidence that approval would violate Policy 8.1.4.1 (a) regarding conflicts with neighbors, they could ignore this as it did not negatively impact agriculture. Approximately twenty (20) of the petitioning residents attended the hearing. Part of their testimony indicated a complete lack of enforcement by the County of the SUP violations regarding special events despite numerous complaints that had been lodged with the County over the preceding eighteen (18) months. The Agricultural Commission ultimately decided to not take a stand on approval or disapproval of the SUP Revision Request.

O-1-286  
CONT.

No analysis is provided in the DEIR of the significant impact to adjacent property owners of this proposal to make special events and other ranch marketing a matter of right. It is our view that the number of neighbor conflicts will escalate dramatically if the special event restrictions are liberalized. Please see the attached newspaper article regarding resident opposition to winery special events in Napa County (Exhibit 3.6-3.)

On page 3.6-16, the DEIR states that Mitigation Measure LU-4b would reduce the effect of the proposed zoning ordinance provisions regarding Ranch Marketing to a level less than significant. We disagree. Mitigation Measure LU-4b limits the compatibility review to adjoining agricultural uses only. Ranch Marketing activities should be reviewed for compatibility with all surrounding existing uses as is currently provided under the General Plan.

O-1-287

- a) **Have there been reports made to the County of conflicts with adjoining property owners concerning special events at wineries or in connection with ranch marketing? Provide historical data to substantiate if this is NOT to be considered a significant impact.**
- b) **Has the County compared its winery ordinance with that of other California counties in this regard? Please provide documentation, including comparative data. Please see the attached survey of California Winery Ordinances prepared by Alameda County (Exhibit 3.6-4.)**
- c) **Provide an explanation as to why the compatibility review would apply only to agricultural uses, when residential uses are the most sensitive receptors and likely to result in the greatest conflict.**

O-1-288

O-1-289

O-1-290

Some theoretical underpinnings of the TGPA/ZOU seem questionable.

Many of the existing 2004 General Plan policies are meant to balance competing interests. The notion is that by fairly balancing competing interests, there will be less friction in the community, and less opposition to meritorious economic development proposals. When properly implemented, these policies provide a fertile ground for good economic development, while weeding out the proposals that will result in harm and rancor. This balancing of interest provides what many call, a good climate for

O-1-291

business development. In addition, this reasonable accommodation of competing regional interests is required for land use regulation to maintain its constitutional validity. (See *Arnel Development Co. v. City of Costa Mesa* (1981) 126 Cal.App.3d 330; *Associated Home Builders, Inc. v. City of Livermore* (1976) 18 Cal.3d 582.)

The premise of the TGPA is very different. It is based upon the premise that the policies in the 2004 General Plan, policies that were meant to balance land use interests, are a problem that is hindering good economic development. The TGPA is jettisoning the provisions of the general plan that balance competing interests, in favor of policies that sacrifice many valued public interests in favor of unrestricted economic development. The hope is that such relaxed restrictions will attract additional new development that will help the county's economy and government revenues.

However, we have yet to see the analysis that justifies this view. What evidence is there that the existing general plan provisions are the key barriers to good economic development? What evidence is there that merely relaxing these land use regulations designed to protect the health, safety, and well being of the people of El Dorado County, will in fact trigger economic renewal, new jobs, and increased government revenues? Is it not just as likely that they will lead to more intense fighting, over even less meritorious and less valuable development proposals (e.g. without open space, on steep slopes, without public water and sewer, distant from services, conflicting with neighboring uses, etc.)? Is it not just as possible that the result of these changes will be a degraded business climate for El Dorado County? Could the TGPA/ZOU be deemed so unbalanced with regard to competing interests that it breaches the barrier of constitutional validity?

- d) **The County must produce, in the Final EIR, or elsewhere in the record, the substantial evidence to support the alleged benefits of the TGPA/ZOU. Ultimately, the County's statement of overriding considerations must be supported by substantial evidence. (*Sierra Club v. Contra Costa County* (1992) 10 Cal.App.4<sup>th</sup> 1212.) "Argument, speculation, unsubstantiated opinion, or narrative evidence which is clearly erroneous or inaccurate ... does not constitute substantial evidence." (CEQA Guidelines, sec. 15384.)**

13. It appears that the main focus of the zoning changes was to maximize the potential residential zoning capability. This is contrary to the claims of 'for consistency' and 'for ease of use'. From page 3.8-2 of the dEIR:

*"The actual number of additional residences that are built over the next several decades will depend on market conditions, the application of Measure Y traffic mitigation policies and related requirements, and the availability of the public water and sewer facilities **necessary to maximize residential density**, among other factors, such as avoidance of special-status species habitat."*

O-1-291  
CONT.

O-1-292

O-1-293

It is not clear if the changes proposed have been disingenuous, or if the analysis has been 'scrubbed'. Provide clear delineation of all policies that are potentially density-increasing.

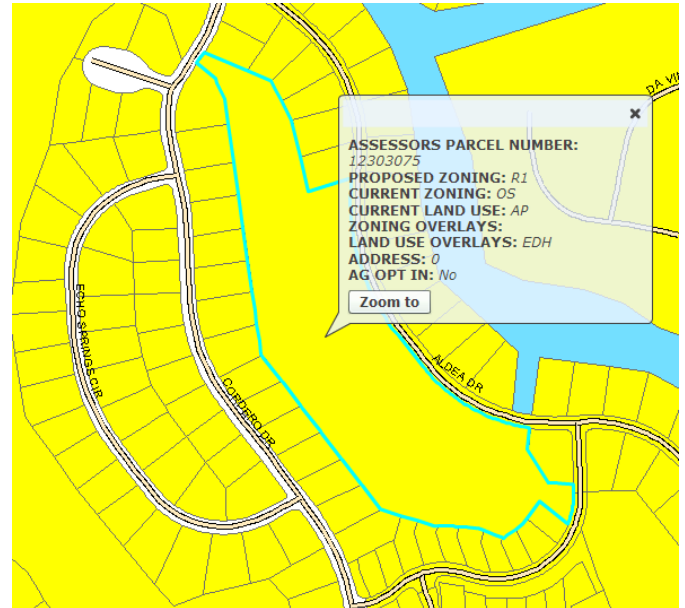
O-1-293  
CONT.

14. Zoning changes have been proposed that were clearly specified in the project description as not occurring. Page 2-2:

O-1-294

*"None of these plans are proposed for amendments as part of the project;*

- *Meyers Community Plan*
- *Carson Creek Specific Plan*
- *Promontory Specific Plan*
- *Valley View Specific Plan*
- *El Dorado Hills Specific Plan*
- *Bass Lake Hills Specific Plan*
- *North West El Dorado Hills Specific Plan"*



This is not correct. Some examples of zone changes include APN's 123-030-75, 115-400-12 and 119-090-45 in the El Dorado Hills Specific Plan.

**Update the dEIR Project Description section or eliminate these zone changes from the project. Review the project to confirm there are no other parcels being rezoned within the Specific Plans through this process without adequate site specific review and public noticing. Alternately, abide by the public noticing requirements for Specific Plan amendments, and provide proper analysis of the impacts.**

O-1-294  
CONT.

15. The dEIR analyzes the impact of rezoning .01 percent of the existing county parcels, per page 2-4 of the project description. There are actually over 37,000 zoning changes proposed, out of 108,000 parcels in the county, or well over 33 percent (data from the County's GIS division). Some percentage of these is due to newly created zones, some are correcting inconsistencies, and others appear totally random.

O-1-295

a) **Please expand the breakdown of zone changes to indicate the percentage of changes occurring under each categorical reason for the change, and quantify in a table or some other form easily understood by the public.**

b) **Adequately analyze the impact of this change.**

c) **Revise the project description. Then recirculate the DEIR for public comment. (Re DEIR recirculation see: CEQA Guidelines, sec. 15088.5; *Mountain Lion Coalition v. Fish and Game Com. (1989) 214 Cal.App.3d 1043* [The draft EIR was so fundamentally inadequate and conclusory in nature that meaningful public review and comment were precluded].)**

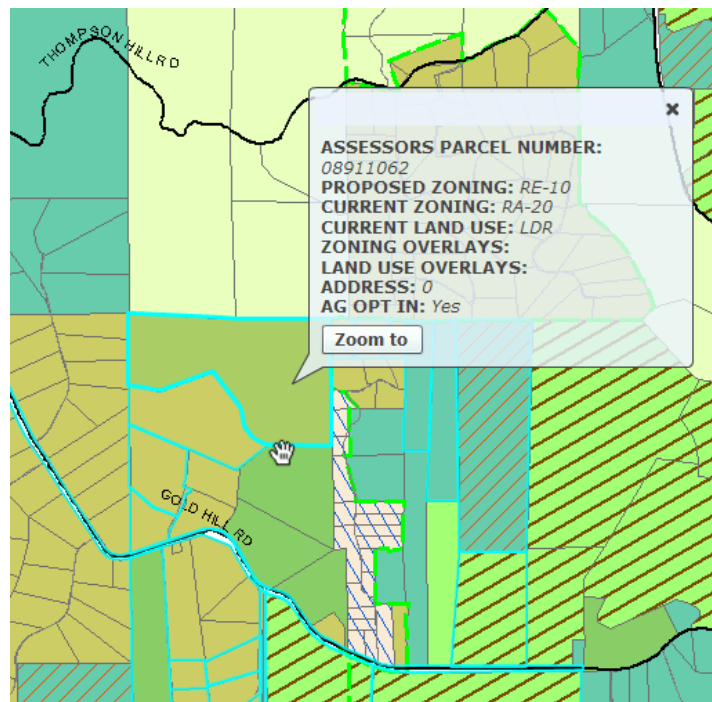
O-1-295  
CONT.

16. Regarding the changes proposed for Table 2-2 consistency between zoning and land use:

As proposed, consistency is being achieved by rezoning parcels that have 20 acre minimum lot requirements within the LDR land use, down to a zone that has 10 acre minimum lot requirements. The net effect is a significant increase in density without individual public review of those parcels, and this increase must be evaluated and quantified in the draft EIR, for - at minimum - the potential increase in housing and population, public services requirements, aesthetics and loss of rural character.

O-1-296

Example: APN 089-110-62



As an alternative method for achieving the same goal of 'consistency', the LDR definition could be modified rather than the table, to allow zoning for 20 acre minimum sized parcels to remain within the Low Density land use designation, as they exist now, with no changes.

See underscored text below:

*"Low-Density Residential (LDR): This land use designation establishes areas for single-family residential development in a rural setting. In Rural Regions,*

*this designation shall provide a transition from Community Regions and Rural Centers into the agricultural, timber, and more rural areas of the County and shall be applied to those areas where infrastructure such as arterial roadways, public water, and public sewer are generally not available. This land use designation is also appropriate within Community Regions and Rural Centers where higher density serving infrastructure is not yet available. The maximum allowable density shall be one dwelling unit per 5.0 acres. Parcel size shall range from 5.0 to ~~10.0~~ **60 acres**..."*

O-1-296  
CONT.

**Please analyze the multiple impacts of each alternative (modifying text vs. modifying the table).**

- a. Please evaluate the impact of changing all AE and RE20+ zones countywide to 10 acre minimum zones (RL10, RA10, PA10) with the LDR General Plan designation, as proposed.**
- b. Please evaluate the impact of revising the LDR definition to increase the parcel size range from 5.0 - 60 acres, or greater.**
- c. Provide a comparison and analysis of a) and b).**

### Land Use and Zoning - dEIR Review Comments Continued

Related to land Use and Zoning, the DEIR is extremely deficient and lacks substantive analysis of the true impacts created by the proposed changes. The mitigation measures considered for the very few impacts that were defined are also inadequate and incomplete. The DEIR also failed to consider some of the most fundamental alternatives available. Based on these findings, the DEIR must be rejected by the BOS as being non-compliant with the CEQA.

O-1-297

There need to be more viable alternatives identified between the 'no project alternative' and the baseline DEIR analysis. "The range of feasible alternatives shall be selected and discussed in a manner to foster meaningful public participation and informed decisionmaking." (CEQA Guidelines, sec. 15126.6 subd. (f).) "An EIR is required to "ensure that all reasonable alternatives to proposed projects are thoroughly assessed by the responsible official." (*Wildlife Alive v. Chickering* (1976) [18 Cal.3d 190](#), 197 [132 Cal.Rptr. 377, 553 P.2d 537].) Therefore, "[a]n EIR must '[d]escribe a range of reasonable alternatives to the project or to the location of the project, which could feasibly attain the basic objectives of the project and evaluate the comparative merits of the alternatives.' (Guidelines, § 15126, subd. (d).) The discussion must 'focus on alternatives capable of eliminating any significant adverse environmental effects or reducing them to a level of insignificance, even if these alternatives would impede to some degree the attainment of the project objectives, or would be more costly.' (Guidelines, § 15126, subd. (d)(3).)" (*Kings County Farm Bureau, supra*, 221 Cal.App.3d at p. 733.) This discussion of alternatives must be "meaningful" and must "contain analysis sufficient to allow informed decision making." (*Laurel Heights, supra*,

O-1-298

[47 Cal.3d 376](#), 403-404.)” (*Friends of the Eel River v. Sonoma County Water Agency* (2003) 108 Cal.App.4<sup>th</sup> 859, 872-873.)

At a minimum, a ‘current infrastructure constrained’ alternative must be considered that complies with Measure Y criteria for LOS F roadways and Highway 50. A second alternative that considers an ‘available infrastructure gated phased growth’ alternative needs to be considered that is dependent on funded road improvements, water availability and sustainable El Dorado County jobs growth. The stated previous rejections by the then (2004) BOS of the proposed Alternative 2 –Roadway Constrained 6-Lane Plus and Alternative 3-Environmentally Constrained due to political pressures is not an acceptable conclusion. The BOS has changed, and the impacts associated with the BOS actions in 2004 have been well recognized by the resident voters. After 10 years, the previous justifications are totally irrelevant.

O-1-298  
CONT.

A recent survey conducted in El Dorado Hills by County funded AIM consulting, and sponsored by the CEDAC-EDH group, found that the two largest land use needs in EDH are: 1) Public Open Space-61% of respondents and 2) Public Parks-58% of respondents. All other responses received less than 50% majority support (Retail-38%, Senior Housing-31%, Mixed Use Development-27%, Hotels and Motels -23%, Condominiums-18%, Affordable Housing-17%, Office Space-15%, Single Family Residential-12% and Apartment Complexes-7%). A County wide survey should be conducted to determine the individual community needs for each area in order to define a DEIR alternative that best accomplishes the community based resident voters defined needs.

O-1-299

There were many Land Use and Zoning comments/concerns submitted by various groups and individuals following the LUPPU TGPA/ZOU NOP release. Regrettably, the DEIR ignored most of them and chose not to evaluate the real impacts of the proposed changes. The limited responses that could be found within the DEIR were provided as general statements with very limited analysis. This lack of responsiveness to the public’s inputs constitutes sufficient cause to reject the DEIR as a result of this deficiency alone. To think that the final DEIR will comply with CEQA at this late date, by now considering all of these public inputs and appropriately respond with additional mitigation measures in the Final EIR, seems naïve. Yet now that is our only hope.

O-1-300

Section 3.6.2 Environmental Impacts contains the following statement: “Note that the project is unlike most projects subject to CEQA analysis. Where development projects consist of specific actions that would directly affect the environment, the project amends the General Plan and Zoning Ordinance and would have only indirect effects.” This statement is woefully inaccurate, and fails to acknowledge the cumulative affects of all of the smaller development projects wherein a Specific Plan is not required and will not be prepared. The number of proposed zoning changes alone will have a significant traffic and water demand impact by increasing the housing/population densities in many community region areas. The cumulative impacts of all of the TGPA and ZOU changes that will not require project based Specific Plans must be analyzed and appropriate mitigation measures identified.

O-1-301

With respect to the proposed Land Use changes, there are three specific areas that constitute the biggest potential impacts: 1) Changes to Policy 2.2.4.1 Density Bonus- This change would allow increased project densities and would result in significant traffic impacts if broadly applied. It essentially allows a developer to dedicate largely unbuildable or very costly construction areas within a project as 'open space' in order to achieve a 50% density bonus (compaction) in the flatter, lower construction cost areas. It is not appropriate to consider a density bonus in medium density and low density residential land use areas; 2) Changes to Policy 2.2.3.1 and 2.2.4.1 Open Space for planned development- The proposed reduction in the open space requirement from 30% to 15% in High Density Residential (HDR) will result in significant traffic impacts if broadly applied. The proposed criteria is extremely subjective and non-inclusive (i.e. 'where the open space is improved for recreational purposes, or as landscaped buffers or greenbelts, and an additional 15% of the total site is devoted to open space areas reserved for the exclusive use of individual residents such as private yards.' and 3) The misapplication of Infill as a justification to amend the General Plan for projects like the El Dorado Hills Town Center apartments to allow multi-family housing densities that are more than double the current General Plan limits (55 dwelling units/acre compared to 24 dwelling units/acre).

O-1-301  
CONT.

With respect to the proposed Zoning changes, under the guise of 'alignment with the General Plan', the vast majority of the approximate 37,000 proposed parcel zoning changes will allow an increase in housing density. The net result will obviously be an increase in the number of new residents, all of which will impact the current traffic and transportation LOS levels. The cumulative effects of these additional cars on the roads must be realistically analyzed and mitigations proposed. Many roadways in the community regions and rural center areas are at or near LOS F now during peak commute hours. Measure Y requires developers to pay for the full cost of the added roadway capacity and other infrastructure associated with growth. The BOS must honor this mandate, and require cumulative regional roadway impact analysis to be available for public review. Previous Traffic Impact Analyses (TIAs) prepared by developers have significantly understated the traffic impacts for several projects within EDH. County DOT staff has historically failed to challenge the TIAs, and it is only through public review that the ground truth impacts are recognized. Regrettably, this DEIR appears to have the same deficiencies that many of the project TIAs have, it is fraught with superficial impact analysis and makes no attempt to define meaningful mitigation measures and alternatives. Again, this DEIR should be rejected for its inadequacy to identify and quantify the significant impacts detail, and for its failure to propose meaningful mitigation measures.

#### Conclusion:

There are thirty three 'significant and unavoidable' impacts listed in Table 5-4 (dEIR, page 5-16). A single one of these impacts is sufficient cause for denial of the project. On the other hand, to approve the project, the County would have to find valid overriding considerations for each one of the 33 impacts listed. Such a statement of overriding considerations must be supported by a logical analysis of substantial evidence in the EIR or elsewhere in the record. (*Sierra Club v. Contra Costa County* (1992) 10 Cal.App.4<sup>th</sup> 1212.) All feasible mitigation must be adopted, and other mitigation properly

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found infeasible, before an agency can make a statement of overriding considerations. (*Los Angeles Unified School District v. City of Los Angeles* (1997) 58 Cal.App.4<sup>th</sup> 1019.)

The significant and unavoidable impacts from the **Land Use and Zoning** section, as listed on page ES-14:

***LU-4:*** *Substantially alter or degrade the existing land use character of the County*

***LU-5:*** *Create substantial incompatibilities between land uses.*

However, this list cannot be considered complete until further information and analysis is provided per the submitted Draft EIR comments above, in order to fully ascertain the impacts of the extensive changes being proposed.

END SECTION COMMENTS

O-1-302  
CONT.



The following two Grand Jury investigation reports are attached as Exhibits 3.6-1 and 3.6-2, and are included to demonstrate El Dorado County's difficulty with enforcing its own regulations to prevent erosion and flooding.

**Exhibit 3.6 - 1:** COUNTY ACTIONS CREATE FLOODING, COUNTY NO HELP WITH REPAIR, Case Number GJ-13-17

**Exhibit 3.6 - 2:** EL DORADO COUNTY FAILS TO ENFORCE ITS GRADING, EROSION AND SEDIMENT CONTROL ORDINANCE , Case Number GJ-13/14-18

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*Cover Sheet for* **Exhibits 3.6-1 and 3.6-2**

# EL DORADO COUNTY GRAND JURY 2013-2014

## *COUNTY ACTIONS CREATE FLOODING, COUNTY NO HELP WITH REPAIR*

Case Number GJ-13-17

### REASON FOR REPORT

Two property owners adjacent to the Granada Heights subdivision in Cameron Park complained that each time there is substantial rain, their properties are heavily flooded and eroded. They assert the flooding is a result of: (1) installation of an apparent *speed bump* by the Granada Heights Homeowners Association (HOA) which actually diverts storm water runoff to a drainage swale that was not originally designed to handle it; and (2) enlargement of a side yard and alteration of the same drainage swale by a property owner uphill of the complainants that was approved by the HOA and the County. The alteration changed the swale, a rock lined ditch, into a concrete sidewalk that greatly reduced the storm water capacity while increasing its velocity.

### SUMMARY

The investigation revealed many incidents that ultimately contributed to the complaint. The complainants had every expectation that the County would assist in solving the significant drainage problems the County created when failing to thoroughly review either the original drainage design for Granada Heights or its alteration by the HOA and a property owner. To the complainants' surprise, and significant cost, the County denied any responsibility for the problem, putting the burden of correcting it on the property owners, despite the County's failure to correctly administer the County Code.

In reality, the County failed to protect neighboring property owners from the increased storm water flows by allowing them to happen and continued to deny relief assistance of any kind due to their flawed record keeping.

### BACKGROUND

*1990*

The revised Granada Heights subdivision was approved by the County.

*July 2002*

The HOA installed what appears to be a *speed bump* that acts as a diverter, redirecting storm water onto Granada Court and to a rock lined drainage easement not designed to handle the additional flow and then to a complainants' property.

*March 2004*

El Dorado County Department of Transportation (DOT) Maintenance Division cleared a culvert on Granada Court after a complaint of flooding, demonstrating that DOT accepted maintenance responsibility for that street.

*June 2005*

The Granada Heights HOA approved a property owner's plan to enlarge his side yard adjacent to a rock lined primary drainage swale. He extended his side yard into the drainage swale by constructing a retaining wall reducing the drainage swale to a 3 ft. concrete sidewalk with a 6" curb. This both reduced the drainage capacity and increased the velocity of flowing water.

*November 2005*

The property owner submitted and the County approved a plot plan for the retaining wall although it did not address drainage. The County review of the plan did not address drainage either.

*December 2005*

The complainants' properties were flooded and the newly installed retaining wall, with an incomplete curb, was undermined.

*January 2006*

A complainant notified DOT Maintenance of flooding and silt/erosion on their property. DOT maintenance reported that eroded silt and rocks from the incomplete concrete curb had clogged a storm pipe at the rear of the complainants' properties causing flooding.

*July 2006*

The County decided that the drainage problems were a civil matter that should be resolved between the property owners.

*December 2006*

DOT incorrectly determined that an unrelated property owner was responsible for the obstruction and demanded that the drainage ditch improperly installed on that property be reinstalled. This parcel owner hired an attorney and the County dropped its demand when it was determined that the drainage ditch never existed on this property.

*March 2007*

Subsequently, DOT demanded that the property owner who did alter the drainage ditch properly size a pipe he illegally placed on a neighbor's property. The Assessor's Parcel Number referred to in the DOT letter could not be found to exist.

*February 2008*

The complainants estimated the costs for repairs to and mitigation of the drainage problem at more than \$25,000.

*August 2008*

The County informed the complainant they could not find a drainage plan for Granada Heights.

*2009*

The complainants sued the HOA. The property owner and management company subsequently settled.

*December 13, 2013*

The County Community Development Agency, Transportation Division, stated in a letter to the complainant that "they (the property owner that enlarged his front yard and altered the drainage swale) may have miscalculated the actual velocity of the runoff in the concrete swale and the infrastructure necessary to safely move the run off through the property", and that "additional

calculations and modifications to the concrete swale“ might be necessary to return the flow to pre-concrete velocity.

The County also suggested an existing pipe system in an El Dorado Irrigation District easement at complainants' rear yards may also be inadequate. The letter goes on to say that it is the complainants' responsibility to discuss the need for any change with neighbors.

## ACTIONS

- The complainants were interviewed.
- Representatives of the County Building Department, Department of Transportation and Air Quality Management District were interviewed.
- County records were reviewed.
- The County FINAL Revised Grading Ordinance, 2-5-07 (Ordinance #4716) Revised 8-10-10 (Ordinance #4949) was reviewed.

## DISCUSSION

Although there were neighborhood and civil engineering concerns about the drainage of the revised subdivision of Granada Heights, the County approved the project in 1990. The County's analysis of internal and external drainage was flawed; flooding of the subdivision and adjacent properties has since occurred resulting in damages to the complainants.

From 2004 to 2013, the County has been aware of, has been in communication with, and acted upon complaints from numerous parties regarding the flooding of these properties.

The HOA of Granada Heights subdivision installed a *speed bump* to divert water from their development to a drainage swale. The County subsequently made matters worse by rubber stamping a private property owner's desire to make his yard bigger and not analyzing the impacts of alterations to the drainage. Investigations by the County indicate that a critical drainage ditch that could have alleviated run off to a nearby creek ***did not, in fact, actually exist.***

The mantra the Grand Jury has heard repeatedly from County officials that it is the *will* of the County Board of Supervisors (BOS) to be customer friendly. Unfortunately, in this case, their customer friendly attitude coupled with lack of proper plan checking and application of county ordinances, caused collateral damage.

The complainants had every right to believe and expect that the County would assist in solving the significant drainage problems created when the County failed to thoroughly review either the original drainage design for Granada Heights or its alteration by the HOA and a property owner. To their surprise, and significant cost, the County denied any responsibility for the problem, putting the burden of correcting it on the property owners, despite the County's failure to do its duty and administer the County Code causing their damage originally.

## FINDINGS

1. The complainants' properties are flooded from runoff when there is substantial rain; causing erosion on their properties.
2. The internal and external drainage analysis of the Granada Heights revised subdivision was flawed. The County should not have approved this revised subdivision.
3. Deficiencies in County record keeping prevented County staff from locating the drainage plan for Granada Heights. Staff relied on an *as built* subdivision plan showing a drainage swale that, in fact, did not exist, leading to a claim against the wrong property owner. That property owner was forced to hire an attorney to defend against the mistaken claim.
4. The County illegally permitted the installation of a retaining wall and alteration of a drainage swale without requiring the analysis and plans required by its own regulations.
5. The County has admitted that the velocity of the water in the altered drainage swale and improper sizing of a pipe in an EID easement have contributed to the drainage, flooding, and erosion problems.
6. The County has the authority to remediate the harm done to the complainants and others similarly affected. The El Dorado County FINAL Revised Grading Ordinance, 2-5-07, Section 15.14.410, Corrective work, subsection A., **Abatement of unlawfully created conditions** allows the director to

... order County workers or contractors to immediately enter private property to conduct work necessary to abate hazards to public health and safety such as: a. The alteration of drainage patterns that has caused, or has the potential to cause, flooding of or siltation upon any downstream property...

It further states

2. Cost recovery: Whenever the County expends any funds or takes any action, the County shall bill the landowner, lessee or licensee for the costs indicated herein. Pursuant to the requirements of Government Code Section 54988, the costs shall become a lien on the property, or shall be recoverable from the property owner by other legal means.

## RECOMMENDATIONS

1. The County should analyze, or cause to have analyzed, the existing drainage of Granada Court, Granada Heights and surrounding properties and any drainage methods and devices within public right-of-way and private and public easements to determine their adequacy to properly convey storm runoff sufficiently to avert flooding and erosion of private property. Upon completion of such analysis, the county should install corrective measures in the public right of way and private and public easements to correct any deficiencies.
2. The Director of Development Services should require County employees to apply the requirements of the Grading Ordinance.
3. Prior to issuance of any permit, the County should thoroughly analyze the impacts on drainage by requiring the applicant to adhere to the specific requirements of the Grading Ordinance.
4. If it is determined that application of the Grading Ordinance in some cases is particularly onerous to some property owners, the Director of Development Services should study such cases and, with input from stakeholders, recommend appropriate exemptions.
5. The County should more aggressively implement the provisions of the Grading Ordinance cited above to restore properties to the condition existing before illegal grading and construction occurred and bill the landowner, lessee or licensee for costs.

## RESPONSES

Responses to both findings and recommendations in this Report are required by law in accordance with California Penal Code §933 and §933.05. Address responses to:

The Honorable Suzanne N. Kingsbury, presiding judge of the El Dorado County Superior Court, 1354 Johnson Blvd., South Lake Tahoe, CA 96150.

This Report has been provided to the El Dorado County Board of Supervisors, Development Services Department and Department of Transportation.

The Presiding Judge of the El Dorado County Superior Court additionally requests that the responses be sent electronically as a "Word" file or "PDF" file to facilitate the economical and timely distribution of such responses. Please email responses to the El Dorado County Grand Jury at:

[courtadmin@eldoradocourt.org](mailto:courtadmin@eldoradocourt.org)

# EL DORADO COUNTY GRAND JURY, 2013-2014

## *EL DORADO COUNTY FAILS TO ENFORCE ITS GRADING, EROSION AND SEDIMENT CONTROL ORDINANCE*

Case Number GJ-13/14-18

### REASON FOR REPORT

The Grand Jury received a number of complaints involving improper grading of private property. Three specific complaints were investigated and addressed in three separate reports. One involves grading of a rural property, another involves grading of a suburban property and the third is grading by a commercial property owner. In each instance, persons other than the property owner suffered damage as a result of the county's failure to ensure compliance with its Grading Ordinance. The investigations of those cases caused the Grand Jury to question if there was a pattern and practice of failing to comply with the County Grading Ordinance.

The Grand Jury found that it did.

### BACKGROUND

#### *The Ordinance*

The El Dorado County Grading, Erosion, and Sediment Control Ordinance (hereinafter "the Ordinance")

...for the purpose of regulating grading within the unincorporated area of El Dorado County to safeguard life, limb, health, property and public welfare; to avoid pollution of watercourses; and to ensure that the intended use of a graded site is consistent with the El Dorado County General Plan, any Specific Plans adopted thereto, the adopted Storm Water Management Plan, California Fire Safe Standards and applicable El Dorado County ordinances including the Zoning Ordinance and the California Building Code. (Section 15.14.110)

"This ordinance *shall* be implemented and enforced *by the County...*" (emphasis added)

A grading permit is required for all grading activities in the unincorporated area of El Dorado County unless a specific exemption applies. (Sections 15.14.130 and 15.14.140). An exemption did not apply to any of the specific instances investigated by the Grand Jury.

The Ordinance requires permit applications to include specific informational items. (Section 15.14.200)

Fees collected when a permit is issued are used to fund enforcement of the Ordinance. Violation fees of twice the regular permit fees are required whenever grading is done in violation of the Ordinance or without an approved permit. The language of the Ordinance is **not** discretionary; It **mandates** that this violation fee be charged. (Section 15.14.230 E)

It prohibits grading activities that cause or have the potential to result in itemized hazards including a threat to neighboring property or degradation of water quality. (Section 15.14.290)

The county is authorized to enter private property and conduct work necessary to abate and repair hazards from unlawfully created conditions. The County may conduct such work either using its own

employees or through a licensed contractor. The County is required to bill the property owner for costs incurred and is authorized to recover those costs through a lien on the property and other legal means. (Section 15.14.410)

### ***Enforcement of the Ordinance***

Review of the permit application and subsequent inspection of the grading site only happens after permit fees are paid. Otherwise, no action is taken. When work is initiated without a valid permit a stop work order may be issued. If work is completed prior to issuance of a stop work order or if work continues without a valid permit, there is no inspection of the work done. Thus, someone who wants to perform work not authorized by county ordinances could well decide to not seek a permit in order to get away with that unauthorized work.

County employees interviewed were aware of the legal authority to charge violation fees but not that those fees were mandatory rather than discretionary. Further, violation fees were rarely charged and suggested that it would discourage the public from seeking a permit and encourage performing work without proper permits.

County employees were unaware of the County's authority to conduct necessary remedial work at the property owner's expense and knew of no instance when this action was taken.

### ***Why is the Grading Ordinance Not Enforced?***

Grading in violation of the Grading Ordinance resulted in substantial harm to property owners adjacent to or affected by improper grading in each of the cases investigated by the Grand Jury. The Grading Ordinance gives the Department of Transportation significant authority to correct improper grading. This authority could be a very effective tool for protecting other affected property owners if it were used, but it is not .... Why not?

Both County staff and officials reported that they perceived it to be the *will of the Board of Supervisors* that the Ordinance not be enforced. They stated that El Dorado is a *property rights county*; the will of the Board of Supervisors is that property owners not be burdened by strict compliance with requirements perceived to be onerous for some property owners. Several witnesses reported they believed the Ordinance imposed excessive burdens on property owners maintaining rural access roads

The public appears to understand that the Ordinance is not enforced. Neither of the contractors who performed illegal grading in Report No. 13-15 or 13-16 felt required to obtain a permit for the grading they performed. In Report No. 13-16 the Contractor appears to have understood that if he failed to pay the fee for a grading permit no action would be taken to enforce the terms of the permit.

The Ordinance is quite specific "...to safeguard life, limb, health, property and public welfare; to avoid pollution of watercourses..." The Grading Ordinance of the County of El Dorado is Chapter 15.14 of the County Code; it is the law of El Dorado County. Failure to enforce the Ordinance is failure to enforce the law; that failure benefits property owners who act unlawfully while denying the law's specific protections to others. It leads to a perception of corruption on the part of County officials and general disrespect for County government.



## ACTIONS

- The Grand Jury reviewed the El Dorado County Grading, Erosion and Sediment Control Ordinance.
- The Grand Jury interviewed private parties who complained to having been adversely affected by the County's failure to enforce the Ordinance.
- The Grand Jury interviewed County employees responsible for implementing and enforcing the Ordinance.

## FINDINGS

1. When grading work is done in El Dorado County and no permit is obtained and no permit fee paid, and the county is made aware of the work being done before the work is complete, the county will issue a stop work order.
2. When work improperly continues after issuance of a stop work order or if work is completed before a stop work order is issued, no enforcement action is taken.
3. Only payment of a permit fee triggers inspection of grading work performed.
4. Grading work performed where no permit fee is paid is not inspected.
5. El Dorado County does not enforce its Grading, Erosion and Sediment Control Ordinance.
6. The County's failure to enforce its Grading, Erosion and Sediment Control Ordinance encourages illegal grading to the detriment of other property owners and residents.

## RECOMMENDATIONS

1. The Board of Supervisors should review the Grading, Erosion and Sediment Control Ordinance and determine whether the Ordinance imposes overly burdensome requirements for rural access roads.
2. If the Board of Supervisors determines the requirements for grading of rural access roads are overly burdensome, it should amend the Ordinance to define appropriate requirements for the grading of those roads.
3. Whether or not the Ordinance is amended, the Grading, Erosion and Sediment Control Ordinance should be enforced.

## RESPONSES

Responses to both findings and recommendations in this Report are required by law in accordance with California Penal Code §933 and §933.05. Address responses to:

The Honorable Suzanne N. Kingsbury, presiding judge of the El Dorado County Superior Court, 1354 Johnson Blvd., South Lake Tahoe, CA 96150.

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[courtadmin@eldoradocourt.org](mailto:courtadmin@eldoradocourt.org)

The following Exhibit is included to demonstrate the neighborhood conflicts created by reduced 'event' restrictions.

O-1-304

Cover sheet for **Exhibit 3.6-3**

# Citizens debate small winery ordinance

1

[Print](#) [Email](#)

February 05, 2014 12:20 pm • [Jesse Duarte](#) – St Helena Star

[\(1\) Comments](#)

Supporters and opponents of St. Helena's new small winery ordinance spoke out at a special City Council meeting on Tuesday.

The brief session was a warm-up for the council's regular meeting at 6 p.m. Tuesday, Feb. 11, at Vintage Hall, when the council will hear more public comment and could rescind the controversial regulations in response to a successful petition drive.

Opponents who are collecting signatures say the new rules, set to take effect next week, will result in a flood of new ag-zoned wineries that will commercialize residential neighborhoods and create unwanted traffic and noise. They've gathered almost 500 signatures in hopes of placing a referendum on the November ballot.

Just 320 verified signatures of registered St. Helena voters would be enough to put the ordinance on the ballot. But the petition drive could be rendered moot if the council agrees to rescind the ordinance.

Last week councilmembers said rescinding the ordinance and passing a modified one that addresses critics' concerns might be preferable to putting the ordinance on the ballot, which could divide the community.

Tuesday's special meeting was set aside for the public to weigh in on the ordinance. Opponents, who outnumbered supporters, said they hadn't realized its broader impacts during the months it was under discussion by the Planning Commission and the City Council.

Geoff Ellsworth said one crucial component of the ordinance, the elimination of a requirement that winery operators live on the premises, was obscured behind confusing language about wineries no longer having to be "subordinate" to residential use.

It also wasn't clear that the new rules would apply to potential new wineries, not just the handful of existing ones, Ellsworth said.

The ordinance is intended to support small winery operators who produce and sell wine from local grapes, and to protect ag land from development pressure by making small wineries more economically viable.

In the past, supporters have said small wineries need to expand public events, which are currently prohibited, to survive in a business that's increasingly reliant upon face-to-face marketing and direct sales. But opponents

like Michael Caldarola and Marty Bennett said supporters need to make a stronger case for why the current regulations have to be changed.

Ellsworth added that the provisions in the ordinance that are intended to protect neighbors aren't specific enough. For example, wineries have to be within "reasonable proximity" to a major roadway.

"But who determines what is reasonable?" asked Ellsworth. "And who determines what is a major roadway? ... If I were a smart lawyer, which I'm not, I might try to exploit that sentence."

Pam Smithers, who lives near Anomaly Vineyards on Vallejo Street, said the winery has had a major impact on her and her neighbors, with traffic not only from visitors and employees but also from trucks hauling winemaking equipment and chemicals.

Smithers disagreed with the ordinance's supporters, who say agriculture and wineries go hand in hand. "Wineries are commercial, manufacturing concerns" that should be separated from residential areas, she said.

Smithers said that instead of loosening restrictions on wineries, the city should go back to its original regulations, and maybe even tighten them.

Sandy Ericson said the ordinance is inconsistent with the General Plan and "was put together by a small group of people."

"The way out of this situation is to go back to the (General Plan) ... and craft a solution in open public meetings that protects all interests," Ericson said.

Dave Phinney, who said he's planning a project under the new ordinance, said it protects neighbors by requiring small wineries seeking a use permit to prove to the Planning Commission that their public events "will have no significant impact on neighboring parcels."

"I encourage everybody to read the ordinance," Phinney said.

Despite critics' charges of a lack of transparency, "this wasn't done in private," said Steve Goldfarb, who operates Anomaly Vineyards, one of several wineries that's requested permission to offer tours and tastings over the last few years.

After the city approved use permit amendments for wineries like Anomaly, Spottswoode and David Fulton Winery, members of the Planning Commission agreed the city's regulations needed to be updated.

Goldfarb said that while it would make sense for the council to rescind the ordinance in response to the petition drive, a modified ordinance shouldn't lose sight of the overall goal of protecting the wine industry.

"If we don't allow our vocal wine community to thrive, we're all going to pay the price," Goldfarb said.

The following Exhibit is an example of research done by other jurisdictions during the development of winery and ranch marketing ordinances.

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*Cover sheet for* **Exhibit 3.6-4**



**ALAMEDA COUNTY COMMUNITY DEVELOPMENT AGENCY  
PLANNING DEPARTMENT**

**Survey of Other Counties' Winery Regulations**

County Planning Department staff surveyed eleven other counties in the state to obtain a sampling of how these jurisdictions regulate wineries. The attached matrix contains the results of the survey.

**Summary of Survey Results:**

- All eleven counties surveyed require a use permit for wineries under at least some circumstances.
- In three of the counties, the type of permit required varies depending on such factors as parcel size, intensity of use, zoning, and general plan designation.
- In San Diego County, boutique wineries are allowed by right.
- Ten of the eleven counties surveyed require a use permit for a tasting room.
- Restrictions on tasting rooms vary from county to county, but include allowing them only in conjunction with an on-site commercial winery, limiting their size to a percentage of the total square footage of the winery buildings, limiting days of operation, limiting the number of patrons at any given time, and allowing tasting by appointment only.
- In San Diego County, a tasting room is allowed by right if it does not exceed 30 percent of the total square footage of the wine production structure.
- All eleven counties require use permits for special events. Restrictions on the number, size, timing, and type of events allowed vary from county to county. Napa County does not allow weddings at wineries.
- Most of the counties address traffic and parking issues through the use permit.
- Butte, El Dorado, and San Diego Counties have restrictions specific to wineries on private roads.

**Comparison of County Winery Regulations**

|   | A                | B                                                                                                                                                                                                           | C                                                     | D                                                                                             | E                                                                | F                                                                                                                                                                                                                                                                                                                                                                                                                                                                                           | G                                                                                                                                                                                                                                                                                                                      | H                                                                                                                                                                                                                              |
|---|------------------|-------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------|-------------------------------------------------------|-----------------------------------------------------------------------------------------------|------------------------------------------------------------------|---------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------|------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------|--------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------|
|   | Agency           | Type of permit required for winery                                                                                                                                                                          | Wine tasting rooms allowed?                           | Type of permit required for wine tasting room.                                                | Distinction between different special events in zoning ordinance | Special Events Permit                                                                                                                                                                                                                                                                                                                                                                                                                                                                       | Traffic measures                                                                                                                                                                                                                                                                                                       | Noise standards                                                                                                                                                                                                                |
| 1 | Bulle County     | AUP, Minor Use Permit, or UP depending on the size and intensity of the proposal. AUP required for winery when access is only via a private road. The winery shall pay a fair share towards a private road. | Y, limited to three days a week.                      | On a case-by-case basis based on the type of winery operation and wine tasting room proposal. | No                                                               | Y, any Special Event requires a Minor Use Permit for the first event and an AUP for each subsequent event. No Special Events are permitted on Orchard or Field Crop designated in the General Plan. No more than 12 Special Events are permitted per year with a maximum of 12 hours per day. No more than 200 people per event at any one time.                                                                                                                                            | Based on AUP, Minor Use Permit or UP conditions.                                                                                                                                                                                                                                                                       | Based on Noise Ord.                                                                                                                                                                                                            |
| 2 | El Dorado County | Depends on zoning, GP designation, parcel size, and commercial vineyard production (5 acre minimum).                                                                                                        | Y                                                     | UP                                                                                            | No                                                               | Y, must apply at least 60 days prior to event. Maximum of 250 persons. Promotional events = 24 events per calendar yr and max. of 250 persons not to exceed three consecutive days. UP or Minor Use Permit when determined by the Ag Commissioner. Temporary Use Permit = Three events per calendar yr, not to exceed 1 per month. Not to last more than three consecutive days and no more than 250 persons. Weddings require Special events permit. No outdoor amplified music permitted. | Winery and wine tasting room access driveway must connect to a public road. If the winery is open to public is located on a private road within an A district, an AUP must be approved. Applicant is required to a fair share for road maintenance. A road maintenance entity or agreement for those on private roads. | If the winery is located on a private road with access to the public, approval must be granted from the Develop. Services. Director, following the recommendation of the Ag. Commission. No outdoor amplified music permitted. |
| 3 | Monterey County  | UP, possible Initial Study                                                                                                                                                                                  | Y, in A district and in certain commercial districts/ | UP in A district and some commercial districts                                                | Not yet. Presently under consideration.                          | Y, UP                                                                                                                                                                                                                                                                                                                                                                                                                                                                                       | Improvements as UP conditions of approval, such as driveway encroachment improvements, providing a commercial driveway, etc.                                                                                                                                                                                           | Noise set at property line and time of day. This is on a case by case basis based on size of property, facility location, zoning district, proximity to sensitive receptors... topography, etc.... Base on Noise Ord.          |
| 4 |                  |                                                                                                                                                                                                             |                                                       |                                                                                               |                                                                  |                                                                                                                                                                                                                                                                                                                                                                                                                                                                                             |                                                                                                                                                                                                                                                                                                                        |                                                                                                                                                                                                                                |



**Comparison of County Winery Regulations**

| A           | B                                                       | C                                                                                                                                           | D                                                                                                                                                                                                                                                                              | E                                                                                     | F                                                                                                                                                                                                                                                                                                                                          | G                                                                                                                                                                                                                                                                    | H                   |
|-------------|---------------------------------------------------------|---------------------------------------------------------------------------------------------------------------------------------------------|--------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------|---------------------------------------------------------------------------------------|--------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------|----------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------|---------------------|
| Napa County | UP, possible Initial Study (must be at least 10 acres). | UP, only with winery.                                                                                                                       | UP, only permitted with winery. By appt. only, except grandfathered in wineries.                                                                                                                                                                                               | Yes, no weddings allowed.                                                             | Y, Special Events Permit. No more than 6 events/yr up to 399 persons. 3 events/yr for ≥400 persons.                                                                                                                                                                                                                                        | Traffic count conducted for wineries. Shuttles service to off-site parking when sufficient parking is not available on-site for special events. Promotional event parking = 1 space per 2.5 persons.                                                                 | Based on Noise Ord. |
| 5           | Placer County                                           | Minor Use Permit in A district (minimum size is 4.6 acres).                                                                                 | CUP, MUP and AUP. Permit type depends on the zoning district.                                                                                                                                                                                                                  | No, but type of planning application required depends on zoning.                      | Y, max. 6 events/yr. No special event shall exceed two days.                                                                                                                                                                                                                                                                               | Case by case basis for traffic modifications depending on proposal and road conditions. Temporary off-site parking is permitted for special events.                                                                                                                  | Based on Noise Ord. |
| 6           | Riverside County                                        | UP, possible Initial Study                                                                                                                  | UP in CV (Citrus/Vineyard) district.                                                                                                                                                                                                                                           | UP Special events facility require on-site commercial vineyard at least 10 acres.     | Y, Temp. Outdoor Event. \$378 fee, CEQA exempt.                                                                                                                                                                                                                                                                                            | As per UP conditions.                                                                                                                                                                                                                                                | Based on Noise Ord. |
| 7           | San Diego County                                        | Boutique Wineries for packing and processing are allowed by right if located on public road. Otherwise, UP required, possible Initial Study | Y, one wine tasting/retail room is permitted, except commercial winery processing. Pre-packaged food requiring no refrigeration is permitted and can be eaten on premise. No food preparation is allowed at winery, but catered food service is permitted at Marketing Events. | Y, a maximum of 4 winery events are permitted per year and required to end by sunset. | Y, Special Event Permit. Amplified music and public gatherings (such as weddings) are not allowed inside or outside the winery. Outdoor eating areas are limited to accommodate a maximum 5 tables for seating of 10 people. Vehicle with a capacity in excess of 12 passengers are not allowed. Signage is limited to 12 sq. ft. on-site. | Parking will comply with the Parking Requirements in Section 6776, Ag., Industrial, and Wholesale Storage. The on-site driveway and parking area shall be surfaced with Chip Seal, gravel or an alternative surfacing material appropriate for lower traffic levels. | Based on Noise Ord. |
| 8           |                                                         |                                                                                                                                             |                                                                                                                                                                                                                                                                                |                                                                                       |                                                                                                                                                                                                                                                                                                                                            |                                                                                                                                                                                                                                                                      |                     |

**Comparison of County Winery Regulations**

| A                    | B                                                                                          | C | D                                                                                                                                                                                                                                         | E                                                                                                                                | F                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                           | G                                                                                                                                                                  | H                                                                                                                                                                                                                                                                                                                                                                                                    |
|----------------------|--------------------------------------------------------------------------------------------|---|-------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------|----------------------------------------------------------------------------------------------------------------------------------|-----------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------|--------------------------------------------------------------------------------------------------------------------------------------------------------------------|------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------|
| Santa Barbara County | UP, possible Initial Study. Development standards differ between inland and coastal areas. | Y | UP, floor area of the winery shall not exceed 400 sq. ft. or 10% of the winery development structures located on the premises, whichever is greater. Tasting rooms are granted for wineries that produce less than 20,000 cases per year. | Y, wineries and outdoor entertainment (carnival, crafts fair, etc..) events differ in the planning permit required.              | Y, Special Events Permit. The number of special winery events vary on the size of winery and production capacity. Smaller wineries are allowed 4 events per year and attendance not to exceed 150 attendees. Up to 8 special winery events are permitted for larger wineries. The number of special events on winery premises can exceed 12 per year and attendance for each event may exceed 200 persons with a CUP under Tier III (development plan under the Planning Commission) on a case by case basis before the Planning Commission. CUP process can grant events over the allowed annual maximum to up to 40 days. | As per condition of approval.                                                                                                                                      | Based on Noise Ord. Amplified music associated with special events shall not exceed 65 dba at the winery exterior boundary. The dba level can be contested by department review for special events depending on the size of the winery and surrounding environment.                                                                                                                                  |
| 9                    | Santa Cruz County                                                                          | Y | AUP, by appt. only with a limit of 12 persons max. at one time. UP, public hearings by Zoning Administrator or Planning Commission based on project proposal on a case by case basis.                                                     | No                                                                                                                               | Y, Special Events Permit required. As per UP conditions.                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                    | As per UP conditions.                                                                                                                                              | Outside operating hours limited to 7 a.m - 7 p.m., except during harvest season. Use Permit noise levels. Max. noise standard of 85 dba for a cumulative period of 15 minutes in an hour. Up to 90 dba for a cumulative period of 5 minutes in an hour. A max noise level of 100 dba. These levels shall be reduced by 10 dba between 10 p.m. - 7 a.m. Levels can potentially be increased with CUP. |
| 10                   | Sonoma County                                                                              | Y | UP, depending on zoning. Allowed w/o winery.                                                                                                                                                                                              | Doesn't differentiate between what type of special events require a permit, but have a criteria whether one is necessary or not. | Y, UP                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                       | Measures and conditions of approval are determined through the UP process. Complaints of weekend traffic, but they do not exceed the LOS standards in rural areas. | Based on Noise Ord.                                                                                                                                                                                                                                                                                                                                                                                  |
| 11                   |                                                                                            |   |                                                                                                                                                                                                                                           |                                                                                                                                  |                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                             |                                                                                                                                                                    |                                                                                                                                                                                                                                                                                                                                                                                                      |

**Comparison of County Winery Regulations**

| A                      | B  | C                                                                                                                                                                                                                                                                                                                                                      | D   | E                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                      | F                        | G                                                                                                                                                                            | H                                                                                                                                   |
|------------------------|----|--------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------|-----|------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------|--------------------------|------------------------------------------------------------------------------------------------------------------------------------------------------------------------------|-------------------------------------------------------------------------------------------------------------------------------------|
| San Luis Obispo County | UP | <p>Y, MUP in most zoning districts, CUP, in others. Must be within 200 ft. from the winery facilities. This required can be waived if exemptions can be proven. Legally constructed structures built before 1980 can be modified with an AUP. Only 1 tasting room per winery, even for wineries on the same site that share production facilities.</p> | AUP | <p>No, but specific criteria for winery Special Events exists. 20 acres minimum (can apply for a MUP to required lot size). Limited to 40 days per year. Minor Use Permit or Conditional Use Permit required for events with 50 or more persons. Minor Use Permit allows for up to 80 persons for a maximum of 6 events per calendar year. CUP required for events over 80 persons for a max. of 6 special events per calendar year. Applications must be submitted at least 120 days prior to the event. Fines will be applied for those without County approval.</p> | Y, MUP and CUP required. | <p>As per UP conditions. The main driveway to winery with public tours, wine tasting room or special events must be located within one mile of an arterial or collector.</p> | <p>Based on Noise Ord. Outdoor amplified music is only permitted between the hours of 10 a.m. - 5 p.m. and not to exceed 65 Db.</p> |

## Noise - Section 3.7 dEIR Review Comments

Overall comment: At the time when many counties and cities are going in the direction of more restrictive noise ordinances, why is El Dorado County proposing a less restrictive ordinance? We would like our county to be a leader in protecting its residents from noise pollution. If noise attenuation is feasible in these other cities and counties, it must also be feasible here. **Please consider an alternative in the final EIR that is more restrictive in the types, hours, and intensities of noises allowed. Please specify effective mitigation measure such as fines for repeat offenders of the noise ordinance.**

O-1-306

Page 2-9 states: "This amendment would exempt construction activities occurring from 7 a.m. to 7 p.m. during the week or from 8 a.m. to 5 p.m. on weekends and holidays from those standards. In addition, the amendment would fully exempt public projects to alleviate traffic congestion and safety hazards from those noise standards. No changes to the tables are proposed." The General Plan policy 6.5.1.11 has been completely changed by adding the word "not". This is very confusing for several reasons:

The previous draft of the TGPA (and the general plan) did not include the word "not". This change to exempt construction noise from the standards during the daytime was added during the environmental review period, so the change was likely not seen by many people who have been reviewing the document all along. Such shifts in the project description make reviewing the EIR very difficult. The primary harm caused by "the incessant shifts among different project descriptions" was that the inconsistency confused the public and commenting agencies, thus vitiating the usefulness of the process "as a vehicle for intelligent public participation." A "curtailed, enigmatic or unstable project description draws a red herring across the path of public input." (County of Inyo v. City of Los Angeles (3d Dist. 1977) 71 Cal.App.3d 185, 197-198.)

O-1-307

**The previous wording is highly preferred--please change it back so that construction noise is not exempt.**

- a) Tables 6.3, 6.4, and 6.5 still show construction noise must conform to certain  $L_{eq}$  and  $L_{max}$  standards from 7am to 7pm.
- b) Tables 6.3, 6.4, and 6.5 do not make any distinction between weekday and weekend hours.
- c) Page 3.7-9 states: " Adoption of the noise ordinance complies with the directive to do so in General Plan policy 6.5.1.14. The current zoning ordinance relies upon the General Plan's noise standards, rather than including enforceable noise regulations." If this is the rationale for moving the standards to the zoning ordinance, **Please explain why the construction exemption and related tables still exist in the General Plan, rather than the zoning ordinance.**

With the new wording, many people in the county will now be exposed to an unlimited

amount of construction noise from 7am to 7pm Monday-Friday, and 8am to 5pm on weekends and holidays. **Please analyze the impact of unlimited construction noise (i.e. no average or peak noise thresholds) on sensitive receptors throughout the county due to this change.**

**Please ask Planning Staff to consider an alternative in the final EIR that adds some limitations on construction noise. In areas where subdivisions are being constructed, surrounding neighbors need a break from the continuous noise for months and even years at a time. Consider limiting construction hours on subdivisions to weekdays 7am to 7pm, no construction on Saturdays, Sundays, or Federal Holidays.**

O-1-307  
CONT.

Page 3.7-7 states: "Since 2003 the population of the county has increase by about 8%. Assuming that trip generation has increased by about that same amount over that period of time, the overall increase in traffic noise would be less than 0.5 dB. Accordingly, noise levels in the county are not substantially different than in 2003 when the General Plan was adopted."

This analysis is only true as an average, and is in general, meaningless. In order to understand the impact to noise of growth in our county, analysis needs to be done in many different areas throughout the county. For instance, El Dorado Hills has grown at a much higher rate than the overall county, so the calculation there would yield a larger difference than 0.5dB. Roadway noise has a much larger impact to residents near the roadway than those living further away from the roadway. In order to have a better understanding of noise, and how it will change over time, a study needs to be done to determine the current, cumulative, and cumulative plus project noise levels.

O-1-308

In addition, the issue is not how much the noise has increased relative to the existing amount of noise. The question is whether the increase in noise resulting from the TGPA/ZOU project is a considerable contribution to a cumulatively significant impact. "[T]he relevant issue to be addressed in the EIR on the plan is not the relative amount of traffic noise resulting from the project when compared to existing traffic noise, but whether any additional amount of traffic noise should be considered significant in light of the serious nature of the traffic noise problem already existing." (*Los Angeles Unified School Dist. v. City of Los Angeles* (1997) 58 Cal.App.4th 1019, 1025 – 1026.) An agency must produce rigorous analysis and concrete substantial evidence to support a determination that the project's impacts are insignificant. (*Kings County Farm Bureau et al. v. City of Hanford* (5th Dist. 1990) 221 Cal.App.3d 692 [270 Cal.Rptr. 650].) A clearly inadequate or unsupported study will be entitled to no judicial deference. (*State Water Resources Control Board Cases* (App. 3 Dist. 2006) 136 Cal.App.4<sup>th</sup> 674.)

State law (Section 65302f of the Government Code) mandates that a County Noise Element analyze and quantify, to the extent practicable, current and projected noise levels for all of the following sources:

- Highways, freeways.

- Primary arterials and major local streets.
- Passenger and freight on-line railroad operations and ground rapid transit systems.
- Commercial, general aviation, heliport, helistop, and military airport operations, aircraft overflights, jet engine test stands, and all other ground facilities and maintenance functions
- related to airport operations.
- Local industrial plants, including, but not limited to, railroad classification yards.
- Other ground stationary sources identified by local agencies as contributing to the community noise environment.

O-1-308  
CONT.

That same section of the Government Code also requires the County to recognize the State Noise Element Guidelines, and provide noise contours for all of the noise sources listed above using CNEL or Ldn measurement levels based on monitoring or acceptable modeling. The noise contours are to be used to assist with land use planning so that exposure to excessive noise can be minimized. The noise element must include actions that avoid existing and foreseeable noise problems, and address the State's noise insulation standards.

**In the Final EIR, please provide tables and contour maps showing for each major road segment and all freeway segments: ADT, Center-line to 60 L<sub>dn</sub>, L<sub>dn</sub> (dBA) 100 feet from centerline, and Increase in L<sub>dn</sub> (dBA) over cumulative No Project.**

2. Page 3.7-10 states: "The CEQA Initial Study prepared for this project (Appendix A) concluded that the proposed TGPA and ZOU would not substantively amend any policy or ordinance provision in a manner that would increase exposure to ground borne vibration or noise. Because of these conclusions, impacts related to ground borne vibration and noise were determined to be less than significant. Accordingly, ground borne vibration and noise are not discussed further in this DEIR."

O-1-309

There are, however, many new policies contained in the ZOU that, if implemented, would increase exposure to noise. In accordance with Appendix G of the State CEQA Guidelines, the project would be considered to have a significant effect if it would result in a substantial temporary or periodic increase in ambient noise levels in the project vicinity above levels without the project. Each of the items listed below have the potential to generate a substantial temporary or periodic increase in ambient noise levels in the project vicinity above levels without the project.

- a. ZOU section **17.30.020** contains the following categorical exemptions which are a change from the currently approved General Plan:
  - I. Activities conducted in public parks, public playgrounds, and public or private school grounds, including but not limited to school athletic and school entertainment events, providing an amplified sound system is not required or used.

- II. Safety signals, warning devices, and emergency pressure relief valves.
- III. Noise sources associated with property maintenance, such as lawn mowers, trimmers, snow blowers, and power tools in good working order, provided that the activities take place between the hours of eight a.m. and nine p.m. on weekdays and nine a.m. to nine p.m. on weekends and federal holidays.
- IV. Noise sources associated with agricultural uses listed in Section **17.21.020** (Agricultural Zones: Matrix of Allowed Uses) that are performed consistent with the standards and practices of the agricultural industry.
- V. Noise sources associated with religious gatherings, public holidays, or other commonly celebrated occasions.
- VI. Construction (e.g. construction, alteration or repair activities) during daylight hours provided that all construction equipment shall be fitted with factory installed muffling devices and maintained in good working order.
- VII. Cutting of firewood for non-commercial personal use.

O-1-310

These categorical exemptions are not analyzed in the DEIR. Taking the above items (I through VII), **Please analyze the impact of the following specific concerns about these categorical noise exemptions in DEIR:**

- I. This change would subject homeowners (and other sensitive receptors) to unlimited noise from un-amplified sources such as gas-powered toys, acoustic bands, power equipment, leaf blowers, barking dogs, crowd noises, etc. This is a significant impact.
- II. This change would subject sensitive receptors to potential constant noise particularly in the case of back-up warning devices. This is a significant impact.
- III. This change would expose sensitive receptors to extra hours of loud noise, in particular the quiet evening hours from 7PM to 9PM. This is a significant impact.
- IV. This exemption is very broad and vague. The DEIR must examine the impact of this change with respect to each use listed in Section **17.21.020**. The vague term "that are performed consistent with the standards and practices of the agricultural industry." must be defined. **Please supply a reference document that explains these standards and practices for each allowed item in Section 17.21.020.**
- V. This change would expose sensitive receptors to unlimited noise from

"Noise sources associated with religious gatherings, public holidays, or other commonly celebrated occasions." These terms are very vague and broad, and there are no restrictions on the frequency, locations, days, or hours of these gatherings. **Please analyze the impact of this change in the light of these vague parameters.**

VI. This change specifies that construction is exempt "during daylight hours". But this is in conflict with the TGPA proposed amendment specifying construction to be allowed 7am to 7pm weekdays and 8 to 5 on weekends and holidays. The term "during daylight hours" is vague and can easily be interpreted as any time a person can plainly see. In the summertime, this could be from 5:30am to 8:30 pm. **Please specify which set of hours and days is correct. Please analyze the impact of "construction noise (e.g. construction, alteration or repair activities)" 7 days per week, during "daylight hours".**

VII. This change would allow cutting of firewood at any time and place for personal use. No restrictions are placed on time of day/night, noise level, duration, etc. **Please analyze the impact of allowing chainsaws, log splitters, etc. to be operated at any location, any time of day or night.**

**If the County insists on not analyzing these potentially significant noise impacts in the EIR, please identify the substantial evidence in the record that demonstrates that these impacts will be insignificant.** An agency must produce rigorous analysis and concrete substantial evidence to support a determination that the project's impacts are insignificant. (Kings County Farm Bureau et al. v. City of Hanford (5th Dist. 1990) 221 Cal.App.3d 692 [270 Cal.Rptr. 650].) An EIR is inadequate if it simply ignores or assumes a solution to the problem. (*Vineyard Area Citizens for Responsible Growth v. City of Rancho Cordova* (2007) 40 Cal.4th 412.)

b. ZOU section **17.37.070 (B)** relies on "self-monitoring to insure that sound system levels are in compliance with the conditions of approval"

It is well known that self-monitoring is ineffective. That is why CEQA requires that, prior to project approval, the lead agency must adopt a reporting and monitoring program that is designed to ensure compliance during project implementation. (Pub. Resources Code, sec. 21081.6.)

Thus **the DEIR must study the effect of outdoor concerts and events where sounds levels are above the approved standards, in all approved venues (e.g. wineries), and provide effective means of mitigation monitoring.**

O-1-310  
CONT.

O-1-311



c. ZOU section **17.40.080 (A)(4)(d)** Specifies that animals being kept in a non-conforming manner may continue to be kept on the property. This is a potential significant impact since large (noisy) animals may continue to be kept on smaller lots indefinitely, possibly causing noise issues with the neighbors, when the animals may not be there legally in the first place. **Please analyze the noise impact of this section.**

O-1-311  
CONT.

d. ZOU section **17.40.080** Proposes a large change in the type and number of animals allowed on various sized lots as small as R1. While **17.40.080 (E)(3)** specifies: "No animals will be allowed to create a public nuisance, disturbing the peace by frequent or continuous noise of an irritating or raucous nature. If a nuisance is deemed to have occurred it may be subject to abatement as specified in Title 6, Animals." This is a very vague statement. It does not indicate how this determination is made, who makes it, what are the criteria involved in making the judgment. In addition, the proposed mitigation "may be subject to abatement" per Title 6, is very weak and vague. In all, this section offers no concrete remedies to a sensitive receptor suffering from increased noise from an unspecified number of animals under the new ZOU. **This is a significant impact and must be analyzed in the EIR, and mitigations must be proposed.**

O-1-312

e. ZOU section **17.40.120 (C)** Allows for " six or fewer agricultural employees shall be considered a single-unit residential use and shall be allowed by right in any zone that permits single-unit residential uses." The proposed ordinance allows this use by right for all residential lots other than Multi-family. The noise impact from additional traffic and persons is a potentially significant impact, especially on the smaller lots (R20k, R1, R1A, R2A, R3A,RE), and generally there is no need for agricultural workers on these smaller sized lots. **Please analyze the noise impact of this proposed ordinance.**

O-1-313

f. ZOU section **17.40.160** Allows for a large variety of new home occupations. The first change is the allowance for employees to travel to, and work at the home of another person. This was not previously allowed in most of the residentially zoned area, but now, a significant number of people and vehicles can create new noise sources in these areas. This is a significant impact. The proposed ordinance does not specify if more than one home business can be run at each residence, and how this would affect the number of employees (or other provisions). **As written, the DEIR must assume that more than one home business may be operated out of each residence. The following items, then, must be analyzed in this light.**

O-1-314

i. **17.40.160 (C)(6)** attempts to spell out mitigations for nuisances, by stating: "no equipment or process shall be used that creates noise, vibration, dust, glare, fumes, odors, or electrical interference detectable to the normal senses off-site." But then it goes on to say "Businesses that do not meet these standards may be subject to a Conditional Use Permit." Since a

conditional use permit is not required by the wording, **the DEIR must assume it is not required and analyze the noise impact of these allowed home occupations as if they generate detectable noise off-site.**

- II. **17.40.160 (C)(7)** Allows commercial delivery vehicles to be "utilized for the pick up or delivery of materials related to the home occupation." There appears to be no limitation to the size and frequency of commercial delivery truck activity. This is a significant impact since this type of activity would not be permitted under the previous general plan and Zoning Ordinance. **Please analyze the noise impact of many more commercial trucks in residential areas.**
- III. **17.40.160 (C)(11)(a)** Allows up to six students per group lesson either once or twice per day depending on parcel size. The noise generated from the automobile traffic is a significant impact. **Please analyze the noise impact of 12 to 24 additional vehicle trips in residential areas for home occupations with group lessons.**
- IV. **17.40.160 (F)** States "For parcels greater than one acre, the following uses occurring on the site indicated below are subject to a Use Permit:" **17.40.160 (F)(1-12)** entail many activities that will create substantial noise, and that noise would not be present under the current General Plan. **The DEIR must analyze each of these items to determine the impact and propose mitigations.**

O-1-314  
CONT.

Note that the EIR is required to evaluate the cumulative noise impact of all of these zoning code changes together, in addition to past, present, and other reasonably foreseeable noise impacts. An EIR must contain facts and analysis, not just the bare conclusions of the agency, and must provide sufficient detail so that those who did not participate in its preparation can understand and consider meaningfully the issues raised by the proposed project. The decision to approve a project is a nullity if based upon an EIR that does not provide the decision makers and the public with the required information about the project. (*Bakersfield Citizens for Local Control v. City of Bakersfield* (2004) 124 Cal.App.4<sup>th</sup> 1184.)

O-1-315

- g. ZOU section **17.40.210** Proposes many newly allowed uses on all sizes of lots. Many of these activities are new and have not been analyzed for the noise impact they will create.
  - I. (C) Commercial Stables. Traffic from guests pulling horse trailers, talking, animal noise from an unspecified number of horses are all significant impacts. **Please analyze the noise impact resulting from this use.**

O-1-316

- II. (D) Hunting/Fishing Club, or Farm. Vehicle noise, shooting, talking & yelling are all noise sources that may have a significant impact on surrounding residential areas. 20 acres is a small parcel, and the ZOU does not call out what zone the surrounding parcels may be. **The noise impact generated by this proposed change must be analyzed.**
- III. (E) Off-road Vehicle Use. The uses granted here include but are not limited to: "go-cart, motocross, all-terrain vehicle, and miniature auto tracks for recreational purposes." This use presents many possibilities for abuse, is difficult to enforce, and is almost guaranteed to cause noise disturbance with neighbors. If this use falls under the definition of park or playground, it would be exempt from the proposed noise regulation. This is a significant impact. **Please analyze the noise impact resulting from this use.**
- IV. (F) Parks, Day Use. This proposed ordinance does not specify the maximum number of people permitted to use the park. Any residential lot may have park facilities, so these proposed parks may be located very close to other residences. The proposed Noise ordinance **17.30.020** exempts " public parks, public playgrounds, and public or private school grounds" from the noise ordinance. This is a significant impact. **Please analyze the noise impact resulting from this use.**
- V. (G) Swimming Pools and Tennis Courts. This proposed change is vague and unclear. Under the proposed regulation, tennis courts would have no restrictions on their distance from residential areas. This is a significant impact. The term "swimming pool facility" may or may not include the parking lot and associated noise. No noise study is required if the facility is 501 feet or more from a residential zone, even if noise is above the permitted standards. If the noise analysis "shows that the noise levels will exceed the daytime standards of Chapter 17.37 (Noise Standards), a Conditional Use Permit shall be required in compliance with Section **17.52.020**. This would mean that a swimming pool or tennis court could operate above the daytime noise standards. Further, if the pool or tennis court is considered part of a public park, playground, or school, it would be exempt from the noise standard. This is a significant impact. Table **17.24.020** under the rows for Swimming Pool and Tennis Court does not match the text. **Please clarify these related policies. Please analyze the noise impact resulting from this use.**

O-1-316  
CONT.

Conclusion:

There are thirty three 'significant and unavoidable' impacts listed in Table 5-4 (dEIR, page 5-16). A single one of these impacts is sufficient cause for denial of the project. To approve the project, the County would have to find valid overriding considerations for each one of the 33 impacts listed. Such a statement of overriding considerations must be supported by a logical analysis of substantial evidence in the EIR or elsewhere in the record. (*Sierra Club v. Contra Costa County* (1992) 10 Cal.App.4<sup>th</sup> 1212.)

The significant and unavoidable impacts from the **Noise** section, as listed on page ES-14:

***NOI-1: Exposure of noise-sensitive land uses to short-term (construction) noise***

***NOI-2: Exposure to ground transportation noise sources as a result of the TGPA***

***NOI-3: Exposure to ground transportation noise sources as a result of the ZOU***

***NOI-4: Exposure of noise-sensitive land uses to fixed or non-transportation noise sources***

***NOI-5: Exposure to aircraft noise***

Additionally, this list cannot be considered complete until further information and analysis is provided per the dEIR comments, in order to fully ascertain the impacts of the extensive changes being proposed.

END SECTION COMMENTS

O-1-316  
CONT.

## **Population & Housing Element - Section 3.8 dEIR Review Comments**

Comments for this section are as follows:

- 1) The Project Description of the draft EIR, page 2-7, contains a footnote reference to the density increase for MFR (Multi Family Residential) under Policy 2.2.1.2. It reads:

*1 The prior proposal to increase the MFR density to 30 units per acre described in the NOP for the DEIR was based on the belief that this was necessary in order for the housing element to accommodate the county's fair share of the regional housing need. After adoption of the Housing Element in late October 2013 and its ratification by the California Department of Housing and Community Development later that year, it is clear that the density is not needed in order to meet state law. Therefore, that part of the project is no longer being pursued.*

The 'Regulatory Setting' section of the Population & Housing chapter of the draft EIR confirms this on page 3.8-2, for the MFR density increase. However, the other density increasing policies proposed are equally unnecessary for meeting state requirements, yet have not received similar notations. The further proposed density increases are as follows:

- increase minimum density for multifamily units from 5 units/ac up to 8 units/acre (Policy 2.2.1.2).
- increase maximum density for the R1 zone from 5 units/acre up to 8 units/acre (Policy 2.2.1.2)
- increase maximum density for mixed use in Community Regions from 16 units up to 20 units/acre (Policy 2.1.1.3)
- increase maximum density for mixed use in Rural Centers from 4 units up to 10 units/acre (Policy 2.1.2.5)

The existing 2004 General Plan (Introduction, page 2) states that "*The rural character of the County is its most important asset.*" Retaining the rural character of the county is a primary directive throughout the various policies of General Plan. The seemingly random yet purposeful proposal to increase the density in multiple zones is simply not in keeping with the existing General Plan.

**In accordance with CEQA Guidelines, section 15125, explain this inconsistency between the density increasing policies of the proposed project, and the primary goal of 'preserving our rural character' of the existing General Plan. Substantiate any perceived need to retain these proposed changes for increasing density.**

**Additionally, if these proposals are not to be omitted, provide the appropriate impact analysis that is missing, including:**

- a. **a complete accounting of the additional units possible under each category**

O-1-317

- b. **the increased population that could potentially result from the increased density proposed**
- c. **a table quantifying the results**
- d. **a qualitative analysis of those impacts. "An EIR on a project such as the adoption or amendment of a comprehensive zoning ordinance or a local general plan should focus on the secondary effects that can be expected to follow from the adoption or amendment." (CEQA Guidelines, sec. 15146, subd. (b).)**

O-1-317  
CONT.

- 2) The projected growth assessment from mixed use development is incorrect on page 3.8-3 of the 'Environmental Setting' section in the Population & Housing chapter. It states:

*"The only area projected to see a substantial net increase in dwelling units as a result of the mixed use development is the El Dorado–Diamond Springs Community Region. It is projected to have a net increase of approximately 257 dwellings over the next 20 years from mixed use developments."*

This assessment has neglected to account for Town Center in El Dorado Hills. There are a number of vacant parcels there, and the Specific Plan allows for mixed use. One current project is proposing 250 units under a mixed use application on one of the parcels, and it has not been accounted for in the cumulative projects for the draft EIR, or as potential multi-family here in the subject section.

O-1-318

The El Dorado-Diamond Springs growth is listed as 'substantial' at 1% in 20 years. The Town Center project would add that same projected 1% growth in 2 years rather than 20, in *addition* to the Diamond Springs growth.

"A prejudicial abuse of discretion occurs if the failure to include relevant information precludes informed decisionmaking and informed public participation, thereby thwarting the statutory goals of the EIR process." (*Kings County Farm Bureau et al. v. City of Hanford* (5th Dist. 1990) 221 Cal.App.3d 692, 712.)

- a. **revise the Environmental Setting to include the vacant land in Town Center, and any others that may have been overlooked (Serrano has some as well)**
- b. **include the Town Center apartments project under the Cumulative Impacts**
- c. **Conduct a thorough review of each Community Region and Rural Center for potential mixed use sites relative to the zoning ordinance revisions for expanded uses.**
- d. **present the results quantitatively, perhaps in tabulated form.**
- e. **provide a graph showing the rate of projected growth**

"Knowledge of the regional setting is critical to the assessment of environmental impacts.... The EIR must demonstrate that the significant environmental impacts of the

proposed project were adequately investigated and discussed and it must permit the significant effects of the project to be considered in the full environmental context." (Guidelines, § 15125, subd. (c).) We interpret this Guideline broadly in order to "afford the fullest possible protection to the environment." (*Kings County Farm Bureau, supra*, [221 Cal.App.3d 692](#), 720.) In so doing, we ensure that the EIR's analysis of significant effects, which is generated from this description of the environmental context, is as accurate as possible." (*Friends of the Eel River v. Sonoma County Water Agency* (2003) 108 Cal.App.4<sup>th</sup> 859, 874.)

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CONT.

- 3) There is a very limited analysis provided for the increased density revisions to Policies 2.1.1.3 and 2.1.2.5 regarding mixed use densities. The impact analysis says there will be "limited practical effect" due to the limited number of mixed use parcels and lack of sewer.

From page 3.8-3:

*The project's proposed increase in maximum density for mixed use projects could slightly increase the estimated capacity under the General Plan. However, the relatively limited number of parcels that are available for mixed use development, their small size, and the lack of sewer service in many parts of the County limit the practical effect of this higher density potential on the projected number of residences.*

O-1-319

This section indicates that there is a limited number of mixed use parcels in general, and that lack of public sewer available to them is a further limiting factor. In reality, the number of parcels available for mixed use would be greatly increased with the expanded uses in the zoning update: Commercial zones would have residential included for mixed use; multifamily would have commercial uses allowed, etc.

Additionally, El Dorado County has repeatedly waived the requirement for public sewer in Community Regions. Some Examples are the LDS Church on Green Valley Rd, and the Springs Equestrian project also on Green Valley Rd, and a number of shopping centers in the Placerville area. The point is that non-availability of public sewer is not necessarily a limiting factor in EDC. Note too, that another proposed change in the TGPA is the elimination of the requirement for public sewer. Basically, *this is not a limiting factor.*

**Please provide a delineation of all zones - existing and newly created - in which mixed use will be possible**

- a. **quantify the proposed density increase for mixed use parcels AND**
- b. **quantify the proposed density increase relative to the expanded mixed use potential in existing commercial projects**
- c. **quantify the proposed density increase potential in existing multifamily projects**

Remember that, "The courts have favored specificity and use of detail in EIRs." (Whitman v. Board of Supervisors (2d Dist. 1979) 88 Cal.App.3d 397, 411 [151 Cal.Rptr. 866].) In Whitman, the Court found that the discussion of cumulative impacts lacked "even a minimal degree of specificity or detail" and was "utterly devoid of any reasoned analysis." The document relied on unquantified and undefined terms such as "increased traffic" and "minor increase in air emissions".

O-1-319  
CONT.

- 4) The Zoning Ordinance Update includes expansion of uses within most zones, including residential into Commercial zones for mixed use. Clarification is needed to understand which Commercial zones are intended to allow the inclusion of residential for mixed use. The ZOU section 17.40.180 points to table 17.22.020 to identify the applicable zones, yet the table then points back to the referencing section, 17.40.180. The extent is not actually spelled out anywhere, so the assumption must be made that all commercial zones are subject to mixed use potential. This is not a "limited number".

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**Please clarify all zones which will potentially allow mixed uses and provide full analysis of the possible increase in housing units and relative population due to this expansion. Then recirculate the DEIR for public comment. (Re DEIR recirculation see: CEQA Guidelines, sec. 15088.5; *Mountain Lion Coalition v. Fish and Game Com.* (1989) 214 Cal.App.3d 1043 [The draft EIR was so fundamentally inadequate and conclusory in nature that meaningful public review and comment were precluded].)**

- 5) Policies 2.2.3.1, 2.2.3.2, and 2.2.3.5 are being revised to reduce/eliminate the 30% open space requirements associated with Planned Development applications, and promote infill and mixed use.

From draft EIR page 3.8-7:

*Policies 2.2.3.1, 2.2.3.2, and 2.2.5.4 would be amended to revise the 30% open space requirement for Planned Development to exempt certain types of residential development from that requirement and to allow high-density residential planned developments to provide for half of their 30% open space requirement in private yards. The effect of these amendments would be to marginally increase the potential density on those properties that would no longer be subject to the 30% open space requirement. This would include: residential Planned Developments consisting of five or fewer lots or dwelling units; infill projects within Community Regions and Rural Centers on existing sites 3 acres or less in area; Multi-Family Residential developments; and Commercial/Mixed Use developments. It is not possible to estimate the number of additional residences that might be built as a result of this change—there are too many variables to support more than speculation. However, given that the amendment*

O-1-321



would allow the entire site to be developed, it is reasonably foreseeable that there would be situations where the amendments would result in an increase in the number of residences built on a qualifying parcel. In light of the potential for residential development under the General Plan provisions absent these policy amendments (i.e., up to an additional 20,000 residential units), the number of additional residences that could result from implementation of the amendments is not expected to be a substantial increase.

Simple logic dictates that less open space means more area is available for building, and the conclusion regarding a lack of increase is wholly unsubstantiated. The golf course rezone and Town Center hotel parcel are multifamily infill within the Community Region. They are currently proposed for 1000 and 250 units respectively, which is not insignificant.

**Infill sites should be easy to identify and quantify. Please provide more information:**

- a. **Provide a quantified analysis for these policies, including locations and sizes of likely infill parcels in all Community Regions and Rural Centers**
- b. **The conclusion, that because there are "too many variables" the number of additional residences is insubstantial, is erroneous. The policy must be better defined if necessary and the number of variables reduced in order to analyze the impact.**

6) Policies 5.2.1.3 and 5.3.1.1 omit the requirement for connection to public water and sewer within Community Regions or Rural Centers for High Density Residential, Multi Family, Commercial and Industrial zones.

From the draft EIR page 3.8-8:

*"The proposed changes to Policies 5.2.1.3 and 5.3.1.1 would relax the current requirement that higher intensity development connect to public water and wastewater disposal systems, instead allowing development to proceed without connecting to public systems when public systems are not reasonably available. These changes would allow some development of parcels where it might not currently take place because of complications in connecting to public services. However, these parcels would continue to be limited by physical site constraints including availability of reliable groundwater supplies and ability to meet the building code requirements for individual septic system leach fields. Where reliable groundwater supplies are limited or the size of the site would not accommodate a large leach field, the resultant development would typically be of lower intensity than could be supported by public water and wastewater disposal systems. This practical limitation is reflected in existing Policy 5.2.3.5 which limits*

*residential density to one dwelling per five acres (i.e., a 5-acre minimum parcel size if proposed for subdivision) if the project is groundwater dependent. The effects of these policy changes therefore would not be expected to substantially change population growth associated with implementation of the General Plan.*

The statement that "these parcels would continue to be limited by physical site constraints" is a false assertion. And the follow up conclusion that "the resultant development would typically be of lower intensity than could be supported by public water and wastewater disposal systems" is either disingenuous or not well thought out: if it were true there would be no point in changing the policy.

**An actual analysis must be made under the assumption that the subject parcels this policy would apply to would be able to be developed.**

- a. Provide a list of the targeted parcels in the Community Regions and Rural Centers along with a map showing their locations**
- b. Provide projected density and population increase potential based on the data under (a).**

7) The policy 7.1.2.1 revision eliminates the 30% slope development restriction. This was not evaluated for its impact on Housing & Population. However, because this county is in the foothills with significant areas of slope, the buildable area in the county can reasonably be expected to be increased.

**Additional Information is needed:**

- a. The potential increase in developable area should be quantified using slope maps, and**
- b. the corresponding increase in potential housing and population should be determined from the area accounted for in a)**
- c. an analysis using actual numbers rather than a generic descriptive word such as 'substantial' or 'insubstantial' must be provided**

Remember, the project description must include "precise boundaries" of the project on a "detailed map, preferably topographic." (See CEQA Guidelines, sec. 15124, subd. (a).) For this part of the project, that would be a map of areas of the county with private land over 30% slope. After completing tasks a through c, then recirculate the DEIR for public comment. (Re DEIR recirculation see: CEQA Guidelines, sec. 15088.5; *Mountain Lion Coalition v. Fish and Game Com.* (1989) 214 Cal.App.3d 1043 [The draft EIR was so fundamentally inadequate and conclusory in nature that meaningful public review and comment were precluded].)

O-1-322  
CONT.

O-1-323

- 8) Proposed new policy 2.4.1.5 "encourages" infill development, yet there is no impact analysis included in the draft EIR. The rationale for not analyzing this change is based on the fact that the allowable development intensity is "fixed". This is a flawed assumption, considering the substantial revisions to the zoning ordinance allowing expansion of uses, and the multiple zone districts proposed for density increases.

From page 3.8-8

*"Proposed new Policy 2.4.1.5 promoting infill development would encourage development within existing communities when at least two parcels adjacent to the proposed development site are already developed. This Land Use Element policy is consistent with the Housing Element's infill implementation measure and reinforces existing policies that focus new development in Community Regions and Rural Centers. Because this policy would not expand on the allowable development intensities under the General Plan it is not expected to induce substantial population growth."*

The golf course rezone on EDH Blvd, and the Town Center apartment project are infill projects proposed within the Community Region. They are currently proposed for 1000 and 250 units respectively, which is not insubstantial.

**More information is needed:**

- a. Provide a listing with corresponding maps of all potential infill parcels.
- b. Review the surrounding parcels for zoning ordinance changes impacting them
- c. Analyze the subject parcels for zoning changes applicable to them.
- d. Provide overall analysis and projections of potential density increases to housing & population based on the review of a) through c), combining the impact of this new policy with the multiple zone changes.
- e. specific policy verbiage must be provided in order to more fully evaluate the impact

- 9) The actual impact of the proposed county-wide rezoning that is presumably for 'consistency' has been minimized and analysis deemed unnecessary. This is inaccurate and unsubstantiated.

From page 3.8-5:

*"Zoning Ordinance Updates*

*The project includes rezoning of individual parcels throughout the county as needed to make the zoning classifications on each property consistent with the property's General Plan designation. Where there is more than one zone classification that would be consistent with the General Plan, these changes generally adopt the least intensive of those zones. The residential development potential of the parcels is currently determined by the residential densities established in the General Plan. The rezonings would not change the residential*

O-1-323  
CONT.

O-1-324

development potential. As a result, the rezonings would have no incremental effect on the potential for residential development. This component of the ZOU would have no impact on existing population and housing and is not discussed further."

It is incorrect that the least intensive zone achieving consistency is proposed to be adopted for these parcels. It is also erroneous that these rezones have no incremental effect. Typically, a rezone to a higher intensity use (i.e.: R2A to R1A) would have a discretionary review to evaluate impact and compatibility, because 'consistency' does not equal 'entitlement'. But after a rezone is granted, a tentative map review does not consider the impact of increasing density as part of its discretionary review. On the subject parcels to be rezoned under the TGPA, there will be no site specific evaluation or noticing for public review to owners of neighboring parcels.

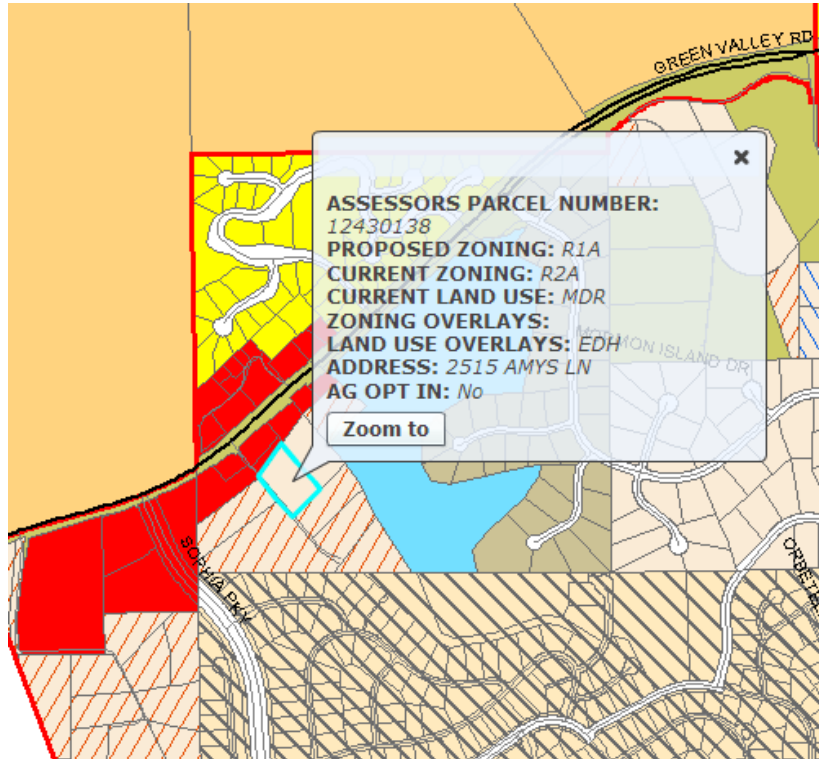
An example of a 'density equivalent' zone designation might be an RE10 parcel changed to RL10. Another would be AE to RA20, since both have minimum lot sizes of 20 acres. A change from either RE20 or AE, to an RL10 designation, is NOT equivalent, and cannot be considered as 'no impact'. Any changes that are not the 'equivalent' in resultant zoning density or type of use must require site specific review. They must also be analyzed for the effect on potential housing and population increase or decrease.

Specific examples of parcels to be changed are documented here (below), but note that these are only a sampling and do not represent a comprehensive list in any way. There are over 37,000 parcels proposed to receive a new zoning designation, out of approximately 108,000 parcels in the County, or 34 percent.

**examples of density increases not necessary for consistency follow:**

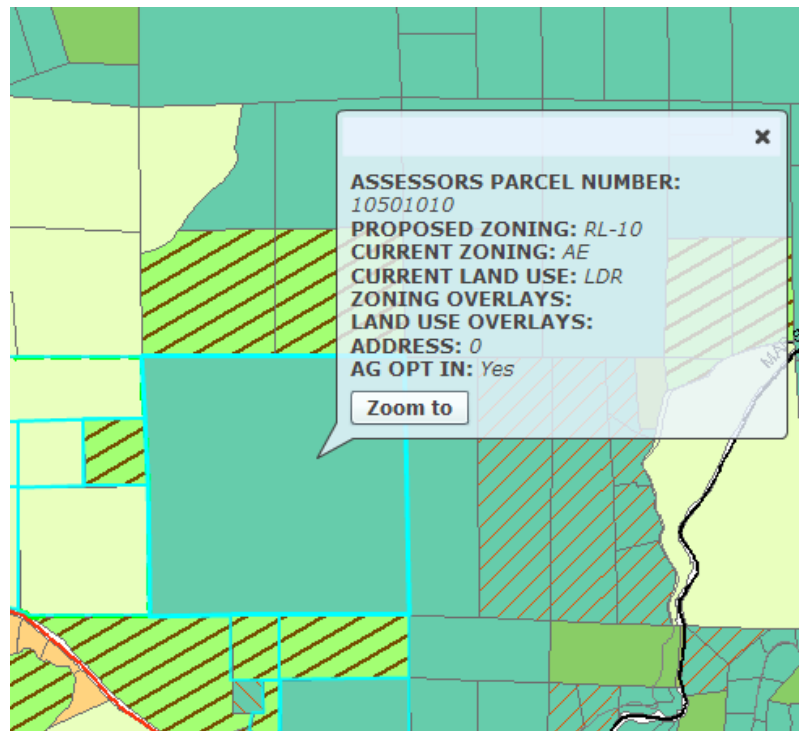
APN 124-301-38 & 37 (across from the Purple Place in EDH) changing from R2A to R1A in MDR for a 50% density increase.

O-1-324  
CONT.



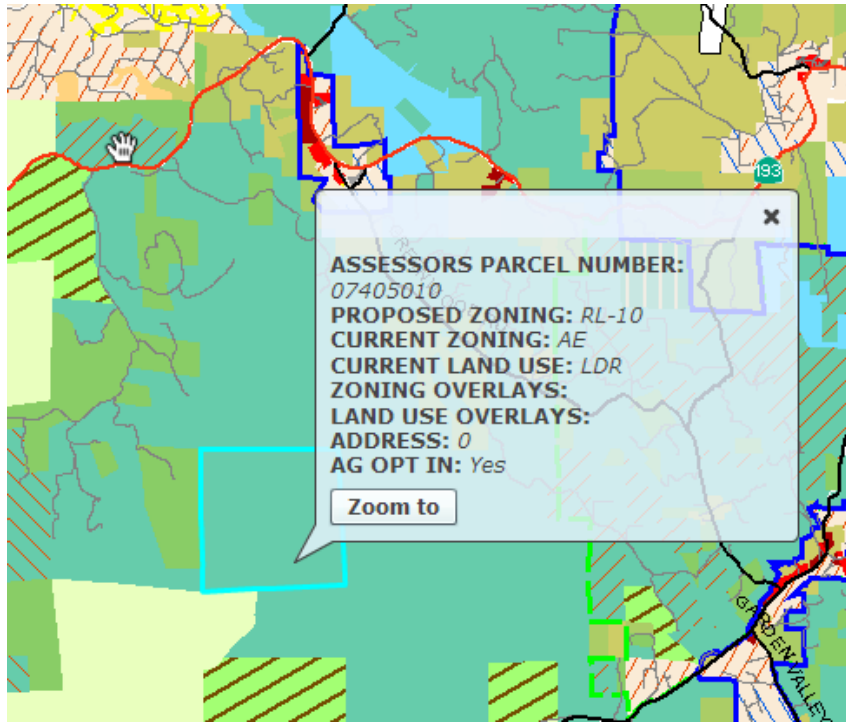
APN 105-010-10 is zoned AE with proposed change to RL10 (640acres), for a 50% increase in development potential. However, RL20 would retain similar density, and would be consistent under the existing matrix. The adjacent parcel is proposed for AG40.

O-1-325



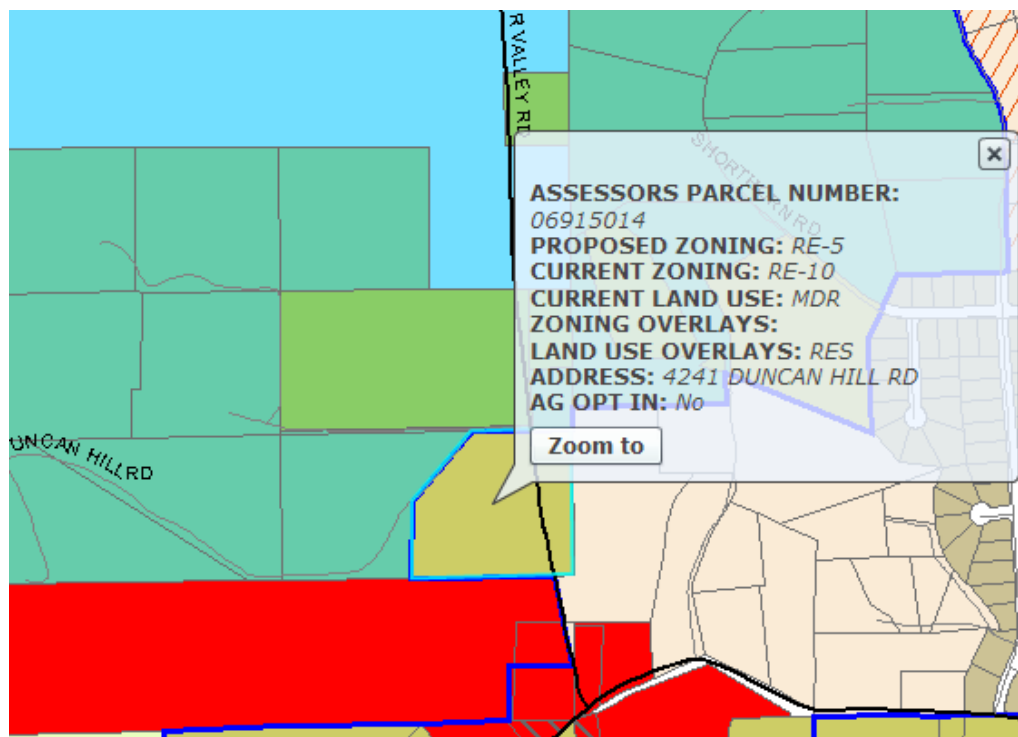
APN 074-050-10 AE changing to RL10 (640ac) (50% density increase). A change to RL20 would be equivalent density and would be consistent under the existing land use matrix.

O-1-326



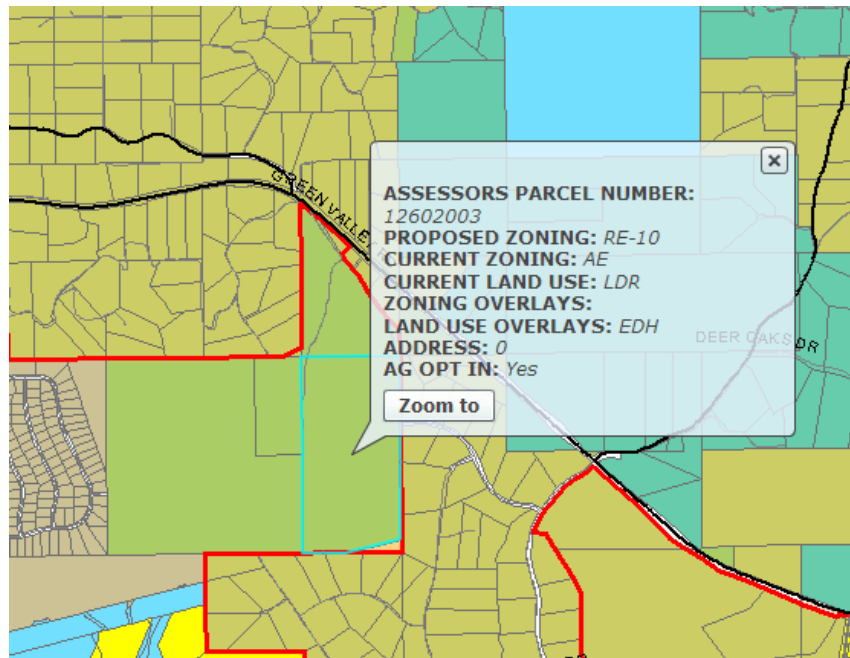
APN 069-150-14 RE10 to RE5 (MDR) - a change of Land Use designation to LDR would also achieve consistency, would fit with adjacent parcels, and would not have the effect of increasing the potential density without a site specific review.

O-1-327



Proposed developments of Dixon Ranch & San Stino are more examples of automatic rezoning from Agriculture, to RE10 (126-020-03 shown is one of the parcels affected). Alternatively, the zoning could be changed to RL20 to stay in keeping with minimum 20 acre parcels and equivalent density.

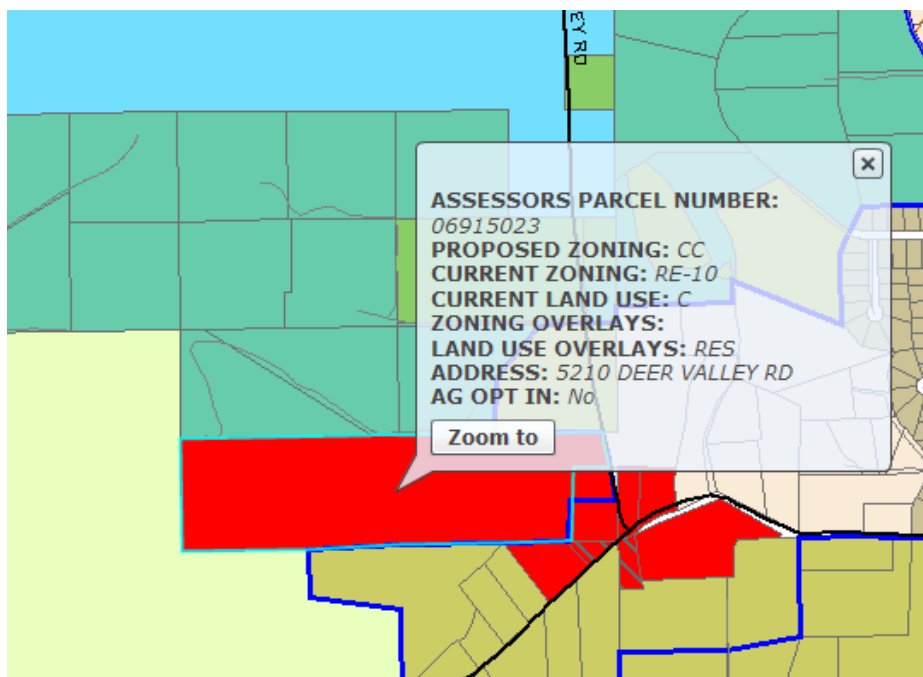
O-1-328



**change of use (residential to commercial):**

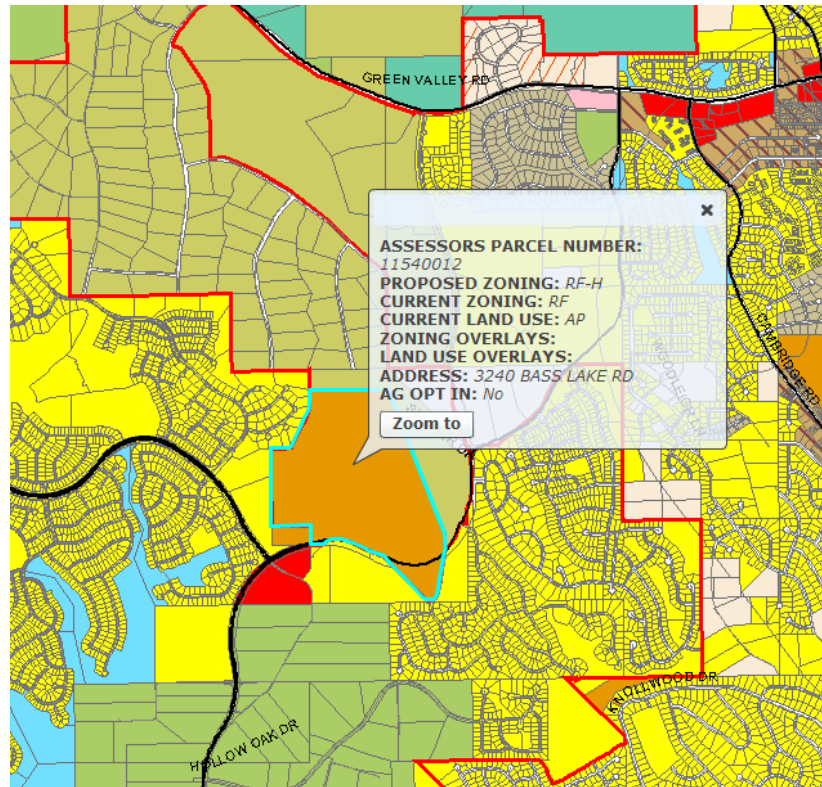
APN 069-150-23 RE10 to CC - this parcel is outside the Rural Center, but is being changed to Commercial use for the sake of consistency with its General Plan designation. The uses thereby allowed by right will have an impact on the surrounding area, but will not have received a site specific review. Would a large retail use create a housing surge in the immediate area?

O-1-329



The parcel containing Bass Lake (115-400-12) is currently passive open space. The project proposes a change to Recreational 'High' zoning, which is NOT equivalent, and would not be allowed under the EIR applicable to the parcel.

O-1-330



Bass Lake is covered under the EIR for the EDH Specific Plan, and should not be rezoned at all through the TGPA process, according to page 2-2, Section 2.2, of the draft EIR. Without a site specific review under a Specific Plan amendment, this parcel should not be changed.

O-1-331

**Partial Mitigation:** As mitigation for the 'surprise impact' of these changes upon unknowing residents adjacent to these parcels, a complete list of the parcels proposed for change should be provided to the public, and anyone adjacent to a parcel subject to zone change should be notified by mail of the specifics. *There has not been individual noticing to date.*

O-1-332

**Additional information and analysis is required:**

- a. Enumerate all of the zone changes in a list, sorted by zone designation.
- b. Quantify the acreage being converted from each zone designation.
- c. Analyze the impact on housing and population, within the different regions (Community Region, Rural Center, Rural Region)
- d. Clarify the changes with 'before' and 'after' maps.
- e. Changes from residential zoning to commercial or industrial zoning within the Rural Regions must be reviewed individually for potential uses, to

O-1-333



determine if there will be incentive for substantial housing increase in the immediate surrounding area.

- f. Additionally, e) must be evaluated for loss of residential housing, particularly multifamily.
- g. Any changes from commercial to residential must be evaluated for density and an overbalance of housing to jobs.

O-1-334

- 10) Policy 2.2.4.1 is being revised to change the density bonus calculation, in part to include the areas of greater slope now proposed to allow development. APAC expressed this concern in the NOP comments regarding the population balance in Community Regions, but this was not addressed in the dEIR analysis.

**Greater density is anticipated, and quantitative analysis must be provided that links these two policies (increased development on slopes with increased density bonus).**

O-1-335

Remember, "An agency may not ... [treat] a project as an isolated 'single shot' venture in the face of persuasive evidence that it is but one of several substantially similar operations." (Whitman v. Board of Supervisors (2d Dist 1979) 88 Cal.App.3d 397, 408, quoting Natural Resources Defense Council v. Callaway (2d. Cir. 1975) 524 F.3d 79, 88.)

- 11) Changes to Table 2-1 propose expansion of Commercial and Industrial zones into Rural Regions. This has not been acknowledged or analyzed in the draft EIR, as demonstrated on page 3.8-7.

From 3.8-7:

*The TGPA would revise certain General Plan policies, but would not substantively change the planned locations of future development and related growth.*

O-1-336

**There is potential for significant 'rearrangement' of areas of growth caused by proposing commercial expansion into the Rural Regions. This could result in unintended but significant encouragement of residential growth in the rural areas surrounding these parcels. Additionally the dynamics of the displacement of residential land should be evaluated. Analysis should be both general as well as address specific targeted areas for the potential impacts. See number 9 above.**

- 12) Policy 2.2.1.2 MFR is proposed for a revision allowing single family units in place of multifamily.

**This displacement of multifamily housing must be analyzed for the whack-a-mole affect, both in general terms and specifics. Where will replacement area**

O-1-337

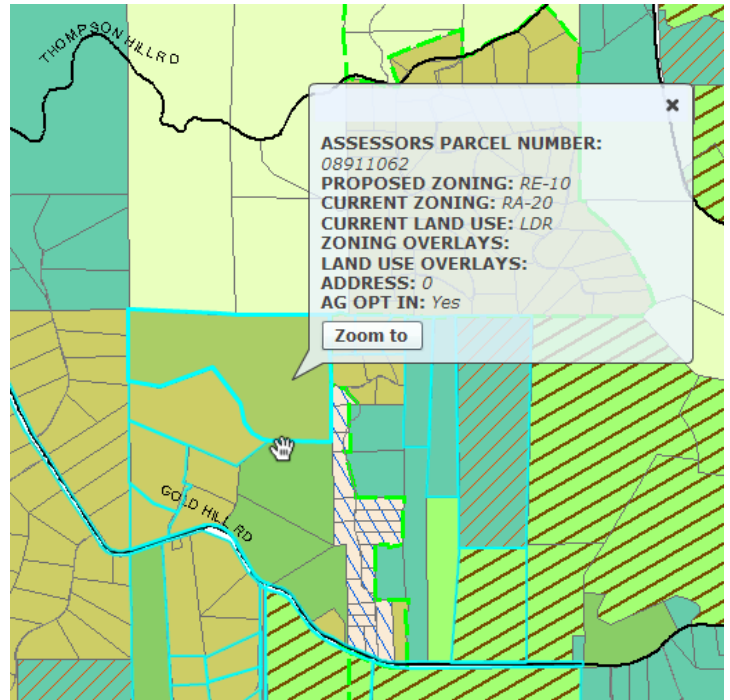
|                                                                                                                                                                                                                                                                                                                                                                                                                                                                                            |                          |
|--------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------|--------------------------|
| <p><b>for true multifamily residential be located, and what will be the affect on the surrounding area &amp; infrastructure &amp; services in those areas.</b></p>                                                                                                                                                                                                                                                                                                                         | <p>O-1-337<br/>CONT.</p> |
| <p>13) There is no reference to, or discussion of, policy 2.5.2.1 which omits the restriction of the residential component in mixed use to the 2nd floor, meaning the residential component would be allowed on the 1st floor. This is being proposed in Town Center for the EDH Apartments, with the commercial component being located elsewhere, "off site".</p> <p><b>The impact must be quantified in terms of lost commercial as well as the overbalance of housing to jobs.</b></p> | <p>O-1-338</p>           |
| <p>14) Policy 2.2.1.2 is being revised to allow 100% residential component in mixed use, and/or to allow the residential component to precede the commercial.</p> <p><b>This revision must be reviewed and analyzed alongside the policy 2.5.2.1 change, relative to the housing to jobs balance.</b></p>                                                                                                                                                                                  | <p>O-1-339</p>           |
| <p>15) Policy 2.2.1.2 proposes increase in <i>minimum</i> density in the multifamily zone district, from 5 units/ac up to 8 units/ac. This is a huge percentage increase that has not been analyzed generally, or for specific targeted sites.</p> <p><b>Please provide quantifying information and analysis.</b></p>                                                                                                                                                                      | <p>O-1-340</p>           |
| <p>16) Policy 2.2.1.2 proposes to allow mixed use into multifamily zones, with commercial preceding the residential component. The displacement of multifamily housing could upset the balance in the housing element, causing state required multifamily housing to be accommodated elsewhere, in possibly inappropriate locations.</p> <p><b>Please provide analysis of potential impact.</b></p>                                                                                        | <p>O-1-341</p>           |
| <p>17) Regulation of building intensities (FAR and impervious surfaces; Table 2-3) is proposed for relocation to the ZOU, section 17.22.030. The Floor Area Ratio limit within the business park (R&amp;D) has been removed, as well as the 'impervious surface' limit for multifamily residential.</p> <p><b>The effect on the business park population, corresponding housing in the immediate area, and impact on overall county population must be evaluated, quantitatively.</b></p>  | <p>O-1-342</p>           |

- 18) Increase in density of HDR to 8 units per acre has not been evaluated for effect on population & housing.

**This could potentially result in a substantial increase in population within the CR's, effecting available services and infrastructure and growth projections. Quantify the potential increase in density relative to both the Community Regions and to the county overall, and provide analysis.**

O-1-343

- 19) Regarding the changes proposed for Table 2-2 consistency:  
As proposed, consistency is being achieved by rezoning parcels that have 20 acre minimum lot requirements within the LDR land use, down to a zone that has 10 acre minimum lot requirements. The net effect is a significant increase in density without individual public review of those parcels, and this increase must be evaluated and quantified in the draft EIR, for the potential increase in housing and population (see item 9).



Example: APN 089-110-62

As an alternative method for achieving the same goal of 'consistency', the LDR definition could be modified rather than the table, to allow zoning for 20 acre minimum sized parcels to remain within the Low Density land use designation, as they exist now, with no changes.

See underscored text below:

*"Low-Density Residential (LDR): This land use designation establishes areas for single-family residential development in a rural setting. In Rural Regions, this designation shall provide a transition from Community Regions and Rural Centers into the agricultural, timber, and more rural areas of the County and shall be applied to those areas where infrastructure such as arterial roadways, public water, and public sewer are generally not available. This land use designation is also appropriate within Community Regions and Rural Centers where higher density serving infrastructure is not yet available. The maximum allowable density shall be one dwelling unit per 5.0 acres. Parcel size shall range from 5.0 to 10.0 60 acres..."*

O-1-344

**Both alternatives (modifying text vs. modifying the table) should be analyzed for the affect on population density and the additional housing potential, as well as its impact on available services and infrastructure.**

- a. Please evaluate the impact of changing all AE and RE20+ zones countywide to 10 acre minimum zones (RL10, RA10, PA10) with the LDR General Plan designation, as proposed**
- b. Please evaluate the impact of revising the LDR definition to increase the parcel size range from 5.0 - 60 acres, or greater.**
- c. Provide a comparison and analysis of a) and b).**

**Please also provide the number of people who will not have been notified of the individual changes that are being proposed on parcels adjacent to them, who WOULD have been notified as required under a typical discretionary Zone Change application. This is a specific number of people, easily quantified by the 500' notification requirement for each of the parcels being rezoned via this process. This social effect will be a useful means of estimating the magnitude of the significance of the impact on the environment from the proposed project. (CEQA Guidelines, sec. 15131, subd. (b).)**

- 20) TGPA adds the General Plan Goal 2.1.4 of "opportunity areas" for infill development, to encourage development of vacant areas. APAC expressed concern in the NOP regarding the additional density per acre exceeding the population balance for Community Regions, but no analysis has been provided. They suggested the possible addition of verbiage requiring that 'infrastructure must already be in place', and this has also not been addressed. Both should be analyzed.**

- a. Provide map locations and/or parcel numbers for specific sites targeted for infill under new General Plan Goal 2.1.4.**
- b. Quantify the potential increase in density on these sites, where development is being encouraged, taking into consideration the increased density changes proposed under the various zones**
- c. Evaluate the effect of adding verbiage as suggested by APAC in the comments section.**

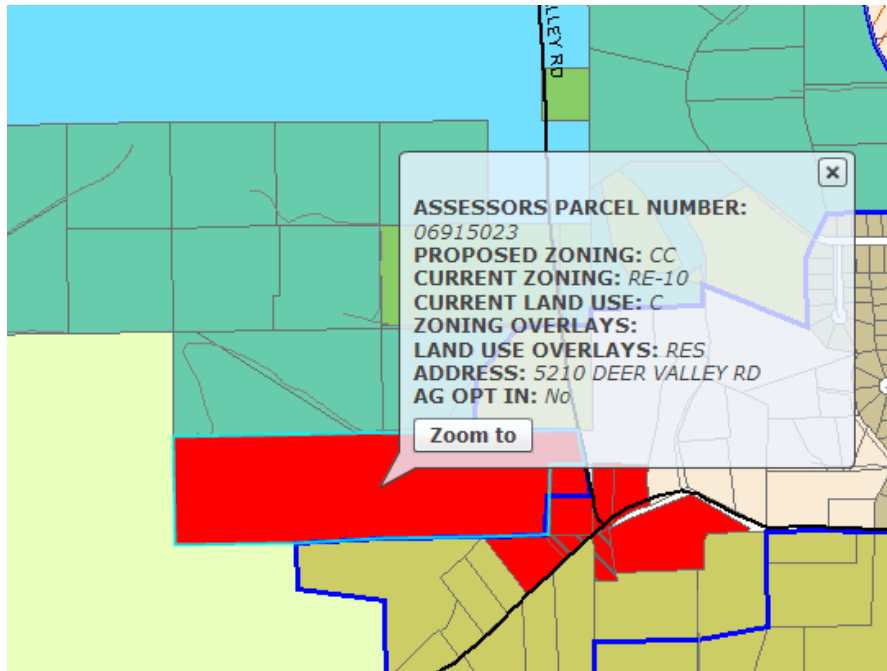
Note that many of the comments above identify the potential for the proposed project to have significant impacts by promoting additional housing development. (E.g., Comments numbered 1 thorough 10, 13 through 15, and 18 through 20.) "[T]he EIR must discuss growth-inducing impacts even though those impacts are not themselves a part of the project under consideration, and even though the extent of the growth is difficult to calculate." (*Napa Citizens for Honest Government v. Napa County Board of Supervisors* (2001) 91 Cal.App.4<sup>th</sup> 368.)

O-1-344  
CONT.

O-1-345

21) Table 2-1 and Policy 2.2.1.2 will expand Commercial and Industrial zone designations into the Rural Regions. The potential impact has been minimized and not analyzed for its impact on housing and population in the immediate area surrounding these sites.

A site specific example is APN 069-150-23. If for example, a Costco were to go here, the potential impact on housing and population in the immediate area would be substantial:



O-1-346

**Provide an accurate quantitative analysis of the number and size of parcels proposed to be changed automatically for "consistency", provide projections for sites with potential to change, and provide analysis based on the projections for a potential impact due to either increased or decreased housing opportunities.**

22) Policies 2.2.5.4, 2.2.3.1 & 2.2.3.2 reduce and eliminate open space and would allow in-lieu fees to replace open space. The impact analysis is speculative, with no quantifying data, and includes an assertion that additional units will be insubstantial because the General Plan is already adding 20,000 more units. This is wholly inadequate.

**Additional information is needed:**

O-1-347

- a. Review previously approved Planned Developments in the county and consider how their density would otherwise have increased under this policy, to develop a historical reference that could be used for comparison.
- b. Consider the possibility that any already existing developments could make changes to their current configuration to reduce open space and add more units under the new policy
- c. Consider both a & b with the addition of the density increases being proposed under policies 2.2.1.2, 2.1.1.3, and 2.1.2.5.
- d. Consider the significance of the impact of the 20,000 units not relative to the whole county, but primarily relative to the Community Regions and Rural Centers where this development would occur.
- e. Provide quantifying data and analysis taking a) through d) into account.

O-1-347  
CONT.

Note that it is impermissible to attempt to trivialize the significance of the impacts of the proposed project by comparing it to the magnitude of the impacts of the existing general plan (i.e. the 20,000 additional units). This ratio method of impact analysis has been repeatedly disapproved by the courts. (See discussion in *Los Angeles Unified School Dist. v. City of Los Angeles* (1997) 58 Cal.App.4th 1019, 1025 – 1026.) The relevant analytical question is will the additional units spawned by the proposed project considerably contribute to the cumulative impacts of past, present, and probable future development?

Furthermore, remember that the more severe the existing environmental problems are, the lower the threshold for treating the project's cumulative impacts as significant. (*Kings County Farm Bureau et al. v. City of Hanford* (5th Dist. 1990) 221 Cal.App.3d 692, 718-721.) Thus, the fact that the general plan is going to thrust 20,000 units worth of impacts on the county makes is more likely (not less likely) that the additional impacts of the proposed project will be cumulatively significant.

**23)** Page 5-10 includes the premise that "*The project would not substantially change the population projections under the existing General Plan.*" and concludes "*Consequently, the project's contribution to the cumulative impact on population and housing would be significant and unavoidable*" because that is how it was assessed in the 2004 General Plan.

O-1-348

The project is being compared to the existing General Plan rather than to existing conditions. This is contrary to the conclusion discussed under item 24. Normally, the existing setting serves as the baseline condition against which the impacts of the proposed projects are measured. (CEQA Guidelines, sec. 15125, subd. (a).) The County bears the burden of articulating a justification for varying from this norm. (*Neighbors for Smart Rail v. Exposition Metro Line Construction Authority* (2013) 57 Cal.4th 439.)

Furthermore, the basic premise is incorrect. The following list identifies possible causes for an increase in population over that anticipated in the existing General Plan, which must be evaluated. Consider this list as a starting point, and not necessarily a comprehensive list:

- a. Proposals to increase density allowed in specific zones under policies 2.2.1.2, 2.1.1.3, and 2.1.2.5
- b. Expansion of Residential uses into Commercial zones to create mixed use
- c. the expansion of Commercial into the Rural Regions creating new residential 'hubs' must be evaluated for potentially inducing growth
- d. the unequal density swap in the rezoning of individual parcels countywide for purposes of 'consistency' (see item 9)

O-1-348  
CONT.

24) While the TGPA is indeed limited and targeted, the ZOU is not. This paragraph from page 3.8-4 downplays the fact that the Zoning Ordinance Update is such a comprehensive overhaul that the authors were unable to provide the public with a final strike-out version.

An accurate and complete project description is necessary to fully evaluate the project's potential environmental impacts. (*El Dorado County Taxpayers for Quality Growth v. County of El Dorado* (App. 3 Dist. 2004) 122 Cal.App.4<sup>th</sup> 1591.) A description of the project is an indispensable component of a valid environmental impact report under CEQA. (*Western Placer Citizens for an Agricultural and Rural Environment v. County of Placer* (App. 3 Dist. 2006) 144 Cal.App.4<sup>th</sup> 890.)

O-1-349

**The description of the ZOU must be revised in the EIR to give a true characterization of the scope of the changes. Then recirculate the DEIR for public comment. (Re DEIR recirculation see: CEQA Guidelines, sec. 15088.5; *Mountain Lion Coalition v. Fish and Game Com.* (1989) 214 Cal.App.3d 1043 [The draft EIR was so fundamentally inadequate and conclusory in nature that meaningful public review and comment were precluded].)**

25) The 'key' changes listed under Impact Mechanisms (below) leave out the new zones created as well as the expansion of uses within existing zones, which are a substantial element of the revisions.

*Impact Mechanisms*

*The TGPA is proposing a limited number of amendments to the 2004 General Plan; the ZOU is an update of the County's existing Zoning Ordinance. The key changes—which include changes to policies pertinent to the residential density of mixed use projects, open space, infill development, connections to public water*

O-1-350

*and wastewater systems, and hillside development standards—are listed below. Existing conditions are the baseline against which the significance of the project's potential impacts is evaluated. Therefore, the reasonably foreseeable impacts of the TGPA and ZOU are compared to the existing environment and not to the provisions of the existing General Plan and Zoning Ordinance*

O-1-350  
CONT.

**The impacts in many cases are not compared to the existing environment as stated, but rather to the existing General Plan, as shown in item 23). The same statement is made on 3.8-5 under 'Method of Analysis'. Please select proper baseline conditions for impact analyses, and revise all of these references for consistency (as needed).**

- 26) The impact of proposed ordinance 17.40.120C does not include restrictions for small lots, and has not been evaluated relative to housing and population.

*C. Agricultural Employee Housing*

*1. A residential structure providing accommodation for six or fewer agricultural employees shall be considered a single-unit residential use and shall be allowed by right in any zone that permits single-unit residential uses.*

O-1-351

**Provide quantitative analysis of the potential impact of adding this policy. Look at the Community Regions and Rural Regions separately, as well as together. Note that the Community Regions have parcels with small farm ability and cannot be excluded. Additionally there is no restriction on providing this housing off site, so any parcel will have this capability whether it is designated for agricultural use or not. This could be a substantial impact.**

- 27) Page 3.9-32 presents the assumption that 26,000 jobs are to be created in the next 20 years, when only 44,000 have been created since the 'dawn' of El Dorado County.

**Provide some substantiation of this expectation. "The EIR shall cite all documents used in its preparation including, where possible, the page and section number." (CEQA Guidelines, sec. 15148.) Also, please evaluate where these jobs are to be created, and the type of income they are expected to generate (low-medium-high) to determine the type of housing that will be needed to accommodate that growth.**

O-1-352

- 28) Any of the proposed increases in density result in increased population as discussed in comments 1-26, and must be evaluated for the impact on schools countywide. The EDH area is already suffering impacted attendance at Oakridge High School and is projected to grow 2% in the next 2 years.

O-1-353

**Provide quantitative analysis of impact on schools**



- 29) The adopted Housing Element differs in projected housing and jobs than what is presented in the dEIR. Note that the pursuant to the Government Code, the general plan is required to be internally consistent. If the jobs and housing projections that are the basis of the TGPA are not reconciled with the projections used in the housing element, then adoption of the TGPA will render the General Plan internally inconsistent.

In addition, the jobs housing balance sought in the Housing Element is an important mitigation to avoid traffic congestion and air pollution impacts otherwise resulting from development under the general plan. Thus, the TGPA's inconsistency with the Housing Element is considered a significant impact under CEQA. (See, Initial Study Checklist, TGPA/ZOU DEIR, Appendix A, p. 2-28.) If the TGPA remains inconsistent with the Housing Element, the EIR must disclose this impact.

O-1-354

**Please explain & reconcile.**

**BAE report 2013, Table 5: Projected jobs 16,000 and projected new homes 16,000.**

**dEIR Table 3.9-6: 21,000 new homes and 27,000 new jobs are projected. (Scenario 1 is existing 2010 conditions/ Scenario 6 is 2035)**

- 30) Policy 2.5.2.1 could result in "intensification of development" and "an increase in allowable development intensity" according to table 3.1-2. This has not been acknowledged or mentioned in the Population and Housing section.

O-1-355

**Please provide quantitative data, then analyze for significant impacts.**

- 31) The justification for increasing residential density of mixed use projects (page 3.6-4) is to be consistent with 2009 amendments to Gov Code Sec 65583.2(c)(B)(3). But Gov Code Sec 65583.2(c)(B)(3) deems certain densities *appropriate* to accommodate low income housing; it does not *justify* increasing the density of an existing parcel in order to meet a jurisdiction's mandated low income housing requirements. The DEIR fails to provide any analysis showing that the increase in density is necessary to meet low income housing requirements. Further, it fails to show how merely increasing the density will encourage the development of low income housing.

O-1-356

- a. **Please provide an analysis of the County's mandated low income housing requirements for the next ten years including number of units, maximum income levels of buyers and maximum price of units.**
- b. **please provide an analysis of current housing units and development proposals under submission that would meet this requirement**
- c. **If a comparison between the requirements and our anticipated supply indicates a deficit, please provide an analysis of the least density change possible that would be necessary to meet this need**

**d. Explain how the newly adopted Housing Element was approved in 2013 without these changes.**

Remember, an EIR must contain facts and analysis, not just the bare conclusions of the agency, and must provide sufficient detail so that those who did not participate in its preparation can understand and consider meaningfully the issues raised by the proposed project. The decision to approve a project is a nullity if based upon an EIR that does not provide the decision makers and the public with the required information about the project. (*Bakersfield Citizens for Local Control v. City of Bakersfield* (2004) 124 Cal.App.4<sup>th</sup> 1184.)

O-1-357

- 32) Many items listed under the 'Aesthetics' section are not listed under 'Population & Housing' although they most definitely have potential impact. Adding new zone districts for commercial, mixed use and multi-family, with unspecified density, provides no method for evaluation or comment. Here are a few examples from page 3.1-10:

*"Amend the zoning code to include a new Traditional Neighborhood Design zone within Commercial and Multi-Family Land Uses;*

*d. Support medium and high density residential or mixed use development along commercial and transportation corridors;*

*e. Develop and utilize approved standard plan types (i.e., zero-lot line, duplex with carriage house unit over garage, z-lot, bungalow, etc.) to streamline the approval process for infill projects."*

O-1-358

**a. Substantiate why this is not applicable to the Housing & Population section, or add it in.**

**b. Provide specific information that can be evaluated and commented upon.**

- 33) Policies 2.9.1.1 through 2.9.1.2 require the County to monitor on an annual basis the rate at which land inventory is being developed, the population and employment growth and other useful indicators of the County's growth. Increasing or decreasing development potential and changing boundaries of Community Regions and Rural Centers may be proposed by the County every five years based on the results of this monitoring process. The EIR must analyze the impacts of the proposed General Plan Amendments with respect to the results of this monitoring process.

O-1-359

**Please provide the required monitoring results and the analysis of how the proposed General Plan Amendments reflect the trends of land inventory depletion, population and employment growth and other useful growth indicators**

Conclusion:

There are thirty three 'significant and unavoidable' impacts listed in Table 5-4 (dEIR, page 5-16). A single one of these impacts is sufficient cause for denial of the project. On the other hand, to approve the project, the County would have to find valid overriding considerations for each one of the 33 impacts listed. Such a statement of overriding considerations must be supported by a logical analysis of substantial evidence in the EIR or elsewhere in the record. (*Sierra Club v. Contra Costa County* (1992) 10 Cal.App.4<sup>th</sup> 1212.) All feasible mitigation must be adopted, and other mitigation properly found infeasible, before an agency can make a statement of overriding considerations. (*Los Angeles Unified School District v. City of Los Angeles* (1997) 58 Cal.App.4<sup>th</sup> 1019.)

O-1-360

The significant and unavoidable impacts from the **Population and Housing** section, as listed on page ES-14:

*"PH-1: Induce substantial population growth in an area, either directly (for example, by proposing new homes and businesses) or indirectly (for example, through extension of roads or other infrastructure)"*

Additionally, this list cannot be considered complete until further information and analysis is provided per the dEIR comments, in order to fully ascertain the impacts of the extensive changes being proposed.

END SECTION COMMENTS

## Transportation & Traffic - Section 3.9 dEIR Review Comments

### **Transportation and Traffic Summary:**

The conclusions of the traffic section as contained in table 3.9-13 simply don't pass muster. Just looking at the high-level results shows that even after adding nearly 20,000 homes in the county, the number of cars traveling to Sacramento county in 2035 during the morning commute will decrease on highway 50 and Green Valley Road! The table purports to use 2010 numbers for baseline traffic, but these numbers don't even match the county's own DOT counts or CalTrans counts for Highway 50. Why does the study use outdated 2010 information when the county DOT has counts for 2013 and even some for 2014. Using an accurate baseline is an essential component of a traffic study. (*Neighbors for Smart Rail v. Exposition Metro Line Construction Authority* (2013) 57 Cal.4th 439.)

O-1-361

The county claims "parallel capacity" to highway 50 will solve our commute problems, but the table doesn't include any data for Saratoga Way, which would be the primary parallel road to Highway 50. Many other high-volume sections of roadway are simply not included in the analysis. A clearly inadequate or unsupported study will be entitled to no judicial deference. (*State Water Resources Control Board Cases* (App. 3 Dist. 2006) 136 Cal.App.4<sup>th</sup> 674.)

Also particularly problematic is that the future traffic forecasts include speculative road improvements. Highway 50 improvements that are not even planned at this point are assumed to be completed. CIP projects that get pushed further out in time every year (and change wildly in cost) are assumed to be completed. "Numerous cases illustrate that reliance on tentative plans for future mitigation after completion of the CEQA process significantly undermines CEQA's goals of full disclosure and informed decision making; and consequently, these mitigation plans have been overturned on judicial review as constituting improper deferral of environmental assessment." (*Communities for a Better Environment v. City of Richmond* (2010) 184 Cal.App.4<sup>th</sup> 70, 92-93.)

O-1-362

Table TC-2 (this table shows road segments allowed to operated at LOS F) is proposed to be moved to "another document". Why is this being done? Would it then not be part of the General Plan?

### **Detailed review:**

Page 2-8 shows a proposed policy change: " Policies TC-1m, TC-1n(B), TC-1w: Road Improvements. These policies would be amended to make minor modifications to clarify language: TC-1m—delete "of effort"; TC-1n(B)—replace "accidents" with "crashes" to be consistent with transportation industry standard language; and TC-1w—delete "maximum." The DEIR does not analyze the impact of these wording changes.

O-1-363

The first change in Policy TC-1m: "The County shall ensure that road funds allocated directly or otherwise available to the County shall be programmed and expended in ways that maximize the use of federal and other matching funds, including maintenance ~~of effort~~ requirements." This proposed amendment changes the meaning of the policy. "maintenance of effort requirements" is a legal term pertaining to Federal Matching funds. **Please explain why this change is being proposed, the impact it will have to the meaning of the policy, and the impact it will have to funding for roads.**

O-1-364

**Policy TC-1w** New streets and improvements to existing rural roads necessitated by new development shall be designed to minimize visual impacts, preserve rural character, and ensure neighborhood quality to the ~~maximum~~ extent possible consistent with the needs of emergency access, on street parking, and vehicular and pedestrian safety. **Please explain why this change is being proposed, and the impact it will have on visual impacts, rural character, and neighborhood quality.**

O-1-365

Page 2-8 shows a proposed policy: " Table TC-2, Policy TC-Xb, and Policy TC-Xd. Level of Service Standards. This revision entails moving Table TC-2 to another document; if it is moved, all references to TC-2, including the references in TC-Xb and TC –Xd, would be amended." **Is the "other document" part of the general plan? If so, where is the DEIR evaluation of this document? If the other document is not part of the general plan, does this then mean that Table TC-2 would then not need a general plan amendment in order to be revised (or deleted)? Please explain the impact of moving table TC-2 to "another document."**

O-1-366

Page 2-9 shows a proposed policy change: " Policy TC-Xi: Planning for U.S. Highway 50 Widening. this policy would be amended to allow for coordination of regional projects to be delivered on a schedule agreed to by related regional agencies, thereby excluding regional projects from the scheduling requirements of the policies of the General Plan" **Will this exempt highway 50 from the requirements of Policy TC-Xf? Please analyze the impact to traffic on highway 50 in the county if widening of highway 50 no longer needs to meet the scheduling requirements of the policies of the General Plan.**

O-1-367

Page 2-9 shows a proposed policy change: " Policy TC-1y: Employment Cap. The El Dorado Hills Business Park employment cap limits would be analyzed and either amended or deleted." **Please analyze the potential impact to traffic if the employment cap is amended or deleted. State the mitigations required to ensure that traffic on roads in El Dorado Hills is not worsened by amending this policy.**

O-1-368

Page 2-9 shows a proposed policy change: " Policies TC-Xd, TC-Xe and TC-Xf: Level of Service Standards. These policies would be amended to clarify the definition of "worsen"; to clarify what is required if a project "worsens" traffic; to identify the methodology for traffic studies (e.g., analysis period, analysis scenarios, methods); and to identify the timing of improvements." This process is very vague, and could have significant impact if certain changes are made. For instance, if the timing of improvements is relaxed, this would have a significant impact on traffic for a longer period of time. **Please analyze the potential impact of the**

O-1-369

changes (e.g. timing of improvements, definition of "worsen", etc.) to these policies. State the mitigations required to ensure that traffic is not worsened, and that the period of delay to completion of a mitigation project is not pushed further out in time.

O-1-369  
CONT.

Page 3-9.23, bullet 3 states: "The potential impact of additional residential density was considered in the analyses that follow." **How, specifically, was this impact considered? Was each residential area evaluated at the proposed maximum density for traffic impact?**

O-1-370

Page 3-9.23, bullet 4 states: "New objective and policies encouraging infill development. Any future infill would be subject to the density and intensity limitations of the General Plan. As a result, this change would not incrementally alter land use patterns or intensity." **This statement is demonstrably false since the county currently has in process a proposed project (recommended by staff for approval) to convert mixed-use commercial into high density housing (55 units per acre, more than double what is currently allowed under the general plan). As a result, the DEIR must examine the impact of possible conversion of other commercial and/or high-density residential to an even higher density than allowed by the TGPA/ZOU.**

O-1-371

Page 3-9.24 states: "these changes generally adopt the least intensive of those zones." **Are there cases where the changes do not adopt the least intensive of the zones? How many? If so, what are these parcels, and what impact do they have on the traffic in those areas (and overall)?**

O-1-372

Page 3-9.24 states: "The rezonings would not change the development potential. As a result, the rezonings would not change the expected traffic impacts that will occur as a result of implementation of the General Plan." **However, the ZOU/TGPA process "creates" many new entitlements without individual discretionary review. For example, under ZOU/TGPA changes, the Dixon Ranch property near Green Valley Road would be automatically rezoned from 3 Ag parcels to approximately 28 parcels. While the resulting designation is consistent with the general plan, there is no individual review of each project in this bulk process. There are many such proposed "automatic rezones" and the traffic impact of each of these needs to be included in the cumulative impact study. When evaluating a change, the proper baseline is the current condition, not what is allowed under the general plan. The EIR "must describe maintenance of the existing environment as a basis for comparison of the suggested alternatives to the status quo." (Dusek v. Anaheim Redevelopment Agency (4th Dist. 1986) 173 Cal.App.3d 1029, 1043 [219 Cal.Rptr. 346].)**

O-1-373

Page 3-9.24 states: "Move Table TC-1 from the General Plan to Standards Plans or Land Development Manual." **What effect does the movement of this table have? Are the "Standards Plans or Land Development Manual" part of the general plan? If so, where is the**

O-1-374

**DEIR evaluation of these manuals? If they are not part of the general plan, does this then mean that Table TC-1 would then not need a general plan amendment in order to be revised (or deleted)? Does the County intend to revise or delete the table?**

O-1-374  
CONT.

Page 3-9.24 states: " For the project (i.e., TGPA/ZOU), LOS was determined by comparing existing and forecasted traffic volumes for selected roadway segments with peak-hour LOS capacity thresholds. These thresholds are shown in Table 3.9-3 and were developed based on the methodologies contained in the *Highway Capacity Manual* (HCM) (Transportation Research Board 2010)." The 2010 HCM clearly states that " Because passing capacity decreases as passing demand increases, two-lane highways exhibit a unique characteristic: operating quality often decreases precipitously as demand flow increases, and operations can become "unacceptable" at relatively low volume-to-capacity ratios."

O-1-375

It is clear that simple volume/capacity ratios are an inadequate measure of LOS on 2-lane highways and arterials, and over-state the actual capacity of road segments. **Does the TDM include the following factors as required by the HCM 2010? If not, please explain the rationale for not including each one:**

1. Highway Class per segment
2. lane width
3. shoulder width
4. terrain
5. % no passing zones
6. Directional split
7. Peak hour factor
8. access point density
9. % heavy vehicles
10. signal spacing

**Class I, II, and III must be evaluated for LOS by the method stated in Chapter 15 of the 2010 HCM, and using table 15-3:**

| LOS | Class I Highways |          | Class II Highways | Class III Highways |
|-----|------------------|----------|-------------------|--------------------|
|     | ATS (mi/h)       | PTSF (%) | PTSF (%)          | PFFS (%)           |
| A   | >55              | ≤35      | ≤40               | >91.7              |
| B   | >50-55           | >35-50   | >40-55            | >83.3-91.7         |
| C   | >45-50           | >50-65   | >55-70            | >75.0-83.3         |
| D   | >40-45           | >65-80   | >70-85            | >66.7-75.0         |
| E   | ≤40              | >80      | >85               | ≤66.7              |

The information for each road segment in the study area must be updated to include the factors (1-10) above. The DEIR must be updated to utilize the methods specified in Chapter 15 of the 2010 HCM for all Class I, II, and III highways (or equivalent) in the study area.

O-1-375  
CONT.

HCM 2010, Chapter 15 states: "Isolated signalized intersections on two-lane highways may be evaluated with the methodology of Chapter 18, Signalized Intersections. Two-lane highways in urban and suburban areas with multiple signalized intersections 2 mi or less apart should be analyzed as urban streets or arterials with the methodology of Chapter 17, Urban Street Segments." **The DEIR must be updated to use the methods described in HCM 2010 for "Urban Arterials" (including signalized intersections) for study area roads designated as "major arterial", such as El Dorado Hills Blvd, segments of Green Valley Road, Saratoga Way, Sunrise Blvd., etc.**

O-1-376

Page 3-9.27 states: "El Dorado County's updated Travel Demand Model (TDM) was used to model six roadway network scenarios for the TGPA/ZOU project. This analysis indicates that U.S. Highway 50 will not reach LOS F in 2035 under any of the six roadway network scenarios analyzed." **This statement calls into question the validity of the EDC TDM. Clearly, as is stated on page 3-9.27, a segment of Highway 50 today operates at LOS F. The TDM does not show this segment as LOS F for any dates or scenarios, please explain why not.**

O-1-377

Page 3-9.27 states: "... Caltrans Operations staff has also stated that once the ramp metering for the westbound El Dorado Hills Boulevard on-ramp is operational, LOS on this segment should improve." **Please provide documentation of this statement from CalTrans operational staff. By "improve", did they state that the segment would no longer be LOS F? Did they state that by metering traffic onto highway 50, LOS on El Dorado Hills Blvd. would drop? What will be the result of ramp metering on El Dorado Hill Blvd LOS, as well as the WB on-ramp?**

O-1-378

Page 3-9.27. Much justification of the county TDM is placed upon the "superior zonal resolution (many times more than SACMET) enables a much more detailed analysis of county roadways." The county TDM can have great detail, yet poor representation of the larger area, improper initial conditions, and arrive at an unusable result. **How much of a difference does this "superior zonal resolution" make in the highway 50 traffic forecasts?**

O-1-379

Page 3-9.27 states: "For example, SACMET's land use identified the El Dorado Hills Business Park as "retail," whereas EDC's TDM more accurately depicts its uses as "industrial" and "office." SACMET also showed golf courses, churches, and storage facilities in EDC as retail. Since retail uses result in higher trip generation rates than industrial, office, golf course, and church uses, these discrepancies could lead to differences in roadway impacts if not corrected." Retail is allowed in the business park (and exists there today), so this cannot be entirely discounted. Secondly, retail may generate fewer peak hour trips than industrial and office space. **Did the SACMET model have any areas that were identified as lower-traffic generating land uses than the county TDM assumptions? What are those areas, and what are the land uses in those areas? How much of a difference does this make in the modeling of highway 50**

O-1-380



**peak hour trips? The DEIR needs to provide table showing the difference in peak hour trips on highways between the EDC model and the SACMET model, and describe why the differences exist.**

O-1-380  
CONT.

Page 3-9.28 states: "Caltrans and El Dorado County use different practices regarding how traffic counts are collected and used to model future transportation system performance." CalTrans has wire loops and other mechanisms for real-time counts on Highway 50 in the most populated areas of El Dorado County. This data can be processed to exclude weekends and holidays. The second "justification" for using the TDM instead of CalTrans model does not pass muster. **How and when does the county collect traffic counts on Highway 50 for each segment? Please show a table of differences between the county collected data for Highways 49 and 50, and the CalTrans data for the baseline year (2010).**

O-1-381

Page 3-9.28 tries to further justify the use of the TDM rather than CalTrans data because CalTrans "is planning for LOS F on U.S. Highway in the future, while El Dorado County is tasked with maintaining LOS E on U.S. Highway 50 as required by the General Plan." This statement makes no sense. Since segments of US Highway 50 are already at LOS F (as physically measured by CalTrans), clearly the county planning process has not worked. CalTrans indicates that there is no way to mitigate the traffic to better than LOS F by 2035 given the amount of growth in the county. The fact that the TDM does not concur (by a large amount e.g. LOS C vs. LOS F) with the CalTrans initial conditions in 2010, this makes the county TDM highly suspect as a useful planning tool for Highway 50 traffic. **Please explain how the county TDM will ensure roadway segments will not reach improper LOS (LOS E, or LOS F, as appropriate), when the TDM results are demonstrably incorrect today.**

O-1-382

Page 3-9.28 states that CalTrans and the County use different annual growth projections (e.g. SACOG's vs. County). **The CalTrans/SACOG rate is 0.72% AGR, and the county uses 1.03% AGR. Given that CalTrans uses a more conservative growth rate (about 30% lower than the county), please explain why their traffic forecasts for 2035 are higher volume than that of the TDM.**

O-1-383

Page 3-9.28 states: "For these reasons, El Dorado County has chosen to use its methodology in this analysis." As has been shown above, these "reasons" are all highly suspect. EDC needs to calculate these traffic numbers conservatively (i.e. not err on the low side) since erring on the low side would place the roadway network at risk of more LOS F segments.

"It is vitally important that an EIR avoid minimizing the cumulative impacts. Rather it must reflect a conscientious effort to provide public agencies and the general public with adequate and relevant detailed information about them.' [Citation.] A cumulative impact analysis which understates information concerning the severity and significance of cumulative impacts impedes meaningful public discussion and skews the decisionmaker's perspective concerning the environmental consequences of a project, the necessity for mitigation measures, and the appropriateness of project approval. [Citation.] An inadequate cumulative impact analysis

O-1-384

does not demonstrate to an apprehensive citizenry that the governmental decisionmaker has in fact fully analyzed and considered the environmental consequences of its action." Citizens to Preserve Ojai v. County of Ventura (2d Dist. 1985) 176 Cal.App.3d 421, 431 [222 Cal.Rptr. 247], quoting San Franciscans for Reasonable Growth v. City and County of San Francisco (1st Dist. 1984) 151 Cal.App.3d 61, 79 [198 Cal.Rptr. 634].)

O-1-384  
CONT.

**The DEIR needs to show in detail how each of these factors makes a difference, how much that difference is, and explain why the TDM provides a more realistic forecast of Highway 50 traffic in 2035.**

Page 3-9.31 indicates that Scenario 1 is a 2010 baseline. This is four years old. In 2010, the county was still recovering from a recession, and traffic in 2010 is not necessarily representative of current traffic on many road segments. Using an accurate baseline is an essential component of a traffic study. (*Neighbors for Smart Rail v. Exposition Metro Line Construction Authority* (2013) 57 Cal.4th 439.)

O-1-385

**In the Final EIR, please explain the rationale for using this old information when 2013 and some 2014 traffic counts are available on the EDC website. Please run the scenarios 1-6 using 2013/2014 traffic data?**

Page 3.9-32 states: " Three baselines are represented in the scenarios: 2010, 2025 with future CIP/MTP road improvements (assumes that planned roadway improvements have been constructed), and 2035 cumulative impact."

As explained in by the California Supreme Court,

"Even when a project is intended and expected to improve conditions in the long term— 20 or 30 years after an EIR is prepared—decision makers and members of the public are entitled under CEQA to know the short- and medium-term environmental costs of achieving that desirable improvement. These costs include not only the impacts involved in constructing the project but also those the project will create during its initial years of operation. Though we might rationally choose to endure short- or medium-term hardship for a long-term, permanent benefit, deciding to make that trade-off requires some knowledge about the severity and duration of the near-term hardship. An EIR stating that in 20 or 30 years the project will improve the environment, but neglecting, without justification, to provide any evaluation of the project's impacts in the meantime, does not "giv[e] due consideration to both the short-term and long-term effects" of the project (Cal. Code Regs., tit. 14, § 15126.2, subd. (a)) and does not serve CEQA's informational purpose well." (*Neighbors for Smart Rail v. Exposition Metro Line Construction Authority* (August 5, 2013) 57 Cal.4th 439)

O-1-386

In the Final EIR, please add an additional point of analysis in 2020, before the planned roadways improvements have been completely constructed.

O-1-386  
CONT.

Please list all assumptions in the cumulative impact. This would include (but not limited to):

- A list of CIP and MTP road improvements, their scheduled completion dates, and funding sources/finance plans for each showing a "reasonable expectation" that these projects will in fact be fully funded and completed by the dates specified.
- Document the impact of the federal Highway Trust Fund projected shortfall on these projects.
- A list of approved but not yet constructed projects in El Dorado County and Eastern Sacramento County (including parcel counts) that were included in the cumulative scenarios.
  - For example, Easton, the 10,000+ homes south of highway 50 in Folsom. The adopted plans for Vineyard Springs, North Vineyard Station, Florin-Vineyard Gap, etc.
  - Alto, Diamante, La Canada, Migianella, Summerbrook, Silver Springs, Bass Lake, Rancho Dorado, etc.
  - The remaining approved units in Serrano, Valley View, Promontory, Carson Creek, etc.
- A list of proposed projects in El Dorado County and Eastern Sacramento County (including parcels counts) that were included in the cumulative scenarios.
  - For example, Marble Valley, Lime Rock, Dixon Ranch, Central EDH, San Stino, Town Center Apartments, Wilson Estates, etc.
  - NewBridge, Jackson Township, West Jackson Highway, Cordova Hills, Mather South, etc.

O-1-387

Page 3.9-32 includes Table 3.9-6. In this table, the current (2010) number of households is listed as 55493. Scenario 6 projects 76,270 households, leaving an increase of 20,777 households. In the same table, Employment increases from 44,468 to 71,181. This is an increase of 26,713 jobs. This means that new jobs would need to be created at the rate of 1.29 jobs per new household on an average throughout the county.

O-1-388

Please provide the following information about assumed job creation (26,713 jobs) in scenario 6 as all of these factors impact how much traffic is added and which roads are impacted.

- Location of jobs/job centers
- Types of jobs to be created
- Projected salary ranges of these jobs (determines where the employees can afford to live)
- Price range of homes in each new area (determines what kind of job salary ranges the residents need)
- Assumptions about where the new employees will live (e.g. will they need to commute from Sac county, can they afford to live in El Dorado Hills, Cameron Park,

**Shingle Springs, etc. given the latest average housing price data from the EDC Association of Realtors:**

O-1-388  
CONT.

RESIDENTIAL SALES BY AREA --- YEAR-TO-DATE (5/1 - 5/31)

| ZONE  | AREA                      | 2013       |            | 2014       |            |
|-------|---------------------------|------------|------------|------------|------------|
|       |                           | # OF SALES | AVG. PRICE | # OF SALES | AVG. PRICE |
| 12601 | CAMERON PARK              | 166        | \$340,890  | 128        | \$340,533  |
| 12602 | EL DORADO HILLS           | 354        | \$495,054  | 304        | \$593,723  |
| 12603 | SHINGLE SPRINGS           | 44         | \$397,484  | 47         | \$475,680  |
| 12604 | RESCUE/NORTH AREA         | 20         | \$412,630  | 26         | \$468,528  |
| 12605 | LATROBE/SOUTH AREA        | 12         | \$467,693  | 8          | \$451,125  |
| 12701 | PLACERVILLE               | 114        | \$248,210  | 99         | \$296,057  |
| 12702 | DIAMOND SPRINGS/EL DORADO | 54         | \$222,395  | 72         | \$284,383  |
| 12703 | PLEASANT VALLEY           | 44         | \$310,108  | 24         | \$345,246  |
| 12704 | SOMERSET/SOUTH COUNTY     | 50         | \$199,271  | 42         | \$245,522  |
| 12705 | LOTUS/COLOMA              | 4          | \$348,125  | 6          | \$246,667  |
| 12706 | GREENSTONE,GOLD HILL WEST | 21         | \$413,929  | 11         | \$489,864  |
| 12707 | SWANSBORO                 | 9          | \$167,422  | 14         | \$240,692  |
| 12801 | CAMINO/CEDAR GROVE        | 28         | \$320,853  | 32         | \$311,102  |
| 12802 | POLLOCK PINES/SLY PARK    | 100        | \$183,473  | 75         | \$223,172  |
| 12803 | AMERICAN RIVER CANYON     | 6          | \$178,917  | 7          | \$271,004  |
| 12901 | GEORGETOWN DIVIDE         | 52         | \$202,313  | 47         | \$251,166  |
| 12902 | PILOT HILL/COOL           | 48         | \$262,800  | 35         | \$304,754  |
| 12903 | NORTH COUNTY              | 5          | \$268,000  | 3          | \$368,330  |

- The county's past track record indicates that creating this many jobs will be extremely difficult. **Please show a plan that lays out how this large number of jobs will be created.**

O-1-388  
CONT.

From the 2013 report prepared by BAE for use in the El Dorado County TDM, the numbers are quite different than those presented and used in the TDM. The BAE report list growth in EDC with the following tables:

O-1-389

**Table 1: Baseline Conditions, West Slope, Less City of Placerville**

|                   | <u>2010</u> |
|-------------------|-------------|
| Population (a)    | 139,941     |
| Housing Units (a) | 59,668      |
| Employment (b)    | 32,597      |

**Notes:**

(a) Based on 2010 Census. El Dorado countywide population, minus population in census tracts located in Tahoe Basin, minus City of Placerville. Tahoe Basin is defined by census tracts 302, 303.01, 303.02, 304.01, 304.02, 305.02, 305.04, 305.05, 316, 320, 9900.

(b) Based on Draft SACOG TAZ-level employment estimates for 2008 and projections for 2014, for El Dorado County West Slope, less employment in City of Placerville area. Assumes constant average annual rate of growth between 2008 and 2014, to estimate 2010 employment.

Sources: U.S. Census, 2010; SACOG, 2012; BAE, 2012.

**Table 3: Projected Residential Growth, West Slope of El Dorado County, 2010-2035**

|                     | <u>2010</u> | <u>2015</u> | <u>2020</u> | <u>2025</u> | <u>2030</u> | <u>2035</u> |
|---------------------|-------------|-------------|-------------|-------------|-------------|-------------|
| Total Housing Units | 59,668      | 62,803      | 66,102      | 69,575      | 73,230      | 77,077      |

The job market growth numbers are also quite different in the BAE report:

| <u>Market Area (a)</u>               | <u>New Jobs Each Period (b)</u> |              |              |              |              | <u>Total</u>  |
|--------------------------------------|---------------------------------|--------------|--------------|--------------|--------------|---------------|
|                                      | <u>2015</u>                     | <u>2020</u>  | <u>2025</u>  | <u>2030</u>  | <u>2035</u>  |               |
| #1 - El Dorado Hills                 | 1,414                           | 1,488        | 1,567        | 1,649        | 1,735        | 7,853         |
| #2 - Cameron Park/ Shingle Springs   | 734                             | 773          | 813          | 856          | 901          | 4,077         |
| #3 - Diamond Springs                 | 214                             | 225          | 237          | 250          | 263          | 1,188         |
| #4 - Unincorporated Placerville Area | 101                             | 107          | 112          | 118          | 124          | 563           |
| #5 - Coloma/Gold Hill                | 202                             | 212          | 224          | 235          | 248          | 1,121         |
| #6 - Pollock Pines                   | 0                               | 0            | 0            | 0            | 0            | 0             |
| #7 - Pleasant Valley                 | 101                             | 106          | 112          | 118          | 124          | 561           |
| #8 - Latrobe (c)                     | 22                              | 23           | 24           | 25           | 27           | 121           |
| #9 - Somerset                        | 0                               | 0            | 0            | 0            | 0            | 0             |
| #10 - Cool/Pilot Hill                | 0                               | 0            | 0            | 0            | 0            | 0             |
| #11 - Georgetown/Garden Valley       | 31                              | 33           | 35           | 36           | 38           | 174           |
| #12 - Tahoe Basin                    | n.a.                            | n.a.         | n.a.         | n.a.         | n.a.         | n.a.          |
| #13 - American River                 | 8                               | 9            | 9            | 10           | 10           | 46            |
| #14 - Mosquito                       | 67                              | 71           | 74           | 78           | 82           | 373           |
| <b>Total</b>                         | <b>2,895</b>                    | <b>3,047</b> | <b>3,207</b> | <b>3,376</b> | <b>3,553</b> | <b>16,078</b> |

**Notes:**

Figures in columns may not sum to totals due to rounding.

For the geographic boundaries of the various Market Areas, please refer to Figure 1 on page 9.

(a) Converts new housing units from Table 3 into new households assuming 7.98 percent average vacancy rate, from Table 2.

(b) Projects new jobs based on SACOG's projected ratio of new jobs to new households, from Table 4.

(c) Due to an anomaly in SACOG's projections for Market Area 8, BAE utilized the average jobs/housing ratio from all other market areas to estimate the Market Area 8 job growth.

Sources: U.S. Census, 2010; SACOG, 2012; El Dorado County, 2012; BAE, 2013.

The initial conditions for any simulation/forecast can make a large difference in the results. As shown, the number of households in the BAE report in 2010 is 59,968 vs. the number used in the DEIR Table 3.9-6 is 55,493. There is a stark difference in the number of jobs in the two reports. The BAE report lists 32,597 jobs in the county in 2010, the DEIR lists 44,468.

In the 2035 projections for total households, the BAE report shows 77,077 while Scenario 6 in the DEIR shows 76,270. This difference does not seem to be that significant. What is very significant is the difference in total number of jobs. The BAE report shows 16,078 new jobs, while DEIR Scenario 6 shows 26,713 new jobs.

O-1-389  
CONT.

**Please explain why baseline condition numbers from the BAE report for number of households and Employment are not used in the TDM analyses presented in the DEIR. Please explain why there is such a large discrepancy in the projected number of jobs in 2035.**

Page 3.9-32 states that "The travel demand model (TDM) analysis evaluated 227 roadway segments for each of the six study scenarios to evaluate effects on the County's roadway network." This is insufficient to determine the project impact. Measure Y and the subsequent General Plan policies require that "all intersections and interchanges" be examined. **The DEIR must be amended to include intersections and interchanges in the analysis of scenarios 1-6.**

O-1-390

Table 3.9-7 shows Minimum LOS for segments 44 and 151 to be "4AU". This is a road classification, not a LOS indication. **Please amend the table.**

O-1-391

Page 3.9-33 states: "Two segments of Green Valley Road would operate at an unacceptable LOS F and are expected to continue to operate at LOS F in the near future. Because these levels of service reflect existing conditions without the project, no project impacts would occur." *This is incorrect*, as the project may still "worsen" the LOS F conditions as defined in the General Plan, in which case mitigation measures spelled out must be instituted. The more severe the existing environmental problems are, the lower the threshold for treating the project's cumulative impacts as significant. (Kings County Farm Bureau et al. v. City of Hanford (5th Dist. 1990) 221 Cal.App.3d 692, 718-721 [270 Cal.Rptr. 650].)

O-1-392

**The EIR must examine the LOS F segments which are made worse (as defined by General Plan Policy TC-Xe) by the project and list the following information: A) % increase in AM and PM peak hour traffic, B) ADT, C) The number of additional AM and PM peak hour trips. Any road segments that meet any of the criteria of "worsen" in this context represent a significant impact, and must be listed in the DEIR.**

Page 3-9.38 states: "One of the roadway segments, Missouri Flat Road, is allowed to operate at LOS F per General Plan Policy TC-Xa." While this is true, the General Plan also states that there is a maximum v/c ratio for two segments of that road.

1. Highway 50 to Mother Lode Drive may not operate at a v/c worse than 1.12

O-1-393

2. Mother Lode Drive to China Garden Road may not operate at a v/c worse than 1.20

**Please state the future cumulative v/c ratios for these segments of Missouri Flat Road. If these ratios are worse than allowed in the general plan, provide the subsequent necessary mitigation measures in the DEIR.**

O-1-393  
CONT.

Page 3-9.39 states: " Because the County has specific traffic mitigation policies that require future development projects to construct adequate roadway facilities to maintain acceptable levels of service and payment of fees that go toward making regional traffic improvements designed for improving traffic operations, potential impacts are considered less than significant." This is incorrect. The County does not require development projects to construct adequate roadway facilities to maintain acceptable levels of service. Depending on the project and impact, many development projects simply pay a fee to help pay for a project that may be 10 years or more away. In many cases, projects listed in the CIP keep slipping out in time and changing drastically in cost. For instance, CIP project #71324 (**Saratoga Extension Phase I**) has the following revisions to schedule and cost (from county DOT website):

O-1-394

| EDC CIP | Project Completion Date | Estimated Cost |
|---------|-------------------------|----------------|
| 2006    | 06-07                   | 10,000,000     |
| 2007    | 10-11                   | 10,694,269     |
| 2008    | 09-10                   | 16,298,226     |
| 2009    | 13 - 18                 | 15,062,236     |
| 2010    | 14-19                   | 15,279,510     |
| 2012    | "after 2021"            | 11,541,347     |
| 2013    | "after 2022"            | 11,541,347     |
| 2014    | "FY 24/25 - 33/34"      | 11,541,347     |

Another example is CIP project #72332 (**EDH Blvd realignment**):

| EDC CIP | Project Completion Date | Estimated Cost   |
|---------|-------------------------|------------------|
| 2004    | 06-07                   | \$ 2,689,996.00  |
| 2006    | Jul-08                  | \$ 5,033,559.00  |
| 2007    | After 2011              | \$ 5,713,826.00  |
| 2008    | After 2012              | \$ 14,268,688.00 |
| 2009    | After 2018              | \$ 13,899,022.00 |
| 2010    | after 2019              | \$ 11,694,000.00 |
| 2012    | After 2021              | \$ 9,451,507.00  |

|      |                    |    |              |
|------|--------------------|----|--------------|
| 2013 | "FY 23/24 - 32/33" | \$ | 9,452,000.00 |
| 2014 | "FY 24/25 - 33/34" | \$ | 9,452,000.00 |

These two examples are not unique--there are many such projects where the dates get pushed out every year and the estimated costs jump wildly.

"Because an EIR cannot be meaningfully considered in a vacuum devoid of reality, a project proponent's prior environmental record is properly a subject of close consideration in determining the sufficiency of the proponent's promises in an EIR." (Laurel Heights Improvement Association of San Francisco v. Regents of the University of California (1988) 47 Cal.3d 376, 420.) **In the Final EIR, please fully disclose the County's repeated failures to adequately fund and to promptly deliver transportation projects to mitigate traffic congestion impacts.**

O-1-395

**Please describe the process that will be used by the county to ensure that 1) TIM fees are adequate to cover the construction of the mitigation at 10 and 20 years in the future. 2) Mitigations in the CIP do not get pushed out in time, or removed from the CIP. Describe the monitoring program for this, why it has failed in the past, and why it will succeed in the future.** "[A] fee program is insufficient mitigation where, even with that contribution, a county will not have sufficient funds to mitigate effects on traffic." (*Endangered Habitats League v. County of Orange* (2005) 131 Cal.App.4<sup>th</sup> 777.)

O-1-396

**Please analyze as an alternative to the current CIP program (which has not been working), amending of Policy TC-Xf as follows:**

***At the time of approval of a tentative map for a single family residential subdivision of five or more parcels that worsens (defined as a project that triggers Policy TC-Xe [A] or [B] or [C]) traffic on the County road system, the County shall ~~do one of the following:~~ (1) condition the project to construct all road improvements necessary to maintain or attain Level of Service standards detailed in this Transportation and Circulation Element based on existing traffic plus traffic generated from the development plus forecasted traffic growth at 10-years from project submittal; or (2) ensure the commencement of construction of the necessary road improvements are included in the County's 10-year CIP.***

O-1-397

***For all other discretionary projects that worsen (defined as a project that triggers Policy TC-Xe [A] or [B] or [C]) traffic on the County road system, the County shall ~~do one of the following:~~ (1) condition the project to construct all road improvements necessary to maintain or attain Level of Service standards detailed in this Transportation and Circulation Element based on existing traffic plus traffic generated from the***



**development plus forecasted traffic growth at 10-years from project submittal; or (2) ensure the construction of the necessary road improvements are included in the County's 20-year CIP.**

O-1-397  
CONT.

Page 3-9.39 states: "The improvements are shown by roadway segment in Table 3.9-1. These improvements are considered concept facilities, meaning they are the roadway improvements that are needed in the next 20 years (California Department of Transportation 2010). The TDM included these improvements in the analysis of the study scenarios. However, there is no assurance that these improvements to U.S. Highway 50 would be in place in 20 years. Therefore, potential short-term impacts would be significant and unavoidable until these improvements are in place." [emphasis added]

O-1-398

**Since there is currently no plan by CalTrans or other agencies to provide "concept facility" improvements within 20 years, the DEIR must assume these improvements are not constructed within the Project Time Horizon. Scenarios 3,4,6 must then be re-run with that assumption.**

Page 3-9.40 states: "These measures would reduce or avoid decreasing LOS and require payment of TIM fees that would go toward making regional traffic improvements designed for improving traffic operations. Therefore, potential impacts would be less than significant." Improvements may not take place for 10 to 20 years after the completion of a project given the TIM fee arrangement. This could create a significant impact for 10 to 20 years (or more).

O-1-399

As explained in by the California Supreme Court,

"Even when a project is intended and expected to improve conditions in the long term—20 or 30 years after an EIR is prepared—decision makers and members of the public are entitled under CEQA to know the short- and medium-term environmental costs of achieving that desirable improvement. These costs include not only the impacts involved in constructing the project but also those the project will create during its initial years of operation. Though we might rationally choose to endure short- or medium-term hardship for a long-term, permanent benefit, deciding to make that trade-off requires some knowledge about the severity and duration of the near-term hardship. An EIR stating that in 20 or 30 years the project will improve the environment, but neglecting, without justification, to provide any evaluation of the project's impacts in the meantime, does not "give due consideration to both the short-term and long-term effects" of the project (Cal. Code Regs., tit. 14, § 15126.2, subd. (a)) and does not serve CEQA's informational purpose well." (*Neighbors for Smart Rail v. Exposition Metro Line Construction Authority* (August 5, 2013) 57 Cal.4th 439)

**Please explain the rationale for stating this 10 to 20 year delay in implementing traffic operations as "less than significant." Especially given the examples and discussion above showing CIP projects moving out in time and radically up in cost.**

Page 3.9-43 Table 3.9-13:

1. Road segments (other than freeway segments), are listed with a total volume at peak AM and peak PM hours. Using this method, the volume and capacity numbers are misleading, and err on the side making the LOS appear better than it really is. As stated in HCM 2010, the information for each segment should include the directional split if available. This information is readily available at the El Dorado County DOT website. Looking at numbers for Green Valley road, the directional split is highly biased in the commute direction (e.g. 70/30). Thus one direction could be LOS F, the other LOS B, but when the two directions are combined, the result may show a misleading LOS D.

O-1-400

"It is vitally important that an EIR avoid minimizing the cumulative impacts. Rather it must reflect a conscientious effort to provide public agencies and the general public with adequate and relevant detailed information about them.' [Citation.] A cumulative impact analysis which understates information concerning the severity and significance of cumulative impacts impedes meaningful public discussion and skews the decisionmaker's perspective concerning the environmental consequences of a project, the necessity for mitigation measures, and the appropriateness of project approval. [Citation.] An inadequate cumulative impact analysis does not demonstrate to an apprehensive citizenry that the governmental decisionmaker has in fact fully analyzed and considered the environmental consequences of its action." Citizens to Preserve Ojai v. County of Ventura (2d Dist. 1985) 176 Cal.App.3d 421, 431 [222 Cal.Rptr. 247], quoting San Franciscans for Reasonable Growth v. City and County of San Francisco (1st Dist. 1984) 151 Cal.App.3d 61, 79 [198 Cal.Rptr. 634].)

**The FEIR needs to be updated to provide directional counts and LOS calculations on all roadways in the study area where directional counts have been measured.**

2. Measurement points. Measurement points on highway 50 are presented as "W of Latrobe" or "W of Bass Lake", etc. It is unclear whether or not these measurements would include traffic from the ramps associated with the measurement point. **Please clarify where in each highway 50 segment the measurement is obtained and whether it is west of on/off ramps or not. If the counts are not west of the associated on/off ramps, please state the justification for this, as it would not give correct volume or LOS for that freeway segment.**
3. "Worsen". In order to understand whether or not the project will worsen already LOS F traffic (Policy TC-Xe):  
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

O-1-401

O-1-402

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.

O-1-402  
CONT.

**The DEIR must measure the % increase in traffic during the AM and PM peak hours, and the additional ADT generated by the project for all road segments, intersections, and interchanges.**

- 4. Missing road segments. In addition to intersections and interchanges, several critical segments of roadway are missing from the analysis. **Please provide the volume/LOS information for the following roads/segments in the same format as the others in Table 3.9-13. If any of the following road segments are not considered by the county as important to review, please list the reason for each segment.**
  - a. Highway 50 W of Empire Ranch interchange.
  - b. Highway 50 West of Silva Valley Parkway. This is important to understand the impact of the new interchange.
  - c. Highway 50 West of Cambridge Road. This is important to understand the impact of Marble Valley/Lime Rock developments, and future commercial in this area.
  - d. Saratoga Way: all segments from EDH Blvd to Empire Ranch. This is important to understand the parallel capacity for highway 50.
  - e. El Dorado Hills Blvd. north of Saratoga Way. This will be important to understand the future split of traffic for parallel capacity on Saratoga Way. This segment is 4AD today. What is the future configuration?
  - f. El Dorado Hills Blvd. south of Park Drive. (Highway 50 WB ramp dumps out here, as well as left turns from El Dorado Hills Blvd. to WB 50, and exit from Raley's center)
  - g. Empire Ranch Road. (all segments) Important to understand highway 50 impact, parallel capacity.
  - h. Latrobe Rd/White Rock Rd Connector (all segments). Important to understand the parallel capacity for highway 50.
  - i. Marble Valley Road south of Highway 50 Important to understand Marble Valley / Lime Rock contribution to highway 50 traffic.
  - j. Flying C/Deer Creek Road South of Highway 50. Important to understand Marble Valley / Lime Rock contribution to highway 50 traffic.
  - k. Green Valley Road East of Silva Valley Parkway. Important to understand the impact from Dixon Ranch.
  - l. Silver Springs Parkway South of Green Valley Road. Important to understand impact from Silver Springs, Dixon Ranch, Summerbrook, etc.

O-1-403

- m. Latrobe Road north of Town Center Blvd. Important to understand impact of south of highway 50 and Town Center development, business.
- n. Valley View Pkwy. south of White Rock Road (this road is used by commuters as a cut-through from the business park today. This is anticipated to get much worse once the Silva Valley interchange is complete, and additional business and residential is added south of Highway 50.)

O-1-403  
CONT.

5. Existing conditions for Highway 50 W of Latrobe (ID 1 and 2) are very different (lower) than the CalTrans measurements. The CalTrans 2010 Traffic Counts book lists peak hour traffic at this segment as 8600 vehicles on the mainline freeway. The TDM table shows a peak volume of 3330 AM and 4100 PM. Clearly since CalTrans lists this segment of Highway 50 as LOS F in peak hour, the table must be incorrect. **Please correct the volume numbers or explain the justification for the numbers used and how they were obtained. This difference is very significant.**

O-1-404

|   |    |     |          |                            |       |         |        |       |         |        |
|---|----|-----|----------|----------------------------|-------|---------|--------|-------|---------|--------|
| 3 | 50 | SAC | 23.136   | SACRAMENTO/E DORADO CO LN  | 8,600 | 101,000 | 93,000 |       |         |        |
| 3 | 50 | ED  | 0        | SACRAMENTO/E DORADO CO LN  |       |         |        | 8,600 | 101,000 | 93,000 |
| 3 | 50 | ED  | 0.857    | LATROBE RD                 | 8,600 | 101,000 | 93,000 | 7,000 | 78,000  | 71,000 |
| 3 | 50 | ED  | R 1.677  | BEGIN INDEP ALIGN RT LNS   | 7,000 | 78,000  | 71,000 | 3,350 | 37,500  | 34,000 |
| 3 | 50 | ED  | R 1.677  | BEGIN INDEP ALIGN LT LANES | 3,350 | 37,500  | 23,000 | 3,350 | 37,500  | 34,000 |
| 3 | 50 | ED  | R 3.154  | END INDEPENDENT ALIGN      | 3,350 | 37,500  | 34,000 | 7,000 | 78,000  | 71,000 |
| 3 | 50 | ED  | R 3.232  | BASS LAKE RD               | 7,000 | 78,000  | 71,000 | 5,700 | 68,000  | 62,000 |
| 3 | 50 | ED  | 4.962    | CAMBRIDGE RD               | 5,700 | 68,000  | 62,000 | 5,600 | 64,000  | 61,000 |
| 3 | 50 | ED  | 6.57     | CAMERON PARK               | 5,600 | 64,000  | 61,000 | 5,600 | 64,000  | 61,000 |
| 3 | 50 | ED  | R 8.564  | SHINGLE SPRINGS            | 5,600 | 64,000  | 61,000 | 3,850 | 51,000  | 47,500 |
| 3 | 50 | ED  | R 10.295 | EAST SHINGLE SPRINGS       | 3,850 | 51,000  | 47,500 | 3,800 | 48,000  | 47,000 |

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6. Segments #5 and #6 of Highway 50 at Bass lake show a total peak volume of 4350AM and 5740PM. The CalTrans 2010 Traffic Counts book lists peak hour traffic at this segment as 7000. **Please correct the base volume numbers or explain the justification for the numbers used and how they were obtained.**
7. Several other road segments in the table have numbers substantially different than the El Dorado County DOT website count numbers (e.g. Segment #44 show a total peak volume of 1060AM and 1650PM. The EDC DOT Traffic count for 2010 lists peak hour traffic at this segment as 1900AM, 2050PM in Jan, and 1314AM, 2068PM in Jul. DOT numbers also list this segment as 1909AM/2116PM in Jan 2013. **Please correct the base volume numbers on all listed road segments or explain the justification for the numbers used and how they were obtained.**
8. NOP comments: The following comments received by the county on the Draft EIR NOP have not been fully addressed in the DEIR. **Please address the following items in the DEIR:**
- a) Page 710: Caltrans requests "Specifically, the EIR should identify the impacts that the increase in traffic will have on SHS segments, intersections, and interchanges, and any necessary mitigations to reduce the impacts to a less than significant level."
  - b) Page 711: Caltrans requests "Average Daily Traffic, AM and PM peak hour volumes and levels of service (LOS) on all roadways where potentially significant impacts may

O-1-405

O-1-406

O-1-407

occur, including crossroads and controlled intersections for existing, existing plus project, cumulative and cumulative plus project scenarios. Calculation of cumulative traffic volumes should consider all traffic-generating developments, both existing and future, that would affect study area roadways and intersections. The analysis should clearly identify the project's contribution to area traffic and any degradation to existing and cumulative LOS. [emphasis added]

- c) Page 711: Schematic illustration of traffic conditions including the project site and study area roadways, trip distribution percentages and volumes as well as intersection geometrics, i.e., lane configurations, for the scenarios described above.
- d) Page 711: Identification of mitigation for any roadway mainline section or intersection with insufficient capacity to maintain an acceptable LOS with the addition of project-related and/or cumulative traffic. As noted above, the project's fair share contribution, financing, scheduling, implementation responsibilities and lead agency monitoring should also be fully discussed for all proposed mitigation measures.

Conclusion:

There are thirty three 'significant and unavoidable' impacts listed in Table 5-4 (dEIR, page 5-16). A single one of these impacts is sufficient cause for denial of the project. On the other hand, to approve the project, the County would have to find valid overriding considerations for each one of the 33 impacts listed. Such a statement of overriding considerations must be supported by a logical analysis of substantial evidence in the EIR or elsewhere in the record. (*Sierra Club v. Contra Costa County* (1992) 10 Cal.App.4<sup>th</sup> 1212.) All feasible mitigation must be adopted, and other mitigation properly found infeasible, before an agency can make a statement of overriding considerations. (*Los Angeles Unified School District v. City of Los Angeles* (1997) 58 Cal.App.4<sup>th</sup> 1019.)

The significant and unavoidable impacts from the **Transportation & Traffic** section, as listed on page ES-14:

" **TRA-1:** Conflict with an applicable congestion management program, including, but not limited to, level-of-service standards and travel demand measures or other standards established by the county congestion management agency for designated roads or highways"

Additionally, this list cannot be considered complete until further information and analysis is provided per the dEIR comments, in order to fully ascertain the impacts of the extensive changes being proposed.

END SECTION COMMENTS

O-1-407  
CONT.

O-1-408

## **Water Supply - Section 3.10 dEIR Review Comments**

The citizens of El Dorado County deserve an Environmental Impact Report which does not hide behind the skirts of the mendacious El Dorado Irrigation District but rather has an analysis of the Targeted General Plan Amendment and Zoning Ordinance Update which is based on best available science, is factual, transparent, and responsive to citizen needs, and not written to meet Big Developer desires.

O-1-409

The DEIR fobs off responsibility for water demands from future development onto the County Environmental Management Department. County Environmental Management Department does not handle water demands.

**Please clarify which county department or agency is deemed primarily responsible for water demands, and the basis for such identification.**

The DEIR falsely asserts that no land use changes are proposed which would increase development beyond that addressed in the 2004 General Plan. The 2004 General Plan found that there would be increased water demand if the build-out envisioned in the 2004 G.P. occurred, resulting in surface water shortages. That increased demand was not quantified, making it impossible to properly evaluate the environmental impact of that increase. "A prejudicial abuse of discretion occurs if the failure to include relevant information precludes informed decisionmaking and informed public participation, thereby thwarting the statutory goals of the EIR process." (Kings County Farm Bureau et al. v. City of Hanford (5th Dist. 1990) 221 Cal.App.3d 692, 712.)

O-1-410

**Please clarify how many acre-feet of shortage was present in 2004, how many acre-feet of shortage is present currently, and how many acre-feet of shortage would result from buildout as anticipated in the 2004 General Plan, and how many acre-feet of shortage will be present at full build-out under the proposed project.**

The environmental impacts of developing *new water* (if feasible) to meet the excess demand are not provided in the DEIR. The County needs to provide that environmental impact analysis, so that this DEIR may be properly evaluated before its accuracy or inaccuracy/incompleteness can be assessed.

O-1-411

An EIR is inadequate for not disclosing possible alternative water sources and their impacts. In light of the uncertainty regarding future water supplies, the EIR "cannot simply label the possibility that they will not materialize as 'speculative,' and decline to address it. The County should be informed if other sources exist, and be informed, in at least general terms, of the environmental consequences of tapping such resources." (Napa Citizens for Honest Government v. Napa County Bd. of Supervisors (2001) [91 Cal.App.4th 342](#), 373.) 431.) "[T]he future water supplies identified and analyzed must bear a likelihood of actually proving available; speculative sources and unrealistic allocations ("paper water") are insufficient bases for decisionmaking under CEQA." (Vineyard Area Citizens for Responsible Growth, Inc. v. City of Rancho Cordova

(Sunrise Douglas Property Owners Assn.) (2007) 40 Cal.4th 412, 432.) ““Where even a full discussion leaves some uncertainty regarding actual availability of the anticipated future water sources, CEQA requires some discussion of possible replacement sources or alternatives to use of the anticipated water, and of the environmental consequences of those contingencies. [citation] The law's informational demands may not be met, in this context, simply by providing that future development will not proceed if the anticipated water supply fails to materialize.” (Vineyard Area Citizens for Responsible Growth, Inc. v. City of Rancho Cordova (Sunrise Douglas Property Owners Assn.) (2007) 40 Cal.4th 412, 432.)

O-1-411  
CONT.

**Please provide the Environmental Impact analysis of developing the new surface water to meet the surface water needs of the additional development permitted by the Targeted General Plan Amendment and Zoning Ordinance Update.**

The proposed increased residential and commercial development envisioned in the DEIR would put an increased demand on the county's groundwater. This increased demand is not quantified, and so therefore it is not possible to measure how severe an impact on groundwater supply which the increased development would have. County's DEIR needs to quantify the increased groundwater demand before this DEIR can be properly evaluated.

O-1-412

**Please provide the Environmental Impact analysis of developing the new groundwater supplies to meet the groundwater needs of the additional development permitted by the Targeted General Plan Amendment and Zoning Ordinance Update.**

The 2004 General Plan Policy 5.1.2.2 says "Provision of public services to new discretionary development shall not result in a reduction of service below minimum established standards to current users, pursuant to Table 5-1." For public water, the purveyor for most of the County is El Dorado Irrigation *District* (EID). The DEIR refers to El Dorado Water *Agency* as the responsible agency for water supply development and assessment. This discrepancy is not addressed nor resolved in the DEIR. The County needs to clarify who is responsible.

O-1-413

**Please clarify which agency is responsible for water supply development and assessment.**

**DEIR Section 3.10.2 Environmental Impacts** (of TGPA and ZOU on water supply and other aspects of County's environment).

Under Impact Mechanisms, the DEIR says "This DEIR relies upon the water planning documents described in Section 3.10.1 as the primary source of information on existing and projected supply and demand, including sources of additional water that will be needed to meet additional demand." Merely referring to county water agencies for water supply figures is not providing the CEQA-required public services metrics of water supply necessitated by new discretionary development. Information scattered in an EIR or buried in an appendix is not a substitute for good faith reasoned analysis. (*California Oak Foundation v. City of Santa Clarita* (2005) 133 Cal.App.4<sup>th</sup> 1219, 1239.)

O-1-414

**Please provide those metrics with sufficient specificity so that readers can evaluate those numbers.**

**Please analyze the environmental *impact* of developing the surface water required by those metrics.**

O-1-414  
CONT.

The DEIR states [p. 333] "The project's key differences from the current General Plan that concern water use are as follows", and then lists five differences. In actuality there are *more than five differences* from the 2004 General Plan.

O-1-415

The DEIR fails to list:

- 1) that other communities besides Pollock Pines and Camino are seeking to change their (inappropriate) area designation from Community Region to Rural Region. This will have an impact on surface water demands. Such impact is not analyzed in the DEIR. Such communities include Diamond Springs, El Dorado, and Shingle Springs.

**Please provide an analysis of such impact on surface water demands.**

- 2) that a torrent of General Plan land use-density amendments for specific large subdivision projects has rendered the original assumptions enshrined in the 2004 General Plan woefully understated and erroneous. These numerous land use-density amendments and the increased water demands from these additional unanalyzed housing developments are not analyzed in the 2004 General Plan and are not analyzed in this DEIR. A proper cumulative impact analysis would evaluate, "A list of past, present, and probable future projects producing related or cumulative impacts." (CEQA Guidelines, sec. 15130, subd. (b).)

O-1-416

**Please provide an analysis of the increased water demands from these additional unanalyzed housing developments.**

- 3) The DEIR admits that "expanding the agricultural district boundaries" will have a significant impact on future surface water demands and supply but the DEIR fails to quantify what those metrics are.

"A conclusory statement 'unsupported by empirical or experimental data, scientific authorities, or explanatory information of any kind' not only fails to crystallize issues [citation] but 'affords no basis for a comparison of the problems involved with the proposed project and the difficulties involved in the alternatives.'" (People v. County of Kern (5th Dist 1974) 39 Cal.App.3d 830, 841-842 [115 Cal.Rptr. 67], quoting Silva v. Lynn (1st Cir. 1973) 482 F.2d 1282, 1285.)

O-1-417

**Please provide those metrics, and please provide an environmental analysis of those increased demands.**

- 4) The DEIR admits that "Increasing maximum residential density for mixed-use and multi-family projects" will have a significant impact on future surface water

O-1-418



demands and supply, but the DEIR fails to quantify what those metrics are. The DEIR analyzes permitted densities under increased maximum residential density for such mixed-use and multi-family projects, BUT the DEIR fails to provide the metrics for increased demand on surface water based on such high-density projects.

O-1-418  
CONT.

It is insufficient to disclose only the primary project impact without correlating it to the ultimate impacts on the human environment. (*Bakersfield Citizens for Local Control v. City of Bakersfield* (2004) 124 Cal.App.4<sup>th</sup> 1184.)

**Please provide those metrics, and please provide an environmental analysis of those increased demands.**

- 5) The DEIR mentions "Amending the Public Services and Utilities Element", but then in discussion asserts that proposed revisions to Policy 5.2.1.3 and 5.3.1.1 "would not have an impact on water demand." High-density developments connecting to public water systems most certainly do have an impact and increase surface water demand.

**Please provide clarification of how such increased density revisions do not result in increased water demand.**

**Please provide the metrics of how much increase such high-density developments allowed under the proposed revision would actually have on surface water supply.**

O-1-419

An agency must produce rigorous analysis and concrete substantial evidence to support a determination that the project's impacts are insignificant. (*Kings County Farm Bureau et al. v. City of Hanford* (5th Dist. 1990) 221 Cal.App.3d 692.)

- 6) 3.10-15: The DEIR notes **New land uses under the ZOU**. Under these are industrial, public utility, and large recreational facilities "which can have large water demands." These increased water demands are not measured, and thus no basis is provided to evaluate the environmental impact of these. For the DEIR to assert that future such development is 'speculative' does not absolve the DEIR from making reasonable assumptions, providing an explanation for its assumptions, and quantifying the water metrics of such assumptions. Drafting an EIR "necessarily involves some degree of forecasting. An agency must use its best efforts to find out and disclose all that it reasonably can." (CEQA Guidelines, sec. 15144.)

O-1-420

**Please provide those reasonable assumptions, an explanation for its assumptions, and quantifying the water metrics of such assumptions.**

7) The historic Drought which the County and California generally are in follows the previously-historic Drought of 1976-77. That previous Drought was supposed to have been a "Hundred Year Drought" and yet an equally-severe drought occurred only 47 years later. Clearly old records are not a reliable basis for future predictions. Five years ago EID commissioned a Water Study from the RAND Corporation, which has never been presented to the public. A preliminary preview of that study over several centuries showed repetitive drought cycles lasting *decades*. EID has suppressed the RAND Study, and does not base its water supply projections on that latest scientific data. Climatologists point out that the long-range result of Global Climate Change trends towards California and the West's having increased episodes of extreme weather including prolonged droughts. There is no sound scientific basis for the rosy water supply forecasts which EID produces.

O-1-421

**Please present the results of the EID commissioned RAND water study. Please analyze the impact of decade-long drought cycles on the cumulative and cumulative plus project scenarios.**

Page 3.10-5: Policy 5.2.1.7: In times of declared water shortages, the Board of Supervisors shall give priority within the affected water district to approving affordable housing and non-residential development projects.

O-1-422

We are in the third year of drought for our County. How can the BOS allow any growth for the residential development other than the existing entitlements and commitments? Using our County resources to amend the General Plan for more growth and more development violates this policy and it's a waste of tax payers' money.

**Please explain in the DEIR how the project meets the requirements of General Plan Policy 5.2.1.7.**

Page 3.10-8: In the future, EID plans to purchase 7,500 AFY of water wholesale from EDCWA through a USBR contract under Public Law 101-514 (i.e., "Fazio" water). This water would otherwise be destined for Folsom Lake. The Fazio water is expected to begin delivery in 2015.

O-1-423

If EID is expecting 7,500 AFY ("Fazio" water) in 2015, then they should allocate this water to the existing residents and alleviate the drought restrictions for the existing customers. Priority should be given to current EID customers instead of having more water for future development and TGPA.

**Please show in the DEIR the impact of servicing new customers rather than building reserves for current customers in case of a drought.**

Page 3.10-8: In the future, EID plans to purchase 7,500 AFY of water wholesale from EDCWA through a USBR contract under Public Law 101-514 (i.e., "Fazio" water). This water would otherwise be destined for Folsom Lake. The Fazio water is expected to

O-1-424

begin delivery in 2015. EID is also pursuing through EDCWA another 30,000 AFY under the "El Dorado–SMUD Cooperation Agreement." This supply would be available to EID beginning in 2025. By 2025, EID would thereby increase its current supply by 37,500 AFY in normal years; this would be reduced to an increase of 10,625 AFY in dry years (El Dorado Irrigation District 2013a).

The "Fazio" water negotiations are still in the process and given the current drought year there are concerns that the available water rights may be superseded by other agency and/or state needs. This is also true of the "El Dorado-SMUD Cooperative Agreement".

**Please explain the contingencies of not obtaining these water rights or a reduced amount of these water rights?**

**Also explain the timing of these water rights and how the ZOU will impact the necessary delivery needs with that timing. For example, if the "El Dorado–SMUD Cooperation Agreement" does not take effect until 2025, what will the water supply demand impacts be given the increased density of the ZOU upon approval?**

Page 3.10-10 Conservation Measures

In the current drought conservation measures, we are not reaching the 30% reduction requested by EID from the consumers. Calculating single and consecutive dry years' water supplies, including mandatory or voluntary conservation measures, on historical data that does not track our more recent historical water supply is short-sighted. We must use the current more accurate data to calculate any future supply and demand needs.

**Please explain how our demand and supply, with more empirical conservation data, will meet the projected supply and demand numbers presented. Given the drastic change in both recent high water years and low water years in the past 30 years, our projections need to reflect that data.**

Page 3.10-14 Agriculture District Boundary Expansion - In any case, a number of unknown variables related to an expansion of agricultural use exist; determining whether these variables would result in an increase in water demand makes would be speculative.

Speculative analysis is a necessary tool when performing future projections or planning. In order to make educated decisions regarding our water needs and supply, Agricultural District Boundary Expansion could have a large impact on available water

O-1-424  
CONT.

O-1-425

O-1-426

supplies. A worst case scenario should be presented before assumptions are made that this expansion will be a minimal impact.

**Please supply a detailed explanation on why as a "significant and unavoidable" impact there is no data or description of possible mitigation measures or potential issues. A more thorough assessment of this expansion and its impact on water supply is necessary in order to understand the larger regional planning issues.**

Remember, CEQA requires that findings be made for each significant effect identified in the EIR: (1) mitigation has been adopted, (2) the agency lacks jurisdiction to make the changes but others should, and/or (3) specific economic, social, technological, or other considerations make mitigation or alternatives infeasible. (*Sacramento Old City Association v. City Council* (1991) 229 Cal.App.3d 1011; See also *County of San Diego v. Grossmont-Cuyamaca Community College District* (2006) 141 Cal.App.4<sup>th</sup> 86.) In addition, all feasible mitigation must be adopted, and other mitigation properly found infeasible, before an agency can make a statement of overriding considerations. (*Los Angeles Unified School District v. City of Los Angeles* (1997) 58 Cal.App.4<sup>th</sup> 1019.) The information currently in the EIR will not be sufficient to support such a finding or such a statement of overriding considerations.

O-1-426  
CONT.

Page 3.10-15 : Policy 5.2.1.3: All medium-density residential, high-density residential, multifamily residential, commercial, industrial and research and development projects shall may be required to connect to public water systems if reasonably available when located within Community Regions and to either a public water system or to an approved private water systems in Rural Centers.

By changing the language from "must" to "shall", and adding the caveat "if reasonably available", the project will allow development projects like Marble Valley to have their own wells for residential, commercial, and recreational use.

O-1-427

**Please analyze the impact to groundwater supplies by allowing medium density residential, high-density residential, multifamily residential, commercial, industrial and research and development projects to utilize ground water.**

**Please include in the analysis the impact to existing groundwater users.**

**Please analyze the impact of adding the words "reasonably available", as this vague caveat could be used by many people to avoid the hookup fee to EID water.**

EID's growth rates are double to quadruple the county's projected growth rate of just over 1%.

**Please explain why by showing the data used to create the growth rates of between 1.65% to 4.75% increase. Using two different sets of numbers for planning purposes between the county and EID will create major discrepancies in our planning process.**

O-1-427  
CONT.

**In addition, using different growth assumptions for land use and water planning purposes may jeopardize state funding relied upon for the construction of water supply projects. For example, Prop. 84 funding is contingent on collaborative land use and water planning, that resolves such inconsistencies. (See Department of Water Resources, Integrated Regional Water Management Plan Guidelines, 2010, pp. 22, 60-61.) Without the state funding, the additional needed water supply projects may not be feasible. Please disclose this in the Final EIR.**

Supply numbers in Table 3.10-2 assume Fazio and UARP water.

**What are the projections if one or both agreements are not realized?**

Page 3.10-19 states: " EID estimates that the improvements identified in the IRWMP would be made in a series of three phases: Phase 1—2012–2020; Phase 2—2021–2030; and Phase 3—2031–buildout. The phases would be undertaken as demand dictates. The total capital costs for all three phases are estimated to be \$475 million."

O-1-428

**Please analyze the economic impact to existing and future EID customers of the \$475 million in infrastructure improvements that are required for mitigation of water shortages for the project. Such economic factors "shall be considered by public agencies ... in deciding whether changes in a project are feasible to reduce or avoid the significant effects on the environment identified in the EIR." (CEQA Guidelines, Sec. 15131, subd. (c).)**

Page 5-12 states: " The projections of the proposed sites' water demands under the existing 2004 General Plan designations were subtracted from the total cumulative water demand to avoid double-counting the water demand from the four proposed sites."

O-1-429

**Please supply the numbers for the proposed sites' water demands under the existing 2004 General Plan designations.**

O-1-429  
CONT.

Page 5-13: Table 5.2: El Dorado Irrigation District Total Water Demand and Supply Projections to 2035, with Cumulative Projects except San Stino

O-1-430

1) The County hasn't analyzed the water impact for the San Stino project.  
**Please add the water analysis for the San Stino project to the DEIR.**

2) According to the EID 2013 Water Resources and Service Reliability Report (pages 4, 26 & 28), we only have "4,687" EDUs (Equivalent Dwelling Units) available in the "El Dorado Hills Region". This number is greater than the existing commitments of "2,690" EDUs plus proposed projects (EDH Specific plan, Marble Valley, Lime Rock and Dixon Ranch) of approximately "5,500" EDUs totaling "8,190" EDUs. We are over committing "3,503" EDUs in the EDH region.  
**Please explain how 4,687 EDU's of supply is sufficient for 8,190 EDU's of demand.**

O-1-431

3) According to the EID 2013 Water Resources and Service Reliability Report, we only have "1,935" EDUs available for the Western & Eastern Regions of which "283" EDUs are committed already. How can we fulfill all the proposed projects for these areas?

O-1-432

4) EID is approving the water availability for all the proposed projects in the EDH and Western/Eastern Regions. On the other hand, they are enforcing 30% conservation for existing customers and possibly 15% increase in water rates. This conservation is affecting the existing residents in a negative way. For many households, it is destroying lawns and other landscaping. This is a significant adverse aesthetic impact. Who is responsible for ~\$10,000 worth of landscaping damage at each household? Multiply this number by the number of EID customers and you have a measure of the damage for the EDC residents. The TGPA is proposing growth at the expense of the existing customers; this is not right.

O-1-433

**Please analyze the economic impact to residents of El Dorado County by using water supplies for new developments (increased density under the project), rather than to supplement water supplies for existing customers. Such an economic analysis will provide a measure of the significance of the projects impact on the landscape associated with future drought-related water conservation. (See CEQA Guidelines, sec. 15131, subd. (b).)**

Page 5-14 states: "The contribution of the project is considerable outside of the EID service area, where future water supply availability is more tenuous and dry-year shortages are predicted."

**Please enumerate the areas where dry-year shortages are predicted and the impact to these areas.**

O-1-434

**Please describe the mitigations to bring the impact of these predicted shortages to less than significant. An EIR shall describe feasible mitigation measures. Each measure should be discussed, and the basis for selecting a particular measure should be identified. Formulation of mitigation measures should not be delayed until some time in the future. Mitigation measures must be fully enforceable. (CEQA Guidelines, sec. 15126.4.) The administrative record must contain substantial evidence supporting the agency's view that the measures will mitigate the impacts. "A clearly inadequate or unsupported study is entitled to no judicial deference." (*Laurel Heights Improvement Association of San Francisco v. Regents of the University of California* (1988) 47 Cal.3d 376, 422 & 409 fn. 12.)**

Conclusion:

There are thirty three 'significant and unavoidable' impacts listed in Table 5-4 (dEIR, page 5-16). A single one of these impacts is sufficient cause for denial of the project. On the other hand, to approve the project, the County would have to find valid overriding considerations for each one of the 33 impacts listed. Such a statement of overriding considerations must be supported by a logical analysis of substantial evidence in the EIR or elsewhere in the record. (*Sierra Club v. Contra Costa County* (1992) 10 Cal.App.4<sup>th</sup> 1212.) All feasible mitigation must be adopted, and other mitigation properly found infeasible, before an agency can make a statement of overriding considerations. (*Los Angeles Unified School District v. City of Los Angeles* (1997) 58 Cal.App.4<sup>th</sup> 1019.)

O-1-435

The significant and unavoidable impacts from the **Water Supply** section, as listed on page ES-14:

***WS-1: Create a need for new or expanded entitlements or resources for sufficient water supply***

Additionally, this list cannot be considered complete until further information and analysis is provided per the dEIR comments, in order to fully ascertain the impacts of the extensive changes being proposed.

END SECTION COMMENTS

## Alternatives – Chapter 4 DEIR review comments

An EIR must evaluate a range of reasonable alternatives to the project capable of eliminating any significant adverse environmental effects of the project, or reducing them to a level of insignificance, even though the alternatives may somewhat impede attainment of project objectives, or may be more costly. (Pub. Resources Code, sec. 21002; CEQA Guidelines, sec. 15126, subd. (d); *Citizens for Quality Growth v. City of Mount Shasta* (3d Dist. 1988) 198 Cal.App.3d 433, 443-445.) CEQA requires a "quantitative, comparative analysis" of the relative environmental impacts and feasibility of project alternatives. An inadequate discussion of alternatives in an EIR is an abuse of discretion. (*Kings County Farm Bureau et al. v. City of Hanford* (5th Dist. 1990) 221 Cal.App.3d 692, 730-737.) An EIR must explain in detail why various alternatives are deemed infeasible. "Without meaningful analysis of alternatives in the EIR, neither the courts nor the public can fulfill their proper roles in the CEQA process. (*Laurel Heights Improvement Association of San Francisco v. Regents of the University of California* (1988) 47 Cal.3d 376, 404.)"

O-1-436

- A. The County impermissibly eliminated numerous significant impacts from consideration when selecting alternatives.

The discussion of alternatives in an EIR "must 'focus on alternatives capable of eliminating any significant adverse environmental effects or reducing them to a level of insignificance, even if these alternatives would impede to some degree the attainment of the project objectives, or would be more costly.'" (Guidelines, § 15126, subd. (d)(3).)" (*Kings County Farm Bureau, supra*, 221 Cal.App.3d at p. 733.) The proposed project has 33 significant and unavoidable impacts.

On Page 4-7, the DEIR indicates that the County identified only five "key impacts" to be reduced by project alternatives. Not considered in alternative selection were project and cumulative impacts including air pollution, cultural resources, noise, population, and water supply. We find no basis in CEQA that grants agencies the discretion to discriminate between significant impacts that can be the basis for alternatives, and significant impacts that are not worthy of reducing or avoiding through alternatives. In the Final EIR, please identify and evaluate alternatives that will reduce or avoid the significant impacts of the project to air pollution, cultural resources, noise, population, and water supply.

- B. The DEIR's Rejection of the Modified Community Region Boundaries alternative is not rationally linked to substantial evidence in the record.

On page 4-12, the Reasons for Rejection of the alternative to Modify Community Region Boundaries are based on proposed policies that have not yet been approved by the Board of Supervisors and hypothetical growth projections that are the wishful thinking of the urban consulting firm that El Dorado County hired for the DEIR analysis.

O-1-437



1. Flawed logic and superficial analysis conclude that the alternative creates an inconsistency with the objective to encourage and support development of housing affordable to the moderate income earner.

- a) The statement that "This alternative would reduce the availability of housing in the future as previously approved development projects are built out" is unsubstantiated. Please either, substantiate this conclusory statement with data, or retract it from the Final EIR.

If a development project is already approved, then the terms of the project cannot be changed by moving a Community Region Line. Instead, a Platted Land Overlay would be added to the General Plan map to show that the previously approved development does not conform to the General Plan designation. This is evidenced by the current General Plan map, which has several instances where a previously approved project is shown with a Platted Land Overlay to indicate that the approved development of the land is consistent with existing land use patterns.

- b) The assumption that higher density mixed use development in Shingle Springs will be affordable to the moderate income earner is unsubstantiated. There is no guarantee that higher densities will lead to affordable housing. If mandatory affordability covenants or other price controls will be a condition for receiving these higher densities, then please indicate this in the Final EIR. Otherwise, retract the statement from the Final EIR. If the County is serious about producing affordable housing, it should partner with a non-profit affordable housing development corporation and aggressively participate in state and federal programs that fund affordable housing construction and rehabilitation. These would be far more effective and less environmentally harmful means of achieving that objective. Please consider such an alternative in the Final EIR.

Substantial evidence contrary to the assumption is the recent proposal to build a 255-unit apartment complex in Town Center of El Dorado Hills. The proposed apartment project has an exceedingly higher density than what is allowed in the General Plan, yet the rent of those relatively small apartments is anticipated to be quite high. Please provide specific, detailed data and analysis to show how the high density development will generate affordable housing.

- c) There are no maps provided to show exactly where the higher density mixed use is proposed and how many units are affected. Remember, the project description "shall contain the precise location of the project on a detailed map." (CEQA Guidelines, Sec. 15124, subd. (a).) In this instance, that would be a map of the land designated for higher density mixed use.

O-1-437  
CONT.

O-1-438

O-1-439

These detailed maps must be included in the DEIR so that the public can see if the proposed higher densities are appropriate for the proposed location. For example, there are parcels in the Barnett Business Park that are zoned commercial, however these would be poor choices for mixed use development because they are adjacent to existing industrial-type businesses and far from shopping opportunities.

O-1-439  
CONT.

- d) There is no detailed data provided for the analysis for the statement, "Reducing the potential for higher density mixed use development in Shingle Springs runs counter to this objective." If there is, indeed, the potential for higher densities, the DEIR must include detailed analysis for those potential higher densities. Please add analysis to show the number of potential units and their impact on Transportation and Traffic, Water, Aesthetics, and Noise. An EIR must contain facts and analysis, not just the bare conclusions of the agency, and must provide sufficient detail so that those who did not participate in its preparation can understand and consider meaningfully the issues raised by the proposed project. The decision to approve a project is a nullity if based upon an EIR that does not provide the decision makers and the public with the required information about the project. (*Bakersfield Citizens for Local Control v. City of Bakersfield* (2004) 124 Cal.App.4<sup>th</sup> 1184.)

O-1-440

2. Hypothetical growth projections and misleading information are used to conclude that the alternative creates an inconsistency with the objective to promote and support the creation of jobs.

- a) The statement that, "Reducing the potential for residential development would indirectly limit the future creation of jobs in retail and other commercial sectors that are dependent upon the local population for business," is an unfounded assumption. CEQA requires that findings be made for each significant effect identified in the EIR: that specific economic, social, technological, or other considerations make alternatives infeasible. (*Sacramento Old City Association v. City Council* (1991) 229 Cal.App.3d 1011; See also *County of San Diego v. Grossmont-Cuyamaca Community College District* (2006) 141 Cal.App.4<sup>th</sup> 86.) These findings must be supported by substantial evidence in the record. "Argument, speculation, unsubstantiated opinion, or narrative evidence which is clearly erroneous or inaccurate ... does not constitute substantial evidence." (CEQA Guidelines, sec. 15384.)

O-1-441

To the contrary of the assumption, El Dorado County's jobs-to-housing ratio has been unbalanced for years, which has created plenty of housing with limited local jobs for residents. This has caused residents to seek employment outside of the county, where they often take advantage of retail opportunities along their

commute to work. Decreasing the number of residents that commute outside of the county for work will lessen the number of residents that are likely to shop outside of the county and, thus, support local retail businesses. There is no data in the DEIR to show that there is a need to increase residential development to bring our jobs-to-housing ratio back into balance.

O-1-441  
CONT.

- b) The BAE report combines data for Cameron Park and Shingle Springs, which distorts the data used in the analysis. It also ignores General Plan Goal 2.4: Existing Community Identity:

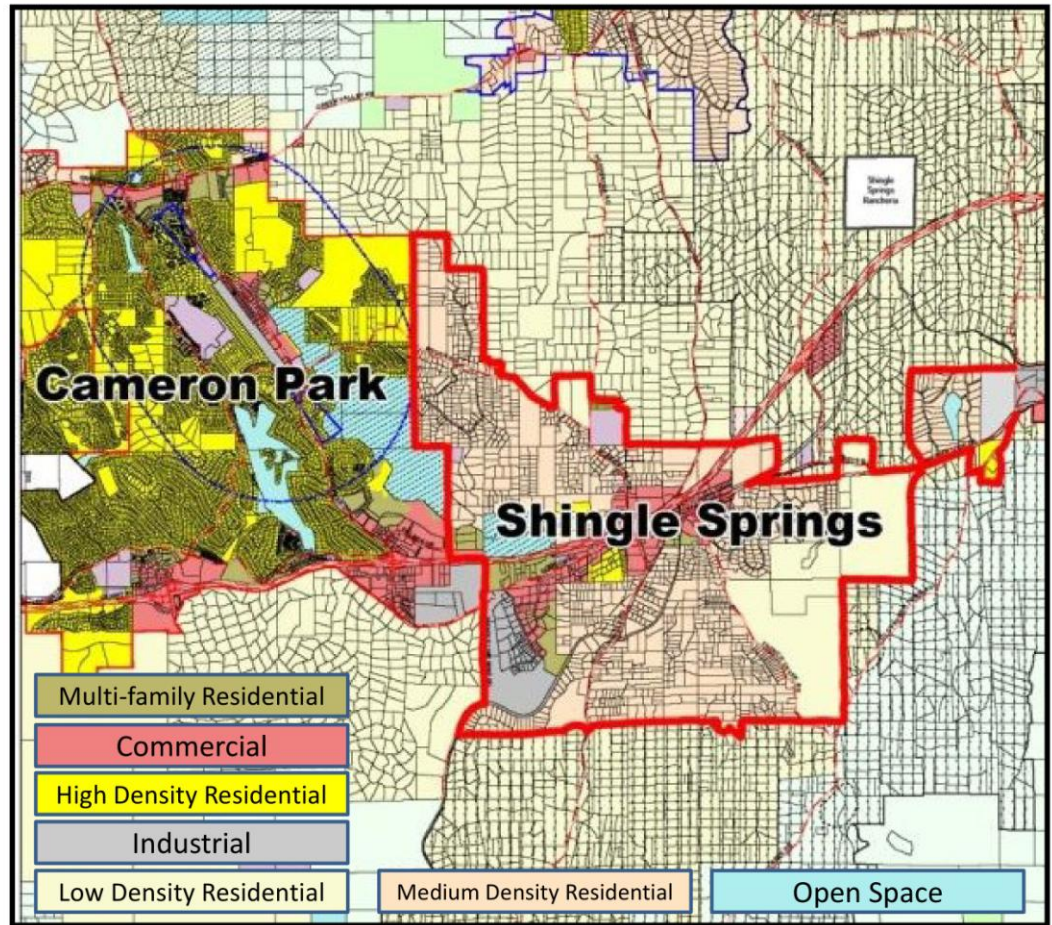
**Maintain and enhance the character of existing rural and urban communities, emphasizing both the natural setting and built design elements which contribute to the quality of life, economic health, and community pride of County residents.**

O-1-442

and Objective 2.4.1: Community Identity:

**Identification, maintenance, and enhancement of the unique identity of each existing community.**

Map of Shingle Springs and Cameron Park 1 illustrates the different land uses that comprise each community, which are separate and unique. The BAE report erroneously combines the data for each of these communities, making it impossible to know the portion that is attributed to Shingle Springs. It would be logical to project that most of the projections in the data could be attributed to Cameron Park because it is mostly high-density and commercial properties, whereas Shingle Springs is primarily low- and medium-density and commercial properties. Clearly, Cameron Park and Shingle Springs are extremely different communities with different land uses and potential for development.



Map of Shingle Springs and Cameron Park 1

The data analysis and conclusion in the DEIR is based on this erroneous data, and must be corrected in the Final EIR.

O-1-442  
CONT.

- c) The statement "The BAE report estimated that the Cameron Park/Shingle Springs area will support nearly 4,500 jobs new jobs by 2035, based on multifamily residential growth under the TGPA of 635 units and single-family growth 3,560 units," is based purely on speculation and defies logic. It is not based upon an extrapolation of past trends and baseline data. El Dorado County has historically created housing with the promise of creating jobs, and the anticipated jobs have never materialized.

O-1-443

In the Final EIR, please provide baseline job growth numbers historically in El Dorado County as a function of housing construction. This information is essential to assess the feasibility of the project and its alternatives to achieve the objectives of the project. The essential ingredient in determining an alternative's feasibility is the assessment of the alternatives in relation to the objectives of the project. (*Planning and Conservation League v. Department of Water Resources* (App. 3 Dist. 2000) 83 Cal.App.4<sup>th</sup> 892.)

3. The objective to revise existing General Plan policies and land use designations to provide clarity while keeping changes to land use maps to a minimum is superficial and meaningless, making adherence to it pointless and hypocritical.

a) The TGPA and ZOU propose to change many policies that will, in effect, change the land use. So while the map may be staying the same, the land use definition is changing. This is the inverse of what the alternative is proposing. The alternative intends to preserve the existing land use by altering the Community Region Lines and adding Platted Land Overlays, so that those parcels are not a target for high-density development. This will provide clarity to developers and residents because there will no longer be a threat of higher-density development inside the Community Region Lines. Since the goal is to provide clarity, please provide analysis to show how keeping the current land use map with different definitions provides more clarity than the proposed CRL alternative.

O-1-444

4. In the Reduction of Impacts section, the statement, "Therefore, reducing the TGPA's residential density here would reduce the rate of traffic generation, but would not reduce other environmental impacts in comparison to the TGPA," is not clear and is presumptive. Please provide the data and analysis that was used in this comparison to reach this conclusion. A clearly inadequate or unsupported study will be entitled to no judicial deference. (*State Water Resources Control Board Cases* (App. 3 Dist. 2006) 136 Cal.App.4<sup>th</sup> 674.)

O-1-445

C. The DEIR does not evaluate a broad range of reasonable alternatives.

An EIR must evaluate a range of reasonable alternatives to the project capable of eliminating any significant adverse environmental effects of the project, or reducing them to a level of insignificance, even though the alternatives may somewhat impede attainment of project objectives, or may be more costly. (Pub. Resources Code, sec. 21002; CEQA Guidelines, sec. 15126, subd. (d); Citizens for Quality Growth v. City of Mount Shasta (3d Dist. 1988) 198 Cal.App.3d 433, 443-445.)

O-1-446

Page 4-13 to 4-17 of the DEIR list three alternatives. One is the "No Project" alternative. Another is the Selective Approval of Components Alternative. However, this alternative's definition is so flexible that the alternative defies quantitative analysis. Paradoxically, it is also so rigid that it only considers components of the proposed projects for inclusion, and thereby severely limits the potential to reduce impacts. The Transit Connection Alternative is the only defined action alternative. When a project has 33 significant unavoidable impacts, one would expect a broader range of alternatives feasible to reduce one or more of those impacts.

In the Final EIR, please consider an alternative that includes County standards, policies, and programs that will help new job-creating proposals: to avoid problems associated with conflicting uses, to mitigate potentially significant environmental impacts, and to more securely meet the development approval standards imbedded in state law.

O-1-447

End of Comment Section

## Other CEQA Considerations – Chapter 5 DEIR review comments

1. The cumulative Impacts analysis is vague, and does not provide a quantitative analysis of impacts that can be quantified.

"Cumulative impacts' refer to two or more individual effects which, when considered together, are considerable or which compound or increase other environmental impacts." (CEQA Guidelines, sec. 15355.)

An EIR must contain facts and analysis, not just the bare conclusions of the agency, and must provide sufficient detail so that those who did not participate in its preparation can understand and consider meaningfully the issues raised by the proposed project. The decision to approve a project is a nullity if based upon a cumulative impact analysis that does not provide the decision makers and the public with the required information about the project. (*Bakersfield Citizens for Local Control v. City of Bakersfield* (2004) 124 Cal.App.4<sup>th</sup> 1184.) A cumulative impact analysis is inadequate when there are no facts, statistics, reports, or studies supporting the lead agencies conclusions that cumulative impacts would be de minimis. (*Joy Road Area Forest and Watershed Assn. v. California Dept. of Forestry & Fire Protection* (2006) 1142 Cal.App.4<sup>th</sup> 656.) In *Whitman*, the Court found that the discussion of cumulative impacts lacked "even a minimal degree of specificity or detail" and was "utterly devoid of any reasoned analysis." The document relied on unquantified and undefined terms such as "increased traffic" and "minor increase in air emissions". (*Whitman v. Board of Supervisors* (2d Dist. 1979) 88 Cal.App.3d 397, 411.) "A prejudicial abuse of discretion occurs if the failure to include relevant information precludes informed decisionmaking and informed public participation, thereby thwarting the statutory goals of the EIR process." (*Kings County Farm Bureau et al. v. City of Hanford* (5th Dist. 1990) 221 Cal.App.3d 692, 712.)

The cumulative impact analysis in the DEIR frequently relies on vague, unquantified, and undefined terms to describe impacts that are subject to quantification from site-specific projects. For example, rather than identifying the acres of agricultural land and timber land at risk to conversion, it uses phrases like "a marginal increase" in impacts and "substantial areas" converted. (DEIR, p. 5-4.) Rather than providing quantified air quality impacts, and health risks, the DEIR simply says "significant" impacts would result from "large" projects. (DEIR, p. 5-5.) Instead of identifying the habitat types converted by the cumulative projects, the DEIR merely provides the bare conclusion that the cumulative impacts "would significantly contribute" to wildlife habitat loss in the region. (DEIR, p. 5-6.) Rather than providing any trip generation numbers and noise contours based upon the cumulative projects, the DEIR merely provides the hedged conclusion, "it is possible that there would be a cumulatively considerable increase in noise on U.S. Highway 50." (DEIR, p. 5-9.) Without providing any trip generation figures, the DEIR vaguely states that the cumulative projects represent "a major increase" and a "substantial increase" in the level of traffic on U.S. Highway 50 and on connecting

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roads. (DEIR, p. 5-11.) In the Final EIR, please provide the quantitative details regarding these cumulative impacts.

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CONT.

2. The growth inducing impacts analysis is insufficient.

The EIR must "Discuss the ways in which the proposed project could foster economic or population growth, or the construction of additional housing, either directly or indirectly, in the surrounding environment." (CEQA Guidelines, sec. 15126.2, subd. (d).)

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The single-page-long analysis of growth inducing effects merely concludes that the project is growth inducing. (DEIR, pp. 5-14 to 5-15.) There is no description of the ways in which each relevant provision of the TPGA/ZOU would induce population growth or the construction of additional housing. Perhaps the EIR is relying on the prior discussion of housing and population impacts to address these issues. If that is the case, a prior section of these comments has already detailed the inadequacies of the population and housing impact analysis in the DEIR. In the Final EIR, please indicate how each relevant provision of the TPGA/ZOU induces population growth or the construction of additional housing. Please quantify the expected effects whenever possible. As is the case with so many things in life, with growth inducing effects, the magnitude significantly influences the desirability (i.e. size matters).

End of Comment Section



## Home Occupation Ordinance - ZOU 17.40.161 dEIR Review Comments

In public meetings during the past year, county staff and the Board of Supervisors have indicated that the Home Occupation Ordinance (HOO) would primarily give residents an opportunity to work from their home in non-impacting occupations, such as office type jobs where most of the work is done over the phone, by mail, and over the Internet. However, a careful reading of the Draft ZOU indicates that the HOO also includes commercial and industrial type of occupations that are ill-suited for a peaceful neighborhood. The DEIR does not have a section that clearly analyzes the HOO. Instead, the proposed HOO and its components are mentioned haphazardly throughout the DEIR, with no statistical or analytical data on possible impacts.

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El Dorado County has a poor track record of resolving conflicts between property owners. Complaints to Code Enforcement fall on deaf ears and county resources are not allocated to increase Code Enforcement staff. Recent examples of the county's lack of will to resolve conflicts include the lack of permits at the Greenstone Cutoff Road project, the lack of code enforcement at All-N-One Storage aka Sundance Lumber at El Dorado Road, and the complete void of assistance to the neighbors suffering from paint fumes and noise from Kniesel's Auto Collision. Many of the proposed policies in the Draft ZOU do not protect the right of people to the peaceful, uninterrupted enjoyment of their property.

1. Number of Employees (Table 17.40.160.2 of Draft ZOU) - At a minimum, a chart should be included in the DEIR to compare the number of employees allowed for each type of zoning and parcel size in the current ZOU and Draft ZOU. This chart would enable the public to see what is changing from the current ZOU to the Draft ZOU. This comparison chart should include detailed analysis when there is a difference between current and draft ZOU. The chart should include, at a minimum:

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- a) The analysis to determine that the increase in employees on residential property would not cause significant impacts to neighbors. Often in El Dorado County, larger parcels (which are proposed for more employees) are located on narrow, windy, roads. Increasing the number of drivers on these small, country roads is a safety hazard. This impact on Transportation and traffic safety must be analyzed.
- b) The analysis to show that the increased traffic in residential areas does not increase the financial burden of residents served by private roads. Increasing the number of drivers on small, private roads will increase wear and tear and cause neighbors to have to pay for increased road maintenance, or suffer the resulting degradation of the roadways. This impact on Transportation and its costs must be analyzed.

- c) The analysis to show that enough distance exists between the home occupation and the adjacent property to prevent the daily noise and nuisance of the employees from drifting onto adjacent residential property. Potential employee-related nuisances includes the motor noise of additional cars to and from the property, the additional car doors slamming upon arrival and departure, loud conversations among employees, or loud, private cell phone conversations during break (which could include profanity as witnessed at the Kniesel's Auto Collision), and second-hand smoke from employee smoke breaks. These impacts on Noise and Air Quality must be analyzed.

O-1-451  
CONT.

"A prejudicial abuse of discretion occurs if the failure to include relevant Information precludes informed decisionmaking and informed public participation, thereby thwarting the statutory goals of the EIR process." (*Kings County Farm Bureau et al. v. City of Hanford* (5th Dist. 1990) 221 Cal.App.3d 692, 712.)

Table 17.40.160.2 of the Draft ZOU shows an increasing number of employees on parcels as the parcel size increases. There is no quantitative analysis to show how these numbers were derived or any reference to other jurisdictions that use comparable numbers. Increasing the number of employees on a parcel has the potential to interfere with the right of the neighbors to peaceful, uninterrupted enjoyment of their property.

2. Heavy Commercial Vehicles (Draft ZOU policy 17.40.160.C.8) Heavy Commercial Vehicles are defined in Article 8, Glossary, as:

Vehicles used for commercial purposes that require a Commercial Driver's License in compliance with state Department of Motor Vehicle regulations. These vehicles include, but are not limited to buses or cars that seat ten or more passengers, tow trucks, dump trucks, truck tractors with or without semi-trailers, flat bed trucks, fork lifts, front end loaders, backhoes, logging vehicles, graders, bulldozers, and other similar construction equipment.

O-1-452

Allowing the use of Heavy Commercial Vehicles adjacent to a residential property is in direct conflict with Draft ZOU policy 17.40.160.C.6, which states:

*"... no equipment or process shall be used that creates noise, vibration, dust, glare, fumes, odors, or electrical interference detectable to the normal senses off-site."*

- a) There is no analysis in the DEIR to show that Heavy Commercial Vehicles for use in Home Occupations will not create noise, vibration, dust, glare, fumes, or odors and cause a nuisance to adjacent properties. The DEIR must clearly analyze each of these impacts, including Noise and Air Quality.
- b) What analysis was done to determine that the use of Heavy Commercial Vehicles on residential property would not cause significant impacts to neighbors? Often in El Dorado County, larger parcels are located on narrow, windy, roads. Using Heavy Commercial Vehicles on these small, country roads is a safety hazard. This impact on Public Safety must be analyzed.
- c) There is no analysis in the DEIR to show that the use of Heavy Commercial Vehicles in residential areas does not increase the financial burden of residents served by private roads. Increasing the number of heavy commercial vehicles on small, private roads will increase wear and tear and cause neighbors to have to pay for increased road maintenance, or suffer with the degraded roads. The increase in Transportation costs to neighbors would be an effective way to evaluate the significance of this impact in the FEIR. Please do so.

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CONT.

3. Several policies in the Draft ZOU negatively impact Aesthetics within residential areas by allowing business activities, vehicles, Heavy Commercial Vehicles, goods, and materials to be on the property and not required to be screened from view by neighbors on adjacent properties. These policies include:

- a) 17.40.160.C.1 All business is conducted within permitted structures on the lot or outdoors provided the business is screened from a right-of-way or road easement.
- b) 17.40.160.C.2 For home occupations conducted in any part of a garage or a detached building, the activity shall not be visible from a right-of-way or road easement,...
- c) 17.40.160.C.8.b On lots 5 acres or larger and in Residential Estate (RE) may be stored onsite providing they are not visible from a right-of-way or road easement, except when in use.
- d) 17.40.160.C.9 Goods or materials used or manufactured as part of the home occupation shall not be visible from a right of way or road easement.

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These policies only require that the business activities, vehicles, Heavy Commercial Vehicles, goods, and materials be screened from a right-of-way or road easement, not from adjacent property owners. This negative impact on Aesthetics for adjacent property owners must be analyzed in the DEIR.

4. Policy 17.40.160.D Student Instruction - This policy gives the Director the discretion to change a residential use into a primarily commercial use, and violates CEQA by not allowing the public to have a complete analysis of the change of use and participate in the process as with a Use Permit. At a minimum, this policy needs to be analyzed for its negative impacts on Land Use, Aesthetics, Noise, and Public Safety.

O-1-454

5. Policy 17.40.160.F Limitations on Home Occupations - A wide variety of Home Occupations are proposed in the Draft ZOU, many of which are not allowed in residential areas in the current ZOU because they are not compatible with residential uses and interfere with the right of the neighbors to peaceful, uninterrupted enjoyment of their property. At minimum, a chart should be included in the DEIR to show which uses are newly allowed by Use Permit and what analysis was done to determine the impact on the adjacent and neighboring properties. As mentioned above, El Dorado County has a poor track record of understanding the true impacts of a project until after a project is approved, and that is too late to resolve compatibility issues. Additionally, there is no analysis as to how it was determined that the noise and fumes from the Home Occupations can be contained on one-acre parcels or greater. Noise and fumes travel far and there is no analysis to show what size property, if any, is suitable to keep the nuisance from leaving the property.

O-1-455

The Limitations on Home Occupations policy is confusing as written, and will need to be more structured for a clear analysis of its impacts. Several of the listed Home Occupations have an exception clause in them (1, 2, 3, 4, 8, 9, 11, 12). It is not clear if the exception applies to the requirement of a minimum one-acre parcel size, to the requirement of a Use Permit, or some other requirement. There is no clear distinction as to whether the proposed Home Occupation is intended for residential areas or agricultural areas, which have different needs and compatibility issues. A complete chart listing each business type, each zoning type, and each parcel size is needed for clarity to the public and for analysis that needs to be in the DEIR. EIRs must be "organized and written in a manner that will be meaningful and useful to decisionmakers and to the public." (Pub. Resources Code, sec. 21003, sub. (b).)

O-1-456

a) Policy 17.40.160.F.1 - Motor vehicle repair and maintenance is a noisy and smelly industry and should not be allowed in any residential neighborhood, regardless of the parcel size. Impacts that should be included in the DEIR includes:

O-1-457

i. What limit on volume of cars serviced per day is being analyzed? Does it matter what size the parcel is and what type of zoning it is? Analysis on

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|--------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------|--------------------------|
| <p>the change of Land Use from residential to commercial/industrial must be included in the DEIR.</p>                                                                                                                                                                                                                                                                                                                    | <p>O-1-457<br/>CONT.</p> |
| <p>ii. Even with proper venting on a paint booth, there are fumes that escape and cannot be contained on the property. For example, these types of fumes have triggered asthma attacks in residents living near the Kniesel's Auto Collision Center. The impacts on Air Quality from noxious paint fumes in residential neighborhoods must be analyzed.</p>                                                              | <p>O-1-458</p>           |
| <p>iii. El Dorado County has a poor track record of properly funding code enforcement staff. "[A] project proponent's prior environmental record is properly a subject of close consideration in determining the sufficiency of the proponent's promises in an EIR." (<i>Laurel Heights Improvement Association of San Francisco v. Regents of the University of California</i> (1988) 47 Cal.3d 376, 420.)</p>          | <p>O-1-459</p>           |
| <p>Will there be enough staff to enforce all of the regulations and resolve conflicts that will arise if motor vehicle repair is allowed to happen in any neighborhood anywhere in the county instead of in properly zoned commercial and light industrial areas? This impact on Public Services must be analyzed.</p>                                                                                                   |                          |
| <p>iv. Large clouds of smoke are often created when flushing a car system, sometimes causing nearby citizens to call the fire department out of concern for public safety. What type of burden will be placed on the fire department if it receives increased calls because of large clouds of smoke throughout the county's residential neighborhoods? Impacts to Public Services and Air Quality must be analyzed.</p> | <p>O-1-460</p>           |
| <p>v. Depending on the volume of cars allowed, neighbors could be subjected to continuous noxious fumes from car exhaust as cars are tested before and after repair. The Draft ZOU should have clear standards for volume of cars allowed in the policy so that the impacts to Air Quality can be analyzed.</p>                                                                                                          | <p>O-1-461</p>           |
| <p>vi. In commercial auto repair shops, signage is required to show that many auto parts contain asbestos and that exposure is a safety hazard. Auto parts that contain asbestos will be delivered, stored, and disposed of on residential properties and the potential health risks need to be analyzed for their impact on Hazardous Materials.</p>                                                                    | <p>O-1-462</p>           |

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|-------|---------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------|---------|
| vii.  | The delivery and disposal of oils, coolants, and other fluids used in motor vehicle repair is often made by large, industrial-sized trucks. The impact on the neighbors of increased traffic by large, delivery vehicles must be analyzed for Noise, Nuisance, and Public Safety.                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                               | O-1-463 |
| viii. | Is the county and any other responsible agencies prepared to increase staff that performs enforcement of regulations and inspections for compliance regarding proper disposal of materials when this type of business is allowed to be scattered throughout residential neighborhoods rather than commercial and industrial centers? The impact to Public Services, Water Quality, and Hazardous Materials must be analyzed in the DEIR.                                                                                                                                                                                                                                                                                                                                                                                                                                                                                        | O-1-464 |
| ix.   | Motor vehicle repair businesses use loud machinery, such as compressors. Other noises include the beeping, engine noise, and hydraulics of tow trucks that deliver vehicles to the business. Analysis of this type of nuisance of Noise to neighboring properties must be analyzed in the DEIR.                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                 | O-1-465 |
| b)    | Policy 17.40.160.F.2 - Storage of an excessive number of motor vehicles in residential areas is not a desirable trait for any neighborhood. It gives the appearance of a parking lot or junkyard, depending on the number and type of vehicles allowed. The Draft ZOU should include a chart of the size of parcel, number of vehicles allowed, and type of vehicles allowed so that detailed analysis can be made and included in the DEIR. The DEIR should include analysis of the Aesthetics, Noise, and Air Quality that would negatively impact the neighbors by the increase of vehicles arriving, departing, and being stored in the neighborhood. The impact on Public Services should also be analyzed as the storage area would not be as secure as a commercial storage facility in a centrally located commercial area and would become a target for theft, increasing the burden of law enforcement in the county. | O-1-466 |
| c)    | Policy 17.40.160.F.3 - Carpentry and cabinet making is a noisy and sometimes smelly industry and should not be allowed in a residential neighborhood without detailed analysis.                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                 |         |
| i.    | Carpentry and cabinet making use loud saws and machinery and there is not clarity in the Draft ZOU as to how the noise from this machinery will be contained on property of any size. There is no evidence to show that a one-acre parcel is large enough a distance from neighbors to prevent a                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                | O-1-467 |

negative impact on neighbors. Analysis for the impact of Noise should be included in the DEIR.

- ii. Carpentry and cabinet making use wood finishes that can emanate noxious fumes and must be used and disposed of properly. Analysis must be included on the impact to Public Services, Air Quality, Water Quality, and Hazardous Materials due to the need for increased staff to enforce regulations and perform inspections of the proper disposal and use of wood finishes.

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CONT.

d) Policy 17.40.160.F.4 - The Food preparation and food sales policy does not clearly indicate the amount of food that can be prepared on-site nor does it indicate how many customers will be allowed on-site to make purchases.

- i. Without clear limits in the Draft ZAOU on the amount of food that can be produced, it is impossible to determine whether or not delivery trucks will service the business and cause increased traffic of commercial trucks to the residential area. The Draft ZOU should have clear limits of how much food can be produced so that a detailed analysis of the increase in traffic can be analyzed for Noise, Public Safety, and Transportation.
- ii. With food sales allowed on site, clear limits on the number of customers allowed per day should be included in the Draft ZOU so that the impact of customers coming and going into the neighborhood can be analyzed. Analysis of Noise and Traffic should be included in the DEIR.
- iii. The policy allows for food preparation and sales to be scattered throughout the county instead of in a centrally located commercial area. Is the county prepared to provide the increase in staff that will be needed to monitor and enforce health codes? The impact on Public Services must be included in the DEIR.

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e) Policy 17.40.160.F.5 - Kennels are not allowed on parcels less than 5 acres in size in the current ZOU, however Kennels and Catteries are proposed in the Draft ZOU on parcels one acre or greater.

- i. What analysis was done to determine that one acre or greater parcel size is enough distance to insulate surrounding properties from the noise and smell nuisances related to a kennel or cattery? Analysis on Noise and Air Quality must be analyzed in the DEIR.

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- ii. The Draft ZOU does not include any limitations on number of animals or number of clients. This information needs to be included in the Draft ZOU so that it can be analyzed in the DEIR for impact on Noise from the animals and increased traffic into the neighborhood.
  - iii. The Draft ZOU does not include any limitations on number of animals. This information needs to be included in the Draft ZOU so that it can be analyzed in the DEIR for impact on Aesthetics as it is not clear if the kennels/catteries will be indoors or outdoors and out of view of the public.
  - iv. The Draft ZOU does not include any limitations on number of animals. This information needs to be included in the Draft ZOU so that it can be analyzed in the DEIR for impact on Public Services. It is fairly common to read in the newspaper or hear in conversation where someone is complaining about their neighbor's dog barking. Scattering kennels throughout residential neighborhoods will exacerbate an existing common complaint and strain enforcement officials.
  - v. The Draft ZOU does not include any limitations on number of animals. This information needs to be included in the Draft ZOU so that it can be analyzed in the DEIR for impact on Hazardous Materials because animal waste is a carrier of disease and will need to be monitored for proper disposal and containment.
- f) Policy 17.40.160.F.6 - The Personal Services policy in the Draft ZOU is erroneous and incomplete, which makes it impossible to clearly analyze its impact on the environment and its potential as a nuisance to residential neighborhoods.
- i. The Personal Services policy directs readers to find the definition of Personal Services in the Glossary, Article 8. There is no entry in Article 8 for 'Personal Services' or for 'Services, Personal.' Even a document search of the Draft ZOU does not bring up the proper definition in Article 8. Instead, the proper definition is listed under Retail Sales and Service. This needs to be corrected immediately so that the definition can be located and analyzed in the DEIR.
  - ii. The definition of Personal Services is:  
Establishments engaged in providing services relating to personal improvement or

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CONT.

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appearance, such as barber shops, beauty salons, therapeutic massage parlors, tailors, shoe repair shops, self-service laundries, and dry cleaners.

This list of potential businesses is vague and confusing. It begins with personal health type of businesses and then progresses into more commercial types of businesses. Since this list is not definitive and the types of services vary, it is impossible to know the impacts on the environment and neighboring residences.

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In order to provide clear analysis of potential impacts in the DEIR, the Draft ZOU must be updated to include a definitive list of business types with parcel sizes and types, and limitations on number of clients per day. Proper analysis of the impacts on Noise (machinery), Hazardous Materials (dry cleaners), Air Quality (dry cleaners), and Public Services (self-service laundry has potential to increase crime, as witnessed recently in Shingle Springs) must be included in the DEIR.

g) Policy 17.40.160.F.7 - The policy for Medical and Dental Offices, Clinics, and Medical Laboratories is vague and confusing, which makes it impossible to clearly analyze its impact on the environment and its potential as a nuisance to residential neighborhoods.

i. 'Medical Laboratory' is not clearly defined in the Draft ZOU. There is reference to a Hospital Laboratory, Medical or Dental Laboratories, and Pharmaceutical Research Laboratories in the Draft ZOU, but not a clear definition of what is being referred to in the Home Occupation Ordinance. A clear definition must be part of the Draft ZOU in order for a clear, concise analysis to be performed and included in the DEIR.

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a. Will drugs be used in the Laboratories? If so, what analysis has been done to ensure that crime will not increase with drugs being allowed into residential neighborhoods? The impact to Public Services must be analyzed in the DEIR.

b. What chemicals will be allowed in the Laboratories? Is there a potential for toxic waste to be disposed of improperly? Is there a potential that any of the chemicals are explosive? The impact of Hazardous Materials must be analyzed in the DEIR.

ii. 'Clinics' is not clearly defined in the Draft ZOU as it applies to the Home Occupancy Ordinance. In the Glossary, Article 8 of the Draft ZOU, Clinic

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is defined as:

Facility that provides any combination of out-patient medical, diagnostic and minor emergency services; that may be open before and after typical medical office hours; and that generally accommodates walk-in patients.

- a. The intent of the policy appears to encourage walk-in patients, which would create a flow of unlimited traffic to and from the home. The policy also appears to encourage before and after regular medical office hours. This has the potential to negatively impact the residential neighbors with patients coming and going at what are normally the quiet hours outside of normal business hours. The Draft ZOU must be updated to set clear standards for hours of business and a limit on number of patients per day. The negative impact of the number of patients and business hours on Noise and Traffic must be analyzed in the DEIR.
- b. Will drugs be used in the Clinics? If so, what analysis has been done to ensure that crime will not increase with drugs being allowed into residential neighborhoods? The impact on Public Services must be analyzed in the DEIR.
- c. What chemicals will be allowed in the Clinics? Is there a potential for toxic waste to be disposed of improperly? Is there a potential that any of the chemicals are explosive? The impact of Hazardous Materials must be analyzed in the DEIR.

h) Policy 17.40.160.F.8 - The Veterinary Services policy is unclear and vague. The Draft ZOU must set clear standards for what, if any, services will be performed on-site at the Home Occupation or off-site at the patient location. A chart of what type of service will be performed, how many and what type of animals are allowed, what size of parcel, and what type of parcel must be added to the Draft ZOU so that detailed analysis may be performed on the environmental impacts. While Veterinary Services may be compatible with Agricultural Support Services, they are not compatible in a residential neighborhood and must be analyzed in the DEIR.

- i. Will drugs be used as part of the Veterinary Services? If so, what analysis has been done to ensure that crime will not increase with drugs being

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CONT.

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allowed into residential neighborhoods? The impact on Public Services must be analyzed in the DEIR.

- ii. The impact of increased traffic, including larger vehicles pulling animal trailers, into a residential neighborhood must be analyzed for its impact on Transportation and Public Safety in the DEIR.

- i) Policy 17.40.160.F.9 Repair Shops or Service Establishments - The Repair Shops policy needs to be clarified for number of clients allowed per day and the number and type of items that can be serviced on-site.

- i. A limit on the number of clients allowed per day must be set as part of the policy in the Draft ZOU. Analysis of the impact to Noise and Transportation based on the number of clients coming and going onto the property must be included as part of the DEIR.

- ii. Will refrigerators and other large appliances be repaired on-site? If so, how many and will they be required to be stored inside and out of public view? The impacts to Aesthetics must be analyzed in the DEIR.

- iii. How will the disposal of refrigerator coolant and parts be monitored for safety and proper disposal? Will the county have enough resources to staff enforcement officers? The impact to Hazardous Materials and Public Services must be analyzed as part of the DEIR.

- j) Policy 17.40.160.F.10 Commercial Stables - The Commercial Stables policy is erroneous and contradictory and needs clarification so that detailed analysis can be included in the DEIR.

The policy states:

Commercial stables, as defined in Article 8 (Stables: Commercial), which shall be subject to Subsection 17.40.210.C (Outdoor Recreation Facilities).

However, Article 8 states:

**Stables.** (Use Type) Stables are divided into the following categories:

**Commercial.** Facility for keeping horses available to the public for hire. This may also include larger equestrian facilities that specialize in breeding and raising of horses, and equestrian training, exhibitions, and boarding; and their accessory structures, such as arenas, spectator stands, and training facilities. Commercial

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stables do not include the keeping or breeding of horses for personal use, training, or horse boarding consistent with a home occupation. (See Section 17.40.210: Outdoor Recreation Facilities.)

**Private.** An equestrian facility that is used for the shelter, breeding and raising of horses and other domestic farm animals for the exclusive use of the property owner or occupant, or for training, horse boarding and student instruction consistent with a home occupation. (See Section 17.40.160: Home Occupations.).

- i. The definition of Stables in Article 8 makes it clear that Private Stables are intended for Home Occupations, **not** Commercial Stables, as stated in the Draft ZOU. This error must be corrected in the Draft ZOU so that proper analysis of the impacts can be analyzed.
  - ii. The definition of a Private Stable includes "consistent with a home occupation." That is circular logic that is unclear and vague. Clear standards for the parcel size, parcel type, number and type of animals must be included so that proper impacts can be included in the Draft DEIR.
  - iii. What analysis was done to determine that a one-acre parcel provides enough distance from its neighbors to not interfere with their right to the peaceful, uninterrupted enjoyment of their property?
  - iv. The number and type of animals must be set in the policy so the potential noise, smell, dust, and animal waste can be analyzed for the impacts to Noise, Hazardous Materials, and Air Quality and included in the DEIR.
  - v. The number of clients allowed per day must be established so that analysis on the impact to Transportation and Public Safety can be included in the DEIR regarding the number of car trips per day onto the property and the use of large vehicles and trailers.
- k) Policy 17.40.160.F.11 Large-Scale Upholstering Service - The Large-Scale Upholstering Service policy needs standards set for the number of clients allowed per day and the number and type of items that can be serviced on-site.
- i. A limit on the number of clients allowed per day must be set as part of the policy in the Draft ZOU. Analysis of the impact to Noise and

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CONT.

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Transportation based on the number of clients coming and going onto the property must be included as part of the DEIR.

- ii. What type of furniture and other objects will be repaired on-site? How many and will they be required to be stored inside and out of public view? The impacts to Aesthetics must be analyzed in the DEIR.
- iii. Will any type of varnishes or other product be stored and disposed of on-site? Are any of these products flammable or toxic and need to be monitored for proper storage and disposal? The impact to Public Services must be analyzed as part of the DEIR.

O-1-476  
CONT.

I) Policy 17.40.160.F.12 Welding and Machining policy - The Welding and Machining policy needs standards set for the number of clients allowed per day and the number and type of items that can be serviced on-site.

- i. A limit on the number of clients allowed per day must be set as part of the policy in the Draft ZOU. Analysis of the impact to Noise and Transportation based on the number of clients coming and going onto the property must be included as part of the DEIR.
- ii. What type and size of objects will be repaired on-site? How many and will they be required to be stored inside and out of public view? The impacts to Aesthetics must be analyzed in the DEIR.
- iii. What flammable or toxic substances, such as fuel for the welding machine, will be used and stored on-site and need to be monitored for proper storage and disposal? The impact to Public Services must be analyzed as part of the DEIR.
- iv. The machining tools have the potential to create noise that will leave the property and permeate the neighboring properties. A detailed analysis of the impact to Noise from the machines must be included in the DEIR.

O-1-477

6. Home Occupation Business Hours - The Draft ZOU only makes reference to hours of operation in policy 17.40.160.C.12.c in regard to student instruction. Each and every one of the home occupations listed in the HOO must have clear and concise hours of operation so that the impact to the neighbors including, but not limited to, Noise, Transportation, Air Quality, and Aesthetics can be analyzed.

O-1-478

General comments:

There are too many components in the Project (TGPA, ZOU, TDM, MUD) for the public to be able to understand and address its cumulative impacts.

O-1-478  
CONT.

#### **4.3.1 Project Objectives DEIR review comments**

##### **Objective: Reorganize the ordinance for ease of use**

The Draft Zoning Ordinance Update (ZOU) is difficult to navigate because of its page numbering system. Each section restarts numbering at Page 1, which causes each section to have the same page numbers as the others. This does not make the ZOU easy to use and causes confusion when referencing a page number of the ZOU. Additionally, there are no page numbers in the Table of Contents, which is the whole point of a Table of Contents: to look up a topic and go to the corresponding page number. These need to be corrected in the final ZOU. EIRs must be "organized and written in a manner that will be meaningful and useful to decisionmakers and to the public." (Pub. Resources Code, sec. 21003, sub. (b).)

O-1-479

Residents have been asking for almost 2 years for a matrix that tracks the changes of the current ZOU to the draft ZOU. Because the ZOU has been completely reorganized and there is no tracking from the old to the new, how is the public to know what has been changed to determine what impacts will be created by the new ZOU and if the proper analysis has been done?

END SECTION COMMENTS

## References Cited - Chapter 7 dEIR Review Comments

1. As explained in CEQA Guidelines, Section 15148,

“Preparation of EIRs is dependent upon information from many sources, including engineering project reports and many scientific documents relating to environmental features. These documents should be cited but not included in the EIR. The EIR shall cite all documents used in its preparation including, where possible, the page and section number of any technical reports which were used as the basis for any statements in the EIR.”

These seemingly mundane clerical directions turn out to be critical to CEQA compliance.

Ultimately, the lead agency uses the information in the EIR to draft legal findings of fact based upon substantial evidence. These findings must trace the logical route from the substantial evidence to the agency’s ultimate conclusions. (*Topanga Association for a Scenic Community v. City of Los Angeles* (1974) 11 Cal.3d 506, 514-516; *Resource Defense Fund v. Local Agency Formation Commission* (1987) 191 Cal.App.3d 886, 898; *Citizens for Quality Growth v. City of Mount Shasta* (1988 3d Dist.) 198 Cal.App.3d 433; *San Franciscans for Reasonable Growth v. City and County of San Francisco* (1989) 209 Cal.App.3d 1502, 1522.) Thus, whenever an EIR makes an assertion of fact based upon a referenced document, it needs to identify the factual assertion, identify the referenced document, and identify the location of the information in that document that supports that factual assertion. This information provides the road map from the agency’s findings to the evidence upon which it they are based.

O-1-480

Traditionally, everyone from high school students typing history term papers, to college English majors writing theme papers, to law students writing journal articles, and even to judges issuing legal opinions employ some standard method of providing footnotes, endnotes, or citations to link specific sections from the text of their work to materials referenced in that text. Completing this traditional task of accountability is what CEQA Guidelines, Section 15148, asked of EIR preparers.

Without such a road map, the decision makers, the public and the courts are burdened with the impossible task of guessing which section of which referenced documents are intended to support which assertions in the EIR. Perhaps even more importantly, they cannot identify which factual assertions in the EIR are completely lacking in supporting reference material. In the absence of marking some endnote or footnote in the EIR text, and identifying some page range in the reference document, the most important part of the findings roadmap will be missing: the part that leads to the ultimate factual destination.

Chapter 7 of the DEIR includes only 8 pages of referenced documents. One would expect more references to support the assertions in a DEIR of this length.

None of the referenced documents include a page range to indicate what portion of the document is being referenced to support a factual assertion in the EIR.

There are neither footnote numbers, nor endnote numbers, nor end-of-sentence citations in the DEIR text to indicate which portion of the text is supported by the referenced material.

In the EIR please:

- 1) Provide a footnote, end note, or end of sentence citation in the text of the EIR to support all factual assertions for which the EIR relies on reference materials.
- 2) Provide a page range to indicate which portion of the referenced material is being relied upon to support the factual assertion in the EIR.
- 3) Recirculate the DEIR, so that the public can properly review it to determine the adequacy of the reference material's support for the DEIR's factual assertions. Recirculate the DEIR so that the public can identify and make proper inquiries regarding the support for factual assertions in the DEIR that are not supported with citations to reference material. (See CEQA Guidelines, sec. 15088.5, *Laurel Heights II* (1993) 6 Cal.4<sup>th</sup> 1112, 1129-1130 [recirculate an EIR when needed to avoid depriving the public of a meaningful opportunity to comment].)

O-1-480  
CONT.

O-1-481

2. CEQA Guidelines, Section 15150, allows documents or parts of documents to be incorporated by reference into the EIR. The EIR must indicate a public location in the County where such documents can be reviewed by the public. The incorporated part of the document must be briefly summarized in the DEIR if possible.

It is possible that the County intended to incorporate by reference some or all of the documents listed in Chapter 7 of the DEIR. If that is the case, we have the following requests.

O-1-482

- 1) Please include in the Final EIR a summary of each the document, or portion of the document, that the County intends to incorporate by reference.
- 2) Please identify the County office where documents being incorporated by reference can be reviewed by the public. While some documents listed in Chapter 7 indicate where they can be accessed in the County or on the internet, many do not:
  - The 2006 Williamson Act Status Report (DEIR, p. 7-1.)
  - The 2004 Revision to the SIP for CO (DEIR, p. 7-2.)
  - The 2000 Areas More likely to Contain NOA (DEIR, p. 7-2.)
  - The 1997, Garza, CO Protocol (DEIR, p. 7-2.)
  - The 1996, Science of Climate Change (DEIR, p. 7-3.)
  - Baughman, GHG Initial Study Template (DEIR, p. 7-3.)
  - The 2002, Gabbro Soils Plants Recovery Plan (DEIR, p. 7-4.)
  - The 2013, Eagle Conservation Plan Guidance (DEIR, p. 7-4.)
  - The BAE Urban Economics, Memo re 2035 Growth Projections (DEIR, p. 7-4.)
  - The DOF, 20011 Population Estimates (DEIR, p. 7-4)
  - The DOR, 2013 E-6 Population Estimates (DEIR, p. 7-4.)
  - The Caltrans 2013, Traffic Noise Analysis Protocol (DEIR, p. 7-5.)
  - The 2009, Highway 50 Corridor System Management Plan (DEIR, p. 7-5.)
  - The 2008, Short Range Transit Plan (DEIR, p. 7-6.)
  - The 2010, Highway Capacity Manual (DEIR, p. 7-6.)
  - The 2011 D.O.C., El Dorado County Important Farmland 2010 (DEIR, p. 7-7)
  - The 2013, Eliminating Bias Against Mixed Use Development (DEIR, p. 7-7.)
  - The SACOG 2012, Sustainable Communities Strategy (DEIR, p. 7-7.)
  - The SACOG 2012, Regional Housing Needs Plan (DEIR, p. 7-8.)



## **'Notice of Preparation' Section - Appendix B dEIR Review Comments**

A Notice of Preparation (NOP) for this draft EIR was issued in June 2012, then revised and reissued in November 2012. The responsive comments, included in Appendix B, number in excess of 600 pages. Page 1-1 of the dEIR Introduction says the County will respond to the 'pertinent' ones.

O-1-483

**How is 'pertinent' defined?**

**If there are many comments on a specific issue, showing strong community interest in the subject, might it still not be considered 'pertinent'?**

The issue of keeping Low Density Residential Land rural and revising the Community Region boundaries is mentioned well over 50 times. It was also in the adopted Resolution of Intentions that the TGPA was based on. It has also been the bone of contention in almost every marathon land use meeting at the Board of Supervisors over the past year. But there is no serious analysis and no serious discussion in the dEIR that answers the multiple questions posed in the NOP.

O-1-484

**Why have Community Region boundaries not been addressed, per ROI 182-2011?**

**If the subject of a particular NOP query has indeed been addressed in the dEIR, but the specific question was not actually answered, was it not 'pertinent', or was it overlooked?**

**If a single lone query is posed, looking for information, is it 'not pertinent' if there are not multiple voices asking the same question?**

The changes to dam and flood inundation zone policies was questioned in the NOP, but only a few times. The change appears to increase risk to residents and pose potential cost to the County.

O-1-485

**Why has this change not been analyzed?**

A number of requests were made for extra time to review the extensive changes during the NOP period, and people expressed problems with understanding exactly what changes were being proposed. Yet there was no time extension, and no comprehensive list of the ordinance changes provided.

O-1-486

**How can this dEIR evaluate all of the changes without knowing what they are? If someone DOES know, why has the public not been better informed? This does not represent "a good faith effort at full disclosure." (CEQA Guidelines, sec. 15151.)**

We have been told multiple times that changes could not be made to the 2012 list of proposed updates, but when the draft EIR was officially posted for review in March,

O-1-487

there were indeed changes that had been made, and they were made without public notification.

**How were the TGPA /ZOU changes made after the NOP period, as posted in the March 2014 version of the Zoning Ordinance without additional public notice? Does the dEIR take responsibility for having analyzed all the last minute changes in their entirety?**

O-1-487  
CONT.

End Comments

## Responses to Letter O-1

### O-1-1

The comment is an introduction to a set of comments or otherwise advises that comments are being submitted. The comment is not on a significant environmental point, and therefore no response is necessary. In addition, the commenter has requested information regarding either the TGPA/ZOU project or the DEIR and is not commenting on the adequacy of the DEIR or environmentally related issues. Therefore, no response is necessary.

### O-1-2

The commenter expresses their opinion concerning the approach to development of policies in the TGPA. The commenter describes policies that the commenter states would result in no environmental impacts and requests that an alternative including these types of policies be included in the EIR. The policies proposed by the commenter for economic development would not substitute for the range of policies the General Plan is required to cover. Such an alternative General Plan amendment would substitute economic development assistance through training and counseling and designated no land for new residential development. As discussed in Section 4.2, Preliminary Range of Alternatives, of the DEIR, the project is a limited set of amendments to the General Plan, not a comprehensive update or change in policies, and such an alternative would be a comprehensive change in the whole General Plan. A restricted development alternative is evaluated in the EIR.

Please see also responses to comments O-1-446 and O-1-447 regarding alternatives.

### O-1-3

The commenter expresses their opinion that the TGPA/ZOU is not consistent with the project objectives described in the EIR. The cited objective and actions related to agriculture under the TGPA/ZOU are not inconsistent. The County believes that in order to preserve agriculture, agricultural land owners must be provided a variety of agriculture-related uses for their property. This provides them a broader income base from which to continue agricultural operations. An often cited example is Apple Hill, where substantial tourist visitation based on agricultural products and related businesses provides a substantial portion of the income of agriculturalists in the area.

### O-1-4

The TGPA/ZOU EIR is not required to have a “problem solving focus.” Its purpose is to examine the project, identify potential impacts, identify mitigation measures that will reduce or avoid those impacts where feasible, and examine a range of reasonable alternatives to the project. This is to provide the public and decision makers the basis for an informed decision on the project.

CEQA is not integrated with general plan law (Government Code Section 65300, et seq.). They are separate statutes, each with its own focus and requirements. General plan law establishes the basic contents of general plans, the general plan’s place in the hierarchy of local land use policy, and the methods for administering the general plan. Adoption of a general plan is a legislative act. While a county general plan may aspire to solve problems or resolve land use conflicts, it is not obligated to do so to any greater extent than necessary to comply with the content requirements of general plan law as determined by the Board of Supervisors, the elected legislative body of the county.

CEQA is concerned with the potential impacts of projects and means of avoiding those impacts, when feasible. CEQA is a process for evaluating legislative and quasi-adjudicative acts for the purpose of identifying potentially significant environmental impacts and mitigation measures and alternatives that would avoid or reduce those impacts. An EIR has no legislative or adjudicative stature. An EIR is required to mitigate the significant impacts of the project to the extent feasible, and the lead agency is required to adopt findings upon approval of the project describing the disposition of the significant impacts; the EIR is not required to solve problems. State CEQA Guidelines Section 15093 recognizes that there may be significant unavoidable impacts that will result from the approved project and thereby allows the lead agency to proceed with the project upon identifying the specific social, legal, technological, or other benefits that outweigh the project's impacts.

The EIR does not have as one of its functions to make value judgments regarding the lead agency's choice of general plan policies. Its role is to examine the proposed project and provide information on its impacts and feasible means of avoiding those impacts. Value judgments are left to the deliberations of the legislative body, informed by the EIR. Please see the discussion in Master Response 7: General Plan and Zoning Ordinance Consistency Requirements of "determining significance" for the role of the Board of Supervisors in balancing the objectives and policies of the General Plan to achieve internal consistency.

The commenter offers broad suggestions regarding the objectives of a potential alternative. However, the comment does not describe an actual alternative. A suggested alternative must be sufficiently defined to allow it to be analyzed, otherwise the lead agency is not required to undertake an analysis. (*Mount Shasta Bioregional Ecology Center v. County of Siskiyou* [2012] 210 Cal.App.4th 184).

### **O-1-5**

Please see response to comment O-1-4 regarding alternatives for a response to this comment.

### **O-1-6**

CEQA provides that an EIR must identify "[a]reas of controversy known to the Lead Agency including issues raised by agencies and the public" (State CEQA Guidelines Section 15123). The TGPA/ZOU EIR's executive summary identifies such areas; discussing three key areas of controversy within the county—traffic levels, water supply, and loss of rural character. It does not identify each individual issue raised by commenters, but that is not required by CEQA. If it were, the Guideline would state that, rather than using the general term "areas of controversy." The specific comments received in response to the NOP are included in Appendix B of the TGPA/ZOU EIR, and the scope of the EIR was developed to ensure that CEQA-related topics raised in the scoping comments were addressed in the EIR.

### **O-1-7**

The project description meets the requirements of CEQA. It provides a level of detail that allows analysis of the potential impacts. State CEQA Guidelines Section 15124 states that the project description is to contain "[a] general description of the project's technical, economic, and environmental characteristics, considering the principal engineering proposals if any and supporting public service facilities." Clearly, there is no requirement under CEQA that the EIR's project description contain verbatim the entirety of this proposed new Zoning Ordinance that

amounts to several hundred pages of text and was made available elsewhere for public review, as explained in detail in Master Response 13: Availability of Full Text of Proposed Zoning and General Plan Changes.

There is no instability in the description nor has there been “incessant shifts.” The project description has not changed in any substantial way since the time the DEIR was released for public review. Changes that have occurred since the release of the DEIR have been made apparent in the FEIR and reflect a reduction in the scope of the project (e.g., no change will be made to the dam inundation policies).

### **O-1-8**

It is neither necessary nor practical for the TGPA/ZOU EIR to reproduce all details of the proposal when those details are readily available. State CEQA Guidelines Section 15124 provides, in part: “[t]he description of the project... should not supply extensive detail beyond that needed for evaluation and review of the environmental impact.” The entire proposal, including the text of the TGPA and the ZOU, maps, and background information, has been publicly available at both the El Dorado County Community Development Agency office and online through the County’s project website. The existing General Plan and Zoning Ordinance are readily available on the County’s website as well. In addition, information about the specific proposed rezonings being undertaken for General Plan consistency is available at the County’s Parcel Data Inquiry website at: [http://www.edcgov.us/Government/LongRangePlanning/LandUse/TGPA-ZOU\\_Main.aspx](http://www.edcgov.us/Government/LongRangePlanning/LandUse/TGPA-ZOU_Main.aspx). Please see Master Response 13: Availability of Full Text of Proposed Zoning and General Plan Changes for more information on the availability of specific details of the proposed changes.

### **O-1-9**

Please see Master Response 13: Availability of Full Text of Proposed Zoning and General Plan Changes for a response to this comment and more information on the availability of specific details of the proposed changes.

### **O-1-10**

The commenter confuses parcel-specific zoning amendments undertaken for the purpose of bringing zoning into consistency with the General Plan with changes to community and area plans. No policy nor map changes are made to the community and area plans by the TGPA/ZOU project.

### **O-1-11**

This comment conflates site-specific zoning changes undertaken for purposes of conforming zoning to the General Plan as required by Government Code Section 65860 with changes in General Plan designations that correct mapping errors. Additional changes were made in response to agricultural land owners “opting in” to agricultural zoning. No changes are “totally random” as suggested in the comment. They have only been made for the reasons given above.

Explaining the individual reason for each of the 8,075 zoning conformity changes is both unreasonable and impractical. Please see Master Response 4: Scope of the Project regarding the criteria applied by the County to determine whether a rezoning is necessary and the particular zone applied to a given parcel.

Regarding the traffic analysis, please see the response to comment S-6-11.

**O-1-12**

The extent of the zoning changes makes impractical graphics that would fit within the DEIR. It is neither necessary nor practical for the TGPA/ZOU EIR to reproduce all details of the proposal when those details are readily available. State CEQA Guidelines Section 15124 provides, in part: “[t]he description of the project... should not supply extensive detail beyond that needed for evaluation and review of the environmental impact.” The entire proposal, including the text of the TGPA and the ZOU, maps, and background information, has been publicly available at both the El Dorado County Community Development Agency office and online through the County’s project website. The existing General Plan and Zoning Ordinance are readily available on the County’s website as well. In addition, information about the specific proposed rezonings being undertaken for General Plan consistency is available at the County’s Parcel Data Inquiry website at: [http://www.edcgov.us/Government/LongRangePlanning/LandUse/TGPA-ZOU\\_Main.aspx](http://www.edcgov.us/Government/LongRangePlanning/LandUse/TGPA-ZOU_Main.aspx). Please see Master Response 13: Availability of Full Text of Proposed Zoning and General Plan Changes for more information on the availability of specific details of the proposed changes.

The changes to the Land Development Manual being considered as part of the TGPA/ZOU are limited to the mixed use development standards. The mixed use development standards are included in the DEIR as Appendix C and are thereby readily available for review.

Please see also Master Response 4: Scope of the Project.

**O-1-13**

The commenter is incorrect. The Camino Pollock Pines Community Region is proposed to be split into three adjoining Rural Communities. The areas within these three Rural Communities taken together would be the same as the area now within the Community Region. No buffer or separation is proposed between the Rural Communities.

Please see responses to comments O-1-309 and O-1-310 by the same commenter for more information on this topic. The revision to the EIR suggested by the commenter is not necessary.

**O-1-14**

The comment relates to the commenter’s opinion on the advisability of one or more of the policies or regulations being proposed as part of the TGPA/ZOU project. It does not address the adequacy of the DEIR or other environmentally related topic. State CEQA Guidelines Section 15132(d) requires the FEIR to contain “[t]he responses of the Lead Agency to significant environmental points raised in the review and consultation process.” No change in the project description is necessary. The density increase is part of the project and is adequately described in the project description to allow its potential environmental impacts to be analyzed.

**O-1-15**

The commenter correctly points out an editorial error on page 2-7 of the DEIR. There is no Policy 2.2.1.2 Open Space to be amended, and most of this language is in the previous policy revision in the list. The text has been revised in the FEIR to correct the error, as shown below and in Chapter 5 of this FEIR, although the intent of the original language is sufficiently clear to allow an understanding of what is being proposed. For clarity, the following change was made:

**Page 2-7, second to last paragraph from the bottom is corrected as follows:**

*Policy 2.2.1.2: High Density Residential.* The requirement for a planned development application on projects of three or more dwelling units per acre to allow for additional moderate income housing options would be deleted.

~~*Policy 2.2.1.2: Open Space.* The policy to refer to General Plan Objective 7.6.1 and to allow for additional moderate income housing options would be amended.~~

### **O-1-16**

Please see Master Response 10: Format of the EIR and Master Response 13: Availability of Full Text of Proposed Zoning and General Plan Changes for a response to this comment. The DEIR did not include the full TGPA and ZOU texts in the DEIR because of their size, and because they are available for public review on the County's website, as described in more detail in Master Response 13.

Please see also responses to comments O-1-309 and O-1-310.

The County Board of Supervisors will weigh the benefits of the project against the significant and unavoidable adverse environmental effects. If necessary the County will prepare a Statement of Overriding Considerations. No changes to the DEIR are necessary.

### **O-1-17**

Please see Master Response 7: General Plan and Zoning Ordinance Consistency Requirements for a response to this comment.

### **O-1-18**

Please see Master Response 7: General Plan and Zoning Ordinance Consistency Requirements and Master Response 12: Significant and Unavoidable Impacts for a response to this comment.

### **O-1-19**

The commenter is correct. The rezoning identified in this comment does not conform to the criteria established for applying the Recreational Facilities, High-intensity (RF-H) zone classification. The existing RF zoning will be retained. This is an isolated case and not representative of the manner in which the rezoning criteria have been applied in general.

The commenter misunderstands Section 2.2 of the DEIR with regard to changes to community plans. As stated there, the TGPA is not proposing changes to any of the adopted community plan. By definition, the rezoning that the commenter is taking issue with is not a change to the community plan.

### **O-1-20**

Please see Master Response 4: Scope of the Project regarding other land use standards currently under preparation. The mixed use development standards are primarily aesthetic design standards. They do not affect the intensity or density of land uses that would otherwise be allowed under a general plan designation or zoning classification that allows mixed use development. Therefore, they do not contain a mechanism that would result in a significant impact on the environment.

**O-1-21**

Please see the discussions in Master Response 3: Necessity to Amend the Zoning Ordinance regarding comparisons of the existing and proposed Zoning Ordinances, and regarding the extensive public outreach undertaken for this project. Please see also Master Response 13: Availability of Full Text of Proposed Zoning and General Plan Changes and Master Response 4: Scope of the Project regarding the scope of the project.

Each of the meetings convened by the County prior to release of the DEIR included presentations on the project and offered members of the community the opportunity to inquire about their individual properties.

**O-1-22**

The commenter does not specify what they mean by “a comprehensive list of the proposed changes.” The County has made all components of the TGPA/ZOU available for public review. The draft TGPA and ZOU texts were made available for public review prior to release of the DEIR and have remained available in printed and electronic formats. A copy of the mixed use development guidelines was included as Appendix C of the DEIR. The entire proposal, including the text of the TGPA and the ZOU, maps, and background information, has been publicly available at both the El Dorado County Community Development Agency office and online through the County’s project website. The existing General Plan and Zoning Ordinance are readily available on the County’s website as well. In addition, information about the specific proposed rezonings being undertaken for General Plan consistency has been made available at the County’s Parcel Data Inquiry website at: [http://www.edcgov.us/Government/LongRangePlanning/LandUse/TGPA-ZOU\\_Main.aspx](http://www.edcgov.us/Government/LongRangePlanning/LandUse/TGPA-ZOU_Main.aspx). Please see Master Response 13: Availability of Full Text of Proposed Zoning and General Plan Changes for more detail.

Recirculation of an EIR is required when “significant new information is added to the EIR” (State CEQA Guidelines Section 15088.5). No significant information about the project description needs to be added to the EIR. Therefore, there is no ground for recirculation on that issue.

**O-1-23**

Please see Master Response 2: Relationship of the TGPA/ZOU EIR to the 2004 General Plan EIR and 2004 Impact Analysis for a discussion of how the DEIR is organized. Please see also Master Response 10: Format of the EIR for a discussion of the format of the DEIR. It is consistent with the content requirements found in State CEQA Guidelines Sections 15122-15130, as well as industry practice for a program EIR.

**O-1-24**

As described in more detail in Master Response 13: Availability of Full Text of Proposed Zoning and General Plan Changes, the commenter can see the entire Zoning Ordinance Update at [http://www.edcgov.us/Government/LongRangePlanning/LandUse/TGPA-ZOU\\_Main.aspx](http://www.edcgov.us/Government/LongRangePlanning/LandUse/TGPA-ZOU_Main.aspx).

**O-1-25**

Please see Master Response 10: Format of the EIR for a response to this comment.



**O-1-26**

Mitigation for slopes will not be able to mitigate for every foreseeable impact. The impacts the commenter references are all different and site specific. Therefore, mitigation for development on slopes is able to mitigate for some of the impacts, but not all; and for this reason, the impact was determined to be significant and unavoidable with mitigation. Please see Master Response 5: Future Development Levels under the TGPA/ZOU regarding the proposed change to limitations on development on slopes over 30%.

**O-1-27**

The first section the commenter references is an open space area within an Agricultural District. The second section the commenter references is a Special Purpose Zone. Therefore, they are not the same types of zoning.

**O-1-28**

No amendment is proposed for Policy 8.2.4.2. As discussed in the DEIR, the new provisions of the ZOU for agriculture-compatible businesses would require approval of a conditional use permit for most of the visitor serving uses. Also, consistency with the Williamson Act is required—the ZOU includes specific requirements for a consistency review by the Agriculture Commissioner's office.

**O-1-29**

The commenter is referring to two sections that seem to state similar things: both sections state the ZOU objectives.

**O-1-30**

Because this is a program-level EIR, and describes zoning updates rather than individual project details, this level of detail matches the level of detail expected of a general plan policy. Please see also Master Response 5: Future Development Levels under the TGPA/ZOU regarding the proposed change to limitations on development on slopes over 30%.

**O-1-31**

Please see Master Response 10: Format of the EIR.

**O-1-32**

Please see Master Response 10: Format of the EIR.

**O-1-33**

Please see Master Response 4: Scope of the Project and Master Response 5: Future Development Levels under the TGPA/ZOU.

**O-1-34**

The list of policies on page 2-9 of the DEIR inadvertently left off Policies 5.2.1.3 and 5.3.1.1, but the effects of the proposed amendments to these policies was analyzed in the DEIR, for example on page 3.6-5 of the DEIR (in Section 3.6, Land Use and Planning), page 3.8-4 (in Section 3.8, Population and

Housing), and page 3.10-4 (in Section 3.10, Water Supply). Substantial detail concerning the proposed General Plan amendments has been and is available to public outside of the EIR documents, as described in Master Responses 10: Format of the EIR and Master Response 13: Availability of Full Text of Proposed Zoning and General Plan Changes. The EIR has been corrected to show these policies on the list on page 2-9 of the DEIR as shown in Chapter 5 of this FEIR.

Policy 5.2.1.3: Amend this policy to make optional the connection of medium-density residential, high-density residential, multifamily residential, commercial, industrial and research and development projects to public water systems when located within Community Regions and to either a public water system or to an approved private water systems in Rural Centers.

Policy 5.3.1.1: Amend this policy to make optional the connection of high-density and multifamily residential, commercial, and industrial projects to public wastewater collection facilities. It is currently optional in Rural Centers and areas designated as Platted Lands and that is not proposed for change. The policy that long term development of public sewer service shall be encouraged in Pollock Pines would also be unchanged.

### **O-1-35**

Please see Master Response 2: Relationship of the TGPA/ZOU EIR to the 2004 General Plan EIR and 2004 Impact Analysis.

### **O-1-36**

Please see Master Response 11: Riparian Setbacks.

### **O-1-37**

Please see Master Response 3: Necessity to Amend the Zoning Ordinance and Master Response 4: Scope of the Project.

### **O-1-38**

Please see Master Response 10: Format of the EIR.

### **O-1-39**

The TGPA/ZOU EIR has been revised to include an analysis of groundwater, and that new analysis was included in the Recirculated Partial DEIR pursuant to State CEQA Guidelines Section 15088.5.

### **O-1-40**

Please see response to comment O-1-39.

The TGPA/ZOU DEIR discloses that groundwater supplies within El Dorado County are unreliable on page 3.10-12. Further discussion of the topic was provided in the Recirculated Partial DEIR. The TGPA/ZOU EIR also discloses that public water supplies are available within three water districts on the west slope of the county and not in rural areas. However, as discussed in the regulatory setting of the TGPA/ZOU EIR, there are numerous County General Plan policies that limit the potential for new development in areas where public water supplies are not available. These policies and applicable regulatory restraints are discussed in Master Response 5: Future Development Levels

under the TGPA/ZOU regarding the practical constraints that limit development potential and Master Response 6: Groundwater Supply and Water Quality.

The request that the EIR explain what “goals are achieved by the increase in zoning densities” relates to the policy decisions that constitute the project. The purpose of the EIR is to examine the proposed TGPA/ZOU project and disclose its potential environmental impacts. The EIR will objectively inform the decision of the Board of Supervisors, but the Board is responsible for determining whether the project is to be approved. The analysis requested by the comment is related to policy-making, not environmental analysis.

The comment poses a number of questions relating to the availability of groundwater. The likelihood of groundwater providing a sustainable supply in future development areas appears to be a simple question, but is actually complex because of the disjointed and fractured nature of groundwater aquifers within El Dorado County. With the exception of a small basin at South Lake Tahoe, there is no groundwater basin in El Dorado County. Groundwater availability at any given site varies depending upon the underlying geology of that site. Therefore, the answer to this question is unknown and would require an extensive study of groundwater that is beyond the reasonable scope of the TGPA/ZOU EIR. The TGPA/ZOU EIR has been revised to include an analysis of groundwater, but it does not go into the level of detail requested by the commenter for practical reasons explained below and in the Recirculated Partial DEIR.

El Dorado Irrigation District does not rely on groundwater for its supplies. Because it is not dependent upon groundwater the District has not developed a “water budget by which to estimate groundwater usage/overdraft.”

Regarding historical data “to support either the decline or stability of ground water levels,” this type of data is quite limited. The water levels in water wells within the county are not routinely tested, are not reported to the County, and there is no comprehensive database on groundwater levels. As noted earlier, this is part of the complex question of water supply and is expected to vary from place to place, depending upon the underlying geology, size and accessibility of the aquifer, and its source of recharge.

The question regarding condemned wells is not pertinent because of the program-level analysis undertaken in the TGPA/ZOU EIR. This information is highly site specific. For example, groundwater contamination resulting from leaking storage tanks at gas stations, dry cleaners, or other sources would affect the surrounding area. County Code Chapter 8.39 would prevent any new water wells from being used for domestic purposes if the groundwater is contaminated. The commenter has not provided any evidence that this is a widespread problem.

The question of the County’s liability for any permitted development that may later face water quality or supply problems is not pertinent to the CEQA review. Liability has no bearing on whether the TGPA/ZOU project would result in significant effects.

The question regarding property values is speculative. No evidence has been provided that property values will drop as a result of approval of the TGPA/ZOU. Further, a change in property values where no physical change in the environment would occur is an economic issue that is not subject to CEQA analysis (State CEQA Guidelines Section 15064(e)).

**O-1-41**

Please see Master Response 6: Groundwater Supply and Water Quality regarding water quality. The comment provides no evidence for the premise that, despite substantial regulations intended to avoid groundwater contamination that will apply to all new development, there will be a substantial adverse impact as a result of the TGPA/ZOU project.

Please see Master Response 1: Specificity of Environmental Review regarding the level of specificity in a program EIR. The TGPA/ZOU is not proposing any site-specific development projects. A countywide evaluation would be largely speculative in nature because, aside from issues of assuming what future site-specific design would constitute, it would require making the assumption that the regulations in place, and that will be expanded under the County's Phase II rules for onsite water treatment systems now in progress, are not effective in protecting groundwater quality. That is not a reasonable assumption because it has no basis in fact.

**O-1-42**

Please see Master Response 6: Groundwater Supply and Water Quality for a discussion of regulatory safeguards against significant storm water pollution.

**O-1-43**

Please see Master Response 6: Groundwater Supply and Water Quality for a discussion of regulatory safeguards against significant groundwater pollution. The question of the County's liability for any permitted development that may later face water quality problems is not pertinent to the CEQA review. Liability has no bearing on whether the TGPA/ZOU project would result in significant effects.

**O-1-44**

Government Code Section 65302 states that a general plan's conservation element must identify "land that may accommodate floodwater for purposes of groundwater recharge and stormwater management".

Groundwater resources within El Dorado County are held within aquifers of varying size, shape, and depth depending upon the character of the fractured, subsurface formations. With the exception of an area within the Lake Tahoe Basin, El Dorado County has no groundwater basins. Further, the topography of the county is such that floodplains are relatively narrow and confined. Government Code Section 65300.7 provides that a general plan can accommodate local conditions and circumstances. The County has chosen not to identify recharge areas in its General Plan because without a discrete groundwater basin that would benefit from recharge basins and broad floodplains to serve as basins for storm flows, such areas are not effective in providing recharge and storage of stormwater in El Dorado County.

This is not a CEQA requirement, and identification of these areas is not necessary to determine the potential impacts of the TGPA/ZOU project

**O-1-45**

Please see response to comment O-1-116 for a response to this comment.

**O-1-46**

Please see Master Response 6: Groundwater Supply and Water Quality. Sufficient information is provided in the TGPA/ZOU EIR to determine the significance of the project's impacts.

The impacts on groundwater are evaluated in the Recirculated Partial DEIR. El Dorado County is underlain by fractured rock resulting in disjointed groundwater aquifers with differing characteristics. Determining the sustainability of groundwater within the county is beyond the scope of this evaluation and is not necessary for an informed decision on the project. The suitability of sites for onsite water treatment systems is dependent upon the design of the particular system and cannot be determined on a broad basis. State and County regulations allow development on sites that could not accommodate standard systems only when specially designed systems can be shown to safeguard water quality.

No areas are expected to be significantly affected by urban runoff because of existing and developing regulatory standards for runoff control.

Water quality is not expected to be significantly affected by urban runoff due to existing federal, state and local regulatory standards for runoff control.

The 1972 amendments to the Federal Water Pollution Control Act established the National Pollutant Discharge Elimination System (NPDES) permit program to control discharges of pollutants from point sources (Clean Water Act (CWA), Section 402). NPDES is the primary federal program that regulates point-source and nonpoint-source discharges to waters of the United States.

The County's Chapter 8.79 - Storm Water Quality Ordinance No. 5022 establishes the Legal Authority for the entire unincorporated portion of the County to protect the health, safety, and general welfare of the citizens of the County, enhance and protect the quality of Waters of the State in the County by reducing pollutants in storm water discharges to the maximum extent practicable and controlling non-storm water discharges to the storm drain system, and cause the use of Best Management Practices by the County and its citizens that will reduce the adverse effects of polluted runoff discharges on Waters of the State.

**NPDES General Permit for Construction Activities**

The General NPDES Permit for Stormwater Discharges Associated with Construction and Land Disturbance Activities (Construction General Permit) regulates stormwater discharges for construction activities. Dischargers whose projects disturb 1 or more acres of soil, or whose projects disturb less than 1 acre but are part of a larger common plan of development that in total disturbs 1 or more acres, are required comply with the Construction General Permit as illustrated above. The Construction General Permit requires the development and implementation of a stormwater pollution prevention plan (SWPPP). The purpose of a SWPPP is to reduce the amount of construction-related pollutants that are transported by stormwater runoff to surface waters.

Best Management Practices (BMPs) included in the SWPPP may include measures such as the following:

- a. Providing permeable surfaces where feasible.
- b. Retaining and treating stormwater onsite using catch basins and filtering wet basins.
- c. Minimizing the contact of construction materials, equipment, and maintenance supplies with stormwater.

- d. Reducing erosion through soil stabilization, watering for dust control, installing perimeter silt fences, placing rice straw bales, and installing sediment basins. In order to minimize potential impacts on wildlife, no monofilament plastic mesh or line will be used for erosion control.
- e. Maintaining water quality by using infiltration systems, detention systems, retention systems, constructed wetland systems, filtration systems, biofiltration/bioretention systems, grass buffer strips, ponding areas, organic mulch layers, planting soil beds, sand beds, and vegetated systems such as swales and grass filter strips that are designed to convey and treat either fallow flow (swales) or sheetflow (filter strips) runoff.

Procedures for spill prevention and control are typically developed as part of a SWPPP to minimize the potential for, and effects from, spills of hazardous, toxic, or petroleum substances during all construction activities. In addition, while small amounts of construction-related dewatering are covered under the Construction General Permit, the Central Valley Water Board has regulations specific to dewatering activities (Waste Discharge Requirements (WDRs)) that typically involve reporting and monitoring requirements.

### **NPDES Post-Construction Stormwater Runoff Water Quality**

Post-Construction stormwater runoff in El Dorado County is regulated under two State Water Resources Control Board (SWRCB) Regional Boards for Municipal Storm Water Permits. The West Slope MS4 NPDES Permit is administered by the Central Valley Regional Water Quality Control Board (RWQCB). The Lake Tahoe Phase I MS4 NPDES Permit is administered by the Lahontan RWQCB. Storm Water Management Plans (SWMPs) have been developed and approved by the RWQCBs for both the West Slope and the Tahoe Basin. MS4 NPDES Permit requirements focus on public outreach, illicit discharge prevention, and project completion components such as the creation of new impervious surfaces (i.e., roads, houses, and parking lots).

Newly constructed impervious surfaces can result in a reduction in the amount of natural soil surfaces available for infiltration of rainfall and runoff, potentially generating additional runoff during storm events. In addition, newly constructed impervious surfaces can result in an increase in nonpoint-source pollutant discharges. As a result, MS4 NPDES Permit Requirements generally include:

- a. The incorporation of site design control measures into the initial project plans. This can include conserving natural areas and soils that infiltrate, protecting slopes and channels, and minimizing impervious areas.
- b. The incorporation of treatment control measures and hydromodification management. These may include use of vegetated swales and buffers, detention basins, wet ponds, or constructed wetlands, infiltration basins, and other measures. Low Impact Development (LID) measures will also be installed throughout a project to maintain the site's pre-development runoff rates and volumes and to provide stormwater treatment opportunities. Examples of LID measures include sidewalk storage, vegetated swales, buffers and strips, tree preservation, permeable pavers, and impervious surface reduction and disconnection. Selection and implementation of these measures would occur on a project-by-project basis depending on project size and stormwater treatment needs.
- c. Illicit discharge detection and elimination/water quality monitoring.
- d. Construction site management.

- e. Pollution Prevention and Good Housekeeping measures.
- f. Public outreach and public involvement.
- g. Program management and reporting.

In addition to compliance with the most current NPDES and other water quality requirements (i.e., Construction General Permit, Small MS4 Permit, WDRs for dewatering), proposed projects would also comply with federal and state regulations, County plan standards, and County and other local ordinances. Therefore, water quality is not expected to be significantly affected by urban runoff due to the existing abovementioned federal, state and local regulatory standards for runoff control.

### **O-1-47**

Please see Master Response 5: Future Development Levels under the TGPA/ZOU regarding the practical constraints on development in areas without public water and sewer systems, and Master Response 6: Groundwater Supply and Water Quality regarding water quality regulations.

### **O-1-48**

The two policies are to be read together. The proposal is to make connection to public water systems optional within Community Regions for specified types of land use and connection to public sewer systems optional within Community Regions and Rural Centers (existing Policy 5.3.1.1 exempts Rural Centers from the current sewer system connection requirement). The amended policies would apply within the Community Regions for water supply and to both the Community Regions and Rural Centers for public sewers. Those areas are shown on the County General Plan map.

The market will drive the location of future development. Although the TGPA/ZOU EIR evaluated the effects of development to the planning horizon of 2035 on the environment, it cannot know with any certainty the rate at which particular areas may grow. The General Plan contains no provisions for the phasing of development that would enable this kind of analysis.

Areas that are served by one of the three water supply districts on the west slope would not utilize groundwater supplies. Areas that are sufficiently beyond the end of supply lines such that connection is not required by County regulations would rely on groundwater. The density or intensity of allowable development will depend, in part, upon the availability of groundwater at the development site and the site's capacity to provide adequate space for onsite wastewater disposal at the same time.

Please see response to comment O-1-41 regarding the potential for groundwater contamination due to septic system failure.

A development project that is outside the area where connection to water and sewer systems is required under County regulation that opts not to connect to public water and sewer systems will not develop to the maximum density that would otherwise be allowed for its given land use designation. Regulatory constraints on development where public water and sewer are not available are discussed in Master Response 5: Future Development Levels under the TGPA/ZOU.

Making the connection to public water and sewer optional is not expected to limit the reach of infrastructure due to lack of customer density to fund that infrastructure. In general, public sewer and water service is funded through property taxes, special taxes, special assessments, and user

rates, or a combination of one or more of these methods. Customer density is not a determining factor in the ability to finance sewer and water infrastructure, nor is the defining feature in whether sewer and water service is provided to an area. For example, the Nevada Irrigation District extended treated water service to a small number of customers (a total of 16 parcels) in the Cement Hill area near Nevada City using a combination of a new special tax, rates, and a low-interest loan from the State Revolving Fund. The El Dorado Irrigation District's 2013 Integrated Water Resources Master Plan (IWRMP) includes plans for substantial new water supply infrastructure, including a new water treatment plant, to serve anticipated growth in the western service area based on the County General Plan.

**O-1-49**

Neither the General Plan nor zoning establish a vested right to develop any site. A development project must meet all development standards and regulations, including standards and regulations that may prevent it from developing at the maximum density or intensity described in its General Plan designation or zone. Please see Master Response 5: Future Development Levels under the TGPA/ZOU regarding the practical constraints on development.

**O-1-50**

The commenter is correct. Standards for water supply and onsite wastewater treatment systems vary depending upon the land use being proposed. More intensive or dense land uses require more water and a larger area for their wastewater system than less intensive or dense land uses. Please see Master Response 5: Future Development Levels under the TGPA/ZOU regarding the practical constraints on development.

**O-1-51**

Please see Master Response 6: Groundwater Supply and Water Quality. Additionally, portions of the DEIR were recirculated and included a new Section 3.10, Water Supply and Groundwater Use and Supply. The remainder of this comment relates to the commenter's opinion on the advisability of one or more of the policies or regulations being proposed as part of the TGPA/ZOU project. It does not address the adequacy of the DEIR or other environmentally related topic. State CEQA Guidelines Section 15132(d) requires the FEIR to contain "[t]he responses of the Lead Agency to significant environmental points raised in the review and consultation process." The comment is not on a significant environmental point, and therefore no response is necessary.

**O-1-52**

Change to Community Region/Rural Center boundaries would be an action requiring CEQA analysis and public review.

**O-1-53**

Please see Master Response 5: Future Development Levels under the TGPA/ZOU regarding constraints on development and Master Response 6: Groundwater Supply and Water Quality. Additionally, portions of the DEIR were recirculated, and included a new Section 3.10, Water Supply and Groundwater Use and Supply.



The remainder of this comment relates to the commenter's opinion on the advisability of one or more of the policies or regulations being proposed as part of the TGPA/ZOU project. It does not address the adequacy of the DEIR or other environmentally related topic. State CEQA Guidelines Section 15132(d) requires the FEIR to contain "[t]he responses of the Lead Agency to significant environmental points raised in the review and consultation process." The comment is not on a significant environmental point, and therefore no response is necessary.

### **O-1-54 through O-1-58**

These comments relate to the commenter's opinion on the advisability of one or more of the policies or regulations being proposed as part of the TGPA/ZOU project. They do not address the adequacy of the DEIR or other environmentally related topic. State CEQA Guidelines Section 15132(d) requires the FEIR to contain "[t]he responses of the Lead Agency to significant environmental points raised in the review and consultation process." The comments are not on a significant environmental point, and therefore no response is necessary.

### **O-1-59**

Please see Master Response 12: Significant and Unavoidable Impacts.

### **O-1-60**

Please see Master Response 1: Specificity of Environmental Review regarding specificity levels in program EIRs. The remainder of this comment relates to the commenter's opinion on the advisability of one or more of the policies or regulations being proposed as part of the TGPA/ZOU project. It does not address the adequacy of the DEIR or other environmentally related topic. State CEQA Guidelines Section 15132(d) requires the FEIR to contain "[t]he responses of the Lead Agency to significant environmental points raised in the review and consultation process." The comment is not on a significant environmental point, and therefore no response is necessary.

### **O-1-61**

Please see Master Response 5: Future Development Levels under the TGPA/ZOU regarding constraints on development. The remainder of this comment relates to the commenter's opinion on the advisability of one or more of the policies or regulations being proposed as part of the TGPA/ZOU project. It does not address the adequacy of the DEIR or other environmentally related topic. State CEQA Guidelines Section 15132(d) requires the FEIR to contain "[t]he responses of the Lead Agency to significant environmental points raised in the review and consultation process." The comment is not on a significant environmental point, and therefore no response is necessary.

### **O-1-62 and O-1-63**

These comments relate to the commenter's opinion on the advisability of one or more of the policies or regulations being proposed as part of the TGPA/ZOU project. They do not address the adequacy of the DEIR or other environmentally related topic. State CEQA Guidelines Section 15132(d) requires the FEIR to contain "[t]he responses of the Lead Agency to significant environmental points raised in the review and consultation process." The comments are not on a significant environmental point, and therefore no response is necessary.

**O-1-64 through O-1-69**

Please see Master Response 5: Future Development Levels under the TGPA/ZOU regarding constraints on development.

The remainder of these comments relate to the commenter's opinion on the advisability of one or more of the policies or regulations being proposed as part of the TGPA/ZOU project. They do not address the adequacy of the DEIR or other environmentally related topic. State CEQA Guidelines Section 15132(d) requires the FEIR to contain "[t]he responses of the Lead Agency to significant environmental points raised in the review and consultation process." The comment is not on a significant environmental point, and therefore no response is necessary.

**O-1-70**

The comment relates to the commenter's opinion on the advisability of one or more of the policies or regulations being proposed as part of the TGPA/ZOU project. It does not address the adequacy of the DEIR or other environmentally related topic. State CEQA Guidelines Section 15132(d) requires the FEIR to contain "[t]he responses of the Lead Agency to significant environmental points raised in the review and consultation process." The comment is not on a significant environmental point, and therefore no response is necessary.

**O-1-71**

The DEIR does not propose changes to the TGPA or the Zoning Ordinance. The DEIR analyzes the changes. Please see Master Response 6: Groundwater Supply and Water Quality. The remainder of this comment relates to the commenter's opinion on the advisability of one or more of the policies or regulations being proposed as part of the TGPA/ZOU project. It does not address the adequacy of the DEIR or other environmentally related topic. State CEQA Guidelines Section 15132(d) requires the FEIR to contain "[t]he responses of the Lead Agency to significant environmental points raised in the review and consultation process." The comment is not on a significant environmental point, and therefore no response is necessary.

**O-1-72**

The comment relates to the commenter's opinion on the advisability of one or more of the policies or regulations being proposed as part of the TGPA/ZOU project. It does not address the adequacy of the DEIR or other environmentally related topic. State CEQA Guidelines Section 15132(d) requires the FEIR to contain "[t]he responses of the Lead Agency to significant environmental points raised in the review and consultation process." The comment is not on a significant environmental point, and therefore no response is necessary.

**O-1-73**

Please see Master Response 6: Groundwater Supply and Water Quality, and Master Response 1: Specificity of Environmental Review regarding the level of specificity required in a program EIR. Additionally, best management practices (BMPs) are considered "widely accepted" standards.

**O-1-74**

Please see Master Response 6: Groundwater Supply and Water Quality, and Master Response 2: Relationship of the TGPA/ZOU EIR to the 2004 General Plan EIR and 2004 Impact Analysis regarding impact analysis in the DEIR.

**O-1-75**

Please see Master Response 8: General Plan Policies and Mitigation regarding mitigation.

**O-1-76**

Please see Master Response 6: Groundwater Supply and Water Quality.

**O-1-77**

Please see Master Response 11: Riparian Setbacks.

**O-1-78**

Please see Master Response 11: Riparian Setbacks and Master Response 1: Specificity of Environmental Review regarding the level of specificity required in a program EIR.

**O-1-79**

Please see Master Response 11: Riparian Setbacks and Master Response 1: Specificity of Environmental Review regarding the level of specificity required in a program EIR.

**O-1-80**

Policy 7.4.22 is not proposed for amendment as a part of the project analyzed in this EIR. It is referenced in the EIR as an existing adopted policy of the General Plan.

**O-1-81**

Please see Master Response 11: Riparian Setbacks.

**O-1-82**

Please see Master Response 11: Riparian Setbacks.

**O-1-83**

The comment relates to the commenter's opinion on the advisability of one or more of the policies or regulations being proposed as part of the TGPA/ZOU project. It does not address the adequacy of the DEIR or other environmentally related topic. State CEQA Guidelines Section 15132(d) requires the FEIR to contain "[t]he responses of the Lead Agency to significant environmental points raised in the review and consultation process." The comment is not on a significant environmental point, and therefore no response is necessary.

**O-1-84**

Please see Master Response 11: Riparian Setbacks.

**O-1-85**

Please see Master Response 11: Riparian Setbacks.

**O-1-86**

The County has not developed the database of surface water features. Please see Master Response 8: General Plan Policies and Mitigation regarding the County's ongoing efforts to adopt the implementation measures identified in the General Plan. This includes the proposed riparian setbacks included in the ZOU. Adoption of the setback requirements will enhance protections of wetlands and riparian areas already provided under Federal wetlands regulations (Section 404) and State stream and lake bed alteration agreements.

The number of parcels that may be unbuildable is unknown. Determining that number would require a site-specific level of analysis that is not reasonable in a program EIR. Please see also Master Response 1: Specificity of Environmental Review. As a practical matter, the owner of a parcel that lies completely within a setback could apply for a zoning variance to allow for development of the site with a land use allowed within the applicable zoning district. A variance would be a discretionary project, subject to CEQA, and subject to conditions of approval intended to reduce or avoid the impacts of the development. So, the number of parcels that would be rendered unbuildable is believed to be very small.

The Board of Supervisors has not adopted a schedule for development of the Integrated Natural Resources Management Plan (INRMP). Please see response to comment I-26-101 regarding the work in progress on the related biological policy update. That update is currently scheduled for completion in the spring of 2017. Please see also Master Response 8: General Plan Policies and Mitigation.

The proposed ZOU does not reduce riparian buffer zones in all instances. A set standard is not necessary to ensure protection of riparian resources. The ZOU proposes to examine setbacks for discretionary projects, and ministerial projects where riparian resources are not avoided by the standard setback, on a site-specific and project-specific basis. This will be based on a biological resources evaluation that will provide site-specific information about the riparian habitat and the area necessary for avoidance. Discretionary projects will also be subject to CEQA, providing public review of the evaluation, its conclusions, and the proposed setbacks as mitigation. Please see also Master Response 11: Riparian Setbacks.

**O-1-87**

The TGPA/ZOU's conclusion is based on the practical effects of the various proposed changes in the existing General Plan and Zoning Ordinance. Taken in order, here are the effects of each item listed by the commenter.

Planned development projects are not exempted from the 30% open space requirement. Under the proposal, half of this required open space could be provided in private yards. It would still be required to remain open. The biological impact of this change, essentially the fragmentation of wildlife habitat, is identified as significant and unavoidable.

Certain types of development could provide for half of their open space in yards. This is addressed above.

High density residential planned developments would be allowed to provide half of the required open space in private yards. This is addressed above. Although the option to retain the open space in “wildlife habitat” is proposed to be eliminated, retention of open space in its natural condition, which would be retained, would serve the same practical purpose. Open space in its natural state is available to wildlife as habitat.

There is no proposal for offsite open space or in-lieu fees for open space.

Infill projects subject to –PD requirements would be exempted from the 30% open space requirement. This will have limited environmental effect because, by definition, an infill project is one located on a site adjoining existing development. This is therefore in an area that is largely developed already where the open space requirement would be of marginal value for wildlife.

The ZOU proposes to delete the Residential Agricultural (RA) zoning district, but not the provision for open space use. The parcels currently carrying that zone are to be changed to either the new Rural Lands (RL) zone, the new Limited Agricultural (LA) zone, or the new Forest Resource (FR) zone. All parcel owners with the RA zone were given the opportunity, through two separate mailings, to maintain their agricultural zoning, in order to keep their Right to Farm and buffering protections. Over 3,000 property owners were notified, and over 700 property owners “opted-in” to maintain an agricultural zone. Deleting Residential Agriculture does not change the ability of those who wish to maintain land for permanent open space to do so. All three of the new zones are consistent with the Open Space designation of the General Plan when the lands are placed in a conservation easement.

Exemptions and alternatives to open space to facilitate higher density development have been discussed above.

Allowing an open space area within an Agricultural District to be set aside for agricultural uses in Agricultural Districts does not change the character of the zoning, which would remain agricultural.

Allowance is made for nonintrusive utilities to be placed in open space areas. With the exception of roads, these facilities would be located underground, and therefore would not interfere with open space uses and value.

The TGPA/ZOU EIR recognizes that the proposed changes would reduce the open space area available for wildlife habitat. This would result where projects elect to provide 15% of their open space in private spaces. The TGPA/ZOU EIR identifies this as a significant, unavoidable impact (Impact BIO-1).

Among the primary environmental benefits of open space is aesthetics. Therefore, this proposal is examined in the aesthetics and biological resources sections of the TGPA/ZOU EIR (Sections 3.1 and 3.4, respectively).

Regarding NCCPs and HCPs: habitat conservation plans and natural community conservation plans are terms of art that identify specific types of plans required and prepared under the Federal and State Endangered Species Acts, respectively. No large-scale habitat conservation plans and no natural community conservation plans have been adopted within El Dorado County. These terms do not apply to the policies and programs adopted as part of the El Dorado County General Plan. This is discussed in Section 3.6, Land Use and Planning, of the DEIR.

**O-1-88**

This comment addresses the commenter's disagreement with the proposed policies and their concern that the policies are inconsistent with the direction of the General Plan to maintain the county's rural lifestyle. Please see Master Response 7: General Plan and Zoning Ordinance Consistency Requirements, regarding the authority of the Board of Supervisors to balance General Plan policies relative to internal consistency of such policies.

The comment relates to the commenter's opinion on the advisability of one or more of the policies or regulations being proposed as part of the TGPA/ZOU project. It does not address the adequacy of the DEIR or other environmentally related topic. State CEQA Guidelines Section 15132(d) requires the FEIR to contain "[t]he responses of the Lead Agency to significant environmental points raised in the review and consultation process." The comment is not on a significant environmental point, and therefore no response is necessary.

Please see also responses to comments I-26-38 and I-27-23.

**O-1-89**

The TGPA/ZOU's conclusion is based on the practical effects of the various proposed changes in the existing General Plan and Zoning Ordinance. Taken in order, here are the effects of each item listed by the commenter.

- There is no practical difference between "natural condition" and "wildlife habitat." Land kept in a natural condition is available to wildlife as habitat.
- The types of open space that are considered improved are listed in Policy 2.2.3.1 of the TGPA and are limited to recreational uses "such as parks, recreational facilities, ball fields, golf courses, or picnic areas."
- The term "greenbelt" is not defined in either the TGPA or the ZOU. It is commonly considered to refer to a landscaped or agricultural area that separates two or more areas of development.
- There are no criteria proposed for landscaped buffers.
- There is nothing in the TGPA/ZOU that would provide for offsite open space as an alternative to providing open space within the development site.
- There is no in-lieu fee option being proposed.
- Please see response to comment O-1-87 regarding the proposed deletion of the RA zone.
- The options being referred to in Section 1.2 of the Executive Summary are those described in Chapter 2, Project Description.
- Active recreation is a term of art used for recreation that utilizes facilities such as a softball field or tennis courts. Passive recreation is a term that refers to recreation that doesn't need any improved facilities other than walking paths or similar access points, such as hiking, walking, bird watching, or bicycling.
- The commenter is citing two separate sets of provisions under the ZOU. PDs in Agricultural Districts may consider lands that are in agricultural uses to be open space. However, where the property is zoned OS (open space) the range of allowable uses does not include intensive agriculture. These are two different zones; they set two different standards. There is no internal inconsistency.

- The referenced provision for utilities is expressed as a limited exception. The decision to include these exceptions is a policy decision. Please see Master Response 7: General Plan and Zoning Ordinance Consistency Requirements regarding the authority of the Board of Supervisors as the County’s elected legislative body. The comment does not refer to an environmental issue, and no further response is necessary.
- The comment misconstrues the exceptions provided in the –PD overlay zone. While the exceptions favor higher density development, these developments are not large—being limited to infill sites of more than 3 acres and multifamily residential developments. This is a policy decision based on the objective expressed in Chapter 2, Project Description, of the TGPA/ZOU EIR to “encourage and support the development of housing affordable to the moderate income earner.” Although not all higher density residential projects are affordable, the economies related to higher density development means that they tend to be more affordable than low density residential development. (California Planning Roundtable 2002.)

### **O-1-90**

Please see Master Response 6: Groundwater Supply and Water Quality. Additionally, portions of the DEIR were recirculated, including a new Section 3.10, Water Supply and Groundwater Use and Supply, which provides a general programmatic overview of groundwater conditions in the Planning area, and how it would be affected by the TGPA/ZOU project.

### **O-1-91**

Portions of the DEIR were recirculated in early 2015. This included an additional discussion of water supply and groundwater impacts. Please see Master Response 6: Groundwater Supply and Water Quality for additional information on water quality. The information in Master Response 6 is added to clarify and amplifies the discussion of water quality in the DEIR. It does not rise to the level of a significant change because there is no new or substantially more severe impact related to water quality.

### **O-1-92 through O-1-96**

Please see Master Response 6: Groundwater Supply and Water Quality. Additionally, portions of the DEIR were recirculated, including a new Section 3.10, Water Supply and Groundwater Use and Supply, which provides an expanded programmatic overview of groundwater conditions in the Planning area, and how it would be affected by the TGPA/ZOU project. See also the discussion of policies and regulations that limit development where groundwater supplies are limited found under “Constraints on Development at Maximum Density and Intensity” in Master Response 5: Practical Constraints on Future Development under the TGPA/ZOU.

### **O-1-97 through O-1-106**

Please see Master Response 6: Groundwater Supply and Water Quality. Additionally, portions of the DEIR were recirculated, including a new Section 3.10, Water Supply and Groundwater Use and Supply, which provides a general programmatic overview of groundwater conditions in the Planning area, and how it would be affected by the TGPA/ZOU project. The remainder of these comments relate to the commenter’s opinion on the advisability of one or more of the policies or regulations being proposed as part of the TGPA/ZOU project. They do not address the adequacy of the DEIR or other environmentally related topic. State CEQA Guidelines Section 15132(d) requires the FEIR to

contain “[t]he responses of the Lead Agency to significant environmental points raised in the review and consultation process.” The comment is not on a significant environmental point, and therefore no response is necessary.

### **O-1-107 through O-1-112**

Please see Master Response 11: Riparian Setbacks. The remainder of the comment relates to the commenter’s opinion on the advisability of one or more of the policies or regulations being proposed as part of the TGPA/ZOU project. It does not address the adequacy of the DEIR or other environmentally related topic. State CEQA Guidelines Section 15132(d) requires the FEIR to contain “[t]he responses of the Lead Agency to significant environmental points raised in the review and consultation process.” The comment is not on a significant environmental point, and therefore no response is necessary.

### **O-1-113**

The commenter offers a recommendation for riparian setback requirements to apply to agricultural operations. This recommendation may be considered by the Board of Supervisors in their deliberations over the project.

### **O-1-114**

El Dorado County is bound by the requirements of the State Water Resources Control Board’s Onsite Water Treatment Systems (OWTS) standards. As the commenter notes, the limitations on development on steep slopes will limit the types of uses that will be allowed on steep slopes (including OWTSs), and will limit the minimum lot sizes of subdivisions of land occurring on steep slopes. The County will not approve development that violates the State Board’s standards. This and other regulations discussed in Master Response 5: Future Development Levels under the TGPA/ZOU create practical limits on development of slopes in excess of 30%.

With regard to sewage treatment plant capacity, Please see Master Response 5: Future Development Levels under the TGPA/ZOU. Development will not be allowed to connect to sewer lines if there is insufficient treatment capacity available.

### **O-1-115**

As stated in Chapter 3, Impact Analysis, of the DEIR, none of the proposed changes in General Plan policy or Zoning Ordinance regulations would violate any water quality standards or waste discharge requirements. Please see also Master Response 6: Groundwater Supply and Water Quality.

### **O-1-116 through O-1-119**

The County has reconsidered the proposed deletion of policies related to dam failure inundation and is not proposing to make any changes relating to this issue. The County initiated this proposed change in response to a request from the Department of Homeland Security. On further review, the County has found that dam failure inundation is a required general plan component pursuant to the safety element requirements of Government Code Section 65302(g). Therefore, in order to comply with State law, no changes will be made. No further response to this comment is necessary.



**O-1-120**

The proposed amendment to Policy 6.5.1.11 brings it into line with the practices of most local governments. Most jurisdictions routinely exempt day time construction noise from their noise standards. Nearby examples of jurisdictions that exempt construction noise include the Nevada County General Plan Noise Element (the County has no noise ordinance), Placer County noise ordinance, and the City of Jackson noise ordinance.

At present time, El Dorado County has no noise ordinance and no practical method of enforcing the noise standards of the General Plan. The ZOU includes a proposed noise ordinance that will enable the County to enforce noise standards. The proposed amendment to Policy 6.5.1.11 and the associated ZOU noise ordinance will result in El Dorado County's approach being similar to the approach of many other jurisdictions.

The EIR addresses construction noise in Section 3.7, Noise, and finds that there will be a significant and unavoidable impact (Impact NOI-1).

**O-1-121**

Please see Master Response 1: Specificity of Environmental Review regarding the level of specificity in a program EIR, and Master Response 6: Groundwater Supply and Water Quality regarding water quality.

**O-1-122**

No change is proposed to Objective 6.7.5; the Executive Summary is in error and has been revised in the FEIR. The language of the proposed amendments to Objective 6.7.1 is as follows:

**OBJECTIVE 6.7.1 EL DORADO COUNTY CLEAN AIR PLAN**

Adopt and enforce the El Dorado County Clean Air Act Plan in conjunction with the County Air Quality Management District. Air Quality standards to reduce the health impacts caused by harmful emissions.

Policy 6.7.1.1, Improve air quality through land use planning decisions.

Policy 6.7.1.2, Support local and regional air quality improvement efforts.

IM HS-X, Coordinate air quality planning efforts with other local and regional agencies. (Policy 6.7.1.1 and 6.7.1.2). Responsibility: Planning Department. Timeframe: Ongoing

The proposed changes are to correct the names of the referenced plans. No relaxation of air quality standards is proposed.

**O-1-123**

Adding specific prohibitions on the "type and quantity of specific materials" as suggested by the comment is not a practical approach in that the County has no standards regarding what may be safe types and quantities of materials in given applications. However, the comment raises a good point in that manufacturing uses should be subject to review.

For clarity, the proposed provisions of Section 17.40.160C(10) are proposed to be revised as follows to include a general prohibition on the use of hazardous materials:

10. ~~Any~~All materials used or manufactured as part of the home occupation ~~may~~shall be subject to the review and approval of Environmental Management and the applicable fire department prior to issuance of a building permit or business license sign off by the Department, that would enable the home occupation to proceed. No materials used or manufactured as part of the home occupation that would have the potential to pose a hazard to health or safety shall be allowed.

### **O-1-124**

The privately initiated proposals for large development projects are not a part of the TGPA/ZOU. Project-level EIRs are being prepared to analyze the impacts of these specific projects, and these EIRs will consider the issue of naturally occurring asbestos. This is a long-standing issue within the county, and El Dorado County already has substantial requirements addressing the hazards of naturally occurring asbestos. They include the following:

- General Plan Policy 6.3.1.1 (requirement 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 have a California-registered geologist knowledgeable about asbestos-containing formations inspect the project area for the presence of asbestos using appropriate test methods).
- Chapter 8.44 of the County Code, including Sections 8.44.030 (General Requirements for Grading, Excavation and Construction Activities), 8.44.050 (General Procedures for Abatement and Penalties), and 8.44.060 (Real Estate Transfer Disclosure).
- El Dorado Air Quality Management District Rule 223-2 (Fugitive Dust – Asbestos Hazard Mitigation), which imposes specific avoidance requirements on any project occurring in areas of serpentine or ultramafic rock or within a designated Naturally Occurring Asbestos Review Area involving in excess of 20 cubic yards of graded material, or if required by the Air Pollution Control Officer.

Additional General Plan policies related to this condition are beyond the scope of the TGPA.

### **O-1-125**

The existing General Plan and provisions of the proposed ZOU, in conjunction with County Code and El Dorado Air Quality Management District requirements, avoid the potential for the project to result in significant hazards to the health and safety of the community. The specific provisions are discussed in other responses to comments. Please see also Master Response 2: Relationship of the TGPA/ZOU EIR to the 2004 General Plan EIR and 2004 Impact Analysis.

### **O-1-126**

Please see Master Response 12: Significant and Unavoidable Impacts.

### **O-1-127**

The TGPA/ZOU program EIR differs from the typical “project EIR” that is prepared for a site-specific project such as a highway interchange or large development proposal. The degree of specificity in the TGPA/ZOU EIR corresponds to the degree of specificity contained in the proposed TGPA/ZOU, consistent with State CEQA Guidelines Section 15146. Because the TGPA/ZOU does not include site-specific development projects, it does not have the degree of specificity that would be expected of the EIR prepared for a development project. The descriptions are broad and are not intended to

identify every characteristic of the county's many communities. The commenter is expressing their opinion that these areas have rural characteristics, but that is their opinion. Both El Dorado Hills and Cameron Park contain substantial areas of suburban development and are generally suburban in character, as evidenced by their extensive residential subdivisions. In addition, El Dorado Hills includes large commercial clusters on both sides of U.S. Highway 50 at the El Dorado Hills Boulevard/Latrobe Road interchange. The EIR does not employ a "one size fits all" approach.

**O-1-128**

Table 3.1-1, a list of the county's key scenic views and resources, is introduced in the Aesthetics Environmental Setting narrative, as being similar to that used in the Visual impact analysis prepared for the EIR for the 2004 El Dorado County General Plan. Table 3.1-1 is not a reproduction of Table 5.3-1 from the 2004 El Dorado County General Plan, as the commenter states, nor is the information represented as "new". Further, within the table, a citation is provided for the Final Environmental Impact Report for the El Dorado County General Plan.

**O-1-129**

There is no CEQA requirement that indicates that an EIR must prove or confirm that mitigation measures set forth in a previous document (in this case, the 2004 General Plan EIR) were effective at mitigating impacts identified in a previous analysis. Therefore, no change is necessary to Table 3.1-1.

**O-1-130**

Please see Master Response 8: General Plan Policies and Mitigation regarding El Dorado County General Plan policies and mitigation.

**O-1-131**

It is not within the scope of the El Dorado County TGPA/ZOU EIR to evaluate the 2004 El Dorado County General Plan or the associated EIR nor any "failure to mitigate" significant impacts potentially resulting from implementation of the 2004 El Dorado County General Plan. Rather, the current DEIR has been prepared to evaluate the potential environmental impacts associated with implementation of the proposed project. The scope of the TGPA/ZOU EIR is described in Chapter 1, Introduction and Scope, and the proposed project is described in Chapter 2, Project Description. The proposed project would implement targeted amendments to the County's General Plan (which do not include Policies 2.6.1.1 or 2.6.1.5) and a new Zoning Ordinance making the County's zoning regulations consistent with the General Plan.

**O-1-132**

The commenter indicates that Table 3.1-2 is incomplete in that it does not provide a comprehensive list of the proposed policy changes under the project that could affect visual/aesthetic resources, and then provides four examples of specific policies (i.e., Policies 2.2.4.1, 2.3.2.1, 2.5.2.2, and 2.6.1.1). With the exception of Policy 2.2.4.1, there are no proposed changes to the three other policies that the commenter lists. Further, Table 3.1-2 is only intended to highlight those policies that will be revised as part of the proposed project that are Visual Resource and Community Design policies in the 2004 El Dorado County General Plan, as indicated by the table title. The table is not intended to include all policy and zoning ordinance revisions under the proposed project that could affect

visual/aesthetic resources in the project area. The commenter requests that the cumulative impact discussion evaluate the impact of all of the changes being proposed for the El Dorado County General Plan. With regards to this comment, the visual/aesthetic cumulative analysis is set up similarly to the impact analysis in Section 3.1, Aesthetics in that it addresses the potential project effects by impact mechanism (Please see Section 3.1.2) as it relates to the resource, rather than by each applicable individual policy/zoning revision.

### **O-1-133**

As indicated in Chapter 2, Project Description, the proposed General Plan amendments and changes to the Zoning Ordinance and policies are summarized in the DEIR—the full texts of the proposed TGPA and ZOU are available for review at the County Planning Department and at <http://www.edcgov.us/landuseupdate/>. Regarding the comment that “[a]n accurate and complete project description is necessary to fully evaluate the project’s potential environmental impacts,” please see Master Response 10: Format of the EIR. Regarding details on infill development, please see Master Response 5: Future Development Levels under the TGPA/ZOU.

### **O-1-134**

- a) The sign ordinance is under separate review, on a separate schedule, from the TGPA/ZOU. An EIR is being prepared for the sign ordinance to address its potential aesthetic impacts. The cumulative impact analysis follows the summary of projections. The TGPA/ZOU EIR concludes that the project will result in significant and unavoidable impacts on aesthetics; this includes a considerable contribution to cumulative significant aesthetics impacts. The EIR prepared for the sign ordinance will be more specific in its analysis of that project.
- b) The commenter indicates that including reference to the sign ordinance (Policies 2.7.1.1 and 2.7.1.2) on page. 3.1-5 indicates that there is “some coverage of the issue” and “could obfuscate the fact that a review and analysis has not been done.” This is an incorrect assertion. These General Plan policies are listed as part of the Existing Conditions because they are existing policies. They are not part of the proposed sign ordinance. Consideration of the proposed sign ordinance includes proposed amendments to General Plan Objective 2.7.1 and Policy 2.7.1.2; however, these are primarily changes in nomenclature and would not result in substantive changes to the implementation of the objective and policy.

### **O-1-135**

The TGPA/ZOU EIR uses the 2004 General Plan EIR as a source of information for the potential impacts that could result from buildout under the General Plan. Where information from the 2004 General Plan EIR is incorporated by reference in the Aesthetics impact analysis (Section 3.1), it is stated what is being incorporated. For example, for Impact AES-1, it is indicated that “[t]he 2004 General Plan EIR’s analysis of the General Plan, under Impact 5.3.1 is hereby incorporated by reference.”

There is no requirement to substantiate the efficacy of the mitigation measures in the 2004 General Plan EIR. Lastly, the commenter requests confirmation of the “viability and current applicability” of a Federal Highway Administration program that was footnoted in the 2004 General Plan EIR be provided. The footnote the commenter is referring to states “SR 88 has also been designated under the USFS program as a national scenic byway. Studies are pending for a similar designation under a Federal Highway Administration program.” For the purposes of the El Dorado County TGPA/ZOU

EIR, there is no requirement that this be provided. Also please see Master Response 8: General Plan Policies and Mitigation.

### **O-1-136**

The comment relates to the commenter's concern about existing General Plan Policy 2.2.5.2 of the 2004 El Dorado County General Plan and conformity of projects within the county, in general, with the General Plan. This policy is not proposed for amendment in the TGPA, and so the comment does not raise any issues related to the TGPA/ZOU DEIR. Therefore, no response is necessary.

### **O-1-137**

The commenter asserts that the text excerpted from the 2004 General Plan EIR and quoted on page 3.1-13 of the TGPA/ZOU DEIR indicates that the Community Regions and Rural Centers "had their boundaries reduced prior to the 2004 General Plan." This is not the case. The text was excerpted from the 2004 General Plan EIR impact discussion for the Environmentally Constrained Alternative (2025) and is describing what would occur under that alternative in the context of changes to the land use map. The 2004 General Plan EIR uses the term "reduced" broadly. The 2004 General Plan EIR discussion is comparing the values of the various alternative land use plans that the County was considering at the time. The selected alternative's area within the Community Regions and Rural Centers was less than what other alternatives proposed. The commenter is offering their opinion, without any factual basis, in claiming that limiting development primarily to the Community Regions and Rural Centers (as done by the existing plan, not this project) does not reduce aesthetic impacts. It does not address the adequacy of the TGPA/ZOU DEIR. The policies related to Community Regions and Rural Centers were established with the 2004 approval of the General Plan. It is not a requirement of the TGPA/ZOU EIR to justify those policies. Further, the TGPA/ZOU would not substantially increase the potential number of dwelling units over what is already accommodated in the General Plan (assuming full buildout). The General Plan still has the capacity to accommodate approximately 35,000 new dwelling units beyond what exists currently. The TGPA would add less than 300 potential dwelling units to that total.

### **O-1-138**

The commenter seems to misunderstand the text in Impact AES-1, which indicates that there are "two proposed changes that could....have adverse effects on scenic vistas," and takes this to mean that these are the only two identified and that this is inconsistent with the four significant and unavoidable impacts identified for aesthetics in the Executive Summary. This is not the case. The text the commenter refers to is specific to impacts on scenic vistas, and those two proposed changes are allowing development on slopes of 30% or greater, and proposed ZOU provisions (e.g., Ranch Marketing, Agricultural and Timber Resource Lodging, Ski Area, Industrial General). Impacts AES-1, AES-2, AES-3, and AES-4 would all be significant and unavoidable, as indicated in both the aesthetics analysis (Section 3.1) and in the Executive Summary.

### **O-1-139**

There is no bias toward rural regions at the expense of more developed areas of the County. The analysis simply recognizes that rural regions and more developed areas have different existing aesthetics. Rural regions tend to have more open vistas and greater viewer expectation of views absent development than do developed areas. Developed areas, such as El Dorado Hills, already

support substantial existing hillside development. Limited additional development on steeper slopes (for a discussion of the practical constraints on such development, please see Master Response 5: Future Development Levels under the TGPA/ZOU) would not change the intensity or quality of views in already developed areas to the extent that it would in areas with limited existing development levels. The analysis reflects this reality.

### O-1-140

It is neither necessary nor practical for the TGPA/ZOU EIR to reproduce all details of the proposal when those details are readily available. State CEQA Guidelines Section 15124 provides, in part: “[t]he description of the project...should not supply extensive detail beyond that needed for evaluation and review of the environmental impact.” The entire proposal, including the text of the TGPA and the ZOU, maps, and background information, has been publicly available at both the El Dorado County Community Development Agency office and online through the County’s project website as described in detail in Master Response 13: Availability of Full Text of Proposed Zoning and General Plan Changes.

The commenter’s point about “[n]o other part of the project would have that potential” is well taken. The analysis considered the general effects of future development under the General Plan as well as the ZOU changes, but the referenced sentence does not convey that correctly. The sentence has been revised in the FEIR (page 3.1-15), as follows:

As discussed under Impact AES-1, it is reasonably foreseeable that the proposed ZOU provisions described above could result in new development that adversely affects existing scenic resources. ~~No other~~ This part of the project would have that has the greatest potential to affect scenic resources, although future development consistent with the General Plan will also play a major role.

### O-1-141

The Zoning Ordinance update provides that goods or materials used or manufactured as part of the home occupation shall not be visible from a right of way or road easement and that signs shall be compatible in design with residential structures on-site and not be illuminated. The Zoning Ordinance update has provisions for the storage or parking heavy commercial vehicles used as part of the home occupations. These provisions would avoid or minimize potential aesthetic impacts by assuring that these vehicles are not visible from right-of-ways or road easements (except when in use) on lots 5 acres or greater and in Residential Estate zones; by assuring that commercial vehicles be stored or parked on site within an enclosed structure or screened from public view when not in use on lots larger than or equal to 1 acre but less than 5 acres and zoned R2A or R3A; and prohibiting heavy commercial vehicles shall be stored or parked on site or on the road frontage on lots less than 1 acre or zoned RM, R1, R20K, and R1A.

### O-1-142

The commenter refers to the “Home Occupancy Ordinance.” It is assumed that this was a mistake and that the comment is regarding changes in the Zoning Ordinance for home occupations (17.40.160). Further, the commenter asserts that the ordinance expands allowable parking “in all neighborhoods.” This is not the case. Changes in the Zoning Ordinance related to home occupation parking have been made for “heavy commercial vehicles” (as defined in article 8) for rural lands (RL), Resource zones; lots 5 acres or larger; Residential Estates; lots larger than or equal to 1 acre

but less than 5 acres and zoned R2A or R3A; and on lots less than 1 acre or zoned RM, R1, R20K, and R1A.

**O-1-143**

Please see Master Response 3: Necessity to Amend the Zoning Ordinance regarding required consistency between the General Plan and Zoning Ordinance. Please see also Master Response 1: Specificity of Environmental Review regarding specificity of environmental review and Master Response 13: Availability of Full Text of Proposed Zoning and General Plan Changes.

**O-1-144**

The comment confuses the revisions made to the ZOU during its development with differences between the ZOU and the existing Zoning Ordinance. The screening requirement cited by the commenter was an earlier version of the proposed ZOU screening provision for RV parks. The existing Zoning Ordinance does not have specific screening requirements for RV parks. As such, the proposed ZOU would be more protective of views than the existing Zoning Ordinance. In addition, because RV parks will be subject to conditional use permits, which are subject to future project- and site-specific CEQA review and mitigation, screening in addition to that described in Section 17.40.100 may be required, as conditions warrant. Please see Master Response 12: Significant and Unavoidable Impacts regarding the number of significant and unavoidable impacts.

**O-1-145**

Please see Master Response 8: General Plan Policies and Mitigation.

**O-1-146**

As indicated in the regulatory section of DEIR Section 3.2, Agricultural and Forestry Resources, the objectives, policies, and implementation measure presented are only a sampling of the extensive policy guidance set out in the General Plan. Policy 8.1.3.4 is not being revised under the proposed TGPA/ZOU project. No response is necessary.

**O-1-147**

The County is responsible for determining the compatible uses on land zoned Timberland Preserve Zone (TPZ) per Government Code Section 51111. Compatible uses at this time are those listed in the Zoning Ordinance. The list would be revised by the ZOU to include the uses listed in Table 17.21.020. Section 51104 (h) of the Timber Productivity Act states the following regarding compatible use:

“Compatible use” is any use which does not significantly detract from the use of the property for, or inhibit, growing and harvesting timber, and shall include, but not be limited to, any of the following, unless in a specific instance such a use would be contrary to the preceding definition of compatible use: (1) Management for watershed. (2) Management for fish and wildlife habitat or hunting and fishing. (3) A use integrally related to the growing, harvesting and processing of forest products, including but not limited to roads, log landings, and log storage areas. (4) The erection, construction, alteration, or maintenance of gas, electric, water, or communication transmission facilities. (5) Grazing. (6) A residence or other structure necessary for the management of land zoned as timberland production.

**O-1-148**

The commenter asserts their opinion that the changes to the Zoning Ordinance as they are related to TPZ zones conflicts with the economic stability of El Dorado County according to “what constitutes a threshold of Significance.” Discussion of project-related economic impacts is not required by CEQA unless there would be reasonably foreseeable environmental impacts indirectly caused by economic changes due to project implementation. Accordingly, the TGPA/ZOU EIR does not address economic impact nor provide thresholds of significance for economic impacts. Also please see Master Response 3: Necessity to Amend the Zoning Ordinance regarding consistency of Zoning Ordinance with the General Plan.

**O-1-149**

The TGPA proposes to expand the boundaries of the Agricultural Districts, as explained in Chapter 2, Project Description, of the DEIR. The Agricultural District designation is an “overlay” that identifies areas of the county that are suitable for agricultural use, as determined by the Agricultural Commissioner pursuant to the County’s adopted the Procedure for Evaluating the Suitability of Land for Agriculture. It does not, however, require or otherwise result in actual new agricultural use or the expansion of existing agricultural activities. Nor does it change Williamson Act status. The Farmland Mapping and Monitoring Program (FMMP) is a separate inventory of agricultural land undertaken using different criteria for the purpose of tracking changes in agricultural use at a county scale over time. It is not relevant to the selection of land for inclusion or exclusion from the Agricultural Districts. Please see the response to comment O-1-266.

**O-1-150**

The right to farm ordinance (Ordinance Code Chapter 130.13) is being carried over into the ZOU from the existing Zoning Ordinance with no substantive changes other than to conform the list of zoning classifications considered “agricultural land” to the new agricultural and timber zones to be established by the ZOU. It would continue to apply to both present and future agricultural operations. The proposed ZOU would expand the applicability of the right to farm ordinance to cover, in addition to lands in agricultural and timber zoned, lands “within a General Plan designated Agricultural District or lots with a General Plan land use designation of Agricultural Land (AL).” In practice, this would slightly expand the coverage of the right to farm ordinance. The right to farm ordinance will not be applied inconsistently; it will continue to be applied to lands that are zoned for agricultural use or timber production. The ZOU includes rezoning for parcel for the purpose of conforming zoning to the General Plan land use map designations, as required by State law. This may result in an agricultural zone being rezoned to a nonagricultural zone if the General Plan land use designation is not an agricultural designation. The potential impact of development under the General Plan is analyzed in the DEIR as discussed in Master Response 2: Relationship of the TGPA/ZOU EIR to the 2004 General Plan EIR and 2004 Impact Analysis. As discussed in Master Response 1: Specificity of Environmental Review, this is properly done at a program level, not at a parcel-specific level. The comment regarding the El Dorado Irrigation District (EID) is not related to the County’s actions in proposing the TGPA/ZOU.

**O-1-151**

Please see the response to comment O-1-265. The DEIR fully analyzes the potential changes to existing conditions, as discussed in Master Response 2: Relationship of the TGPA/ZOU EIR to the



2004 General Plan EIR and 2004 Impact Analysis. Cumulative impacts are analyzed and disclosed in Chapter 5, Other CEQA Considerations, of the DEIR.

### **O-1-152**

As illustrated in Table 17.21.020 of the ZOU, numerous activities (including ranch marketing) may be allowed in the agricultural and timber zones upon approval of a discretionary permit. This is consistent with the General Plan's policy 8.2.4.4 to encourage ranch marketing and other activities that enhance the income from agricultural properties and thereby encourage continued agricultural uses. Section 3.2.2 of the DEIR examines the potential impacts on existing farmland of the proposed TGPA/ZOU, including proposed ranch marketing provisions.

The San Stino project referenced in the comment is a privately initiated, site-specific development project that is being processed for eventual consideration by the Planning Commission and Board of Supervisors and will be the subject of a project-level EIR. It is not related to the TGPA/ZOU, which is a set of County-initiated amendments and changes undertaken for the purposes explained in the objectives listed in Chapter 2, Project Description, of the DEIR.

### **O-1-153**

Section 3.2.2 of the DEIR analyzes the impacts of the TGPA/ZOU on existing agriculture. The analysis is properly undertaken at a general, rather than parcel-specific, level, as explained in Master Response 1: Specificity of Environmental Review. The TGPA/ZOU is proposed by the County itself and is designed to be internally consistent. In fact, an essential objective of the ZOU is to bring the Zoning Ordinance into consistency with the General Plan, as required by State law. Please see Master Response 3: Necessity to Amend the Zoning Ordinance for more detail on this topic. The DEIR does not claim that "since there is no development project involved in the new policy, there is no impact," as asserted by the commenter. The DEIR does explain that because there are no site-specific development projects being proposed, site-specific impacts cannot be fully known; please see Master Response 1: Specificity of Environmental Review regarding the level of detail in a program EIR. An in-depth analysis of the specific impacts of future development projects is infeasible because in-depth analyses are dependent upon site-specific conditions (i.e., location, existing historical resources, archaeological sensitivity) and project-specific design (project size, use, design, and mitigating features) that cannot be known at this time. There are no specific development projects proposed as part of the TGPA/ZOU; therefore, any in-depth analysis would be completely speculative.

The privately initiated development projects currently being proposed in El Dorado County are separate from the TGPA/ZOU. Separate project-level EIRs are being prepared for each of those projects, and the cumulative impact analysis in the TGPA/ZOU EIR includes the contributions of those projects, as required by CEQA.

The County is under no obligation to approve any of those projects and will consider them separately from its own TGPA/ZOU. Adopting the TGPA/ZOU before any of these large projects is a prerogative of the County, which schedules all General Plan amendments and Zoning Ordinance changes. The general plan has been described by the California Supreme Court as the "constitution for development" (*Leshner Communications v. City of Walnut Creek* [1990] 52 Cal.3d 531). Adopting the TGPA/ZOU first has the advantage of ensuring that the development projects will be considered in light of the updated General Plan. With regard to mitigation measures, the DEIR identifies numerous existing County policies that protect agricultural lands. However, the DEIR also

recognizes that the conversion of existing agricultural land will occur as a result of development under the current General Plan because it already designates areas that are currently in some type of agricultural use for eventual conversion to other land uses. The loss of agricultural land occurring as a result of future development allowed under the current General Plan is significant and unavoidable. Avoiding such losses would involve extensive amendments to the existing General Plan land use map that are out of the scope of the TGPA/ZOU and contrary to its objective to minimize such changes.

### **O-1-154 through O-1-156**

The comments present information on the 2004 General Plan and does not pertain to the TGPA/ZOU DEIR analysis. The comment does not raise any issues related to the DEIR. Therefore, no response is necessary.

See Master Response 7: General Plan and Zoning Ordinance Consistency Requirements for a discussion of the Board of Supervisors' authority to interpret the General Plan.

### **O-1-157 through O-1-163**

These comments present information on previous actions of the County and the commenter and others comments on those actions, and do not pertain to the TGPA/ZOU DEIR analysis. The comments do not raise any issues related to the DEIR. Therefore, no response is necessary.

### **O-1-164**

Please see Master Response 8: General Plan Policies and Mitigation regarding the General Plan and mitigation. Specific to the oak woodlands protections, the commenter is partially correct regarding the County's prior adoption of an oak woodlands preservation fee program (i.e., "Option B"). The program had been identified in the General Plan as a mitigation measure to reduce the impacts of new development on oak woodlands, providing an alternative (hence the name Option B) to the existing oak woodlands mitigation program. The County's adoption of Option B was overturned by the Court of Appeal in *Center for Sierra Nevada Conservation v. County of El Dorado* (2012) 202 Cal.App.4th 1156, based on the court's finding that the mitigated negative declaration adopted for the ordinance was inadequate.

However, this did not affect the County's existing oak woodlands mitigation program, which requires a 1:1 replacement for the loss of woodland habitat (i.e., "Option A"). That program remains in effect.

Please see response to comment I-26-101 for a discussion of the current status of the County's biological policies analysis.

### **O-1-165**

Please see Master Response 8: General Plan Policies and Mitigation regarding General Plan policies and mitigation, and response to comment I-26-101 regarding the status of the INRMP. Please see also Master Response 4: Scope of the Project regarding the timing of adoption of other land use policies and regulations. There is no requirement that the County adopt the INRMP before it may proceed with other amendments to its General Plan that the Board of Supervisors has decided to consider. The remainder of the comment relates to the commenter's opinion on the advisability of one or more of the policies or regulations being proposed as part of the TGPA/ZOU project. It does

not address the adequacy of the DEIR or other environmentally related topic. State CEQA Guidelines Section 15132(d) requires the FEIR to contain “[t]he responses of the Lead Agency to significant environmental points raised in the review and consultation process.” The comment is not on a significant environmental point, and therefore no response is necessary.

### **O-1-166**

The commenter has excerpted a portion of the proposed code section. A Minor Use Permit would not be approved over the counter, nor would it be approved without due deliberation.

Proposed Section 17.52.020 establishes the limits on the authority to issue a Minor Use Permit. A Minor Use Permit is defined as “a process for reviewing uses and activities that are typically compatible with other allowed uses within a zone, but due to their nature require consideration of site design and adjacent uses.” It is a discretionary action, subject to public notice and hearing. Further, it is subject to environmental review under CEQA. Any project that would not be exempt from CEQA would be ineligible for a Minor Use Permit (a Conditional Use Permit would be required instead).

In addition, the power of the Zoning Administrator to approve a Minor Use Permit would be limited by the following specific provisions of the ZOU:

17.30.030.G.5.b: In addition to the findings required for approval of a Minor Use Permit, the Zoning Administrator shall make all of the following findings for a Minor Use Permit for riparian area development:

- (1) The proposed use, structure, or encroachment cannot be feasibly located outside the riparian area or such location would have a more adverse effect on the stream environment.
- (2) Measures are included that provide adequate protection of wildlife habitat, water quality and in-stream habitat, and capacity for flood management.

Pursuant to CEQA, if a project may result in a significant impact on the environment, an EIR would be required to be prepared before the Conditional Use Permit application could be considered for approval.

### **O-1-167**

Please see Master Response 11: Riparian Setbacks. The ZOU would establish larger setbacks for major water features as shown in Table 3-2 of Master Response 11 than provided under current General Plan policy alone. No such setbacks are required under the current zoning ordinance.

### **O-1-168**

The level of detail that the commenter requests is not reasonable in a program EIR for a project of this type. Please see Master Response 1: Specificity of Environmental Review regarding the program EIR, Master Response 4: Scope of the Project regarding the scope of the TGPA/ZOU project, and Master Response 5: Future Development Levels under the TGPA/ZOU regarding constraints on development.

Because future development projects occurring on slopes over 30% would vary greatly in the extent to which they utilize the steep portions of their site, their location, the type of development proposed, and their design, a map illustrating all of the areas of the county with slopes in excess of 30% would greatly overestimate the area that would realistically be expected to be affected by the

change in the slope restriction. The level of analysis is sufficient to allow an informed decision, given the constraints on development of steep slopes.

**O-1-169**

The objectives of the project are described in Section 2.3 of the TGPA/ZOU DEIR. The TGPA/ZOU EIR does not attempt “to minimize the amount of mitigation required for the impacts.” It identifies the potential impacts of the project, the regulatory requirements that would reduce those impacts, and mitigation measures to reduce the impacts. Not all impacts can be mitigated below a level of significance. Please see Master Response 2: Relationship of the TGPA/ZOU EIR to the 2004 General Plan EIR and 2004 Impact Analysis regarding mitigation measures, and Master Response 5: Future Development Levels under the TGPA/ZOU regarding constraints on development.

**O-1-170**

Please see Master Response 10: Format of the EIR regarding the organization of the TGPA/ZOU EIR. Please see Master Response 9: Adequacy of the Current General Plan regarding the adequacy of the current General Plan.

**O-1-171**

The INRMP is described in response to comment I-26-101, regarding the County’s past and ongoing work to adopt the INRMP and related biological policies.

**O-1-172**

The INRMP was to be prepared pursuant to General Plan Policy 7.2.4.8. The County began work on the INRMP, including extensive studies of plant and wildlife habitat and movement corridors, but did not complete the plan. A habitat inventory is one component of the INRMP.

Please see response to comment I-26-101 for a discussion of the status of the habitat inventory. Please see also Master Response 1: Specificity of Environmental Review regarding the specificity of review in a program EIR and Master Response 8: General Plan Policies and Mitigation regarding General Plan policies and mitigation.

**O-1-173**

Please see response to comment I-26-70. “Importance” is based on environmental value because the purpose of the inventory is to identify areas of environmental value. Areas for inventory will comply with the policies of the General Plan. The amount of habitat loss that may have occurred, if any, has not been quantified. Note, however, that in the absence of the INRMP numerous General Plan policy requirements apply to discretionary projects. Discretionary projects are required to be reviewed for consistency with the General Plan under Policy 2.2.5.2. This ensures that policies protective of biological resources that are described under the Regulatory Setting discussion in Section 3.4.1 of the DEIR are imposed on projects. The policy requirements would have to be met before the development project may be occupied or, in the case of a tentative tract map or proposed parcel map subdivision, before the final subdivision map is filed. Please see also Master Response 8: General Plan Policies and Mitigation.

**O-1-174**

Please see responses to comments I-26-77, I-26-80, and I-26-81. Because no mitigation assistance program has been adopted, the questions raised by the commenter cannot be answered in any greater detail.

**O-1-175**

Please see response to comment I-26-84. Because no habitat acquisition program has been adopted, the questions raised by the commenter cannot be answered in any greater detail.

**O-1-176**

The INRMP described in General Plan Policy 7.4.2.8 has not been completed or adopted by the Board of Supervisors. As a result, with the exception of the program related to plant species dependent on gabbro soils, no habitat management program has been adopted and the questions raised by the commenter cannot be answered in any greater detail.

**O-1-177**

Please see responses to comments I-26-89 and I-26-92. Because no monitoring program has been adopted, the questions raised by the commenter cannot be answered in any greater detail.

**O-1-178**

Please see responses to comments I-26-94, I-26-96, and I-26-101.

**O-1-179**

Please see responses to comments I-26-98 and I-26-101. Pursuant to CEQA, mitigation measures are adopted as a part of development project approval whenever a mitigated negative declaration is adopted or an EIR certified in conjunction with the approval of that project. Typically, the mitigation measures related to biological resources conservation or protection are the responsibility of the developer and would be paid by the developer.

**O-1-180**

The County has adopted an ecological preserve program that requires the permanent protection of the eight sensitive plant species known as the Pine Hill endemics and their gabbro soil-based habitat through the establishment and management of ecological preserves. The program fee is collected pursuant to County Code Chapter 17.71. That provision is proposed for inclusion in the ZOU under the same Chapter number. The preserve program is discussed under the regulatory setting and environmental setting headings in Section 3.4.1 of the TGPA/ZOU EIR.

**O-1-181**

Please see Master Response 1: Specificity of Environmental Review regarding the specificity of environmental review for the project. Please see also Master Response 8: General Plan Policies and Mitigation regarding the County's ongoing efforts to adopt the implementation measures identified in the General Plan. Delineations occur under Federal wetlands regulations (Section 404 of the Clean Water Act), regulations of the Central Valley Regional Water Quality Control Board applicable to

discharges to “waters of the state,” and California Department of Fish and Wildlife (CDFW) Lake and Streambed Alteration Agreements. The two former sets of regulations apply to discharge of dredge or fill to surface waters; the latter set applies to discharge to lakes and streams. The determination of whether a project qualifies as a discharger is made by the U.S. Army Corps of Engineers, Central Valley Regional Water Quality Control Board, and CDFW pursuant to their respective statutory and regulatory requirements.

**O-1-182**

The County has not developed this database.

**O-1-183**

The proposed ZOU includes Section 17.30.030.G, which would establish setbacks for the protection of riparian areas and wetlands. The County has not encouraged the incorporation of lands into conservation easements and has no data on how many such easements have been created. Proposed Section 17.30.030.G provides limited exceptions to the setback requirements under specified conditions, subject to public notice and hearing. Consideration of the setbacks would be subject to CEQA and its requirements for disclosure and mitigation of significant impacts. Please see response to comment O-1-66.

Please see also response to comment I-26-119 relating to the project baseline.

**O-1-184**

Please see response to comment I-26-119 relating to the project baseline. The commenter’s question regarding past development is not relevant to the proposed project.

**O-1-185**

The referenced Policy 7.4.2.3 discusses trails and linear parks. It does not discuss preserve sites. The commenter’s questions regarding past actions of the County regarding preserves is not relevant. Please see also response I-26-119 relating to project baseline.

**O-1-186**

The County has adopted an ecological preserve program that requires the permanent protection of the eight sensitive plant species known as the Pine Hill endemics and their gabbro soil-based habitat through the establishment and management of ecological preserves. The Pine Hill Preserve system is administered by the Bureau of Land Management (BLM), which limits uses within the preserve boundaries. The Pine Hill Preserve encompasses approximately 4,800 acres and consists of five, physically separated units that are managed as a single preserve. The BLM offers tours of the preserve.

The program fee is collected pursuant to County Code Chapter 17.71. That provision is proposed for inclusion in the ZOU under the same Chapter number. The preserve program is discussed under the regulatory setting and environmental setting headings in Section 3.4.1 of the TGPA/ZOU EIR.

Please see also response to comment I-26-119 relating to project baseline.

**O-1-187**

The Ecological Preserve (-EP) overlay has been applied to the Pine Hill Preserve. It has not been applied elsewhere. Please see response to comment I-26-119 relating to project baseline.

**O-1-188**

Please see response to comment I-27-7. Habitat conservation plans are required as a prerequisite of issuance of an incidental take permit under the Federal Endangered Species Act. This would apply to any development project that would potential result in a “take” of a federally protected species. In El Dorado County, this law is typically administered by the U.S. Fish and Wildlife Service (USFWS). The California Fish and Game Code similarly would require approval of an incidental take permit (Section 2081) prior to take of a species protected under the California Endangered Species Act. The State law does not require a habitat conservation plan.

Please see response to comment I-26-119 relating to project baseline.

**O-1-189**

The Important Biological Corridor overlay was established with adoption of the General Plan. The overlay has not been applied to any sites as of this date.

Please see response to comment I-26-119 relating to project baseline.

**O-1-190**

The amount of habitat disturbance is not known. The additional questions in this comment relate to individual treatments of past development projects. This information is not relevant to the TGPA/ZOU project and its impacts. Please see response to comment I-26-119 relating to project baseline.

**O-1-191**

While the commenter’s question regarding the past application of the Natural Resources (NR) land use designation is not relevant to the TGPA/ZOU EIR, the following is provided for general information. The NR designation is applied to private forest land throughout the County. With regard to timberlands subject to preferential taxation within a TPZ, the County is responsible for determining the compatible uses on land zoned TPZ per Government Code Section 51111. Compatible uses at this time are those listed in the Zoning Ordinance. The list would be revised by the ZOU to include the uses listed in Table 17.21.020. Section 51104 (h) of the Timber Productivity Act states the following regarding compatible use:

“Compatible use” is any use which does not significantly detract from the use of the property for, or inhibit, growing and harvesting timber, and shall include, but not be limited to, any of the following, unless in a specific instance such a use would be contrary to the preceding definition of compatible use: (1) Management for watershed. (2) Management for fish and wildlife habitat or hunting and fishing. (3) A use integrally related to the growing, harvesting and processing of forest products, including but not limited to roads, log landings, and log storage areas. (4) The erection, construction, alteration, or maintenance of gas, electric, water, or communication transmission facilities. (5) Grazing. (6) A residence or other structure necessary for the management of land zoned as timberland production.

Habitat resources are protected through limitations on land uses, the various Federal, State, and local regulations discussed in Section 3.4, Biological Resources, of the TGPA/ZOU EIR, and provisions of the General Plan itself.

**O-1-192**

The County requires the replacement of oak trees on a 1:1 basis pursuant to the Interim Guidance for General Plan Policy 7.4.4.4, Option A. This requirement is imposed as a condition of approval on all special use permits and tentative subdivision maps that are subject to Policy 7.4.4.4. These projects are located throughout the western county.

**O-1-193**

Policy 7.4.4.4 is not intended to mitigate for soil disturbance; its requirements are triggered by soil disturbance. The INRMP has not been adopted, so its conservation fund has not been established.

Please see response to comment O-1-192 regarding implementation of Policy 7.4.4.4.

Please see response to comment O-1-164 regarding oak woodlands mitigation. The mitigation ratio, fee, and other items related to "Option B" have not been adopted, and therefore have not been implemented. Oak woodlands preservation Option A has been applied.

**O-1-194**

The question regarding implementation of the existing General Plan policies is not relevant to the TGPA/ZOU EIR; however, the following is provided for general information.

Policy 7.4.4.5 has been implemented under Option A of Policy 7.4.4.4.

**O-1-195**

The question regarding implementation of the existing General Plan policies is not relevant to the TGPA/ZOU EIR; however, the following is provided for general information.

Projects are checked for consistency with General Plan policies as a matter of course. This includes Policy 7.4.5.1. The mitigation monitoring and reporting program referenced in that policy relates to CEQA mitigation; it is not a funding plan. Mitigation is the developer's responsibility.

**O-1-196**

The question regarding implementation of the existing General Plan policies is not relevant to the TGPA/ZOU EIR; however, the following is provided for general information.

Please see response to comment O-1-164 regarding oak woodlands mitigation and response to comment I-26-101 regarding the INRMP. Oak tree/woodlands mitigation is required of projects pursuant to Option A of Policy 7.4.4.4.

**O-1-197**

The question regarding the existing General Plan is not relevant to the TGPA/ZOU EIR; however, the following is provided for general information.



The comment appears to conflate the OS land use designation with General Plan provisions relating to open space as a type of land use. The General Plan includes an OS land use designation. The locations to which this designation has been applied can be seen on the General Plan's land use map. The OS land use designation is used to designate public lands under governmental title (County, State Parks, BLM, U.S. Bureau of Reclamation, U.S. Forest Service, etc.), where no development other than that specifically needed for government-related open space uses is desired. This land use includes State parks, ecological preserves, and public lands acquired specifically for open space uses. It may also be used on private lands to maintain natural features within clustered development where a General Plan amendment is processed. Open space is a primary type of land use within the OS designation. The NR and Rural Residential (RR) designations also allow open space as a land use, among others.

Land that is zoned for open space (OS zone), or that is dedicated to open space use, is consistent with the OS, NR, and RR General Plan land use designations. Not all open space lands are managed open space—that is, not all open space is dedicated to or required to be maintained as open space for the preservation of habitat. General Plan Policy 7.6.1.1 identifies the uses of open space, including recreation areas, agricultural lands, and lands with important mineral deposits.

### **O-1-198**

Please see response to comment O-1-197 regarding the existing General Plan and the open space land use designation.

The “State Land Conservation Act Program” refers to the Williamson Act. El Dorado County has an active Williamson Act program, as discussed in Section 3.2, Agricultural and Forestry Resources, of the DEIR. The General Plan and Zoning Ordinance make provisions for the conservation of open space. However, unless expressly required of a development project, open space is not an obligation for developers to provide. As expressed in Policy 7.6.1.1, there are a variety of uses of open space, many of which describe the land use that the property owner chooses to pursue.

Please see Master Response 8: General Plan Policies and Mitigation regarding code enforcement.

### **O-1-199**

The question regarding the existing General Plan is not relevant to the TGPA/ZOU EIR; however, the following is provided for general information.

The OS zoning classification implements the OS General Plan designation, and is consistent with a number of other designations, with the exceptions of Commercial (C), Research and Development (R&D), and Industrial (I). Policy 7.6.1.1 provides for a variety of uses of open space; the consistent zoning classifications allow one or more of those uses. They are not required to allow all of them in order to be consistent with the OS designation, many of which describe the land use that the property owner chooses to pursue. This is not a question of “using private lands to preserve open space,” which infers that County regulations are preserving open space at the expense of private land owners. The definition of open space encompasses many land uses that are beneficial to the private landowner and are central to their business or livelihood.

Regarding the Zoning Ordinance and open space, the term “open space” is defined in Article 8 of the ZOU as “[a]ny lot or area of land or water that is essentially unimproved and devoted to the preservation of natural resources; the managed production of resources; outdoor recreation, and/or

public health and safety.” This mirrors the language in Policy 7.6.1.1 and allows open space to be used for a variety of purposes, not solely for preservation of habitat. Where open space is required as part of a development project approval, the mechanism for maintenance will be established as a condition of approval. Because the ZOU has not been approved or implemented yet, there is no answer to the comment’s final question regarding implementation.

**O-1-200**

Please see response to comment I-26-101 for a response to this comment.

**O-1-201**

Please see response to comment O-1-86 for a response to this comment.

**O-1-202**

The question is not relevant to the TGPA/ZOU EIR; however, the following is provided for general information.

Please see response to comment O-1-86. Conservation easements and natural resource protection areas do not exist as distinct features. They may be required on a project-by-project basis depending upon the findings of the CEQA analysis for a given development project.

**O-1-203**

The question regarding implementation of the existing General Plan policies is not relevant to the TGPA/ZOU EIR; however, the following is provided for general information.

The County has adopted an ecological preserve program that requires the permanent protection of the eight sensitive plant species known as the Pine Hill endemics and their gabbro soil-based habitat through the establishment and management of ecological preserves. The program fee is collected pursuant to County Code Chapter 17.71. That provision is proposed for inclusion in the ZOU under the same Chapter number. The preserve program is discussed under the Regulatory Setting and Environmental Setting headings in Section 3.4.1 of the TGPA/ZOU EIR.

**O-1-204**

The question regarding implementation of the existing General Plan policies is not relevant to the TGPA/ZOU EIR; however, the following is provided for general information.

The strategy envisioned in Policy 7.4.1.5 has not been adopted. Please see response to comment I-26-101 regarding the County’s progress in drafting biological resources policies. Projects are checked for consistency with General Plan policies as a matter of course. This includes Policy 7.4.1.5. Project-specific biological impact analyses identify these resources, and mitigation is adopted for each project as required under CEQA.

**O-1-205**

The question regarding implementation of the existing General Plan policies is not relevant to the TGPA/ZOU EIR; however, the following is provided for general information.

Please see response to comment I-26-101 regarding the INRMP. If the commenter equates “full mitigation” with avoiding all project impacts, as the comment implies, then the County has not required full mitigation. The County does require project-specific impacts to be reduced below the level of significance, when feasible, as required by CEQA. Full mitigation of the type contemplated by the commenter would be required by CDFW when a development project must obtain an incidental take permit under Fish and Game Code Section 2081 for impacts on a State-listed threatened or endangered species. The fact that full mitigation is not otherwise required is one reason that the DEIR finds impacts on biological resources to be significant and unavoidable. The number of development projects that did not completely avoid all impacts is unknown.

**O-1-206**

The question is not relevant to the TGPA/ZOU EIR; however, the following is provided for general information.

Please see response to comment I-26-65 regarding the studies that have been adopted by the County. Critical habitat protection is one of a variety of land uses allowed within the OS and NR land use designations. The OS or NR designations can be used to limit land uses where the development project is of a size that an amendment to the General Plan is proposed and habitat protection is needed. The same is true of clustering, site design, and setbacks as methods of avoiding impacts on critical habitat. The specific need and methods of mitigating impacts would be determined by a project-specific environmental (CEQA) analysis and related consultation with Federal and State agencies. The ownership, management/maintenance, and location of the lands are dependent upon the approval granted to the development project by the County. The County does not have the requested information because it is site- and project-specific, nor is it relevant to the TGPA/ZOU EIR.

**O-1-207**

The question regarding implementation of the existing General Plan policies is not relevant to the TGPA/ZOU EIR; however, the following is provided for general information.

Please see response to comment I-26-65. The County has not applied these requirements through a program, but rather through individual project reviews. Proposed development projects are checked for consistency with General Plan policies as a matter of course. This includes Policy 7.4.2.4. Project-specific biological impact analyses identify these resources, and mitigation is adopted for each project as required under CEQA.

**O-1-208**

Please see responses to comments O-1-197 and O-1-199.

**O-1-209**

The question regarding implementation of the existing General Plan policies is not relevant to the TGPA/ZOU EIR; however, the following is provided for general information.

Formal wildlife corridors have not been established. Information about wildlife corridors is considered in the impact analysis and mitigation prepared under CEQA on a project-by-project basis. Please see response to comment I-26-65.

**O-1-210**

The question regarding implementation of the existing General Plan policies is not relevant to the TGPA/ZOU EIR; however, the following is provided for general information.

The County has not adopted any “Biological Community Conservation Plans.”

**O-1-211**

While developing the INRMP, public input was solicited through the active involvement of the Plant and Wildlife Technical Advisory Committee (PAWTAC). The PAWTAC is no longer active. Please see response to comment I-26-101 regarding the INRMP and biological policies review. The review of biological policies is in its early stages and its eventual outcome is unknown and cannot be known. This EIR will not speculate about outcomes that cannot be known.

The TGPA/ZOU is not eliminating any of the policies or programs established in the General Plan for the purpose of protecting species and their habitats. The County has been diligently proceeding on a course to adopt the programs identified in the General Plan as budget and staffing allow. Please see Master Response 8: General Plan Policies and Mitigation regarding General Plan policies and mitigation.

**O-1-212**

Please see Master Response 2: Relationship of the TGPA/ZOU EIR to the 2004 General Plan EIR and 2004 Impact Analysis.

**O-1-213**

The TGPA is the culmination of a process of identifying those lands that are in agricultural use or suitable for agricultural use and incorporating them into the Agricultural Districts. The Agricultural District designation is an “overlay” that identifies areas of the county that are suitable for agricultural use. It does not, however, require or otherwise result in actual new agricultural use or the expansion of existing agricultural activities.

Agricultural use does not inherently exclude wildlife. Given that agricultural use tends to involve large parcels and low-intensity, if any, development, it certainly provides much greater permeability to wildlife and use as foraging habitat than would low density residential development where fences tend to be more substantial and development intensity is much greater. Note that the TGPA/ZOU EIR discloses that changes in land use that will occur with implementation of the General Plan, including the proposed TGPA, would result in significant and unavoidable impacts on wildlife.

Please see Master Response 6: Groundwater Supply and Water Quality and the discussion of agricultural activities under water quality.

The remainder of the comment relates to the commenter’s opinion on the advisability of one or more of the policies or regulations being proposed as part of the TGPA/ZOU project. It does not address the adequacy of the DEIR or other environmentally related topic. State CEQA Guidelines Section 15132(d) requires the FEIR to contain “[t]he responses of the Lead Agency to significant environmental points raised in the review and consultation process.” The comment is not on a significant environmental point, and therefore no response is necessary.

**O-1-214**

Please see Master Response 1: Specificity of Environmental Review, regarding the level of detail in a program EIR ; Master Response 4: Scope of the Project , regarding the scope of changes anticipated as a result of the project; and Master Response 5: Future Development Levels under the TGPA/ZOU, regarding practical constraints on development that limit the effect of the proposed density increases.

**O-1-215**

Please see Master Response 2: Relationship of the TGPA/ZOU EIR to the 2004 General Plan EIR and 2004 Impact Analysis regarding the baseline for analysis. The TGPA/ZOU EIR does not use the General Plan as the baseline. Please see Master Response 7: General Plan and Zoning Ordinance Consistency Requirements regarding the authority of the Board of Supervisors to determine consistency, including internal General Plan consistency. The proposal is not required to retain rural character or wildlife habitat, because those are not the sole objectives or policy basis for the General Plan. The proposals are consistent with other General Plan policies, as discussed in Section 3.6, Land Use and Planning, of the DEIR. The answers to the commenter's other questions are found in the DEIR: Please see Sections 3.3 and 3.9 regarding air quality and traffic, respectively.

The change in mixed use provisions of Policy 2.1.1.3 by itself is not an impact; however, its application may result in significant effects. It is consistently identified as a potential impact mechanism in the DEIR. Its impacts are considered less than significant. Please see Master Response 2 regarding mitigation measures and Master Response 5: Future Development Levels under the TGPA/ZOU regarding practical constraints on development.

**O-1-216**

Please see Master Response 5: Future Development Levels under the TGPA/ZOU regarding the practical constraints on development that act to minimize the impact of this amendment. Please see Master Response 2: Relationship of the TGPA/ZOU EIR to the 2004 General Plan EIR and 2004 Impact Analysis regarding the use of the 2004 General Plan EIR in the current impact analysis. The change in mixed use provisions of Policy 2.1.1.3 is consistently identified as a potential impact mechanism in the DEIR. The analyses of this change are found in practically every impact chapter of the DEIR. The impact of the change on biological resources is considered significant and unavoidable because it intensifies the change in land use resulting from future development. There is no feasible mitigation for an increase in density short of reducing the density and that would be inconsistent with the project objective of increasing the availability of affordable housing and the intent of Public Resources Code Section 21159.26 discouraging use of density reduction as a mitigation measure. Please see Master Response 12: Significant and Unavoidable Impacts regarding the adoption of a statement of overriding considerations.

**O-1-217**

The proposed amendment to Policy 2.2.3.1 does not remove the 30% open space requirement for Planned Development. It modifies the requirement by creating the option in High Density Residential (HDR) Planned Developments to reduce the common open space requirement to 15% where the open space is improved for recreational purposes, or as landscaped buffers or greenbelts, and an additional 15% of the total site is devoted to open space areas reserved for the exclusive use of individual residents such as private yards. The total amount of required open space remains 30%.

Keep in mind that neither the existing nor proposed policies by themselves require that the open space remain unfenced or kept permeable to the passage of wildlife.

This change does not shift any burden from developers to private property owners. Once a project is subdivided and sold to individual owners, they become responsible for the open space (typically the responsibility of a homeowners association that collects dues from the property owners). The proposed amendment does not change that situation other than to reduce the individual property owners' cost of maintaining common open space by reducing the amount of that type of open space.

In order to be consistent with the proposed policy, future development approvals would specify that the private open space is to remain open. The requirement would be subject to code enforcement action if the condition of approval is not met.

The DEIR recognizes that the proposed change could contribute to fragmentation of habitat and wildlife corridors, but that Policy 7.4.1.6 specifically requires the avoidance of that impact. Policy 7.4.1.6 will be imposed on –PD projects through discretionary review and the requirement for General Plan consistency review under Policy 2.2.5.2. The latter policy is consistently applied to projects being considered by the County. Because this impact is less than significant, no additional mitigation is necessary.

Please see Master Response 1: Specificity of Environmental Review regarding the level of specificity in a program EIR. Mapping of corridors and preserves is not necessary to determining the significance of this impact because the location, extent, and design of projects that may choose to apply this option are unknown and a site-specific or parcel-specific analysis is not possible. In addition, as an optional approach there is no means of gauging how often it might be used. In any case, it would not reduce the amount of available open space relative to existing policy.

The remainder of the comment relates to the commenter's opinion on the advisability of one or more of the policies or regulations being proposed as part of the TGPA/ZOU project. It does not address the adequacy of the DEIR or other environmentally related topic. State CEQA Guidelines Section 15132(d) requires the FEIR to contain "[t]he responses of the Lead Agency to significant environmental points raised in the review and consultation process." The comment is not on a significant environmental point, and therefore no response is necessary.

## **O-1-218**

The first part of this comment relates to the commenter's opinion on the advisability of one or more of the policies or regulations being proposed as part of the TGPA/ZOU project. It does not address the adequacy of the DEIR or other environmentally related topic. State CEQA Guidelines Section 15132(d) requires the FEIR to contain "[t]he responses of the Lead Agency to significant environmental points raised in the review and consultation process." The comment is not on a significant environmental point, and therefore no response is necessary.

In response to the questions regarding the environmental impacts of the proposed project, the potential impacts of eliminating the prohibition on development of slopes in excess of 30% are described in the DEIR. Mitigation Measure BIO-1a specifically applies to the impacts of this proposed amendment and the related ZOU change on aesthetics and wildlife habitat.

The proposed new standards for development of slopes over 30% are described in ZOU Section 17.30.060.C and 17.30.060.E.

The language related to “reasonable use” is intended to allow flexibility to avoid “regulatory takings” where strict application of the ordinance would prohibit all economic use of a parcel. Regulatory taking without just compensation is prohibited under the Fifth Amendment of the U.S. Constitution.

## O-1-219

Through the Zoning Ordinance Update, obsolete zones are proposed to be removed, duplicate zones are proposed to change in name only, and new zones are proposed to be added, including:

- The existing Select Agricultural (SA-10) Zone, mostly found in the Camino area, is proposed to be changed to the Planned Agricultural (PA) Zone. Both zone districts were found to have the same allowed uses and were duplicate zones.
- The Agricultural (A) zone and the Residential Agricultural (RA) zone are proposed to be deleted and the parcels currently carrying those zones changed to either the new Rural Lands (RL) zone, the new Limited Agricultural (LA) zone, or the new Forest Resource (FR) zone. All parcel owners with the A or RA zone were given the opportunity, through two separate mailings, to maintain their agricultural zoning, in order to keep their Right to Farm and buffering protections. This process was called the Agricultural Opt-In process. Over 3,000 property owners were notified, and over 700 property owners “opted-in” to maintain their agricultural zoning. (Note: parcels with Residential Estate zoning in Agricultural Districts were also given the opportunity to request an agricultural zone, if other criteria were met.)
- The new Forest Resource (FR) zone is intended to identify land that is suitable for timber production. It is proposed for lands without a Timber Production Zone (TPZ), generally above 3,000 feet elevation, and/or National Forest lands.
- The proposed new Agricultural Grazing (AG) zone is proposed for those parcels currently in a Williamson Act Contract for a low-intensive agricultural operation such as grazing.
- The Exclusive Agricultural (AE) zone and the Agricultural Preserve (AP) zone are proposed to be deleted. Parcels currently in a Williamson Act Contract for a high-intensive agricultural operation are proposed to change to the PA and LA zones, respectively. Parcel owners whose land is not currently in a Williamson Act Contract were given the opportunity, through the Agricultural Opt-In program to retain their agricultural zoning. Property owners who did not opt-in will have their parcels assigned a zone that is consistent with their underlying General Plan Land Use Designation.

The effects of these changes are primarily the result of the new agricultural marketing and industry uses that would be allowed in the agricultural areas under the ZOU. The various uses are identified in the DEIR impact analyses as impact mechanisms, and mitigation measures are identified that would reduce their impacts. However, as discussed in the DEIR, it is reasonably foreseeable that some of these types of uses would result in significant and unavoidable impacts (e.g., ski area) despite that fact that they will be subject to future CEQA review. Without information about the location, size, intensity, and design of the future developments that might be implemented under the ZOU, site-specific mitigation measures are both impractical and infeasible. Please see Master Response 2: Relationship of the TGPA/ZOU EIR to the 2004 General Plan EIR and 2004 Impact Analysis regarding mitigation measures.

**O-1-220**

The ZOU is recodifying and modifying the County's existing Zoning Ordinance. With one exception, there are no substantial changes in allowable land uses between those allowed in residential zones under the existing Zoning Ordinance and the proposed ZOU. The exception is an expansion of the home occupation provisions to allow a wider selection of occupations and number of employees. The ZOU also establishes a three-tier hierarchy of home occupations with those of least potential impact being permitted by right, and those with highest potential requiring approval of a conditional use permit. The home occupations would otherwise be subject to all General Plan policies and County code requirements applicable to the given zone classification and land use.

The provisions of proposed Section 17.40.160 limit home occupations and establish development standards in a manner that will ensure compatibility with residential development and avoid significant impacts. Please see also Master Response 1: Specificity of Environmental Review regarding the level of detail in a program EIR.

Impacts of the proposed changes in the Zoning Ordinance are presented in the DEIR, including the topics listed in this comment.

**O-1-221**

Please see response to comment O-1-220.

**O-1-222**

Project objectives are presented in the DEIR. The proposed changes in the zoning are identified as impact mechanisms in the DEIR and the potential impact disclosed accordingly. Please see Master Response 1: Specificity of Environmental Review regarding the level of detail in a program EIR.

**O-1-223**

Please see response to comment I-26-4 regarding use of Appendix G of the State CEQA Guidelines and the reason for using the County's past thresholds.

**O-1-224**

Please see Master Response 1: Specificity of Environmental Review regarding a program EIR and Master Response 2: Relationship of the TGPA/ZOU EIR to the 2004 General Plan EIR and 2004 Impact Analysis regarding mitigation measures.

**O-1-225**

The mitigation for Impact BIO-3 is specified in the Impact section of Section 3.4, Biological Resources, of the DEIR. It consists of Mitigation Measures BIO-1c and BIO-2. There is no practical and feasible mitigation that would reduce the potential impact of development pursuant to the TGPA and General Plan to a less-than-significant level. The General Plan, as proposed to be amended by the TGPA, allows for the eventual development of large areas of the County. Although most of this development would be contained within the designated Community Regions and Rural Centers, those areas currently contain lands that support wildlife movement corridors. It is unlikely that this development could occur without adversely affecting the corridors. The General Plan currently contains policies such as 7.4.1.6 that are intended to reduce this impact, and will do so on a limited



scale, but those policies cannot avoid the impact on undeveloped lands on the scale of the Community Regions and Rural Centers.

The TGPA/ZOU EIR is a stand-alone EIR and evaluates impacts based on existing conditions. Please see Master Response 2: Relationship of the TGPA/ZOU EIR to the 2004 General Plan EIR and 2004 Impact Analysis regarding the relationship between the TGPA/ZOU EIR and the 2004 General Plan EIR.

**O-1-226**

The discussion in Section 3.4.2 of the DEIR focuses on those aspects of the project that are likely to result in adverse impacts on the environment. The TGPA/ZOU involves many changes, but most of them do not result in adverse impacts. Please see Master Response 1: Specificity of Environmental Review regarding the level of detail in a program EIR.

**O-1-227**

The process by which the Agricultural District boundaries were determined on the basis of suitability is discussed in detail in Chapter 2, Project Description, of the DEIR under the heading "Agricultural District Boundaries." Table 2-1 of the DEIR describes the general locations of the parcels that were removed from the districts.

**O-1-228**

The commenter mischaracterizes the proposed change. The proposed increase in density applies only to mixed use projects, not to all development within Community Regions. Please see the discussion of the proposed policy amendment in Master Response 5: Future Development Levels under the TGPA/ZOU discussing the practical constraints to development.

**O-1-229**

The potential impact on biological resources of proposed amendment to Policy 2.1.1.3 is discussed in Section 3.4.2 of the DEIR. The comment misreads the conclusion reached in the DEIR. The conclusion is not that the increase in density does not result in a significant impact. The conclusion is that the impact would be significant and unavoidable. This is also the same impact on biological resources that was disclosed in the 2004 General Plan EIR.

**O-1-230**

The commenter mischaracterizes the proposed change. The proposed increase in density applies only to mixed use projects, not to all development within Rural Centers. Please see the discussion of the proposed policy amendment in Master Response 5: Future Development Levels under the TGPA/ZOU discussing the practical constraints to development.

**O-1-231**

The potential impact on biological resources of proposed amendment to Policy 2.1.2.5 is discussed in Section 3.4.2 of the DEIR. The comment misreads the conclusion reached in the DEIR. The conclusion is not that the increase in density does not result in a significant impact. The conclusion is that the impact would be significant and unavoidable. This is also the same impact of new development on biological resources that was disclosed in the 2004 General Plan EIR.

**O-1-232**

The reasons for the proposed change in the open space requirement are set out in the TGPA objectives in Chapter 2, Project Description, and are a policy decision of the Board of Supervisors. The Board expressed its purpose in Resolution of Intent 274-2008 (adopted October 7, 2008) as “greater flexibility is desired to accommodate infill development within the Community Regions and Rural Centers as designated on the General Plan land use map.” The proposed amendment is consistent with the policies of the General Plan. Please see Master Response 7: General Plan and Zoning Ordinance Consistency Requirements, regarding the authority and responsibility of the Board of Supervisors to balance General Plan policies relative to internal consistency of such policies. Regarding disagreement with proposed policies, the comment does not address the adequacy of the DEIR or other environmentally related topic. State CEQA Guidelines Section 15132(d) requires the FEIR to contain “[t]he responses of the Lead Agency to significant environmental points raised in the review and consultation process.” The comment is not on a significant environmental point, and therefore no response is necessary.

**O-1-233**

The term “existing communities” is not specifically defined. The Implementation Measure that accompanies proposed Policy 2.4.1.5 requires the establishment of criteria for infill development. Those criteria will include a definition of what qualifies as an existing community. Similarly, the criteria will establish the qualifications of biologists and methods to be used to determine habitat value.

No further response is necessary.

**O-1-234**

Discretionary projects are required to be reviewed for consistency with the General Plan under Policy 2.2.5.2. This ensures that policies protective of biological resources that are described under the Regulatory Setting discussion in Section 3.4.1 of the DEIR are imposed on projects. The criteria established under the Implementation Measure can logically be expected to include consideration of wildlife corridors, when pertinent to the infill project.

**O-1-235**

Please see Master Response 7: General Plan and Zoning Ordinance Consistency Requirements regarding the relationship to the Sustainable Communities Strategy (SCS).

The Metropolitan Transportation Plan (MTP)/SCS was enacted by SACOG in April 2012. The Rural-Urban Connections Strategy (RUCS) has not been adopted; the “small communities” discussion referenced by the commenter is a discussion prepared by SACOG, but not an adopted part of the draft RUCS.

**O-1-236**

Please see Master Response 7: General Plan and Zoning Ordinance Consistency Requirements regarding the relationship to the SCS. Note that the RUCS, if adopted, confers no CEQA streamlining benefits. To the extent that they are applicable to any project in El Dorado County, CEQA streamlining will be based on consistency with the SCS.

**O-1-237**

The significance determinations of the TGPA/ZOU EIR will not necessarily result in any future development projects being unable to qualify for negative declarations. Future development projects will be subject to independent CEQA analyses. Identification of a significant impact in the TGPA/ZOU EIR does not convert that impact to a cumulative impact. Cumulative impacts are identified in Chapter 5, Other CEQA Considerations, in the DEIR.

**O-1-238**

The TGPA/ZOU is not eliminating any of the policies or programs established in the General Plan for the purpose of protecting species and their habitats. The County has been diligently proceeding on a course to adopt the programs identified in the General Plan as budget and staffing allow. Please see Master Response 8: General Plan Policies and Mitigation regarding General Plan policies and mitigation.

**O-1-239**

The County is not proceeding with the proposal to increase density from 24 dwellings per acre to 30 dwellings per acre. With the adoption of the County Housing Element, it is now apparent that the increased density is not necessary in order to meet the State Housing Element requirement to identify sites that are available for affordable housing.

**O-1-240**

Public participation was provided during consideration and adoption of the Housing Element.

**O-1-241**

This is a policy question. The Board of Supervisors has included this amendment in the proposal for the reasons set out in the TGPA objectives described in Chapter 2, Project Description. The amendment is considered a means of encouraging the production of moderate income housing.

The TGPA/ZOU EIR discloses that the project will result in significant impacts, as noted by the comment. Please see Master Response 12: Significant and Unavoidable Impacts.

**O-1-242**

The amendment is being undertaken as a means of encouraging the production of moderate income housing. Please see Master Response 12: Significant and Unavoidable Impacts.

Because future development projects occurring on slopes over 30% would vary greatly in the extent to which they utilize the steep portions of their site, their location, the type of development proposed, and their design, a map illustrating all of the areas of the county with slopes in excess of 30% would greatly overestimate the area that would realistically be expected to be affected by the change in the slope restriction. The level of analysis is sufficient to allow an informed decision, given the constraints on development of steep slopes.

**O-1-243**

Please see response to comment I-26-101. Please see also Master Response 4: Scope of the Project regarding other land use standards currently under preparation.

**O-1-244**

Please see Master Response 11: Riparian Setbacks.

A set standard is not necessary to ensure protection of riparian resources. The ZOU proposes to examine setbacks for discretionary projects, and ministerial projects where riparian resources are not avoided by the standard setback, on a site-specific and project-specific basis. This will be based on a biological resources evaluation that will provide site-specific information about the riparian habitat and the area necessary for avoidance. Discretionary projects will also be subject to CEQA, providing public review of the evaluation, its conclusions, and the proposed setbacks as mitigation.

This proposal brings the Zoning Ordinance into conformity with the General Plan.

**O-1-245**

The biological resource evaluation is not specifically defined within the proposed Section 17.3.030. However, its scope and contents are evident when the section is read as a whole. The evaluation must identify “the location of all features regulated under this section” (subdivision 3b). Accordingly, this would include “impacts to perennial streams, rivers or lakes, intermittent streams and wetlands, and any sensitive riparian habitat” (subdivision 3a). It must also identify “the area of avoidance and any buffers or setbacks required to reduce the impacts to a less than significant level” (subdivision 3e) and “[w]here all impacts are not reasonably avoided, ... identify mitigation measures that may be employed to reduce the significant effects” (subdivision 3e).

**O-1-246**

The TGPA/ZOU EIR does not affect the referenced principle. As a CEQA document, it analyzes and discloses the potential impacts of the project, and identifies feasible mitigation measures and a range of alternatives that would reduce or avoid the project’s significant impacts.

Pursuant to General Plan Policy 2.2.5.2, the County considers the consistency of all discretionary projects with the General Plan.

The cited principle is not proposed to be changed or removed by the TGPA. Because it is not being removed by the project, there is no reason to examine the potential impacts of removing it.

**O-1-247**

Please see Master Response 12: Significant and Unavoidable Impacts. As discussed in the responses to the comments received on the DEIR, further information is not required. Please see also Master Response 1: Specificity of Environmental Review regarding the level of detail in a program EIR.

**O-1-248**

The County’s ability to implement its policies for preserving oak woodland habitat is limited by the absence of “Option B” or similar mitigation program. Specific to the oak woodlands protections, the oak woodlands preservation fee program (i.e., “Option B” under General Plan Policy 7.4.4.4). The

program had been identified in the General Plan as a mitigation measure to reduce the impacts of new development on oak woodlands; providing an alternative (hence the name Option B) to the existing oak woodlands mitigation program (Option A). The County's adoption of Option B was overturned by the Court of Appeal in *Center for Sierra Nevada Conservation v. County of El Dorado* (2012) 202 Cal.App.4th 1156, based on the court's finding that the mitigated negative declaration adopted for the ordinance was inadequate.

This did not affect the County's existing oak woodlands mitigation program which requires a 1:1 replacement for the loss of woodland habitat (i.e., "Option A"). That program remains in effect.

Please see response to comment I-26-101 regarding adoption of the INRMP.

### **O-1-249**

Please see response to comment I-26-101 regarding adoption of the INRMP. The exhibit attached to this comment is a summary of the Center for Sierra Nevada Conservation decision referenced in response to comment O-1-27 through 47. No response is necessary to this summary of the past court decisions.

### **O-1-250**

Please see Master Response 8: General Plan Policies and Mitigation regarding General Plan policies and mitigation. The County has worked diligently since adoption of the General Plan to enact the programs and ordinances described therein.

Note that culturally significant sites are resources subject to analysis under CEQA. Projects that are subject to CEQA must include analysis of the potential impacts on cultural resources and mitigation for those impacts. CEQA requires the County to prepare an EIR when a project would result in the demolition of a significant cultural resource.

### **O-1-251**

The County disagrees with this comment. Please see Master Response 8: General Plan Policies and Mitigation regarding General Plan policies and mitigation. The County has worked diligently since adoption of the General Plan to enact the programs and ordinances described therein.

### **O-1-252**

The comment is correct. There is no Shingle Springs design guide. The reference should have been to the Missouri Flat design guide. The TGPA/ZOU EIR text has been corrected as shown in Chapter 5 of this FEIR.

The design guides are mentioned for the purpose of distinguishing them from guidelines that would otherwise assist in the protection of historic buildings. The impact analysis does not rely on this design guide.

### **O-1-253**

The cited requirement for Native American consultation is not a part of the CEQA process, but is required separately under California Planning Law. The County has solicited the comments of the

Tribal representatives identified by the Native American Heritage Commission, as required under Government Code Section 65351.

The comment regarding alleged shortcomings in prior consultations on development projects has no relation to the TGPA/ZOU project. No further response is necessary.

### **O-1-254**

The rezonings undertaken for General Plan consistency are required by State law. Please see Master Response 3: Necessity to Amend the Zoning Ordinance regarding the required rezonings and Master Response 1: Specificity of Environmental Review regarding the specificity of analysis in a program EIR.

### **O-1-255**

The TGPA/ZOU EIR concludes that Impact CUL-1 will be significant and unavoidable. That is because, for the reasons described on page 3.5-16 of the DEIR, it is reasonably foreseeable that future uses under the General Plan could result in “[d]estructive impacts cannot be fully mitigated.” The TGPA/ZOU EIR does not assume that the conditional use permit (CUP) or discretionary approval process will avoid this impact.

Please see Master Response 8: General Plan Policies and Mitigation regarding mitigation measures. The TGPA/ZOU is a program-level, rather than site-specific, project. Therefore, it is not practical to develop mitigation measures that could reduce its impact on cultural resources to a less-than-significant level. Such measures must be tailored to the particular development project to be sufficiently effective to avoid all impacts. Further, pursuant to CEQA case law, there is no mitigation for the destruction of a significant cultural resource that would avoid a significant effect. (Architectural Heritage Assoc. v. County of Monterey [2004] 122 Cal.App.4th 1095; League for Protection of Oakland’s Architectural and Historic Resources v. City of Oakland [1997] 52 Cal.App.4th 896)

As discussed on page 3.5-11 of the DEIR, the ZOU includes provisions under proposed Sections 17.22.010 (Commercial Mainstreet zoning district), 17.27.05 (Design Review – Community [-DC] combining zone), and 17.27.060 (Design Review –Historic [-DH] combining zone) that will reduce impacts on historic structures in some situations.

### **O-1-256**

The TGPA/ZOU EIR concludes that Impact CUL-2 will be significant and unavoidable. That is because, for the reasons described on page 3.5-17 of the DEIR, it is reasonably foreseeable that future uses under the General Plan could result in a significant effect on archaeological resources. Please see Master Response 8: General Plan Policies and Mitigation regarding mitigation measures. The TGPA/ZOU EIR does not assume that the CUP or discretionary approval process will avoid this impact.

Please also see Master Response 8 regarding mitigation measures. The TGPA/ZOU is a program-level, rather than site-specific, project. Therefore, it is not practical to develop mitigation measures that could reduce its impact on archaeological resources to a less-than-significant level. Such measures must be tailored to the particular development project to be sufficiently effective to avoid all impacts.

**O-1-257**

The proposed Section 17.22.010 (Commercial Mainstreet zoning district) states that “[f]lexible development standards are applied to facilitate preservation of historic structures and to encourage new development compatible with the identity of each unique community.” While this may not be as specific as one might like, it is more specific than any existing commercial zoning district regarding preservation of historic structures. Put another way, it does not reduce or eliminate existing protections. In any case, the TGPA/ZOU EIR does not assume that applying this district to historic areas will avoid Impact CUL-1.

Please see also response O-1-255.

**O-1-258**

Please see Master Response 8: General Plan Policies and Mitigation regarding code enforcement. Note that in the example cited, the permit in question was ministerial, CEQA did not apply, so no CEQA-based analysis could be undertaken. Further, the site was not within a Historic Design Control District, so the provisions of General Plan Policy 7.5.2.2 did not apply. Please see also response O-1-255.

**O-1-259**

Table 3.5-2 includes a list of the typical impact mechanisms that are characteristic of each of the development types. An in-depth analysis of the specific impacts of these types of projects is infeasible because in-depth analyses are dependent upon site-specific conditions (i.e., location, existing historical resources, archaeological sensitivity) and project-specific design (project size, use, design, and mitigating features) that cannot be known at this time. There are no specific development projects proposed as part of the TGPA/ZOU; therefore, any in-depth analysis would be completely speculative. Please see Master Response 1: Specificity of Environmental Review regarding the level of detail in a program EIR.

**O-1-260**

The TGPA/ZOU EIR has been circulated for review and comment as provided for in CEQA and the State CEQA Guidelines. The specific objectives, policies, and zoning provisions to be included in the TGPA/ZOU project are the prerogative of the Board of Supervisors as the County’s elected legislative body. The Board will consider the comment during their deliberations on the project.

**O-1-261**

Please see Master Response 1: Specificity of Environmental Review regarding the specificity of a program EIR and Master Response 2: Relationship of the TGPA/ZOU EIR to the 2004 General Plan EIR and 2004 Impact Analysis regarding impact analysis and mitigation.

**O-1-262**

The County recognizes its responsibility to protect cultural resources under State and Federal laws. The regulatory setting in Section 3.5.1 of the DEIR describes the key State and Federal laws, as well as existing County General Plan policies and El Dorado County Guidelines for Cultural Resource Studies that are protective of these resources. Section 3.5, Cultural Resources, of the DEIR concludes that despite these provisions and the requirements that CEQA would impose on discretionary

development projects, impacts on cultural resources will be significant and unavoidable. Please see also response O-1-256.

### **O-1-263**

The TGPA/ZOU will not result in a substantial increase in development potential that presently exists in the General Plan. Please see Master Response 5: Future Development Levels under the TGPA/ZOU regarding the practical constraints on development that limit the impacts. Please see also Master Response 2: Relationship of the TGPA/ZOU EIR to the 2004 General Plan EIR and 2004 Impact Analysis discussing evaluation of the full impact of development under the General Plan and Master Response 4: Scope of the Project regarding the scope of analysis.

### **O-1-264**

Contrary to the commenter's assertion, there is no requirement under CEQA or the General Plan that requires the TGPA/ZOU EIR to "analyze the impacts of the proposed General Plan Amendments with respect to the results of [the General Plan's] monitoring process." Any changes that have occurred are contained in the baseline (i.e., existing conditions) for the TGPA/ZOU EIR's analysis.

The County prepares an annual report on the General Plan, as set out in Policy 2.9.1.1 and State Planning Law. The most recent was presented to the Board of Supervisors in June 2014. Policy 2.9.1.2 provides that the County will review the results of the monitoring every 5 years and make General Plan changes accordingly. The County's most recent 5-year review (adopted in April 2011) is the impetus for the TGPA and ZOU. The proposed change to the Camino-Pollock Pines Community Region, converting it to three Rural Communities, is being undertaken in response to the request of the Camino-Pollock Pines Community.

### **O-1-265**

The proposed change to the Camino-Pollock Pines Community Region does not change any zoning. Any zone changes that may occur within the Community Region are being undertaken as part of the ZOU to conform zoning to the General Plan land use designations. Please see Master Response 4: Scope of the Project and Master Response 7: General Plan and Zoning Ordinance Consistency Requirements regarding the rezoning process and zoning consistency requirements.

The proposed change is evaluated in Sections 3.1, Aesthetics; 3.2, Agricultural and Forestry Resources; 3.3, Air Quality and Greenhouse Gases; 3.6, Land Use and Planning; 3.7, Noise; and 3.8, Population and Housing. In general, the intensity of allowable uses would be reduced by redesigning this area to Rural Centers.

With regard to noise, the noise standards for non-transportation sources in Community Regions are less strict than the standards for Rural Centers. With regard to agricultural resources, that change would mean that new development within the 170 acres of industrial land within the existing Camino/Pollock Pines Community Region would be subject to the more stringent noise controls applicable to Rural Centers. Future industrial development would therefore be required to comply with the more stringent regulations. The change would therefore reduce the allowable noise levels that are currently applicable to this area. With regard to aesthetics, air quality/greenhouse gases, land use, and population and housing, the practical effect of the Camino/Pollock Pines proposal would be to reduce the development potential within these areas (in comparison to the potential



under the current General Plan), because the ability to build at maximum allowable intensity or density is dependent on the availability of public services, and no such services are available there.

Because there would be minimal changes to development standards under the proposed change and the changes would result in reduced development potential, the TGPA/ZOU EIR concludes that the proposed change would not result in any significant environmental impact.

### **O-1-266**

The inventory described in General Plan Implementation Measure AF-J was undertaken by the Agricultural Commissioner's office, as discussed in Section 3.2, Agricultural and Forestry Resources, of the DEIR. That process, identifying the parcels to be placed within the Agricultural Districts and those to be removed pursuant to the County's express standards and subject to a public hearing process, is separate from the CEQA process. There is no requirement in CEQA for the TGPA/ZOU EIR to reiterate that process. The revisions to the Agricultural Districts were undertaken pursuant to the County's standards for evaluating agricultural parcels pursuant to General Plan Policy 8.1.1.2. Consistent with General Plan Policy 8.1.1.4, the Board adopted the Procedure for Evaluating the Suitability of Land for Agriculture that was used to analyze all proposed parcels. The inclusions and exclusions from the proposed Agricultural District boundaries are therefore consistent with the General Plan.

The TGPA is not changing the mitigation measures adopted with the 2004 General Plan.

### **O-1-267**

The purpose of the DEIR is to analyze and disclose the significant environmental impacts of the TGPA/ZOU project. Decisions regarding what to include in the project are policy decisions of the Board of Supervisors and outside the realm of CEQA. The DEIR is not required to provide an analysis showing that a portion of the project is "necessary." An "analysis of the County's mandated low income housing requirements for the next ten years including number of units, maximum income levels of buyers and maximum price of units" or other analyses for purposes of justifying the necessity of the project are not necessary to the adequacy of the TGPA/ZOU EIR.

### **O-1-268**

The commenter suggests three alternatives to the project components that are intended to encourage the production of affordable income housing by increasing maximum residential densities under select General Plan policies: a density bonus system or a low income housing requirement for developments that exceed a certain number of units, more aggressively participating in State and Federal programs that fund affordable housing development, and forming a Housing Authority or appropriate nonprofit housing corporation to facilitate accessing State and Federal Funds for affordable housing development. None of these are included in the FEIR, for the following reasons.

- Density bonus system or a low income housing requirement: the County is already subject to the State Density Bonus Law (Government Code Sections 65915-65918), which requires the County to provide a density bonus of up to 35% to qualifying affordable and senior housing projects. Adoption of a low income housing requirement has been a controversial approach to providing affordable housing in many communities. It is beyond the scope of this EIR to develop and analyze a draft inclusionary Zoning Ordinance. Further, the Board of Supervisors' ability to pass

such an ordinance in the face of general political opposition to increased residential density within the county is not reasonably foreseeable.

- Aggressive participation in State and Federal programs: El Dorado County already actively participates in a number of State and Federal funding programs that assist low and moderate income residents. These include the first time homeowners loan program, housing rehabilitation loan program, and Mortgage Credit Certificate program. In addition, a residential development project of more than five units where at least 20% of the units will be affordable to very low-, low-, or moderate-income households, or second-dwelling targeted to the aforementioned income group(s), may be eligible for a Traffic Impact Mitigation (TIM) fees offset under County rules. The proposed project components would be in addition to this active participation.
- Formation of a Housing Authority or appropriate nonprofit housing corporation: This has already been done. El Dorado County's Housing Authority is an existing legal entity that operates under the umbrella of the County Department of Community Services. The housing authority operates under Federal guidelines from the U.S. Department of Housing and Urban Development to provide a rental subsidy assistance program (commonly known as Section 8).

### **O-1-269**

Please see response to comment O-1-268.

### **O-1-270**

The limitation of residential density for mixed use projects in Rural Centers is not a mitigation measure. It is a component of the project. By its own clear language, the policy limits the density of mixed use projects to those located within Rural Centers. Therefore, it does not apply to mixed use projects outside of Rural Centers. Table 2-1, Planning Concept Areas and Land Use Designation Consistency Matrix, is not pertinent to the limitation of the mixed use density to Rural Centers. No change to either the statement in the EIR of Table 2-1 is necessary.

Mixed use would be allowed in the RM (Multi-unit Residential), CL (Commercial, Limited), CM (Commercial, Main Street), and CC (Commercial, Community) zones, subject to the residential density limits established in the General Plan. General Plan Policies 2.1.1.3 and 2.1.2.5 specifically limit mixed use to Community Regions and Rural Centers, respectively. This is reinforced by Policy 2.2.1.2, which limits the application of the General Plan's MFR and C (Commercial) land use designations to Community Regions and Rural Centers. These uses are not allowed, and would not be allowed under the project, in the Rural Regions.

### **O-1-271**

Please see Master Response 1: Specificity of Environmental Review regarding the limitations on the specificity of review in a program EIR and Master Response 5: Future Development Levels under the TGPA/ZOU regarding the practical constraints on development in areas that lack public services.

### **O-1-272**

The commenter misinterprets the language of these policies. This is a statement explaining that densities within Community Regions and Rural Centers (the subject of the policies in which the statement is found) cannot reach maximum density absent public infrastructure. It is a recognition that development will be constrained to a lower density in Community Regions and Rural Centers

that do not have public infrastructure. It does not affect Rural Regions. Mitigation Measure LU-4a removes the language from Policy 2.1.2.5 (Commercial/Mixed Use in Rural Centers) in order to correct a drafting error in the TGPA. Residential densities of 20 units per acre are not proposed to be allowed in Rural Centers or in Rural Regions. The proposal is to increase the density to 10 units per acre. The language correctly describes the proposed maximum density under Policy 2.1.1.3, so no change was needed.

### **O-1-273**

Mixed use would be allowed in the CL (Commercial, Limited), CM (Commercial, Main Street), and CC (Commercial, Community) zones. There is a drafting error in the ZOU that incorrectly cross references Table 17.22.20. The table does not list which zones allow mixed use development. The allowable uses in the commercial zones, including mixed use development, are described in proposed Section 17.22.010.C (i.e., CL, CM, and CC). Table 17.22.20 of the ZOU will be corrected to reflect Section 17.22.010.C.

### **O-1-274**

The purpose of the DEIR is to analyze and disclose the significant environmental impacts of the TGPA/ZOU project. Decisions regarding what to include in the project are policy decisions of the Board of Supervisors and outside the realm of CEQA. Analyses for purposes of justifying the necessity of the project are not necessary to the adequacy of the TGPA/ZOU EIR.

No specific development projects are proposed under the TGPA/ZOU. Mixed use and single-family development are proposed options within the MFR land use designation. As such, there is no means of accurately estimating to what degree they may be employed in future development. An attempt to quantify the extent of such development without knowing how often and to what extent the option may be employed would be completely speculative. State CEQA Guidelines Section 15145 provides that speculation is not required.

### **O-1-275**

The proposed change would not reduce the total open space requirement, which would remain at 30% of a project site. It would, however, offer the option to provide up to 50% of that open space in private yards. There would be no change in the maximum amount of developable space. As a result, the proposed amendment would not result in an increase in the intensity of future development.

Regarding the inclusion of this change in the TGPA/ZOU, the purpose of the DEIR is to analyze and disclose the significant environmental impacts of the TGPA/ZOU project. Decisions regarding what to include in the project are policy decisions of the Board of Supervisors and outside the realm of CEQA. Analyses for purposes of justifying the necessity of the project are not necessary to the adequacy of the TGPA/ZOU EIR.

### **O-1-276**

Policy 2.4.1.5 is part of the proposed project. The TGPA/ZOU EIR does not describe each proposed policy verbatim, but Section 2.4 refers readers to the County's website and other locations where the full text of the proposal can be found. Policy 2.4.1.5 is a general statement encouraging infill development in existing communities and setting out limitations on what sites would qualify.

The proposed policy states, in part, that: “[p]rojects site must be consistent with the applicable general plan designation and all applicable general plan policies as well as with applicable zoning designation and regulations.” As a result, the policy will not result in any change in the General Plan or zoning at a qualifying site. The allowable development would be that which is described in the site’s applicable General Plan designation and zoning.

## **O-1-277**

The referenced statements in the TGPA/ZOU EIR read as follows:

Policy 5.2.1.3 would be revised such that medium-density residential, high-density residential, multifamily residential, commercial, industrial and research and development projects may be required to connect to public water systems if reasonably available when located within Community Regions and to either a public water system or to an approved private water systems in Rural Centers. The current policy requires such development to be connected to public water systems in Community Regions.

Policy 5.3.1.1 would be revised such to state that high-density and multifamily residential, commercial, and industrial projects may be required to connect to public wastewater collection facilities if reasonably available as a condition of approval. The current policy requires such development to be connected to public collection facilities.

These simply reflect the proposal and clearly state the current General Plan requirements. These are not misleading in any way.

The statement regarding the constraints on development intensity where no public sewer or water is available is not a mitigation. It is a reasonable assumption based on the various regulatory and practical limitations that apply when public sewer or water is not available. These constraints do not stop all development, but they do preclude the development from reaching the maximum that would otherwise be allowed under the General Plan. Contrary to the commenter’s assertion, the TGPA/ZOU EIR does not state that utilizing septic systems would result in less degradation to the land. Land will still be altered; however, the reasonably foreseeable level of development would not reflect the maximum densities provided under the General Plan. Master Response 5: Future Development Levels under the TGPA/ZOU details the practical constraints that limit development potential when public sewer and water are not available.

An analysis of the impact of development on groundwater is included in the Recirculated Partial DEIR for the project.

The purpose of the DEIR is to analyze and disclose the significant environmental impacts of the TGPA/ZOU project. Decisions regarding what to include in the project are policy decisions of the Board of Supervisors and outside the realm of CEQA. Analyses for purposes of justifying the necessity of the project are not necessary to the adequacy of the TGPA/ZOU EIR.

The commenter asks “how many possible building sites will be developed because of this proposed amendment that would not otherwise have been developed at all?” The answer to this is unknown and cannot be known. The decision whether or not to develop a particular site, and at what intensity, is that of the individual landowners, not the County, and is driven by numerous variables such as the market for various types of residential development, economic conditions, site characteristics, and availability of funding. An attempt to quantify what will be developed that would not otherwise have been developed would be purely speculative. In any case, note that a fundamental assumption of the TGPA/ZOU EIR is that all lots will be developed to some degree.

Regarding the commenter's question regarding establishing inclusionary housing requirements as an alternative means of reducing impacts, adoption of a low income housing requirement has been a controversial approach to providing affordable housing in many communities. The low income residential units are subsidized by higher cost market rate units within the development. It is beyond the scope of this EIR to develop and analyze a draft inclusionary Zoning Ordinance. Further, by raising the cost of market-rate units, the alternative would not meet the project's fundamental objective of encouraging and supporting the development of housing affordable to the moderate income earner.

The comment regarding "degradation" is taken out of context. The threshold reviewed in the TGPA/ZOU EIR is "substantially alter or degrade the existing land use character of the County's land use character." The proposed changes to Policies 5.2.1.3 and 5.3.1.1 will not substantially degrade the character of the County, particularly in that the changes constrain, not increase, development potential. As discussed in Master Response 5, there are numerous regulatory safeguards against groundwater pollution or other disruptions from septic systems.

The commenter speculates that groundwater-dependent operations in the Rural Regions could be affected by increased demand for groundwater as a result of the proposed changes to Policies 5.2.1.3 and 5.3.1.1. The impacts on groundwater are evaluated in the Recirculated Partial DEIR. El Dorado County is underlain by fractured, disjointed groundwater aquifers. Impacts tend to be localized, and accurately predicting how groundwater withdrawals within a particular area may affect surrounding areas is difficult if not impossible. However, given the potential for additional growth under the General Plan, as implemented by the Zoning Ordinance, the impact is expected to be significant and unavoidable.

Making the connection to public water and sewer optional is not expected to limit the reach of infrastructure due to lack of customer density to fund that infrastructure. In general, public sewer and water service is funded through property taxes, special taxes, special assessments, and user rates, or a combination of one or more of these methods. Customer density is not a determining factor in the ability to finance sewer and water infrastructure, nor is the defining feature in whether sewer and water service is provided to an area. For example, the Nevada Irrigation District extended treated water service to a small number of customers (a total of 16 parcels) in the Cement Hill area near Nevada City using a combination of a new special tax, rates, and a low-interest loan from the State Revolving Fund. The El Dorado Irrigation District's 2013 IWRMP includes plans for substantial new water supply infrastructure, including a new water treatment plant, to serve anticipated growth in the western service area based on the County General Plan.

## **O-1-278**

The commenter's request for site-specific information about future development on slopes of 30% or greater would result in misleading and speculative information being placed in the TGPA/ZOU EIR. Because future development projects occurring on slopes over 30% would vary greatly in the extent to which they utilize the steep portions of their site, their location, the type of development proposed, and their design, a map illustrating all of the areas of the county or a quantification of the number of parcels with slopes in excess of 30% would greatly overestimate the area that would realistically be expected to be affected by the change in the slope restriction. State CEQA Guidelines Section 15145 provides that speculation is not required in an EIR. The level of analysis provided in the TGPA/ZOU EIR is sufficient to allow an informed decision, given the constraints on development of steep slopes.

Septic systems may be allowed on slopes of 30% or greater on a case-by-case basis, only when carefully designed and in compliance with County code and State regulations. Such analysis is site- and project specific and is beyond the scope of the TGPA/ZOU EIR. Please see Master Response 5: Future Development Levels under the TGPA/ZOU regarding restrictions applicable to OWTS, including the State Water Resources Control Board's policies.

Regarding the inclusion of this change in the TGPA/ZOU, the purpose of the DEIR is to analyze and disclose the significant environmental impacts of the TGPA/ZOU project. Decisions regarding what to include in the project are policy decisions of the Board of Supervisors and outside the realm of CEQA. Analyses for purposes of justifying the necessity of the project are not necessary to the adequacy of the TGPA/ZOU EIR.

**O-1-279**

The TGPA/ZOU EIR is summarizing the standards described in proposed Zoning Ordinance Section 17.30.060 and, by reference, the County Grading Design Manual. Section 17.30.060 would require any development allowed on slopes of 30% or greater to obtain a grading or building permit and meet the requirements of the County's Grading Design Manual. The Manual, adopted by the Board of Supervisors on March 13, 2007, sets out standards for the excavation of cut slopes, stating that: "[c]ut slopes shall be constructed in a manner that does not create unstable conditions or induce severe erosion" (Section B.2). The Manual describes the requirements for content and professional engineering qualifications of preparers of the Geologic Reports or Geotechnical Reports that would be required for development on steep slopes.

**O-1-280**

Please see Master Response 8: General Plan Policies and Mitigation regarding the County's active code enforcement program and its response to the Grand Jury report.

**O-1-281**

Please see Master Response 8: General Plan Policies and Mitigation regarding code enforcement.

**O-1-282**

Please see Master Response 7: General Plan and Zoning Ordinance Consistency Requirements under "determining significance" for the role of the Board of Supervisors in balancing the objectives of the General Plan to achieve internal consistency.

**O-1-283**

None of the components of the project are in conflict with the General Plan. Please see Master Response 7: General Plan and Zoning Ordinance Consistency Requirements under "determining significance" for the role of the Board of Supervisors in balancing the objectives of the General Plan to achieve internal consistency. There are no regional plans with jurisdiction over the County that have been adopted to avoid or mitigate environmental effects.

**O-1-284**

The TGPA/ZOU EIR discloses the potential significant effects of the project. Upon its approval of the project, the Board of Supervisors will adopt findings of fact describing the disposition of each of the

significant effects identified in the FEIR and a statement of overriding considerations, as required under State CEQA Guidelines Sections 15091 and 15093, respectively.

### **O-1-285**

Mitigation Measure BIO-1a is described under Impact BIO-1 (Result in the loss and fragmentation of wildlife habitat) in Section 3.4.2 of the DEIR. It consists of specific revisions to the proposed Policy 7.1.2.1 and proposed Zoning Ordinance Section 17.30.060. Also, please see Master Response 2: Relationship of the TGPA/ZOU EIR to the 2004 General Plan EIR and 2004 Impact Analysis regarding mitigation measures for a general plan or ordinance amendment.

### **O-1-286**

The commenter is correct regarding the proposed change to Policy 2.2.5.10. The intent of the proposed General Plan policy change is to relocate those requirements to the Zoning Ordinance. Mitigation Measure LU-4b has been revised to incorporate a provision requiring a finding that the establishment of the use will have no significant adverse effect on surrounding property, including lands used for nonagricultural uses. Chapter 5 of this FEIR document includes the revised mitigation measure language.

Revise Section 17.40.260.A.3., Ranch Marketing, as follows.

3. Agricultural production is the primary use or function of the property. The Agricultural Commissioner may review the proposed Ranch Marketing area to ensure that the site conforms to the standards 17.40.260.D.2.

Ranch marketing activities proposed within Agricultural Districts, as identified on the General Plan land use maps, on or adjacent to land zoned Planned Agriculture (PA), Limited Agriculture (LA), Agricultural Grazing (AG), Forest Resource (FR), or Timber Production (TPZ) must be reviewed by the Planning Director for consistency with General Plan Policy 2.2.5.2 and by the Agricultural Commissioner for compatibility with surrounding agricultural land uses or on agriculturally zoned lands prior to action by the review authority.

Please see Master Response 1: Specificity of Environmental Review regarding the specificity of review in a program EIR.

### **O-1-287**

Please see response to comment O-1-286 for a response to this comment.

### **O-1-288**

The requested information regarding conflicts with property owners over specific operations is not pertinent to the environmental analysis. Please see Master Response 8: General Plan Policies and Mitigation regarding code enforcement.

### **O-1-289**

There is no requirement under California law that counties have similar ordinances. Every county is empowered to adopt zoning that meets its particular needs. A comparison of the County's winery ordinance with those of other jurisdictions is irrelevant to the environmental analysis.

**O-1-290**

Mitigation Measure LU-4b has been revised as shown in Chapter 5 of this FEIR to incorporate a provision requiring a finding that the establishment of the use will have no significant adverse effect on surrounding property. Please see the response to comment O-1-286 for the new text.

**O-1-291**

The commenter offers their opinion regarding the premise for the TGPA. Please see Master Response 7: General Plan and Zoning Ordinance Consistency Requirements regarding the Board's authority to determine consistency with the General Plan, including internal consistency. The purpose of the DEIR is to analyze and disclose the significant environmental impacts of the TGPA/ZOU project. Decisions regarding what to include in the project are policy decisions of the Board of Supervisors and outside the realm of CEQA. Analyses for purposes of justifying the necessity of the project are not necessary to the adequacy of the TGPA/ZOU EIR.

**O-1-292**

CEQA does not require the FEIR to support the benefits of the project. Pursuant to State CEQA Guidelines Section 15143, an EIR is to "focus on the significant effects on the environment." Significant effects consist of substantial adverse changes to the physical environment. (State CEQA Guidelines Section 15382).

Also, please see Master Response 12: Significant and Unavoidable Impacts regarding the Board of Supervisors' adoption of a statement of overriding considerations in conjunction with approval of the project.

**O-1-293**

The commenter misunderstands a statement in the DEIR. The statement is describing the practical constraints that limit development, making buildout at the maximum allowable density unlikely. It is not stating that as a matter of policy the "focus of the zoning changes was to maximize the potential residential zoning capability." The only aspect of the project that would potentially increase allowable density is described in the TGPA and consists of proposed increased densities for mixed use developments in Community Regions and Rural Centers. The ZOU is bringing the Zoning Ordinance into conformity with the General Plan, so no greater densities would be allowed under the Zoning Ordinance than are provided for in the General Plan.

**O-1-294**

The commenter misunderstands the statement that none of the specific plans are proposed for amendment. No policy or land use designation of any of the specific plans is being amended. The issue raised by the comment relates to a zone change, not an amendment to a specific plan. These zone changes are necessary in order to make the zoning consistent with the General Plan. Please see also Master Response 3: Necessity to Amend the Zoning Ordinance.

**O-1-295**

This comment conflates site-specific zoning changes undertaken for purposes of conforming zoning to the General Plan, as required by Government Code Section 65860, with changes in General Plan designations that correct mapping errors, and the adoption of new zoning classifications needed for



General Plan consistency. Additional changes were made in response to agricultural land owners “opting in” to agricultural zoning. No changes are “totally random” as suggested in the comment. They have only been made for the reasons given above.

Explaining the individual reason for each of the 8,075 zoning conformity changes is both unreasonable and impractical. Please see Master Response 4: Scope of the Project regarding the criteria applied by the County to determine whether a rezoning is necessary and the particular zone applied to a given parcel. Please see also the response to comment O-1-12.

Please see Master Response 2: Relationship of the TGPA/ZOU EIR to the 2004 General Plan EIR and 2004 Impact Analysis explaining how the potential impacts of the ZOU have been examined at a program level and Master Response 4 regarding the scope of the project.

### **O-1-296**

The General Plan’s Low-Density Residential (LDR) designation states, in part: “[t]he maximum allowable density shall be one dwelling unit per 5.0 acres. Parcel size shall range from 5.0 to 10.0 acres.”

The rezoning of a parcel that currently has a zoning classification that allows 20-acre parcels to a zone that allows 10-acre parcels is consistent with the LDR designation. The commenter is concerned that this somehow results in “a significant increase in density without individual public review of those parcels.”

No increase in density will occur as a result of rezoning parcels to 10-acre zoning classifications where they are designated LDR in the General Plan. Pursuant to Government Code Section 66474, the subdivision of land is not based on zoning, but rather on consistency with the General Plan. Under existing conditions, absent the proposed rezoning, a lot with 20-acre zoning located within an LDR designation could be subdivided into lots of 5 acres each. The same will be true under the proposed rezoning. The General Plan designation, not the zoning, establishes minimum parcel size.

Should a land owner choose to subdivide their property, that proposal would be subject to the requirements of the County subdivision ordinance. Those requirements include notice to surrounding property owners, a public hearing, and environmental review of the site-specific proposal.

Because this type of rezoning would not result in a significant impact on the environment, no alternative needs to be considered.

### **O-1-297**

Please see Master Response 1: Specificity of Environmental Review, regarding the specificity of a program EIR, and Master Response 2: Relationship of the TGPA/ZOU EIR to the 2004 General Plan EIR and 2004 Impact Analysis, regarding the impact analysis.

### **O-1-298**

The commenter suggests the following alternatives for consideration in the EIR:

- A “current infrastructure constrained” alternative that complies with Measure Y criteria for LOS F roadways and U.S. Highway 50.

- An “available infrastructure gated phased growth” alternative that is dependent on funded road improvements, water availability, and sustainable El Dorado County jobs growth.

These alternatives were rejected in the DEIR for the following reasons:

- Current infrastructure constrained. The project does not amend the Measure Y criteria for LOS F roadways and U.S. Highway 50. Development that would occur as a result of the TGPA/ZOU will be subject to these requirements. This alternative would be no different than the project itself.
- Available infrastructure gated phased growth. Future development allowable under the project would continue to be subject to the County’s General Plan, ordinance code, and land development standards that require the funding of road improvements through the TIM program, and water availability. This alternative would be no different than the project.

The discussion in the TGPA/ZOU EIR of the alternatives considered and rejected as part of the 2004 General Plan EIR is provided for information only. Those alternatives are not pertinent to the analysis of this project. The TGPA/ZOU EIR is a stand-alone CEQA document and is not tiered from the 2004 General Plan EIR. The circumstances of the TGPA/ZOU project and its potential impacts are quite different from those of the 2004 General Plan. The alternatives considered in 2004 are not pertinent to this project because it is not proposing the adoption of an entirely new General Plan with the related new policies and implementation measures, and the TGPA/ZOU exists in the context of the policies (including Measure Y and related policies and programs) that were not in place at the time the 2004 General Plan was under consideration.

### **O-1-299**

A countywide survey to identify policy alternatives for analysis in the EIR, as suggested by the commenter, is not part of the CEQA process. The EIR is responsible for analyzing the project’s environmental impacts and identifying a range of reasonable and feasible alternatives that meet most of the project’s objectives and that reduce one or more of its impacts (State CEQA Guidelines Section 15126.6). An alternative that “best accomplishes the community based resident voters defined [land use] needs,” as suggested by the commenter may offer a range of policy choices for decision makers, but does not meet the standard for selection of alternatives under CEQA.

### **O-1-300**

The TGPA/ZOU EIR is not required to respond to the comments received during the NOP review and scoping process (see State CEQA Guidelines Section 15082 regarding the NOP). The County considered the comments in preparing the DEIR.

### **O-1-301**

The statement in the TGPA/ZOU EIR is correct. The term “effect” is defined in Section 15358 of the State CEQA Guidelines as either of the following:

- Direct or primary effects which are caused by the project and occur at the same time and place.
- Indirect or secondary effects which are caused by the project and are later in time or farther removed in distance, but are still reasonably foreseeable. Indirect or secondary effects may include growth-inducing effects and other effects related to induced changes in the pattern of land use, population density, or growth rate, and related effects on air and water and other natural systems, including ecosystems.

The TGPA/ZOU does not propose any development projects. It will not directly result in an environmental effect. Its effects are the indirect: the result of future development that may occur under the policies and ordinance provisions established by the TGPA/ZOU. The TGPA/ZOU EIR analyzes the project's reasonably foreseeable indirect effects. That is one reason why the EIR identifies a large number of significant and unavoidable impacts. Please see also Master Response 4: Scope of the Project.

Cumulative impacts are analyzed and identified in Section 5.1 of the TGPA/ZOU EIR.

Existing Policy 2.2.4.1 offers a density bonus as an incentive for setting aside an unspecified portion of a project site for "open space areas, parks, and wildlife habitat areas." The proposed amendment to density bonus Policy 2.2.4.1 would identify residential planned developments that provide a minimum of 30% open space as being eligible for consideration of a residential density bonus. California law requires the County to grant to projects that meet the requirements of Government Code Section 65915-65918 a density bonus and additional incentives of the County's choosing. The amendment to this policy would specify the proportion of a property that would be retained as open space; however it does not increase the residential density that may be allowed under a density bonus.

The proposed amendments to Policies 2.2.3.1 and 2.2.4.1 regarding open space requirements for planned development would establish an optional method of calculating open space by changing what qualifies as open space. However, the amendments would not reduce the required amount of open space to 15% or any other percentage less than 30%. No increase in development density would occur as a result of the proposed amendments because the requirement to set aside 30% of a development site as open space would not change.

The El Dorado Hills Town Center project mentioned by the commenter is a separately proposed, site-specific development that is not related to the TGPA/ZOU project. In any case, the proposed Policy 2.4.1.5 encouraging infill development would not apply to that project because the policy is limited to projects that are consistent with the General Plan and zoning. That project is proposing amendments to both.

The ZOU zoning changes would not allow an increase in housing density. Please see Master Response 4: Scope of the Project regarding the parcel-specific rezonings. Measure Y is not being changed by the TGPA, and the related General Plan policies and TIM program that have been adopted by the County for its implementation would similarly not be changed. The County will continue to follow the requirements of Measure Y. The commenter's claims that traffic impact analyses prepared in the past for unspecified development projects are inadequate is their opinion and is not pertinent to this EIR, which is examining the potential impacts of General Plan policy amendments and zoning changes at a program level.

## **O-1-302**

Please see Master Response 1: Specificity of Environmental Review regarding the level of detail in a program EIR, Master Response 2: Relationship of the TGPA/ZOU EIR to the 2004 General Plan EIR and 2004 Impact Analysis regarding impact analysis and mitigation measures, and Master Response 12: Significant and Unavoidable Impacts.

**O-1-303**

Please see Master Response 8: General Plan Policies and Mitigation regarding the County's active code enforcement program and its response to the Grand Jury report.

**O-1-304**

The comment is acknowledged. Mitigation Measure LU-4b has been revised as shown in Chapter 5 of this FEIR to incorporate a provision requiring a finding that the establishment of the use will have no significant adverse effect on surrounding property. Please see the response to comment O-1-286 for the new text.

**O-1-305**

The comment is acknowledged. Please see response to comment O-1-289. Note that the El Dorado County winery ordinance is not being substantially changed by the proposed ZOU.

**O-1-306 and O-1-307**

The commenter expresses their opinion on the proposed project and asks that a more restrictive alternative be considered in the EIR. The EIR already compares the impacts of implementation of the existing ordinance with the impacts of the proposed changes. During preparation of the TGPA and ZOU, the County staff prepared planning evaluations and zoning studies and presented them to the Planning Commission and Board of Supervisors in preparation of the TGPA and ZOU. All of this information was presented in public meetings and hearings before the Planning Commission and Board of Supervisors and, as a matter of public record, is available on the County's website for review.

**O-1-308**

The countywide level of detail provided in the discussion on page 3.7-7 and in Table 3.7-8 is appropriate for a program-level assessment such as this. The detailed analysis suggested in this comment is beyond the scope of a program-level document.

As stated in the DEIR no specific development projects are proposed as part of the project. With regard to the TGPA, the DEIR presents a program level of analysis to assess the potential increase in traffic noise associated with TGPA. For reasons stated in the DEIR the noise impact of these changes would be no greater than that identified for the adopted General Plan. With regard to the ZOU, the DEIR acknowledges that substantial increases could result on local roads and that the potential impact is significant and unavoidable. Cumulative noise impacts are discussed on pages 5-8 and 5-9 of the DEIR.

Because no specific develop projects are proposed as part of the project, it is not possible to develop specific traffic noise tables and noise contour maps because it is not known specifically where development will occur. The level of detail provided in the DEIR is appropriate for a program-level document. No changes to the DEIR are required.

**O-1-309**

The comment addresses "[e]xposure of noise-sensitive land uses to fixed or non-transportation noise sources" on page 3.7-12 of the DEIR. Because no specific development projects are proposed

as part of the project, it is not possible to identify project-level impacts as suggested in this comment. The DEIR does however acknowledge that these proposed changes would allow noise-generating uses to occur in areas where those uses are not currently allowed and that this could result in exposure of existing noise-sensitive uses to noise levels in excess of County noise standards and substantial permanent increases in noise levels of greater than 5 decibels (dB). The DEIR further acknowledges General Plan Noise Element Policy 6.5.1.7, which states that noise created by new proposed non-transportation noise sources shall be mitigated so as not to exceed the noise levels standards in Table 3.7-4 of the DEIR. The level of detail provided in the DEIR is appropriate for a program-level document.

**O-1-310**

The comment addresses "[e]xposure of noise-sensitive land uses to fixed or non-transportation noise sources" on page 3.7-12 of the DEIR. Because no specific development projects are proposed as part of the project, it is not possible to identify project-level impacts as suggested in this comment. The DEIR does however acknowledge that these proposed changes would allow noise-generating uses to occur in areas where those uses are not currently allowed and that this could result in exposure of existing noise-sensitive uses to noise levels in excess of County noise standards and substantial permanent increases in noise levels of greater than 5 dB. The DEIR further acknowledges General Plan Noise Element Policy 6.5.1.7, which states that noise created by new proposed non-transportation noise sources shall be mitigated so as not to exceed the noise levels standards in Table 3.7-4 of the DEIR. The level of detail provided in the DEIR is appropriate for a program-level document.

**O-1-311**

"Self monitoring" is one part of ZOU Section 17.37.070(B). The section further states:

As a standard condition of approval for such use permits, failure to comply with sound system levels shall result in termination of the event for the duration of the period approved under the use permit and a moratorium on future events for the applicant or the property owner of two calendar years from the date of non-compliance. A second violation after such time shall result in revocation of the Conditional Use Permit, if applicable, and a permanent moratorium on future events for the applicant and property owner whether on that site or any other within the county.

The County certainly has the option to monitor and determine if a violation has occurred, and the consequences for violation are significant. As stated in the DEIR no specific development projects are proposed so it is not possible to evaluate the specific effects of outdoor concerts and events or animals. The level of detail provided in the DEIR is appropriate for a program-level document. No changes to the DEIR are required.

**O-1-312**

Please see responses to comments O-1-309 and O-1-310. No changes to the DEIR are necessary.

**O-1-313**

Please see response to comment O-1-308.

**O-1-314**

Please see responses to comments O-1-309 and O-1-310. No changes to the DEIR are necessary.

**O-1-315**

The cumulative noise impact of the project is addressed on pages 5-8 and 5-9 of the DEIR.

**O-1-316**

Please see responses to comments O-1-309 and O-1-310. The County Board of Supervisors will weigh the benefits of the project against the significant and unavoidable adverse environmental effects. If necessary the County will prepare a Statement of Overriding Considerations. No changes to the DEIR are necessary.

**O-1-317**

The residential density increase in the MFR designation was included in the Resolution of Intention adopted by the Board of Supervisors, but was afterward dropped from the proposed TGPA. The other proposed residential density increases remain part of the TGPA.

There is no inconsistency between policies. Please see Master Response 7: General Plan and Zoning Ordinance Consistency Requirements under “determining significance” for the role of the Board of Supervisors in balancing the objectives of the General Plan to achieve internal consistency.

A quantitative analysis of the proposed density increases is infeasible because it would be dependent upon site-specific variables (i.e., location, physical site constraints, availability of public water and sewer, market conditions), project-specific design (project size, use, design, and mitigating features), and landowner preference that cannot be known at this time. There are no specific development projects proposed as part of the TGPA/ZOU; therefore, any in-depth analysis would be completely speculative. Please see Master Response 1: Specificity of Environmental Review regarding the level of detail in a program EIR. The increase in residences from proposed mixed use development is quantified in the discussion under Impact PH-1 as 257 dwelling units over the next 20 years, but even that is a general number.

**O-1-318**

The El Dorado Hills Town Center project alluded to by the commenter is a separately proposed, site-specific development that is not related to the TGPA/ZOU project. It includes a proposed General Plan amendment, specific plan amendment, and zone change to increase the allowable density of its site. The proposed mixed use development density increase would not apply to that project because the policy is limited to projects that are consistent with the General Plan and zoning. That project is proposing amendments to both.

Please see also Master Response 1: Specificity of Environmental Review regarding the specificity of a program EIR and Master Response 4: Scope of the Project on the scope of the project.

**O-1-319**

The parcels available for mixed use development is dependent upon the General Plan designation of such parcels. The ZOU is rezoning parcels to bring them into consistency with the General Plan. As a result, the ZOU zone changes do not increase the number of parcels available for mixed use development.

Please see Master Response 5: Future Development Levels under the TGPA/ZOU regarding the practical constraints on development density where public water and sewer is not available. The point made in the DEIR is that while development may occur without public water and sewer, it will not occur at the maximum allowable density because of practical limitations on development where public water and sewer is not available.

Please see also Master Response 1: Specificity of Environmental Review regarding the level of specificity expected of a program EIR.

### **O-1-320**

Not all commercial zones allow mixed use development, nor is mixed use development allowed countywide. The zones that allow mixed use development state as much in the description of Article 2 of the proposed ZOU. Table 17.22.020 will be revised in the final adopted version of the ZOU to clarify which zones allow mixed use development. Please see also response to comment O-1-270.

### **O-1-321**

The statement in the DEIR is not completely accurate, and the text has been clarified as shown in Chapter 5 of this FEIR. The proposed amendments to these policies would not increase the density of development by creating exceptions to the 30% open space requirement for Residential Planned Developments. The amendments would increase the extent of development that could be allowed on a given site that would otherwise be subject to the Residential Planned Development requirements of Policy 2.2.3. The density would not increase, but the overall extent of development could increase because residences could cover a larger portion of a site at the allowable density if the 30% open space requirement were removed. The number of residential units that could be built on a given parcel would not change as a result of this amendment; however, the amount of the site that could be occupied by those units would increase. For example, a one-acre parcel designated MFR would allow up to 24 units per acre. Under the existing General Plan, when the 30% open space applies, the 24 units could occupy up to 0.70 acre of the site.<sup>6</sup> Under the proposed amendments, the 24 units would be able to occupy the entire one-acre site.

The proposed amendments could, however, reduce the practical limitations that apply to development in areas not served by public sewer and water by providing additional site area to accommodate individual onsite wastewater disposal systems (e.g., septic tanks and leach lines) or setbacks from water wells. In such cases, excepting certain types of development from the 30% open space requirement might allow more residential units to be built on a site than would have been allowed if 30% of the site was required to remain in open space. A quantitative analysis of the possible increase in development potential is infeasible because it would be dependent upon site-specific variables (i.e., location, physical site constraints, availability of public water and sewer, market conditions), project-specific design (project size, use, design, and mitigating features), and landowner preference that cannot be known at this time. As a result, an accurate estimate of the change in existing conditions is not possible.

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<sup>6</sup> General Plan Policy 2.2.3.2 states: “[t]he calculation of development density for purposes of Planned Developments shall be based on the maximum density permitted by the underlying zone district(s). No density shall be attributed to bodies of water, such as lakes, rivers, and perennial streams, excluding wetlands.”

Keep in mind that the existing Planned Development policy is already limited in its application. It does not apply to all residential projects and is voluntary for projects that are not covered by General Plan Policy 2.2.5.4, which states:

All development applications which have the potential to create 50 parcels or more shall require the application of the Planned Development combining zone district. However, in no event shall a project require the application of the Planned Development combining zone district if all of the following are true: (1) the project does not require a General Plan amendment; (2) the project has an overall density of two units per acre or less; and (3) the project site is designated High-Density Residential.

Although it can be reasonably assumed that the proposed new exceptions to the 30% open space requirement would potentially have some impact, and this has been given general consideration in the DEIR, that impact cannot be accurately quantified for the following reasons:

- Residential planned developments consisting of five or fewer lots or dwelling units: there is no reasonable means of accurately estimating how many property owners would propose planned developments of five or fewer lots/dwelling units since these are not subject to the Residential Planned Development policy. The choice to proceed under a Planned Development combining zone district would be solely left to the property owner.
- Infill projects within Community Regions and Rural Centers on existing sites 3 acres or less in area: the County has neither drafted nor adopted the program for infill projects that is outlined in proposed Policy 2.4.1.5. As a result, there are no criteria by which to identify what would constitute an “infill project.” This provision is included in the amendment in expectation of the future program. As discussed above, in any case, the existing policy only applies to developments of 50 parcels or more and there is no reasonable means of estimating how many such developments might occur.
- Multifamily residential developments: under the General Plan, this type of development is not subject to the Planned Development combining zone district requirements when it consists of less than 50 parcels/residential units. There is no reasonable means of accurately estimating how many development projects of 50 or more parcels/dwelling units may be proposed in the absence of the 30% open space requirement. Therefore, there is no reasonable means of identifying how many additional units might be built in comparison to existing regulations, or their locations. Without that information, an estimate of the change in existing conditions is not possible.
- Commercial/mixed use developments: the discussion under multifamily residential development applies here as well.

The reference to “the golf course rezone and the Town Center hotel parcel” is not pertinent to the TGPA/ZOU. Those are individual applications for changes to the County’s General Plan designations and zoning classifications for those sites. They are not related to, nor are they dependent upon, the TGPA/ZOU.

## **O-1-322**

Please see Master Response 5: Future Development Levels under the TGPA/ZOU regarding development constraints.



**O-1-323**

A reasonably accurate quantified estimate of the potential increase in developable area is not feasible. Because future development projects occurring on slopes over 30% would vary greatly in the extent to which the individual project could utilize the steep portions of their site based on physical characteristics (e.g., soil type, emergency access), its location in relation to roads, the type of development proposed, the market value of the project in comparison to the additional cost related to developing on steep slopes, and project design, a map illustrating all of the areas of the county with slopes in excess of 30% would overestimate the area that would realistically be expected to be affected by the change in the slope restriction.

The provision of the State CEQA Guidelines referring to “precise boundaries” is feasible when dealing with an individual development project, but not so when the project is a proposed change in countywide development policies where the precise location cannot be reasonably identified. Please see also Master Response 1: Specificity of Environmental Review regarding the specificity of environmental review.

Policy 2.4.1.5 is a general statement encouraging infill development in existing communities and setting out limitations on what sites would qualify. Its implementation will be dependent upon a program that has yet to be drafted and adopted by the County. The proposed policy states, in part, that: “[p]roject sites must be consistent with the applicable General Plan designation and all applicable General Plan policies as well as with applicable zoning designation and regulations.” As a result, the policy will not result in any change in the General Plan or zoning at a qualifying site. The allowable development would be that which is described in the General Plan designation and zoning applicable to the site. The overall impacts of development under the TGPA/ZOU, based largely on development capacity of the General Plan designations, are disclosed in the TGPA/ZOU EIR. Please see also Master Response 2: Relationship of the TGPA/ZOU EIR to the 2004 General Plan EIR and 2004 Impact Analysis regarding the relationship of the TGPA/ZOU EIR to prior analyses.

The “golf course rezone” and El Dorado Hills Town Center projects mentioned by the commenter are separately proposed, site-specific developments that are not related to the TGPA/ZOU project. In any case, the proposed Policy 2.4.1.5 encouraging infill development would not apply to those projects because the policy is limited to projects that are consistent with the General Plan and zoning. The development projects are proposing amendments to both.

**O-1-324**

The commenter misunderstands the methodology of the impact analysis. The impact of the proposed countywide rezoning is not minimized or “deemed unnecessary.” As discussed in Master Response 2: Relationship of the TGPA/ZOU EIR to the 2004 General Plan EIR and 2004 Impact Analysis regarding the methodology, Master Response 3: Necessity to Amend the Zoning Ordinance regarding the approach to amending zoning for General Plan consistency, and Master Response 4: Scope of the Project discussing the parcel-specific rezonings, the TGPA/ZOU EIR has undertaken a program-level analysis of the proposed rezonings based on the potential impacts of development consistent with the General Plan.

Please see also response to comment O-1-296 for a discussion of why the rezonings related to General Plan consistency would not increase allowable development density or result in additional new parcels.

This comment regarding the number of rezonings for General Plan consistency conflates site-specific zoning changes undertaken for purposes of conforming zoning to the General Plan as required by Government Code Section 65860 with changes in General Plan designations that correct mapping errors. Additional changes were made in response to agricultural land owners “opting in” to agricultural zoning.

Explaining the individual reason for each of the 8,075 zoning conformity changes is both unreasonable and impractical. Please see Master Response 4: Scope of the Project regarding the criteria applied by the County to determine whether a rezoning is necessary and the particular zone applied to a given parcel.

### **O-1-325 through O-1-328**

Please see Master Response 4: Scope of the Project regarding parcel-specific rezonings for General Plan consistency. The suggested RL-20 zone would not decrease the subdivision potential of the site, because the potential is based on General Plan density, not zoning.

### **O-1-329**

Please see Master Response 4: Scope of the Project regarding parcel-specific rezonings for General Plan consistency. Based on a parcel-specific search of the County’s Parcel Data Inquiry website ([http://gem.edcgov.us/zoning\\_luppu/](http://gem.edcgov.us/zoning_luppu/)), the current zoning of this site is C (commercial), not RE-10. The proposed CC (commercial, community) zone would provide for potential uses of the site that are similar to those allowed under the existing zone.

### **O-1-330**

The proposed rezoning is erroneous. The rezoning identified in this comment does not conform to the criteria established for rezonings. The proposed zoning will be revised to Recreational Facilities, Low Intensity (RFL) prior to adoption, which is in keeping with the open space nature of the site. This is an isolated case and not representative of the manner in which the rezoning criteria have been applied in general.

### **O-1-331**

The commenter misunderstands the statement that none of the specific plans are proposed for amendment. No policy or land use designation of any of the specific plans is being amended. The issue raised by the comment relates to a zone change, not an amendment to a specific plan. These zone changes are necessary in order to make the zoning consistent with the General Plan.

### **O-1-332**

This comment relates to the public noticing of the ZOU and related rezonings for General Plan consistency. It is not related to the environmental effects of the project and needs no response.

### **O-1-333**

The information sought by the commenter in list form is available on the County’s Parcel Data Inquiry website. The DEIR states that the information is available at that source, and at the County offices, in Section 2.4, Description of the Project. There is no requirement that the EIR itself include a voluminous list.

Quantifying the acreage being converted from each zone designation is not necessary in order to analyze the potential impacts of the rezonings being undertaken for General Plan consistency. An analysis of the potential impacts of development under the General Plan, as provided in the TGPA/ZOU EIR, serves the purpose of analyzing the impacts of the land use changes from existing conditions. Please see Master Response 1: Specificity of Environmental Review regarding the specificity of environmental review.

Impacts on housing and population is analyzed in Section 3.8 of the TGPA/ZOU EIR. The comment provides no compelling reason why analysis should be organized by region, particularly in light of the countywide applicability of the TGPA/ZOU project.

The County has maps available for review by the public online and at the County offices, as noted in the first paragraph of this response.

Zoning changes in the rural regions will not induce new growth. The changes bring the zoning into compliance with the existing General Plan. Surrounding areas will also continue to be subject to existing General Plan provisions. The changes in current land use that might occur under the consistency rezonings are no different than those that might occur under the existing General Plan. The potential growth inducing impacts of the TGPA/ZOU are disclosed in Chapter 5, Other CEQA Considerations, of the TGPA/ZOU EIR. By virtue of indirectly allowing future development in accordance with the General Plan, the TGPA/ZOU will be growth inducing.

#### **O-1-334**

There will be no loss in residential housing as a result of the consistency rezonings. Any existing residential units will be allowed to remain as legal nonconforming uses. The Housing Element and its provisions ensure that sufficient housing, including affordable housing, is available to meet the County's regional housing need.

Similarly, changes from commercial to residential occurring as a result of consistency rezonings will not remove any existing commercial uses. Those uses, if any, would be legal nonconforming. Current evaluations of jobs to housing balance, such as found in SACOG's Regional Transportation Plan/Sustainable Communities Strategy and in the economic study prepared by BAE Urban Economics in 2013 for the TGPA/ZOU, are based on the General Plan, not on zoning classifications. The analysis requested by the commenter has already been done and is considered in the TGPA/ZOU EIR analysis.

#### **O-1-335**

The County is subject to the State Density Bonus Law (Government Code Sections 65915 – 65918), which requires the County to provide a density bonus of up to 35% and additional incentives of the County's choosing to qualifying affordable and senior housing projects. Existing Policy 2.2.4.1 offers a density bonus as an incentive for setting aside an unspecified portion of a project site for "open space areas, parks, and wildlife habitat areas." The proposed amendment to density bonus Policy 2.2.4.1 would identify residential planned developments that provide a minimum of 30% open space as being eligible for consideration of a residential density bonus. The amendment to this policy would specify the proportion of a property that would be retained as open space; however it does not increase the residential density that may be allowed under a density bonus.

**O-1-336**

The amendment to Table 2-1 of the General Plan allows the commercial (C) land use designation to be applied in Rural Regions of the county. The Industrial (I) land use designation is already allowed in Rural Regions. However, the TGPA does not propose to apply the C land use designation to any site within a Rural Region. No quantitative analysis of the impacts of allowing commercial uses in Rural Regions is feasible because there is insufficient information about such prospective uses (e.g. number, location, type of use) to undertake such an analysis. The TGPA/ZOU EIR does examine, at a program level, the reasonably foreseeable impacts of the various land uses that may be allowed in rural areas under the ZOU. However, this is not quantifiable either because there is insufficient information about where they may be located, what the uses may be, and how many such uses might exist.

The Rural Regions, by the design of the General Plan, are low in residential density. Any future commercial that may be proposed would not be reasonably expected to displace a substantial number of residences.

A General Plan amendment would be necessary before any commercial designation could be allowed in a Rural Region. The amendment would be subject to CEQA and there would be sufficient information for the potential environmental impacts of that development proposal to be analyzed. This would include an analysis of the potential for growth inducement.

In general, “retail follows rooftops,” not the other way around. There is no evidence that, generically, a new commercial development in a rural area would induce residential growth around it. To the contrary, commercial development will generally not occur unless there is a sufficient residential base to support that development. (National Main Street Center 2011.)

**O-1-337**

The proposed amendment to Policy 2.2.1.2 would allow “small-lot single-family detached dwellings subject to the standards set for in the Zoning Ordinance and which meet the minimum allowable density.” This does not substantially change the allowable uses in the MFR designation, but rather authorizes development within this higher density land use designation to take the form of detached homes rather than apartments. The allowable density of development would remain the same. No “replacement area for true multifamily residential” is needed.

**O-1-338**

The amendment to Policy 2.5.2.1 would allow for mixed use development in neighborhood commercial centers to include residential use on the ground floor. The current policy limits residential use to the second story. Policy 2.2.1.2, which describes the Commercial (C) land use designation, states that: “[m]ixed use development of commercial lands within Community Regions and Rural Centers which combine commercial and residential uses shall be permitted.” The amendment to Policy 2.5.2.1 is not eliminating commercial use as part of a mixed use development. It would allow greater flexibility in the design of such development by authorizing the residential component on either the ground floor or second story. The amendment would not result in a loss of commercial development or a change in the balance of housing to jobs.

The reference to the Town Center proposal is not pertinent. That is a separately proposed, site-specific development project that is not related to the TGPA/ZOU.

**O-1-339**

The amendment to Policy 2.2.1.2 does not allow a 100% residential component in mixed use. Such a project would not be a mixed use, by definition. The amendment proposes to delete the following provision: “[t]he residential component of the project shall only be implemented following or concurrent with the commercial component.” This would allow the residential component of a mixed use project to be built before the commercial component. It would not eliminate the commercial component. As with the amendment to Policy 2.5.2.1, the purpose is to provide greater flexibility in design.

No additional analysis is necessary, because the proposed amendment does not result in a substantive change to existing policy as it would apply to allowing mixed use.

**O-1-340**

The TGPA/ZOU EIR examined the potential impacts of development under the General Plan. This assumed that development would occur at or near to the maximum densities allowed under the General Plan. The impact of an increase in the minimum density is captured in that analysis. Increasing the minimum density would not change the impact identified for development under the General Plan’s maximum or near maximum density.

**O-1-341**

The proposed policy amendment would allow mixed commercial/residential use on lands designated for MFR development. Residential use would be a component of any such development, by definition. As discussed in Impact PH-1 in the TGPA/ZOU EIR, El Dorado County does not typically receive a substantial number of applications for mixed use development. On that basis, there is no reason to expect this amendment to substantially reduce the potential number of units that may be built on lands designated MFR. A quantified analysis is not possible because the locations, number of residential units, and design (i.e., the potential for commercial space to be converted to residential at some future time) of any mixed use development that might occur under the proposed amendment is unknown and cannot be known.

**O-1-342**

The floor area ratio for R&D is proposed to be moved from the General Plan (now found in Table 2-3) to the Zoning Ordinance (proposed Table 17.23.030). No change is proposed to the floor area ratio. It is 0.50 in Table 2-3 and would be 0.50 in proposed Table 17.23.030. Because no practical change in development intensity is proposed, no further analysis is necessary.

**O-1-343**

This proposed amendment to increase the density of the HDR designation will not be carried forward. It was therefore not analyzed and need not be analyzed.

**O-1-344**

Please see response to comment O-1-296. The comment regarding notice does not relate to environmental issues. Public notice is not a social effect that would result in a change in the physical environment.

**O-1-345**

Proposed General Plan Goal 2.1.4 does not apply to any specific sites in the county, nor does it contain sufficient detail to be implemented as written. As stated in its accompanying Implementation Measure, the County is to “[e]stablish a program including appropriate criteria for designating Opportunity Areas.” No increase in allowable density is contemplated under Goal 2.1.4. It would require that sites designated as Opportunity Areas at some future time “develop at or above the midpoint of the allowed density” (emphasis added). Development at allowable densities has been analyzed in the TGPA/ZOU EIR. Please see Master Response 2: Relationship of the TGPA/ZOU EIR to the 2004 General Plan EIR and 2004 Impact Analysis regarding the impact analysis.

Growth inducing impacts are disclosed in Chapter 5, Other CEQA Considerations, of the TGPA/ZOU EIR.

**O-1-346**

The Community Commercial (CC) zoning classification would allow retail development on this site. In general, “retail follows rooftops,” not the other way around. There is no evidence that, generically, a new commercial development in this area would induce residential growth around it. To the contrary, commercial development will generally not occur unless there is a sufficient residential base to support that development. (National Main Street Center 2011) It would not be anticipated to result in an impact on housing and population.

The commercial use of this property has been analyzed at a program level in the traffic impact analysis and, by extension, in the air quality and noise analyses based on the traffic analysis. This type of change in land use from the existing conditions is addressed generically in the aesthetics and biological resources analyses. The TGPA/ZOU EIR discloses that, at a program level, there will be significant unavoidable impacts on all of these resource categories as a result of future development that is consistent with the General Plan. Depending on the type and intensity of commercial development, a reasonable expectation is that there will be increased traffic on Deer Valley and Green Valley Roads, increased noise, a substantial change in the aesthetics of the area, and impacts on biological resources. However, because there is no specific use being proposed, the specific environmental impacts of such development on surrounding land uses cannot be known at this time.

The proposed rezonings for consistency with the General Plan would not change the level of development projected to occur under the General Plan. That is the level of development analyzed in the TGPA/ZOU EIR at a program level. Please see Master Response 1: Specificity of Environmental Review regarding the specificity of analysis in a program EIR and Master Response 4: Scope of the Project regarding parcel-specific rezonings for consistency.

**O-1-347**

The proposed amendment to Policy 2.2.3.1 would change the manner in which the 30% open space requirement is computed in the -PD combining zone district; no change is proposed to Policy 2.2.3.2. The proposed amendment to Policy 2.2.5.4 would eliminate that policy and its requirement that all development applications with the potential to create 50 or more parcels be subject to a -PD combining zone. The proposed amendment, with some exceptions for small projects, does not eliminate the requirement that 30% of development sites subject to -PD combining zoning be retained in open space. And, there is no proposal for in-lieu fees to replace open space. The amendments to these policies would not change the potential development density of a given

property with the exceptions discussed below. They would potentially affect biological resources by allowing a portion of the open space to be retained in private yards, making it less available to wildlife, and this impact is discussed in Section 3.4.2 of the TGPA/ZOU EIR under Impacts BIO-1 (Result in the loss and fragmentation of wildlife habitat) and BIO-2 (Have a substantial adverse effect on special status species). The TGPA/ZOU EIR concludes that, based on the full requirements of the General Plan, this amendment would have a less-than-significant impact.

The proposal would increase development potential for the following types of –PD developments; however, those changes are limited, as discussed below.

- Condominium conversions. These convert existing buildings with undivided ownership into parcels for individual sale. Because this affects existing structures, there would be no change from existing conditions.
- Residential planned developments of five or fewer lots. These are not subject to the existing Policy 2.2.3.1, so this change would not change how that the existing 30% open space policy applies to this type of project.
- Infill projects within Community Regions and Rural Centers on existing sites of 3 acres or less. Existing Policy 2.2.3.1 would apply to such projects when they exceed a residential density of about 16 units per acre (50 units minimum under Policy 2.2.5.4, divided by 3 acres). Therefore, eliminating the 30% open space requirement for infill projects would change the application of this policy only on sites designated as MFR because the existing policy would not have applied to lower density on 3 acres.
- Multifamily residential development. The existing Policy 2.2.5.4 applies the 30% open space requirement (Policy 2.2.3.1) to multifamily residential development of 50 parcels or more. So, removing this requirement has the practical effect of now allowing such development without a 30% open space requirement. However, the potential is small for a substantial amount of multifamily residential development to occur that would otherwise have been subject to existing Policy 2.2.3.1. As discussed in the General Plan's 2013–2021 Housing Element, El Dorado County receives few proposals for multifamily residential development projects. Tables B-1 and B-2 list a total of 7 projects totaling approximately 236 residential units (including a 72-unit condo conversion) either built or approved within MFR designations during the period of 2008–2013. However, only one non-condominium project exceeded 50 units, and none involved 50 parcels. Therefore, none of those projects would have been subject to the 30% open space requirements in existing Policy 2.2.3.1.
- Commercial/mixed use developments. Historically, the County has not experienced a high demand for mixed use development. In the past 10 years the County has received an approximate total of 15 applications (only two or three per year) for mixed use development permits. On that basis, the TGPA/ZOU EIR reasonably concludes that there is a limited potential for the policies encouraging commercial/mixed use development to result in a substantial number of additional units.

Cumulative impacts are analyzed in Chapter 5, Other CEQA Considerations, which considers the impacts of the TGPA/ZOU in the context of the significant cumulative impacts that apply countywide and region-wide, depending upon the resource. The analyses are based on the principle that a small individual impact may nonetheless result in a cumulatively considerable contribution.

Also please see the discussion of the amendment to Policy 2.2.3.1 in Master Response 5: Future Development Levels under the TGPA/ZOU regarding future development levels under the TGPA/ZOU.

### **O-1-348**

The TGPA/ZOU project is compared to existing conditions for purposes of determining the potential for significant impacts on the environment. The reference to the 2004 General Plan EIR is in the context of the analysis of impacts of the project to existing conditions. Please see Master Response 2: Relationship of the TGPA/ZOU EIR to the 2004 General Plan EIR and 2004 Impact Analysis regarding the use of the 2004 General Plan EIR to aid in the analyses of the TGPA/ZOU project.

Please see response to comment O-1-347 regarding the changes in Policies 2.2.1.2 and 2.1.2.5, and Master Response 5: Future Development Levels under the TGPA/ZOU regarding the practical constraints on development that limit the effect of the TGPA/ZOU.

### **O-1-349**

Please see Master Response 3: Necessity to Amend the Zoning Ordinance and Master Response 13: Availability of Full Text of Proposed Zoning and General Plan Changes for a discussion of the proposed and existing Zoning Ordinances. A “final strike-out version” comparing the proposed ordinance to the existing is not feasible, nor would it be enlightening to the public for the reasons discussed in Master Response 13.

The proposed Zoning Ordinance has been available for public review at the County offices and on the County’s website. The key differences between existing and proposed zoning regulations are highlighted in the analyses throughout the TGPA/ZOU where such differences may result in significant effects on the environment (see the discussions of “impact mechanisms” in each resource section of Chapter 3, Impact Analysis).

### **O-1-350**

The TGPA/ZOU EIR is a program EIR and examines changes to General Plan policies and the County Zoning Ordinance that do not include any site-specific development projects. The TGPA/ZOU EIR examines the potential impact of these changed policies and regulations at a program, not site-specific, level based on the reasonably foreseeable changes to existing conditions that could occur as a result of those changes. Please see Master Response 1: Specificity of Environmental Review regarding the level of detail in a program EIR and Master Response 2: Relationship of the TGPA/ZOU EIR to the 2004 General Plan EIR and 2004 Impact Analysis regarding the impact analysis.

### **O-1-351**

This proposed Zoning Ordinance provision mirrors a requirement of State law. California Health and Safety Code Section 17021.5 generally requires employee housing for six or fewer persons to be treated as a single-family structure and residential use. The proposed ZOU will not increase existing regulatory provisions relating to allowable residential uses. Therefore, it would not result in any impact.



**O-1-352**

The jobs estimates on page 3.9-32 of the DEIR vary, depending upon the scenario, and are found in Table 3.9-6. Vehicle Miles Traveled Comparison of Study Scenarios. The 26,000 new job estimate cited by the commenter is for Scenarios 2 and 6. Scenarios 3 and 4 estimate the future employment increase at approximately 19,500 jobs. The reference for these estimates is cited at the bottom of Table 3.9-6 and is the Draft Transportation and Traffic Analysis for the El Dorado County Targeted General Plan Amendments/Zoning Ordinance Update Draft Program Environmental Impact Report prepared for the County of El Dorado by Kimley Horn Associates in February 2014.

The estimates are derived from the traffic model utilized by Kimley Horn Associates. As explained in the cited reference: "2025 and 2035 housing and employment forecasts for future scenarios considering the continuation of the existing General Plan and based on the implementation of the TGPA and ZOU were prepared. These numerical forecasts were developed based on an evaluation of historical population growth, historical development patterns, anticipated market conditions, and other forecast sources including SACOG and the California Department of Finance. These resulting forecasts were aggregated using the Market Area definitions previously utilized by EDC [El Dorado County] for the purpose of forecasting future growth." The estimates were eventually broken down by traffic analysis zone (TAZ) within the traffic model. The model does not forecast the type of income that the jobs are expected to generate.

The locations of the forecast jobs are based on the General Plan's land use designations. As a result, the traffic analysis accounts for future expectations for development under the General Plan. This provides sufficient information for analysis at a program EIR level.

**O-1-353**

Impacts on schools with relation to attendance (e.g., student crowding) are not environmental impacts subject to CEQA review (Goleta Union School District v. Regents of the University of California [1995] 37 Cal.App.4th 1025 [school overcrowding is a social impact, not an environmental impact]). Construction of new schools or expansion of existing schools could potentially result in environmental impacts. However, this is outside the authority of the County to regulate or to initiate. New school construction is the responsibility of the affected school districts. Those districts will prepare the necessary CEQA analyses prior to school construction, based on the site-specific location and design of the new facilities.

Government Code Section 65995 further expresses this limitation on review of attendance impacts on schools. Subdivision (h) of that section states:

- (h) The payment or satisfaction of a fee, charge, or other requirement levied or imposed pursuant to Section 17620 of the Education Code in the amount specified in Section 65995 and, if applicable, any amounts specified in Section 65995.5 or 65995.7 are hereby deemed to be full and complete mitigation of the impacts of any legislative or adjudicative act, or both, involving, but not limited to, the planning, use, or development of real property, or any change in governmental organization or reorganization as defined in Section 56021 or 56073, on the provision of adequate school facilities.

**O-1-354**

The TGPA/ZOU EIR and Housing Element are two separate documents prepared for different purposes. The Housing Element is prepared for the purpose of identifying future housing demand

during the planning period (2013–2021). The TGPA/ZOU EIR is prepared for the purpose of disclosing the potential impacts of development under the proposed project to 2035. The TGPA/ZOU EIR is not a part of the General Plan. The TGPA does not substantially alter the County’s jobs-housing balance and is not internally inconsistent with the General Plan. Please see Master Response 4: Scope of the Project regarding the scope of the project.

The population and housing forecasts in the TGPA/ZOU EIR are not “the basis for the TGPA,” as asserted in the comment. They are forecasts of population and housing increases that may occur as result of future development pursuant to the General Plan and the TGPA. They are not part of the General Plan and are not required to be consistent with the Housing Element.

Although jobs-housing balance is a goal of both regional and county planning, it does not have a direct correlation to a reduction of air quality emissions or traffic. A study published in 1996 analyzing whether jobs-housing balance resulted in residents working within their communities concluded in part that several Bay Area cities are nearly perfectly balanced, yet fewer than a third of their workers reside locally, and even smaller shares of residents work locally. (Cervero 1996.)

More recently, the California Planning Roundtable critically examined the effectiveness of jobs-housing balance in actually reducing commuting at the community level. They concluded that simple jobs-housing balance is not an indicator of the amount of travel that may occur into and out of a community.

A simple equivalency between jobs and households or jobs and housing units does not take into account the relationship between jobs by various occupations and detailed housing characteristics including, importantly, price. To “match” housing to jobs and vice versa requires more complex ratios and a more detailed analysis of the suitability of the housing stock (particularly economically) for those who hold local jobs. On the jobs side, variables may include the industry group of an employer, skill requirements of positions to be filled, and prevailing wages. On the worker (employed residents) side, variables may include education levels, earnings potential (affecting ability to pay local housing costs), and preferences for occupation or industry, or both.

A recent article by Robert Cervero and Michael Duncan [footnote omitted] looks at an array of factors that contribute to a pattern in which a high proportion of employed persons work outside of their local communities. Among these factors is the possibility of a limited range of employment choices in the resident community: for some workers, the most attractive jobs are elsewhere than where they prefer to live.

Data for southern California suggest some recent reconsideration of the “attractiveness” of the non-local job. Survey research for the Inland Empire has found that, increasingly, workers may be willing to trade off longer trips and higher trip costs for jobs closer to their place of residence, even if it means some sacrifice in wages. [footnote omitted] The 2006 San Bernardino County Annual Survey found that, among respondents working full time, a substantial percentage (36%) are willing to take at least a 5% pay cut to work closer to home. A lesser, but still substantial, percentage (29%) is willing to take a 10% pay cut to work closer to home. As economic conditions change in the future, travel costs may play a larger role in the home-to-work location decision.

At the jurisdictional level, then—which is the level most relevant to local community planners—the jobs-housing relationship is a challenge to analyze. Data on both sides—detailed job characteristics and detailed worker characteristics—are hard to come by. At the same time, steps to better align a community’s employment profile with its labor force profile may be difficult to implement and negligible in effect, given cyclical employment trends, changing technologies that influence future labor force education and skill requirements, and the various influences on employers’ site selection decisions (including availability and cost of space and location in relation to suppliers and markets, as well as labor force).

Finally, whatever a jurisdiction might do to provide a match between jobs and residents' skills, employers in any metro region are aware that many workers commute outside their communities of residence; employers know that they cannot rely solely on local workers to fill their jobs. For the smallest metro area jurisdictions, in any event, expecting (or advocating) a match between jobs and workers is unrealistic. Even in larger jurisdictions, local economies may be "specialized" as the cumulative result of individual decisions of employment uses (industry group, type and scale of operation) and housing developers (type and price of housing and amount of housing).

(California Planning Roundtable 2008)

Regarding the BAE Urban Economics (BAE) projections and the traffic scenario numbers, the BAE projections were utilized in preparing the Travel Demand Model (TDM) used in the EIR's traffic impact projections. For example, during its preparation the TDM was validated by comparison to actual traffic numbers and adjusted for accuracy. Because the TDM includes other factors, its results may vary somewhat from the BAE projections. This does not invalidate either set of data.

### **O-1-355**

Table 3.1-2 is located in Section 3.1, Aesthetics, of the DEIR, which discusses the potential aesthetics impacts of the TGPA. The terms used in this table are intended to convey that mixed use development will change the intensity of the land use. That is, the development would have a greater visual intensity than single use development. The proposed amendment to Policy 2.5.2.1 that would authorize mixed use development in neighborhood commercial centers would not change the density or intensity of uses allowed under that policy. Therefore, this does not relate to impacts on population and housing.

### **O-1-356**

The TGPA/ZOU EIR examines the project and discloses its potential environmental impacts. The EIR will objectively inform the decision of the Board of Supervisors, but the Board is responsible for determining whether the project is to be approved. An EIR does not "justify" a proposed project, nor does it include an analysis "showing that the increase in density is necessary to meet low income housing requirements" because that issue relates to the County's selection of the contents of the proposed TGPA, not the project's potential environmental impacts. Similarly, the EIR is not required to "show how merely increasing the density will encourage the development of low income housing." That is not part of examining the potential environmental impacts of the proposal.

The analyses requested by the comment are related to policy-making, not environmental analysis. This analysis is typical of that done during preparation of a Housing Element and, in fact, can be found in the County's adopted 2013–2021 Housing Element. The EIR will not include them.

### **O-1-357**

The 2013–2021 Housing Element is a separate project from the TGPA/ZOU. An explanation of the reasons for adopting the Housing Element is not pertinent to this EIR, because the Housing Element is not a part of this project. As in comment O-1-356, this comment relates to whether or not this policy should be adopted, not its potential environmental impact.

### **O-1-358**

The items cited by the comment are changes to the Zoning Ordinance that will potentially result in changes in the "look" of development, including its intensity (i.e., mixed residential and commercial

use, design, etc.). They do not, however, change the existing residential density provisions because those are established by the General Plan. These changes would not change population and housing. Therefore, they are not analyzed in Section 3.8, Population and Housing, of the TGPA/ZOU EIR.

### **O-1-359**

The comment asks that the EIR provide the monitoring results from implementation of General Plan Policies 2.9.1.1 and 2.9.1.2, which require the County to annually monitor “the rate at which the land inventory is developed, the population and employment growth of the County, and other useful indicators of the County’s growth,” and adjust the General Plan accordingly on a 5-year schedule.

The purpose of these policies is to enable the County to regularly review the progress of General Plan implementation and to make course corrections if it so desires. The process can result in proposed amendments to the General Plan. The TGPA project is the result of this process. As required by CEQA, the TGPA/ZOU EIR examines the project and discloses its potential impacts to the public and decision makers. An examination of the monitoring process is not necessary to analyze the project’s impacts.

The proposed TGPA is based on the County’s 5-year adjustment pursuant to Policy 2.9.1.2. By way of explanation, on April 4, 2011, the Board of Supervisors received the first Five-Year review of the General Plan as required by General Plan Goal 2.9. The review concluded that the basic General Plan goals and assumptions were still valid. The review also revealed areas within the General Plan that could be improved to better address the development of moderate income housing, the creation of jobs, the loss of sales tax revenues, and the promotion and protection of the agriculture and natural resource industries in the county. The Board adopted a Resolution of Intention (ROI) 051-2011 for a TGPA to: reduce constraints to the development of moderately priced housing; support job creation; capture more sales tax revenues; and protect and promote agriculture and natural resources. The Board also recognized the project should include any revisions necessary to address recent changes in state law.

The Board directed staff to work with the Community and Economic Development Advisory Committee and its Regulatory Reform Sub Committee to address issues regarding meeting the County’s adopted goals and objectives through implementation of General Plan policies, the Zoning Ordinance and the Land Development Manual.

Following an almost year-long process of review, on November 14, 2011, the Board adopted ROI 182-2011 for a TGPA that specified the policies that are being considered for amendment or analysis only. This ROI superseded any previous General Plan Amendment ROIs, including ROI 051-2011 – TGPA, ROI 013-2011 – Agricultural District Expansion, ROI 182-2011 – Camino/Pollock Pines Community Region to Rural Center, and ROI 274-2008 – 30 Percent Open Space Policies Amendment.

The ROI identified a limited set of General Plan policies considered for amendment to achieve the Board’s project objectives. The proposed policy changes are said to be “targeted” because they are limited to addressing only the areas of the General Plan thought to be inhibiting achievement of these goals and objectives.

### **O-1-360**

Please see Master Response 12: Significant and Unavoidable Impacts.

**O-1-361**

The County does not concur with this comment. It was determined in consultations with County staff at the project onset in 2012 that 2010 would be the established baseline year for the EDCTDM as those counts were the most complete and most recent at that time. The counts used for the base year analysis in the TGPA/ZOU are verified to be correct per these sources:

- Two-way traffic counts for local roadways were provided by the County for the 5-year period between 2007 and 2011.
- Additional year 2010 counts for state highways for State Route (SR-) 49 and SR-193 were obtained from Caltrans staff and Caltrans Traffic and Vehicle Systems Unit web site—i.e. the Caltrans Count book.
- Freeway traffic counts on U.S. Highway 50 were obtained from the Freeway Performance Measurement System (PeMS) web site for mixed-flow and HOV lanes.

This comment did not result in any changes to the EIR.

All of the roadway segments analyzed for the project are provided in Table 3.9-13 of the EIR. Table 3.9-13 reports LOS using the industry recognized “difference” method (National Cooperative Highway Research Program Report 255, 1982) to post-process or refine the future traffic volumes from the model by applying the difference between the future year assignment and the base year assignment from the model to the count. The extension of Saratoga Way is a future facility; therefore, it was not included in Table 3.9-13 because the post-processing could not be applied to a roadway that does not exist. However, for reference, the 2035 peak hour volumes and LOS is reported below for Saratoga Way. (Note that the LOS is based on future model volumes and should be used with caution since the volumes are not post-processed.)

Please see the table below for a summary of the future volumes.

|                           |                         |                                  |                              | Scenario 3   |              |                 |              | Scenario 4   |              |                 |              | Scenario 6   |              |                 |              |
|---------------------------|-------------------------|----------------------------------|------------------------------|--------------|--------------|-----------------|--------------|--------------|--------------|-----------------|--------------|--------------|--------------|-----------------|--------------|
|                           |                         | Class - Scenario Exist, 2, and 5 | Class - Scenario 3, 4, and 6 | Volume       |              | 2010 Method LOS |              | Volume       |              | 2010 Method LOS |              | Volume       |              | 2010 Method LOS |              |
| Roadway                   | Segment                 |                                  |                              | AM Peak Hour | PM Peak Hour | AM Peak Hour    | PM Peak Hour | AM Peak Hour | PM Peak Hour | AM Peak Hour    | PM Peak Hour | AM Peak Hour | PM Peak Hour | AM Peak Hour    | PM Peak Hour |
| U.S. 50 – EB GP           | W. of Silva Valley Pkwy | N/A                              | 2FA                          | 2,180        | 3,920        | B               | D            | 2,150        | 3,930        | B               | D            | 2,540        | 4,320        | B               | D            |
| U.S. 50 – WB GP           | W. of Silva Valley Pkwy | N/A                              | 2FA                          | 3,320        | 2,670        | C               | C            | 3,290        | 2,660        | C               | C            | 3,610        | 3,070        | C               | C            |
| U.S. 50 – EB HOV (future) | W. of Silva Valley Pkwy | N/A                              |                              | 330          | 630          | -               | -            | 340          | 630          | -               | -            | 380          | 760          | -               | -            |
| U.S. 50 – WB HOV (future) | W. of Silva Valley Pkwy | N/A                              |                              | 530          | 480          | -               | -            | 550          | 490          | -               | -            | 700          | 560          | -               | -            |
| White Rock Connector      |                         | N/A                              | 4AD                          | 1,340        | 1,460        | C               | C            | 1,320        | 1,440        | C               | C            | 1,790        | 1,890        | C               | C            |
| Saratoga Way Extension    |                         | N/A                              | 4AD                          | 2,240        | 2,360        | D               | D            | 2,220        | 2,370        | D               | D            | 2,470        | 2,580        | D               | D            |

**O-1-362**

The comment is incorrect. All CIP improvements reflected in the future year forecasts of this program EIR are planned improvements based on existing General Plan land use designations. All CIP projects are, by definition, planned improvements to which funds are being committed. If additional environmental analyses are required for site-specific future projects, consistent with CEQA and Caltrans Traffic Impact Studies Guidelines (Caltrans 2002), only programmed improvements and Existing Plus Pending and Approved land use developments will be included as part of a project specific (non-programmatic) EIR.

Table TC-2 is not being moved and will remain part of the General Plan.

**O-1-363**

The changes were made to be consistent with industry standard and for clarification. These technical wording changes do not result in substantive changes to the General Plan, and therefore do not trigger additional environmental analysis.

**O-1-364**

The intent of the original policy language was to identify roadway maintenance projects (overlays, chip seals etc.) as a priority for use of local funds to leverage additional State and Federal discretionary funding. As confirmed by the commenter, the original wording was misleading. The revised text simply clarifies the County's existing practice of aggressively pursuing State and Federal roadway funding sources.

**O-1-365**

The term "maximum" implies a quantifiable metric that can be measured and achieved without regard to constraints or relative to an established baseline. Removal of the term "maximum" appropriately reinforces the concept of feasibility when considering and implementing improvements.

**O-1-366**

Table TC-2 is not being moved and will remain part of the General Plan.

**O-1-367**

This change only affects regional inter-jurisdictional projects led by outside agencies that are not required to meet El Dorado County's General Plan, which would allow for input from the County but will not affect the project schedule. Policy TC-Xf is for developments submitted to El Dorado County for review and is not affected by inter-jurisdictional projects.

**O-1-368**

The intent was for the analysis to take place to determine if this policy could be amended or deleted. This component of the project will not be pursued at this time. The analysis will take place with the major CIP/TIM Fee update. Therefore, the component was not analyzed in the TGPA/ZOU EIR.

**O-1-369**

In this context “worsen” applies specifically to the degradation of LOS and not the timing of mitigation improvements. Mitigation cannot be determined at this time because it would be project specific, and no development projects are proposed as part of the TGPA/ZOU.

The proposed change does not affect the application of the TIM program. Therefore, it would not change the timing of infrastructure installation.

**O-1-370**

Additional residential density was addressed/analyzed by increasing the number of residential units consistent with the targeted densities within specific traffic analysis zones of the EDCTDM and running the model to determine the traffic level of service implications of the proposed increase in density.

Please see also Master Response 5: Future Development Levels under the TGPA/ZOU regarding future development levels under the TGPA/ZOU.

**O-1-371**

The project discussed in this comment requires approval of a General Plan amendment to allow higher density. It is a separate, privately initiated project that is not part of the TGPA/ZOU project and therefore is not pertinent to a discussion of the correctness of the conclusion in the TGPA/ZOU EIR. The new infill development objective and policies do not propose to increase density.

The comment requests a line of analysis that would be purely speculative and not necessary for informed decision making. It is literally impossible to examine the potential impacts of possible future General Plan amendments where the project for which the amendment would be requested is unknown, the density requested is unknown, the location of such amendment is unknown, and the type of development is unknown.

**O-1-372**

Please see Master Response 4: Scope of the Project regarding project-specific rezonings for general plan consistency.

**O-1-373**

Rezoning does not create any new parcels. The example given, Dixon Ranch, currently is designated in the General Plan for three Low Density Residential parcels and zoned Exclusive Agriculture (AE), an archaic zone remaining from when the parcels were subject to the Williamson Act. The proposed rezoning would classify these parcels as a Residential Estate – 10 Acre zone. No new parcels are created. Any future division of land would require a separate discretionary approval under the State and Local Subdivision Map Act and policies.

The traffic impact analysis is a program-level analysis that considers the potential traffic impacts of development under the land use densities of the current General Plan, plus the additional traffic that would result from the TGPA. An individual review of each potential parcel is not required in order to enable decision makers to make an informed decision about the TGPA or ZOU. Please see also Master Response 1: Specificity of Environmental Review regarding the specificity of review and



Master Response 2: Relationship of the TGPA/ZOU EIR to the 2004 General Plan EIR and 2004 Impact Analysis regarding the approach to impact analysis.

### **O-1-374**

Table TC-1 is not proposed to be moved and will remain part of the General Plan.

### **O-1-375**

The County does not concur with this comment. The reference to passing capacity pertains to the Highway Capacity Manual (HCM) operational analysis methodology for rural two-lane roadways and is not applicable to the program/planning level analysis of LOS for the roadway segments in Table 3.9-13.

The use of daily volumes for operational analyses is predicated on the fact that roadway segments exhibit typical daily peaking characteristics—namely having traditional AM and PM peak (commute) periods with other periods of the day following a predictable pattern. The U.S. Highway 50 corridor's function as a recreational route, in addition to its daily commute component, support the conclusion that daily volumes are not necessarily a valid predictor of capacity needs for the subject segment because of the largely atypical daily volume profile. Accordingly, average weekday AM/PM peak-hour or design hour volumes are considered to be valid for determining the need for capacity improvements. The use of average weekday AM/PM peak hour volumes can have the net effect of allowing a higher daily volume than indicated by planning level operational analysis standards.

It should be noted that Exhibit 10-8 of the Highway Capacity Manual 2010 indicates that an Annual Average Daily Trip (AADT); which accounts for seasonal fluctuations) of 91,000 would only equate to LOS F along the six-lane, rolling terrain segment of U.S. Highway 50 west of Latrobe Road under atypical conditions. More specifically, LOS F for these conditions would only be realized with a daily (K) factor of 0.11 and a directional (D) factor of 0.65, both of which exceed the typical values one would apply to this segment (K near 0.09 and D near 0.60).

The geometric inputs recommended by the HCM 2010 is appropriate for detailed, operational analysis method, which is distinct from the program/planning level of analysis for the TGPA/ZOU; LOS reported in the TGPA/ZOU should be used as a planning level input to assist in the identification of locations where operational problems may exist.

Volume-to-Capacity (V/C) is reported in Table 3.9-13 for reference and is not the determinant of LOS; the reporting of V/C is consistent with Caltrans practice as shown in Table 15 of the TCR/CSMP report. The LOS determinations in Table 3.9-13 are determined by the correspondence of the peak hour volume to the LOS thresholds by facility classification; the thresholds are based on HCM criteria. Please refer to the LOS thresholds for peak hour volumes in Table 3.9-3 in the TGPA/ZOU EIR.

Please see Master Response 14: Traffic Analysis Methodology, Travel Demand Model.

### **O-1-376**

The County does not concur with this comment. The comment inappropriately conflates planning-level and development project-level analyses. Operational analysis for signalized intersections is not appropriate with the planning level focus of the TGPA/ZOU. Planning level techniques to analyze

traffic conditions are appropriate for large area EIRs that are focused on the assessing impacts of programmatic decisions at the countywide level.

Please see Master Response 14: Traffic Analysis Methodology, Travel Demand Model.

### **O-1-377**

The County does not concur with this comment. The LOS F condition was reported in the most recent version of the TCR/CSMP report prepared by Caltrans at the time the DEIR was prepared and circulated for public review. The updated TCR/CSMP report was not available at the time the DEIR was prepared.

The EDCTDM and the TGPA/ZOU DEIR are based on an average weekday peak-hour or design hour traffic volumes, while the TCR/CSMP reflects the influence of weekend travel characteristics. Hence, current or future LOS comparisons between these documents is not valid. The 20 Year Concept LOS for U.S. Highway 50 is consistent between the DEIR and the 2014 TCR/CSMP (LOS E). It does not, nor has it ever, constituted a standard or guideline for traffic assessments of state highway operations, even for Caltrans' own project approval documents (e.g., PID, PSR, PA-ED).

As a program/planning level EIR, this document serves as a first-tier document that assesses and documents the broad environmental impacts of a program with the understanding that a more detailed site-specific environmental review may be required to assess future projects implemented under the program. As individual projects with specific site plans and facilities are planned, the County will evaluate each project to determine the extent to which this EIR covers the potential impacts of the project and to what extent additional environmental analysis will be required for each specific future project. (see Public Resources Code, Sections 21083.3, 21093, 21094; State CEQA Guidelines, Sections 15152, 15168, 15183.)

In addition, the TCR LOS calculation is based on 2011 Caltrans published traffic volume book data (91,000); peak hour count of 8,600 is reported for both directions. This volume is more indicative of summer weekend conditions versus average weekday conditions for which the model is based. An assumed 65/35 directional split (5590 and 3010) was used by Caltrans for their TCR, which is also more reflective of peak summer conditions.

It should be noted that Exhibit 10-8 of the Highway Capacity Manual 2010 indicates that an AADT, which accounts for seasonal fluctuations, of 91,000 would only equate to LOS F along the six-lane, rolling terrain segment of U.S. Highway 50 west of Latrobe Road under atypical conditions. More specifically, LOS F for these conditions would only be realized with a daily (K) factor of 0.11 and a directional (D) factor of 0.65, both of which exceed the more empirically based values one would apply to this segment (K near 0.09 and D near 0.60).

Please see Master Response 14: Traffic Analysis Methodology, Travel Demand Model and the response to comment S-6-11.

### **O-1-378**

The statement is attributed to Caltrans District 3 Traffic Operations staff in email correspondence. The statement was provided for reference and background information only. No metering or operational analysis was prepared for this EIR. Operational analysis is beyond the scope of the

program EIR. The County concurs that future operational analysis will be necessary to understand the detailed operational considerations at this location.

The referenced statement was revised to read, "LOS on this segment may temporarily improve" in Section 3.9, Transportation and Traffic, of the Recirculated Partial DEIR. Microsimulation analysis is needed in order to accurately determine whether or not LOS will improve with the addition of the ramp meter. The ramp meter alone may not be enough to improve the LOS, and other improvements or strategies may be needed to accommodate travel demand on U.S. Highway 50.

### **O-1-379**

The refined zone structure for the current EDCTDM was released for public comment, approved by the County Board of Supervisors and developed using typical industry methods; as described in the EIR, smaller zones can improve the fidelity of models in assigning vehicle trips to the roadway network, particularly in localized areas.

For a higher functional classification fully access controlled roadway facility like U.S. Highway 50, this would result in more accurate loadings at the respective interchanges with U.S. Highway 50, particularly at the ramps (ons and offs). Conversely, greater zonal resolution would not affect accuracy at the model gateways. However, the Sacramento Regional Travel Demand Model (SACMET) relies on the model constructs (i.e., the gravity model) to determine the gateway volumes coming in and out of El Dorado County; the EDCTDM treats these volumes as explicit a-priori inputs. The latter allows a more reasonable and empirically based method for determining growth at the external gateways. For this reason, the EDCTDM has historically generated more reasonable forecasts of U.S. Highway 50 within El Dorado County than the SACMET model (see KAI as Dowling Associates, personal communication, 2008 peer review of U.S. Highway 50 forecasts comparing SACMET and EDC TDM – previous versions of both models).

### **O-1-380**

The EDCTDM more accurately depicts land uses than SACOG's regional land use dataset because of the availability of detailed use information that is documented and maintained by the County in its own parcel dataset. An extensive review process involving checks with aerial imagery was performed where land uses in the SACOG dataset did not match the use information in the County parcel data set. Given its more regional multi-county modeling domain, SACOG applied generalized land use categories for specialized uses such as golf courses, churches and storage facilities—uses that are difficult to identify and confirm at a regional scale that involves millions of parcels across a six-county area.

In a letter dated February 3, 2014, to the County, SACOG stated their support for the use of the current EDCTDM by the County for areas within its jurisdiction. Considering this and also that the specific analysis requests are beyond the scope of the existing EIR, this analysis has not been completed.

The County has chosen to use the EDCTDM model as its means of forecasting traffic conditions. The County is not required to use the SACMET model and chooses not to do so for the reasons explained above. A table showing the difference in trips between the model being used by the County and one that is not would be misleading.

Please see Master Response 14: Traffic Analysis Methodology, Travel Demand Model.

**O-1-381**

Caltrans and El Dorado County use the same data collection process involving pneumatic tubes to detect vehicles and collect vehicle counts on arterial roadways in the county (including state highway facilities such as SR-49). The County is not responsible for collecting count data on U.S. Highway 50, or SR-49, which are State-owned facilities operated and maintained by Caltrans. Both Caltrans and the County collect and publish the traffic counts on an annual basis. For the state highway system, the County relies on Caltrans data via the Caltrans Performance Measurement System (PeMS) plus volumes that Caltrans provides. This data is available for public use at: <http://pems.dot.ca.gov>. The baseline year data for State facilities was reviewed, approved and for SR-49 and U.S. Highway 50 ramps provided to County staff by Caltrans staff.

**O-1-382**

The EDCTDM is measuring LOS that is reflective of average weekday conditions. Caltrans analysis, as documented in the 2014 TCR, is more representative of peak season weekend conditions. Although the concern raised by this comment does not pertain to the adequacy of the environmental impact analysis provided in the DEIR, the comment will be noted as a concern and will be provided to the Board of Supervisors for consideration in the decision-making process.

Please see Master Response 14: Traffic Analysis Methodology, Travel Demand Model.

**O-1-383**

For the TCR/CSMP, Caltrans uses the SACSIM regional TDM as an indicator of traffic growth to derive a growth factor to adjust traffic volumes for 2035 conditions on U.S. Highway 50. The AGR (growth rate) cited in the comment actually refers to the historical growth rate in SACOG's residential forecasts. Caltrans and SACOG use different growth rates as their responsibilities in long-range planning may differ. The AGR is not used by Caltrans to forecast traffic projections.

**O-1-384**

The County does not concur that a less than conservative methodology was used.

In Table 3.19-3, AM and PM peak hour volumes are used to analyze LOS for each direction. Peak hour volumes represent the highest volume during a typical weekday of travel and are a better indicator of operational performance because they represent the highest volumes under normal conditions.

Please see Master Response 14: Traffic Analysis Methodology, Travel Demand Model and response O-1-375.

**O-1-385**

Baseline models are by design backwards looking (they require complete datasets). At the inception of this project (in 2012) the 2010 dataset was the most complete and appropriate available. The DEIR baseline is typically set at the date of the NOP. Comparing published U.S. Highway 50 volumes for 2010 and 2012 reveals only a 0.87% increase in volumes from 2010 to 2012.

**O-1-386**

Consistent with CEQA, the DEIR analyzes an interim 2025 condition. The baseline for that analysis is 2010, not a hypothetical future condition as disapproved by the California Supreme Court.

The cumulative analysis is properly based on a future baseline because it must consider the cumulative effects of past, present, and potential future projects. The cumulative analysis then determines whether the project's contribution to that cumulative impact is considerable.

This comment provides a general opinion regarding the choice of interim year. That choice is the County's as lead agency for preparation of the EIR. The information provided by this comment is not applicable to the analysis in the DEIR because the County is not relying on a future baseline in its analysis of the TGPA/ZOU's traffic impacts.

**O-1-387**

The following lists the future roadway improvements from the CIP that were included in the future roadway network per direction of County staff:

- Projects in 2012 10-Year CIP
  - Silver Springs Parkway (76107 and 76108)
- Projects in 2012 20-Year CIP
  - Headington Road Extension (71375)
  - Country Club Drive Extension (GP124, GP125, and GP126)
  - Diamond Springs Parkway (72334, 72368, and 72375)
  - Latrobe/White Rock Connector (66116)
  - Saratoga Way Extension (71324 and GP147)

Analysis of Federal funding levels is beyond the scope of this EIR. However, in coordination with SACOG and the El Dorado County Transportation Commission (EDCTC), assumptions of both Federal and State discretionary funding levels were predicated on historical revenue streams experienced by El Dorado County. Note that the County's TIM Fee, which is typically used to leverage (provide the local match) State and Federal funding, was also considered.

In addition:

1. Vacant and underdeveloped lands within the Community Regions were reviewed on a parcel-by-parcel basis to estimate the development potential according to the land use designations in the current General Plan. Achievable levels of development for those parcels considered available data for current (non-expired), approved projects; and data reviewed included Specific Plans, Development Agreements, Parcel Maps, and Tentative Subdivision Maps. The TGPA/ZOU does not forecast land use in Eastern Sacramento County.
2. Proposed large development projects were considered for estimating development potential in the cumulative scenarios. These are listed in Table 5-1 of the DEIR and are carried into the FEIR. The TGPA/ZOU does not forecast land use in Eastern Sacramento County; however, the cumulative impacts analysis included the eastern end of the Southeast Connector road project and the Folsom south of 50 plan.

Table 5-3 of the Recirculated Partial DEIR (now carried into the FEIR) describes the result of cumulative and super cumulative traffic impacts using the updated TDM.

### O-1-388

Table 3.9-6 has been corrected below to show the future year HH and Employment totals without incorporated Placerville.

| Scenario | Network | Land Use        | Households | Employees |
|----------|---------|-----------------|------------|-----------|
| 1        | Base    | 2010            | 55,493     | 44,468    |
| 2        | Base    | 2035 Project    | 71,442     | 60,139    |
| 3        | Future  | 2025 No Project | 64,472     | 53,251    |
| 4        | Future  | 2025 Project    | 64,664     | 53,251    |
| 5        | Base    | 2010 Cumulative | 55,493     | 44,468    |
| 6        | Future  | 2035 Project    | 71,442     | 60,139    |

The previous analysis over-represented development in Placerville where there was some double counting of employment; this has been addressed in the most recent version of the model. Note that Placerville is outside of the scope of the TGPA/ZOU and that no revisions to land use data within the county were required based on the revised totals. The revised totals did not result in significant impacts.

The households (HH) and employees (EMP) summary table has been revised.

### O-1-389

The land use for the EDCTDM projects 2010 to 2035 job growth of 15,671 employees, compared to 16,078 employees in the BAE report; the 2010 to 2035 residential growth is 17,336 units (or 15,949 HHs), compared to 17,409 units in the BAE report. The residential and employment growth forecasts for the TDM is within 2.5% of the BAE projections when not including incorporated Placerville in the totals. This is within a reasonable margin of error. It does not affect the reliability of the conclusions in the EIR.

Please see Master Response 1: Specificity of Environmental Review.

### O-1-390

The County does not concur with this comment. The TGPA/ZOU is not a development project, so analysis of all intersections and interchanges is not warranted. The County has a robust count program that collects arterial counts across the county each year. This level of detail is appropriate for the program analysis discussed in the EIR. Future development projects that are built under the land use designations proposed by the TGPA/ZOU will be required to prepare project-specific traffic studies. The project-specific traffic studies would evaluate potential impacts on the intersections and interchanges they affect.

Analysis of intersection operations is beyond the programmatic scope of the TGPA/ZOU planning analysis; as a result, turning moving counts are not relevant to this project.

Please see also Master Response 1: Specificity of Environmental Review and Master Response 14: Traffic Analysis Methodology, Travel Demand Model.

**O-1-391**

The County concurs with this comment. The minimum LOS for segments 44 and 151 was changed to E in the Recirculated Partial DEIR and in the FEIR.

**O-1-392**

The text of the document will be changed to acknowledge the TGPA/ZOU's impacts on the two segments of Green Valley Road, at (1) approximately 100 feet east of the county line and (2) approximately 200 feet west of El Dorado Hills Boulevard.

However, it should be noted that General Plan Policy TC-Xe is in reference to roadway impacts from proposed development projects and whether that individual development project would worsen the service condition. The TGPA/ZOU is not a development project and a program level of analysis is sufficient to allow an informed decision.

Aside from the TGPA/ZOU, the following programmed improvements to Green Valley Road are expected to reduce this impact:

- Segment 1) approximately 100 feet east of the county line—widen Green Valley Road to a 4 lane roadway. The City of Folsom received a Flexible Funds Program grant from SACOG in December 2013 to widen Green Valley Road from E. Natoma Street to Sophia Parkway to a 4 lane roadway. Construction is anticipated to begin in 2017. Construction of the City of Folsom project will mitigate this impact, and the impact will then be less than significant.
- Segment 2) approximately 200 feet west of El Dorado Hills Boulevard/Salmon Falls Road—widen Green Valley Road to a 4 lane roadway. Community Development Agency's Capital Improvement Program Project GP178 proposed to widen Green Valley Road between Francisco Drive and El Dorado Hills Boulevard/Salmon Falls Road to a 4 lane roadway. This project is also included in the current County's Traffic Impact Mitigation Fee Program. Construction of this project will mitigate this impact, and the impact will then be less than significant.

**O-1-393**

Two segments analyzed in Table 3.9-13 are located on Missouri Flat between U.S. Highway 50 and China Garden Road:

- Segment 48 (south of Forni Road); 0.59 (AM V/C) and 0.74 (PM V/C)
- Segment 49 (400 yards north of Forni Road; 0.76 (AM V/C) and 1.01 (PM V/C)

The V/C for Segment 48 or Segment 49 is not forecasted to get worse than 1.01 in the PM peak hour.

**O-1-394**

The comment is incorrect. The County does indeed require development projects to both construct roadway facilities and fund future road improvements, Development projects typically construct road improvements along their County road frontages. They pay fees through the TIM Fee program that cover the development's fair share of future offsite road improvements that are necessitated by it and other development projects.

The purpose of the TIM Fee and CIP are to ensure that adequate roadway facilities are built to serve qualifying new development projects. The facilities are not built concurrently with the individual development projects because sufficient funds must be accrued from TIM Fee to fund the full improvements necessary. Under the “takings clause” of the U.S. Constitution, the County cannot require a developer to pay more than their fair share of the cost of improvements. The roadway improvements will be built when the full cost of improvements is accumulated through the collection of TIM Fees. The State Mitigation Fee Act (Government Code Section 66000-66008.) requires the County to maintain the TIM Fee proceeds in a dedicated account and to apply those fees only to the road improvements for which they have been collected. This commits the funds to the required road improvements.

The EIR will add language clarifying that the timing of actual construction of improvement projects funded through the County’s traffic impact mitigation fee program may lag behind development given that growth patterns may have changed or the TIM Program zone may have financial obligations that delay the construction of planned improvements. The County’s CIP is reviewed annually, as required by the General Plan, to update the most current costs of material, land, labor etc., which cause variations in cost estimates—right-of-way being one of the biggest factors. Because forecasts are imperfect, actual permit activity is checked annually to update the current year, 5-year and 10-year budget of which recommendations for amending the CIP are brought to the Board. Timing of roadway improvements also shift due to actual growth patterns (checked annually when compared to 20-year forecast). The Board of Supervisors ultimately determines the prioritization of projects within the CIP.

Please see also response to comment I-59-8 regarding the validity of the requirement to construct roadway facilities based on a fee program.

### **O-1-395**

Please see Master Response 8: General Plan Policies and Mitigation.

### **O-1-396**

Please see response to comment O-1-394. Per the Mitigation Fee Act (California Government Code Section 66000–66008) and the County’s TIM Fee Operating Agreement, the County must monitor and annually report to its Board of Supervisors the collection, allocation, and expenditure of fee revenues. TIM program fees are kept in a dedicated account and can only be used for CIP projects. Many of the CIP projects are funded by a combination of TIM fees and other revenue sources. However, roadways that are determined to be as a result of development only are placed in TIM Fee Program that is then 100% TIM fee funded through the CIP program.

### **O-1-397**

The TIM Fee Program, including the CIP, is an effective program for funding road improvements and reducing the traffic congestion that would occur absent such a program. One of the key purposes of the TIM Fee Program and related CIP is to coordinate the funding of improvements to roads shared by numerous prospective development projects that are necessary to maintain the acceptable level of service. Please see response to comment I-59-8 for a discussion of the TIM Fee Program. The current CIP program is not the subject of the TGPA, so there is no requirement under CEQA to consider an alternative to that program.



Regarding Policy TC-Xf, no change is proposed to that policy.

In any case, the “alternative to the current CIP program” proposed by the commenter would be ineffective in reducing the impacts of traffic generated by new development on county roads. That is because the road improvements necessary to reduce the impacts cannot be constructed by a single development project. The suggested alternative is infeasible for the following reasons:

1. The full road improvements necessary to maintain an acceptable level of service include not only those improvements necessitated by the tentative map, but also by anticipated similar development along that same road or roads. Requiring improvements on a project-by-project basis would result in incremental construction of pieces of the necessary infrastructure, with improvements being installed like the pieces in a jigsaw puzzle. Without a coordinated method of ensuring full construction, the County could not ensure that level of service standards could be maintained.
2. Under the Fifth Amendment of the U.S. Constitution any development exaction must be roughly proportional to the impact caused by that development. (*Dolan v. City of Tigard* 512 U.S. 374 [1994]) That means that a single project cannot be conditioned to construct all road improvements necessary to maintain an acceptable level of service. The resulting incremental approach to road improvements under the alternative would necessarily leave gaps in improvements and could not ensure that full improvements would ever be built.

### **O-1-398**

The County does not concur with this comment. The General Plan is a long-range visioning document. In order to model long-term effects of development under the project, the EIR must make reasonable assumptions concerning the future road system. This is the nature of traffic modeling. Infrastructure improvements that are in a long-range planning or programming document. (i.e., Ultimate Design Concepts in a TCR) are reasonable assumptions for future forecasting. At the same time, the TGPA/ZOU EIR discloses that because the Caltrans’ improvements may not be completed within the 20-year planning horizon analyzed in the EIR, that there may be a short-term significant impact. The discussion in the Recirculated Partial DEIR notes that this is as a result of the fee-based approach of Measure Y, which cannot rely upon bonded indebtedness to speed up the delivery of road projects and is dependent upon the accrual of sufficient impact fees to finance road improvements. The statement in the FEIR provides full disclosure of the potential for impacts.

Please see also Master Response 1: Specificity of Environmental Review, regarding the level of detail in a program EIR.

### **O-1-399**

The General Plan is a long-term policy document; it is not a development project. Development projects that may be built pursuant to the General Plan will be implemented over a period of time. Unlike a development project, the impacts of the TGPA/ZOU will not occur immediately. It is reasonable to assume that the impacts of development under the General Plan will similarly occur over a period of time.

The commenter misconstrues the statement in the DEIR by truncating the cited discussion. A more complete excerpt from the Recirculated Partial DEIR clearly shows that the DEIR recognizes there will be a short term significant impact. That is also disclosed in the Executive Summary of the DEIR.

Here is the more extensive discussion from Impact TRA-1 of the FEIR (changes from the DEIR are noted in ~~strikeout~~ and underline):

With the exception of Study Scenario 1, which represents the existing condition, future development, whether under the project or the existing General Plan, would result in a decrease in service to an unacceptable LOS F on certain roadway segments. The County has programs in place that can be used to mitigate potential transportation impacts that result in unacceptable levels of service. The mitigation measures, such as payment of TIM fees to fund roadway improvements to increase capacity and improve LOS, apply to discretionary projects. Future discretionary projects that are developed within the TGPA/ZOU areas would be required to construct on-site roadway improvements as conditions of approval or as a condition of a subdivision map and pay TIM fees as required by the existing County policies described above. ~~Because the~~The County has specific traffic mitigation policies that require future development projects to construct adequate on-site and off-site roadway facilities to maintain acceptable levels of service and payment of fees that go toward making regional traffic improvements designed for improving traffic operations. Alternatively, the developer may be required to construct offsite and be reimbursed as deemed appropriate via a road reimbursement agreement. In either case, necessary improvements are required as part of project approval. Therefore, potential impacts are considered less than significant.

Some of the scenarios would result in a decrease in LOS on U.S. Highway 50 and other County roads that could be addressed through construction of additional lanes, including HOV lanes or other widening projects that would add capacity to the freeway. Specifically, the 2014 TCR/CSMP U.S. 50 Corridor System Management Plan identifies U.S. Highway 50 improvements to include four freeway lanes and the development of two HOV lanes plus auxiliary lanes and ITS from the Sacramento/El Dorado County Line to Ponderosa Road, two HOV lanes plus ITS from there to Greenstone, and auxiliary lanes and ITS from Greenstone to Missouri Flat Road, and four freeway lanes plus an auxiliary lane from Missouri Flat Road to the end of the freeway in Placerville during the 2035 planning period. The improvements are shown by roadway segment in Table ~~3-9-41~~ of the 2014 TCR/CSMP. These improvements are considered concept facilities, meaning they are the roadway improvements that are ~~needed in~~ planned and programmed over the next 20 years (California Department of Transportation ~~2010~~2014b). The TDM included these improvements in the analysis of the study scenarios. However, there is no assurance that these improvements to U.S. Highway 50 would be in place at this time. This is because of the inherent limitations in Measure Y's fee-based funding approach, as discussed above. Therefore, potential short-term impacts would be significant and unavoidable until these improvements are in place.

Impacts to County-maintained roads could be approved by a vote of the El Dorado County electorate or the Board of Supervisors to include on a list of roads that are allowed to operate at LOS F. However, it cannot be assured that this would happen. Furthermore, Policy TC-Xa is only in effect until December 31, 2018 at which time it may or may not be extended. The Board of Supervisors could extend this policy by voting to extend the deadline or voting to include the policy as a permanent component of the Transportation and Circulation Element of the General Plan. The following mitigation measure would reduce this impact to a less-than-significant level over the longer-term. *The short-term impacts before improvements are installed would remain significant and unavoidable.* [emphasis added]

Please see also Master Response 1: Specificity of Environmental Review, regarding the level of detail in a program EIR, and Master Response 4: Scope of the Project, regarding the scope of the project.

## O-1-400

The County does not concur with this comment. . The reference to directional splits pertains to the HCM operational analysis methodology and is not applicable to the program/planning level analysis of LOS for the roadway segments in Table 3.9-13. The County acknowledges that operational analysis includes considerations beyond the scope of the programmatic analysis. The planning level

of analysis is consistent with the approach used for other Countywide documents and for a program EIR. The LOS methodology for the TGPA/ZOU analyzes V/C for the AM peak hour and PM peak hour separately. Directionality of traffic flow is highly sensitive to the peak hour, which is why both peak hours are analyzed so that there is no bias towards reporting the better LOS result.

The commenter is confusing the impact analysis with the cumulative impact analysis. Section 5.2 of the DEIR discusses cumulative impacts, including cumulative traffic impacts. It discloses that the project's cumulative impacts on traffic are significant and unavoidable.

Please see also Master Response 1: Specificity of Environmental Review pertaining to program EIR s and Master Response 14: Traffic Analysis Methodology, Travel Demand Model pertaining to traffic analysis methodology.

### **O-1-401**

Counts on U.S. Highway 50 are inclusive of traffic that has merged from an upstream on-ramp. The count locations at Latrobe and Bass Lake refer to a segment of U.S. Highway 50 that is located west of the on-ramp in the westbound direction and west of the off-ramp in the eastbound direction.

### **O-1-402**

Please see Master Response 1: Specificity of Environmental Review regarding the specificity of review.

When the Resolution of Intent (ROI) was adopted, the intent was to clarify what "worsening" is, as defined in Policy TC-Xe. The policy reads "worsen" and 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 a development project.

The DEIR does not need to measure the percentage increase in traffic and additional ADT in order to enable an informed decision. That is a typical approach when analyzing the impacts of a site-specific development project. The TGPA/ZOU is not a development project and does not include any site-specific development projects.

The TGPA/ZOU project makes zoning consistent with the land use designations in the General Plan. Where zoning was brought consistent with the General Plan and zoning was RA-20 and rezoned RL-10, the traffic was analyzed by the change in zoning; this does not mean that this is a development project (no new parcels or development were created). Therefore, Policy TC-Xe does not apply.

This EIR is a program/planning level document. Any development project would require a separate discretionary review, a traffic analysis considering policies such as the TC-X policies (including TC-Xe), and potentially a project-specific EIR.

Please see Master Response 14: Traffic Analysis Methodology, Travel Demand Model regarding the traffic analysis methodology.

### **O-1-403**

The arterial segments analyzed in Table 3.9-13 of the EIR are based on the availability of counts collected by El Dorado County. For each segment where a count is available, the industry-recognized

practice of applying the National Cooperative Highway Research Program (NCHRP) -255 “difference method” was applied to the future outputs of the EDCTDM.

The purpose of post processing “raw” model output is to address for systematic modeling error. The recommended procedure is based on the NCHRP Report 255 (cite. 1982). NCHRP-255 adjustments entail using model-generated link-based growth (computed variation between base year and forecast year model volumes) to adjust baseline traffic counts to reflect future conditions. Given that travel models are calibrated to produce more accurate results for roadways versus specific intersection turn movements, a refinement technique called the Furness Method is applied to iteratively adjust turning movement counts until the directional sum of the movements balance to the adjusted future link volumes. The Furness Method (also described in NCHRP-255) produces forecast turn distributions that resemble the count distribution, but turn movement proportions change in response to different growth rates as produced by the El Dorado County travel demand model.

Please see the responses below.

- a. U.S. Highway 50 west of Empire Ranch Road is located outside of El Dorado County, but was included in the cumulative impact analysis in Chapter 5, Other CEQA Considerations, of the FEIR.
- b. The Silva Valley Parkway interchange is a new facility. Future facilities are not reported in Table 3.9-13 where segment volumes are post-processed using available counts. For reference, the future model outputs is provided below (note: the LOS is reported using volumes that are not post-processed).
- c. The Recirculated Partial DEIR disclosed the impacts of proposed large developments that require general plan amendments and the Folsom south of 50 plan area in East Sacramento County (see Table 5-1).
- d. The County did not collect counts on Saratoga Way extension because it is not built. However, the future extension was included in Table 3.9-13 in the Recirculated Partial DEIR.
- e. Six segments of El Dorado Hills Blvd between Saratoga Way and Green Valley Road were analyzed in Segments 33–39 in Table 3.9-13.
- f. The County did not collect counts at this arterial segment. As a result, this segment was not reported in Table 3.9-13, which reports LOS for segments where a count is available for post-processing using the difference method.
- g. Empire Ranch Road is located outside of El Dorado County. Effects of travel into and out of El Dorado County along Empire Ranch Road are reflected in the numbers for Sophia Parkway and Green Valley Road on Table 3.9-13.
- h. The Latrobe Road/White Rock Connector is a future facility. For information, it is included in Table 3.9-13 after Segment 61 as the “Latrobe Road Connection.”
- i. Please see response to c.
- j. Please see response to c.
- k. Thirteen segments of Green Valley Road east of Silva Valley Parkway were analyzed in Segments 149–161 on Table 3.9-13.
- l. Please see response to c.

- m. Please see response to f.
- n. Please see response to f.

**O-1-404**

The peak hour count of 8,600 in the Caltrans Traffic Counts book is bi-directional, while the segments of U.S. Highway 50 analyzed in Table 3.9-13 are for each peak hour direction. Caltrans lists the segment of U.S. Highway 50 west of Latrobe as LOS F in the TCR/CSMP report based on their analysis using daily volume. Caltrans did not provide a LOS result for the peak hour volumes reported in the TCR/CSMP for that segment of U.S. Highway 50.

The TCR LOS calculation is based on 2011 Caltrans published traffic volume book data (91,000); peak hour count of 8,600 is reported for both directions. This volume is more indicative of summer weekend conditions versus average weekday conditions for which the model is based. An assumed 65/35 directional split (5590 and 3010) is also used, which again is more reflective of peak summer conditions. The traffic volumes in the DEIR are correct.

Also see Master Response 14: Traffic Analysis Methodology, Travel Demand Model pertaining to LOS on U.S. Highway 50.

**O-1-405**

U.S. Highway 50 counts in the Caltrans Traffic Counts book are bi-directional. Segments 5 and 6 show the peak hour volume for each direction. The traffic volumes in the DEIR are correct.

**O-1-406**

Segment #44 is mislabeled; it should read "W of El Dorado Hills Blvd." This does have the same count as segment #43.

Peak hour volumes are determined by adding the volumes in each direction for the same hour, i.e., EDC DOT Traffic count for January 2010: AM peak hour is determined by adding the 8–9 AM westbound volume of 1,222 with the 8–9 AM eastbound volume of 506, which equals 1,728. The commenter erroneously added the eastbound 11 AM to noon volume of 571 to the 7–8 AM westbound volume of 1,329. The traffic volumes in the DEIR are correct.

**O-1-407**

The County acknowledges that operational analysis includes considerations beyond the scope of the programmatic analysis. The planning level of analysis is consistent with the approach used for other Countywide documents. Please see also Master Response 1: Specificity of Environmental Review.

Daily thresholds rely on assumptions about the proportion of traffic that occurs during the peak hour; therefore, it is desirable to use peak hour volumes, when available, to determine LOS. Daily LOS is a more gross measurement than peak hour; as such, it is typically not used in conjunction with peak hour LOS.

The Caltrans Traffic Impact Studies Guidelines (Caltrans 2002) listed in this comment apply specifically to the preparation of Traffic Impact Studies for individual development projects. As such, they are not applicable to the program EIR analysis of the TGPA/ZOU. Please see also Master Response 1: Specificity of Environmental Review.

Analysis of the traffic impact fees was not the intent of the Countywide TGPA/ZOU analysis. The latter will be undertaken as part of the El Dorado County Traffic Impact Mitigation Fee major update. The TGPA/ZOU does not propose any development projects, and therefore a discussion of a “fair share contribution” and other aspects of mitigation that apply to development projects do not apply here. The County will adopt a mitigation monitoring and reporting program in conjunction with approval of the TGPA/ZOU FEIR, as required by CEQA.

### **O-1-408**

Please see Master Response 12: Significant and Unavoidable Impacts.

The comment is acknowledged. Given that El Dorado County is not designated as an urbanized area per the U.S. Census, it is not subject to the California Government Code (65088-65089.10) requirements pertaining to Congestion Management Programs.

Please see Master Response 1: Specificity of Environmental Review. The program EIR provides sufficient information about the potential impacts of the TGPA/ZOU to allow an informed decision.

### **O-1-409**

EID is responsible for serving portions of the west slope with domestic water. For areas within EID’s jurisdiction, that agency’s water supply information and plans are the most current and reliable information available. El Dorado County is not responsible for providing water, either domestic or irrigation. The TGPA/ZOU EIR does not “fob off responsibility for water demands from future development” to any County agency. There is no County department or agency that has the responsibility to provide water service.

### **O-1-410**

The TGPA/ZOU EIR does not assert that no land use changes are proposed that would increase development beyond 2004 General Plan levels. As demonstrated throughout its text, the EIR identifies elements of the TGPA/ZOU project that would be potential impact mechanisms and analyzes the effects of their impact. However, the increase in water demand attributable solely to the TGPA is not substantial because the TGPA would not result in a substantial increase in the level of development analyzed in the 2004 General Plan EIR and therefore the overall impact on supplies. Please see Master Response 2: Relationship of the TGPA/ZOU EIR to the 2004 General Plan EIR and 2004 Impact Analysis regarding the relationship between the TGPA/EIR impact analysis and the information referenced from the 2004 General Plan EIR.

Water supply within the service areas of the EID, Georgetown Divide Public Utilities District (GDPUD), and Grizzly Flats Community Services District (GFCSD) is discussed in Section 3.10, Water Supply, of the TGPA/ZOU EIR. Based on the Urban Water Master Plans (UWMPs) of EID and GDPUD and the available information from GFCSD, with the addition of EID’s 2013 IWRMP, the TGPA/ZOU EIR concludes that additional development under the project will have a less-than-significant impact on water supply in EID to the year 2035 (see Table 3.10-2 of the TGPA/ZOU EIR), and a significant and unavoidable impact on water supplies within the GDPUD and GFCSD prior to 2035. The El Dorado County Water Agency’s (EDCWA’s) 2014 West Slope Update forecasts that demand within EID will exceed available supply after 2035. So, in the long term, beyond 2035, water supply will fall short of demand in all three of the west slope water districts. The Recirculated Partial DEIR discloses that this will be a significant and unavoidable impact.

The issue of groundwater supply was analyzed in more detail in the Recirculated Partial DEIR, which concludes that the impact of future development under the General Plan, amended by the TGPA and implemented by the Zoning Ordinance, on groundwater will be significant and unavoidable.

**O-1-411**

At this time, of the three western slope water supply agencies, only EID has plans for developing new water supplies. EID's future infrastructure needs are described in its 2013 IWRMP. The specific environmental effects of that plan cannot be fully known at this time because much of the infrastructure necessary, and which would result in environmental impacts, has not been designed. The TGPA/ZOU EIR provides a discussion of the expected general impacts of the IWRMP in Impact WS-1 (Create a need for new or expanded entitlements or resources for sufficient water supply). The types of significant impacts (operational, construction, greenhouse gases) are summarized in Table 3.10-3 for each of the major projects anticipated to be constructed under the IWRMP.

**O-1-412**

There is no comprehensive accounting of the quantity of existing groundwater supplies within El Dorado County. Developing a baseline estimate of those supplies would require a comprehensive and multi-year effort of collecting private well information and modeling both recharge characteristics and future demand that is beyond the scope of this program EIR. The groundwater supply in El Dorado County has been characterized as reliant upon aquifers in fractured formations that are of varying reliability (see the groundwater discussion on page 3.10-12 of the DEIR). Further, the impacts of future development where it is dependent upon groundwater would be significant and unavoidable (see the groundwater discussion on page 3.10-23 of the DEIR).

The issue of groundwater supply was analyzed in more detail in Section 3.10, Water Supply and Groundwater Use and Supply, of the Recirculated Partial DEIR. This provides sufficient information for informed decision making.

**O-1-413**

The DEIR discusses the roles of both EDCWA and EID in the Environmental Setting of Section 3.10, Water Supply, in the DEIR. EDCWA is a long-term water planning organization that assists in obtaining water rights for the County. As stated there, it is not a water supply agency. EID is the water supply agency for most of the developed and developing areas of the County. It provides water through existing and planned infrastructure. It is working with EDCWA to obtain additional water supplies for projected development demands, as described in Impact WS-1 of the DEIR. As discussed in the Recirculated Partial DEIR, EDCWA's 2014 West Slope Update forecasts that although EID will have sufficient supplies to 2035, demand within EID will exceed available supply after 2035. So, in the long term, beyond 2035, water supply will fall short of demand in all three of the west slope water districts. The Recirculated Partial DEIR discloses that this will be a significant and unavoidable impact.

**O-1-414**

The water agencies are responsible for providing water to meet current and future demand. The TGPA/ZOU EIR properly relies upon the information provided by those agencies as part of the analysis of surface water availability for future development under the TGPA/ZOU. As noted in the

in Section 3.10, Water Supply, of the DEIR under the discussion of each water district, the two larger districts have adopted UWMPs, and the GFCSD has undertaken planning based on projected development under the General Plan. There is no requirement under CEQA that the County undertake an independent review of water supply beyond that provided by the water districts.

Please see response to comment O-1-412 regarding the impacts of meeting future demand.

### **O-1-415**

The comment cites activities that are not a part of this project, including discussions of changing Community Region designations to Rural Center and large privately initiated development proposals. Those activities are not included in the five key differences between the TGPA/ZOU project and the existing General Plan because they are not part of the project. The privately initiated development proposals are included in the cumulative impact analysis for water supply in Chapter 5, Other CEQA Considerations, of the DEIR.

The TGPA/ZOU analyzed in this EIR does not include the proposed study of Policies 2.1.1.1 and 2.1.2.1 mentioned in the NOP for the purpose of considering changes to Community Region and Rural Community boundaries. The El Dorado County Board of Supervisors directed that this be deleted from the project at its November 14, 2011 meeting. The project description in Chapter 2 of the TGPA/ZOU DEIR accordingly does not include a study of Policies 2.1.1.1 and 2.1.2.1. Therefore, although the existing boundaries were taken into consideration in projecting future development levels for purposes of the EIR traffic impact analysis, the potential impacts of changing the boundaries were not studied as part of the project.

### **O-1-416**

Please see response to comment O-1-415.

### **O-1-417**

Expanding the boundaries of the County's agricultural district is identified under Impact WS-1 as a possible mechanism for impacts on water supply. The TGPA/ZOU EIR does not conclude that expanding the agricultural district boundaries would result in a significant effect on water supplies. Instead, for the reasons stated there, the TGPA/ZOU EIR concludes that an analysis of a potential water demand increase would be speculative because of the number of variables involved in agricultural production (and the resultant water demand) and the fact that inclusion in an agricultural district does not compel a landowner to undertake any agricultural activities. State CEQA Guidelines Section 15145 provides that an EIR should refrain from speculation.

### **O-1-418**

The mixed use and multifamily residential density increases are identified under Impact WS-1 as a possible mechanism for impacts on water supply. As noted there, the multifamily residential density increase has been removed from the project and is no longer being proposed. Regarding the amendments to the mixed use policies, the TGPA/ZOU EIR did not conclude that these would result in a significant impact on future water supplies within EID. To the extent that such development is proposed within the GDPUD and the GFCSD, it would have a significant impact on future water supplies because those districts are projecting water supply shortages even without the proposed project. The projected water supply within EID would exceed future projected demand until 2035. It



is not necessary to attempt to quantify the additional demand from the limited number of mixed use projects that may result from the TGPA in order to be able to conclude that EID has sufficient supply during that time frame. Within the other two districts, the projected inability to meet future demand similarly obviates the need to attempt to quantify the new demand in order to conclude that the impact would be significant.

The EDCWA's 2014 West Slope Update forecasts that demand within EID will exceed available supply after 2035. So, in the long term, beyond 2035, water supply will fall short of demand in all three of the west slope water districts. The Recirculated Partial DEIR discloses that this will be a significant and unavoidable impact. The marginal additional demand created by the amendments to the mixed use policies will contribute to this long-term shortage.

**O-1-419**

Please see Master Response 5: Future Development Levels under the TGPA/ZOU regarding the practical constraints on development that limit the effect of the Public Services and Utilities Element amendments on water demand. As noted in response to comment O-1-418, the multifamily residential density increase is not included in the project.

**O-1-420**

Please see Master Response 5: Future Development Levels under the TGPA/ZOU regarding the practical constraints on development where public water supplies are not available. The issue of groundwater supply was analyzed in more detail in Section 3.10, Water Supply and Groundwater Use and Supply, of the Recirculated Partial DEIR, which concluded that future development under the General Plan, as amended by the TGPA and implemented by the Zoning Ordinance, will result in a significant and unavoidable impact on groundwater.

**O-1-421**

This comment expresses an opinion regarding EID and is not relevant to the TGPA/ZOU EIR. The EIR properly relies upon water supply information provided by the water district, which is the expert agency with regard to the availability of its own water supplies.

**O-1-422**

The TGPA/ZOU is not a development project and is not approving any development projects. Therefore, it does not conflict with Policy 5.2.1.7.

**O-1-423**

The commenter expresses an opinion regarding how EID should allocate anticipated additional water supplies, recommending that EID allocate the water to existing residents to alleviate drought restrictions for existing customers. EID has adopted regulations, as described in the UWMP, which it engages during periods of water shortage. The commenter's recommended change to those regulations is a question for EID, and is not relevant to the TGPA/ZOU or this EIR.

**O-1-424**

If EID does not obtain the water rights described in its 2013 IWRMP, then future development may be curtailed due to lack of capacity. EDCWA's 2014 West Slope Update forecasts that demand within

EID will exceed available supply after 2035 even with the additional water rights. So, in the long term, beyond 2035, water supply will fall short of demand in all three of the west slope water districts. The Recirculated Partial DEIR discloses that this will be a significant and unavoidable impact.

Development is reliant upon the availability of water. The TGPA/ZOU will not result in a substantial increase in water demand over the demand projections of the current General Plan. However, demand will increase substantially in relation to existing levels as future development occurs under the General Plan, as amended by the TGPA and implemented by the ZOU. General Plan Policies 5.1.2.1 and 5.1.2.2 require that development proceed only when services will be available concurrently and when the provision of services “shall not result in a reduction of service below minimum established standards to current users,” respectively. As a result, if the anticipated agreements are not consummated or are delayed, development will be restricted until the service provider (i.e., EID) can illustrate that service can be provided. In addition EID Board Policy 5010, Water Supply Management, states that EID will not issue any new water meters if there is insufficient water supply.

### **O-1-425**

EID supplies water to a substantial portion of western El Dorado County, as discussed in Section 3.10, Water Supply, of the TGPA/ZOU EIR. El Dorado County does not provide water. Accordingly, as the agency with this responsibility, EID is the expert agency with regard to the calculation of future water supply and demand, and the planning of future activities that may be needed to provide the supply to meet future demands. As stated in Objective 5.1.2 of the General Plan: “It shall be the policy of the County to cooperate with responsible service and utility purveyors in ensuring the adequate provision of service. Absent evidence beyond a reasonable doubt, the County will rely on the information received from such purveyors and shall not substitute its judgment for that of the responsible purveyors on questions of capacity or levels of service.”

The means by which EID will meet future demand to 2035, in both wet and dry years, is described in that agency’s adopted 2011 UWMP and 2013 IWRMP. The water supply contingency plan in the UWMP describes EID’s basic response to dry year conditions. These plans rely upon data collected over a period of decades in order to average out short-term occurrences and provide a better long-term estimate of the water supply. The EDCWA’s 2014 West Slope Update forecasts that demand within EID will exceed available supply after 2035. So, in the long term, beyond 2035, water supply will fall short of demand in all three of the west slope water districts. The Recirculated Partial DEIR discloses that this will be a significant and unavoidable impact.

### **O-1-426**

Contrary to the comment, speculative analysis is not “a necessary tool when performing future projections.” As stated in State CEQA Guidelines Section 15145: “[i]f, after thorough investigation, a Lead Agency finds that a particular impact is too speculative for evaluation, the agency should note its conclusion and terminate discussion of the impact.” Agriculture relies on water and creates demand on water supplies. However, here the question is whether the expansion of agricultural district boundaries, which identifies those areas suitable for agricultural use but otherwise does not require that land to be put to agricultural use or dictate the type of agricultural use, would result in an increase in water use. The answer to that question is no. Attempting to determine future water demand when the expansion of the boundaries provides no new impetus for expansion of

agricultural use would be totally speculative because it would require making assumptions that have no basis in the proposed action.

The significant and unavoidable determination for Impact WS-1 is based on the conclusion that future demand under the TGPA/ZOU and the current General Plan will create a need for new or expanded water entitlements in order to assure a sufficient water supply. That conclusion is not based on an expansion of agricultural uses from the changes in the agricultural district boundaries, but rather on other impact mechanisms discussed under that impact.

Please see Master Response 12: Significant and Unavoidable Impacts regarding findings.

### **O-1-427**

The Marble Valley project mentioned in the comment is separate from the TGPA/ZOU. It will be considered by the County on its own merits and is not dependent upon the action on the TGPA/ZOU.

Please see Master Response 5: Future Development Levels under the TGPA/ZOU regarding constraints on development that will limit the effect of the proposed amendment to Policy 5.2.1.3. The issue of groundwater supply was analyzed in more detail in the Recirculated Partial DEIR, which concluded that future development under the General Plan, as amended by the TGPA and implemented by the Zoning Ordinance, would result in a significant and unavoidable impact on groundwater.

EID has assumed different rates of future growth in its 2013 IWRMP than the County. This does not affect the level of development that is being projected, but rather the rate at which that development may occur. The TGPA/ZOU EIR is based on development of the General Plan (and the TGPA/ZOU) occurring in 2035. EID's IWRMP is based on a similar timeframe.

Although there is a difference in the nominal rates of growth used in the two documents, there is no disagreement over the level of growth that will occur. That level is analyzed in the TGPA/ZOU EIR.

The question of prospective Proposition 84 funding is not relevant to the TGPA/ZOU EIR analysis. The cited guidelines by the California Department of Water Resources have been superseded by the November 2012 edition (Guidelines: Integrated Regional Water Management Proposition 84 and 1E). Nothing in the 2012 edition states that funding would be contingent upon consistency in the rate of growth, rather than the level of future development. The 2012 edition states on page 22, under the title Relation to Local Land Use Planning:

IRWM Plans must contain processes that foster communication between land use managers and RWMGs with the intent of effectively integrating water management and land use planning. IRWM Plans must document:

- Current relationship between local land use planning, regional water issues, and water management objectives.
- Future plans to further a collaborative, proactive relationship between land use planners and water managers.

### **O-1-428**

If one or both of the agreements discussed in EID's 2013 IRWMP are not realized, then EID's projections for future water supply will be reduced by the amount of the failed agreement or agreements. In that case, EID will not have sufficient supply to meet future demand. Neither EID nor

EDCWA expect that EID will fail to obtain these agreements. However, EDCWA's 2014 West Slope Update forecasts that demand within EID will exceed available supply after 2035. So, in the long term, beyond 2035, water supply will fall short of demand in all three of the west slope water districts. The Recirculated Partial DEIR discloses that this will be a significant and unavoidable impact.

The economic impact on existing and future EID customers of financing the infrastructure improvements outlined in the 2013 IRWMP relates to EID, not the TGPA/ZOU project. The prospective infrastructure improvements are not mitigation for the TGPA/ZOU project. They are independent actions proposed by EID in its capacity as the agency responsible for planning for and supplying water to customers within its service area. As a result, the TGPA/ZOU EIR is not required to independently examine the economic feasibility of those improvements.

### **O-1-429**

The quote referenced by the commenter is referring to the methodology used in preparing the water supply assessments (WSAs) for several of the proposed development projects for which applications have been submitted to the County. The information sought by the commenter is found in the WSAs. As stated in the DEIR on page 5-11, the WSAs were adopted by the EID Board of Directors on August 26, 2013. They are available from EID.

The WSAs project water supply and demand for 20 years into the future. During that time frame, EID is confident that it will have sufficient supplies to meet future demand. Beyond that time, EDCWA's 2014 West Slope Update forecasts that demand within EID will exceed available supply after 2035. So, in the long term, beyond 2035, water supply will fall short of demand in all three of the west slope water districts. The Recirculated Partial DEIR discloses that this will be a significant and unavoidable impact.

### **O-1-430**

The County does not prepare the WSAs for development projects that are within the service area of EID. EID has not prepared a WSA for the San Stino project as of this writing. The water demand of the San Stino project is conservatively estimated on page 3.10-13 of the DEIR based on available information and its similarity to other large development proposals that do have WSAs. That demand estimate is included in the cumulative impact analysis for the TGPA/ZOU.

### **O-1-431**

The EID 2013 Water Resources and Water Service Reliability Report is EID's annual report on current water supply and water meter availability. It is based on existing infrastructure. As such, it is a short-term review of water supply availability, and the EDUs reflect short-term availability. EID's 2013 IWRMP presents a long-term view of the District's demand and supply projections, including needed infrastructure improvements. The TGPA/ZOU EIR relies upon the 2013 IRWMP because it presents a long-term view that is concurrent with the General Plan's 2035 planning period.

EDCWA's 2014 West Slope Update forecasts that demand within EID will exceed available supply after 2035. So, in the longer term beyond 2035, water supply will fall short of demand in all three of the west slope water districts. The Recirculated Partial DEIR discloses that this will be a significant and unavoidable impact.

**O-1-432**

The comment asks how the water demands of “proposed projects” will be met. TGPA/ZOU does not propose any development projects. The water supply availability analysis in the TGPA/ZOU EIR is based on the anticipated demand at buildout of the General Plan and long-term forecasts of water availability provided in EID’s 2013 IRWMP. WSAs have been prepared for several of the privately initiated large development proposals that are currently being processed by the County. The WSAs describe the long-term availability of water to meet the demands of those projects, should they be approved.

As discussed in Chapter 3.10, Water Supply and Groundwater Use and Supply, of the Recirculated Partial DEIR, water demands within EID are expected to be met by available supply until 2035. The cumulative impact analysis in Chapter 5, Other CEQA Considerations, of the TGPA/ZOU EIR concludes that EID can also meet cumulative needs to 2035. EDCWA’s 2014 West Slope Update forecasts that demand within EID, including cumulative demand, will exceed available supply after 2035. So, in the long term, beyond 2035, water supply will fall short of demand in all three of the west slope water districts. The Recirculated Partial DEIR discloses that this will be a significant and unavoidable impact.

**O-1-433**

The comment relates to the effects of EID’s water conservation requirements on local landscaping. The impetus for those requirements is the weather, not the TGPA. Whatever economic impact may result from water conservation is not an effect of the TGPA/ZOU and therefore is not a topic for analysis in the TGPA/ZOU EIR.

The TGPA is not proposing growth at the expense of existing EID customers. In dry years EID implements its drought action plan to limit water use so that it can continue to provide water to its customers. EID is pursuing expanded water supplies for the purpose of being able to provide water to new customers in addition to its existing customers. In times of drought, the drought action plan or its successor would be applied to all customers, whether long-standing or new.

**O-1-434**

The areas where dry-year water supply shortages will exist are the service areas of the GDPUD and GFCSD, as described in Chapter 3.10, Water Supply, of the DEIR. These districts have limited water supplies and limited potential for acquiring additional water supplies. There is no feasible mitigation for these shortages, so the TGPA/ZOU EIR therefore identifies this as a significant and unavoidable impact. In the longer term beyond 2035, the Recirculated Partial DEIR concludes that EID supplies will also fall short of demand, resulting in a significant and unavoidable impact.

**O-1-435**

Please see Master Response 12: Significant and Unavoidable Impacts. The comments have been responded to in the prior responses.

**O-1-436**

The TGPA/ZOU EIR examines three alternatives to the project. Chapter 4, Alternatives, describes the method by which the range of alternatives was chosen and the reasons for rejecting several

prospective alternatives. There is no statutory, regulatory, or case law authority for the commenter's claim that the range of alternatives must address all of the impacts of the project, that the range cannot be focused on several key impacts, or that the range must include every alternative to the project. The alternatives meet the requirements of State CEQA Guidelines Section 15126.6(a), which states:

- (a) Alternatives to the Proposed Project. An EIR shall describe a range of reasonable alternatives to the project, or to the location of the project, which would feasibly attain most of the basic objectives of the project but would avoid or substantially lessen any of the significant effects of the project, and evaluate the comparative merits of the alternatives. An EIR need not consider every conceivable alternative to a project. Rather it must consider a reasonable range of potentially feasible alternatives that will foster informed decision making and public participation. An EIR is not required to consider alternatives which are infeasible. The lead agency is responsible for selecting a range of project alternatives for examination and must publicly disclose its reasoning for selecting those alternatives. There is no ironclad rule governing the nature or scope of the alternatives to be discussed other than the rule of reason. (Citizens of Goleta Valley v. Board of Supervisors (1990) 52 Cal.3d 553 and Laurel Heights Improvement Association v. Regents of the University of California (1988) 47 Cal.3d 376).

Alternative 2, Transit Connection Alternative, would reduce air emissions and traffic noise in comparison to the project by virtue of reducing automobile usage. Alternative 3, Selective Approval of TGPA/ZOU Components would reduce air emissions, traffic noise, and groundwater demand in comparison to the project by virtue of eliminating a number of the proposed TGPA/ZOU components. For example, groundwater demand would be reduced in comparison to the project by not approving the proposed ranch marketing activities, public utility service facilities, industrial, recreational facilities, and ski area provisions of the ZOU (see Table 4-2 of the Final TGPA/ZOU EIR for a list of these components).

There is no feasible alternative that would avoid changes in population. The County cannot legally prevent an increase in its population through either births or in-migration. Limiting population would also make infeasible compliance with the State housing element law.

### **O-1-437**

Please see response to comment O-1-268 regarding the County's ongoing efforts to make affordable housing available.

The comment misunderstands the statement in the DEIR. The statement points out that future development that is consistent with the General Plan, but not yet approved, would be limited by application of the -PL overlay. Further, under the scenario posed in the comment, moving the Community Region Line would create internal inconsistencies within the General Plan by encompassing land use designations that are inconsistent with the Community Region policies within the Community Region Line. This is not allowed under California Planning Law, which requires the General Plan to be internally consistent (Government Code Section 65300).

### **O-1-438**

Please see response to comment O-1-268 regarding the County's ongoing efforts to make affordable housing available.

The referenced apartment complex in El Dorado Hills Town Center is not a part of this project. The proposed rent at a single development such as this one is not indicative of the lower housing cost

that is the general result of higher residential densities. In any case, that project includes densities (55 dwelling units per acre) substantially higher than proposed under the TGPA and, at four stories, would be taller than practically any other apartment development in the county.

More typically, under conditions in El Dorado County, higher density development offers economies of scale over low density development. At the densities provided for under the TGPA, it offers more residences per unit cost of land, and because the residences are generally smaller they cost less than estate-type development.

### **O-1-439**

Mixed use would be allowed in the RM (Multi-unit Residential), CL (Commercial, Limited), CM (Commercial, Main Street), and CC (Commercial, Community) zones, subject to the residential density limits established in the General Plan. General Plan Policies 2.1.1.3 and 2.1.2.5 specifically limit mixed use to Community Regions and Rural Centers, respectively. These designations can be seen on existing maps of the General Plan (the TGPA does not propose any new RM, CL, CM, or CC designations). These maps are readily available at the El Dorado County Planning Department or online. The specific location of mixed use development cannot be shown because it is unknown at this time. The decision whether or not to undertake mixed use development is left to the property owner; it is not required in any of the above designations. Applications for mixed use development would be handled on a case-by-case basis.

### **O-1-440**

No detailed data is available, due to the voluntary nature of mixed use development. Please see Master Response 1: Specificity of Environmental Review regarding the level of specificity in a program EIR. Also please see the discussion under "Limited Potential to Increase Development" in Master Response 5: Future Development Levels under the TGPA/ZOU.

### **O-1-441**

The TGPA/ZOU EIR analysis is based on forecasts, and the judgment of professional planners. Contrary to the commenter's assertion, in general "retail follows rooftops," not the other way around. Commercial development will generally not occur unless there is a sufficient residential base to support that development. (National Main Street Center 2011)

Please see response to comment O-1-354 regarding jobs-housing balance. There is no evidence to support a conclusion that "decreasing the number of residents that commute outside the county for work will lessen the number of residents that are likely to shop outside the county and thus, support local retail businesses." Residents will continue to drive to shopping areas outside the county as they do today.

### **O-1-442**

The purpose of the BAE Economics study is to provide forecasts of jobs and housing on a countywide basis. It is not intended for localized planning in either Cameron Park or Shingle Springs. The study areas are based on traffic analysis zones (TAZs) and for convenience, Cameron Park and Shingle Springs TAZs are considered together. Combining these communities for the purpose of economic forecasting in no way changes the character of those communities nor their unique characteristics. The forecasts will not be used on a community-by-community basis.

**O-1-443**

The BAE Economics report is not speculative; in fact it is based on the methodology suggested by the commenter. The report describes the method by which population and job projections were generated. As explained beginning on page 5 of the report, the residential growth projection is based on building permit data compiled by El Dorado County during the period of 2000 through 2011. The population projection is a continuation of the County's historic West Slope residential growth trend over the 2010 to 2035 time period based on an average annual growth rate of 1.03% (the rate demonstrated during 2000–2011).

The methodology for employment projections is explained on page 10 of the report, as follows:

This set of employment projections follows the same general methodology as that used to prepare the 2002 El Dorado County growth projections. That is, it assumes that an overall relationship between housing growth and job growth will prevail through 2035, which is expressed in terms of the ratio between jobs and housing in a given area. Due to the West Slope's varied geography and the diverse range of communities found there, jobs/housing ratios vary significantly from Market Area to Market Area, with those located closer to Sacramento, and closer to the County's major transportation corridor (Highway 50) tending to have the highest jobs/housing ratios, and those more isolated communities tending to have the lower jobs/housing ratios. The non-residential growth projections assume that as residential growth proceeds in the West Slope area, the increase in jobs will track the increase in housing, based on each Market Area's jobs/housing ratio.

Table 4 is the first step in calculating the projected job growth. For each Market Area, Table 4 [of the report] shows the anticipated jobs/housing ratio for the increment of new residential and nonresidential growth, according to SACOG's latest regional projections. The jobs/housing ratios are based on the projected number of new households (equal to the number of new occupied housing units) and the projected number of new jobs. Note that, since SACOG's projections differ from the growth projections assumed in Table 3, only the jobs/housing ratio calculated in Table 4 is incorporated into the non-residential growth calculations in Tables 5 and 6, not SACOG's absolute projected growth figures or SACOG's projected rate of growth. These jobs/housing ratios are used only to establish the future relationship between anticipated population growth and anticipated job growth.

The growth numbers requested by the commenter are contained in the BAE Economic report Appendix A.

**O-1-444**

The comment relates to the commenter's opinion on the advisability of the project objectives. The County, as lead agency, has the sole authority to determine the project objectives.

The commenter writes that the "Modify Community Boundaries Alternative" would meet the project objective of providing clarity while keeping changes to land use maps to a minimum by "preserv[ing] the existing land use by altering the Community Region Lines and adding Platted Land Overlays, so that those parcels are not a target for high-density development. This will provide clarity to developers and residents because there will no longer be a threat of higher-density development within the Community Region lines."

This would not improve clarity, for the following reasons.

1. Restricting existing High-Density Residential (HDR) development designations to the equivalent density of a Medium-Density Residential (MDR) designation is inconsistent with General Plan Policy 2.1.1.2, which states:



Establish Community Regions to define those areas which are appropriate for the highest intensity of self-sustaining compact urban-type development or suburban type development within the County based on the municipal spheres of influence, availability of infrastructure, public services, major transportation corridors and travel patterns, the location of major topographic patterns and features, and the ability to provide and maintain appropriate transitions at Community Region boundaries. These boundaries shall be shown on the General Plan land use map. (emphasis added)

The Community Regions are those areas of the county that the General Plan intends to be available for High-Density Residential development when services are available. The General Plan is a long-term document. Although services may not be available at the present time, the General Plan leaves open the potential for high-density development at such time as they are available.

2. As stated on page 4-12 of the DEIR, the alternative would require extensive changes to Community Region and Rural Center boundaries, as well as application of the -PL overlay. The extensive changes to boundaries do not meet the objective of keeping changes to land use maps to a minimum. Moving areas now within a Community Region into a Rural Center would reduce the maximum allowable density of mixed use development from 16 dwellings per acre to 4 dwellings per acre. Although mixed use development is not expected to be a common type of development, this change would be a substantial “downzoning” of development potential for those parcels that are affected.

In addition, application of the -PL overlay to lands designated as HDR in Sly Park Hills and Sierra Springs would be confusing to landowners in that the HDR designation allows a maximum density of 5 dwellings per acre, while the -PL overlay would effectively reduce the maximum density to 1 dwelling per acre. To further confuse things, the -PL overlay is not intended to be applied to areas that are within a Community Region or Rural Center. General Plan Policy 2.2.2.3 states, in pertinent part: “The purpose of the Platted Lands (-PL) overlay designation is to identify isolated areas consisting of contiguous existing smaller parcels in the Rural Regions where the existing density level of the parcels would be an inappropriate land use designation for the area based on capability constraints and/or based on the existence of important natural resources. ... The -PL overlay designation may also be applied to lands historically zoned with a commercial zone district combined with the Commercial (C) land use designation.” The -PL designations would create an internal inconsistency in the General Plan.

## **O-1-445**

As discussed in response to comment O-1-444, the Modify Community Boundaries Alternative would somewhat reduce development densities within the affected area. It would not, however, substantially reduce the extent of the land area that will be available for future development. For aesthetics, biological resources, cultural resources, and other impacts, the presence of development itself is nearly as important as the density because even low-density residential development results in new homes (with the accompanying yards and landscaping), roads, fences, and services that can alter scenic views through the introduction of residences and removal of trees for residences and yards, disrupt habitat and wildlife movement by blocking free movement of animals across the landscape, turn up cultural resources, and otherwise change the existing environment.

Traffic impacts generally correspond to dwelling numbers. More dwellings generate more vehicle trips than fewer dwellings. Therefore, it is reasonable to predict that reducing the density of future

residential development, and thereby the potential number of future dwellings, will result in a corresponding reduction in traffic.

The level of detail in the discussion of alternatives that were not selected for analysis in the EIR meets the requirements of State CEQA Guidelines Section 15126.6. Subdivision (c) of that section states:

Selection of a range of reasonable alternatives. The range of potential alternatives to the proposed project shall include those that could feasibly accomplish most of the basic objectives of the project and could avoid or substantially lessen one or more of the significant effects. The EIR should briefly describe the rationale for selecting the alternatives to be discussed. The EIR should also identify any alternatives that were considered by the lead agency but were rejected as infeasible during the scoping process and briefly explain the reasons underlying the lead agency's determination. Additional information explaining the choice of alternatives may be included in the administrative record. Among the factors that may be used to eliminate alternatives from detailed consideration in an EIR are: (i) failure to meet most of the basic project objectives, (ii) infeasibility, or (iii) inability to avoid significant environmental impacts.

### **O-1-446**

The range of alternatives analyzed in the EIR meet the requirements of State CEQA Guidelines Section 15126.6(a), which states:

Alternatives to the Proposed Project. An EIR shall describe a range of reasonable alternatives to the project, or to the location of the project, which would feasibly attain most of the basic objectives of the project but would avoid or substantially lessen any of the significant effects of the project, and evaluate the comparative merits of the alternatives. An EIR need not consider every conceivable alternative to a project. Rather it must consider a reasonable range of potentially feasible alternatives that will foster informed decision making and public participation. An EIR is not required to consider alternatives which are infeasible. The lead agency is responsible for selecting a range of project alternatives for examination and must publicly disclose its reasoning for selecting those alternatives. There is no ironclad rule governing the nature or scope of the alternatives to be discussed other than the rule of reason. [citations omitted]

The TGPA/ZOU EIR examines three alternatives: No Project, Transit Connection, and Selective Approval of TGPA/ZOU components.

- The No Project Alternative is required to be included by Section 15126.6.
- The Transit Connection Alternative is included as an approach to reducing traffic and vehicle miles travelled by adopting policies that would advance the Metropolitan Transportation Plan/Sustainable Communities Strategy (MTP/SCS). These policies could create the potential for CEQA streamlining of qualified infill projects under State CEQA Guidelines Section 15183.3. CEQA streamlining would be an incentive to developers to undertake this type of development.
- The Selective Approval Alternative is aimed at reducing the specific significant impacts that are associated with particular aspects of the TGPA/ZOU. Table 4-2 of the TGPA/ZOU identifies the particular impact or impacts that are associated with each of eight discrete project components. Eliminating a project component would reduce the impact associated with that component. The alternative's definition is not flexible; it consists of eight discrete project components that are identified in Table 4-2 by name, proposed policy, and ordinance number.

Section 15126.6 does not require the analysis of alternatives to be quantitative. Subsection (d) simply states that the EIR "shall include sufficient information about each alternative to allow

meaningful evaluation, analysis, and comparison with the proposed project.” The TGPA/ZOU EIR undertakes a qualitative comparison of the alternatives.

### **O-1-447**

The commenter suggests that the FEIR “consider an alternative that includes County standards, policies, and programs that will help new job-creating proposals: to avoid problems associated with conflicting uses, to mitigate potentially significant environmental impacts, and to more securely meet the development approval standards embedded in state law.” This is a vague description that does not provide enough information to draft an alternative. In any case, it does not seem to describe an alternative that would be substantially different than the alternatives analyzed in the TGPA/ZOU EIR. The TGPA/ZOU, Transit Connection Alternative, and Selective Approval Alternative are all expected to help new job-creating proposals. The Selective Approval Alternative identifies uses that may conflict with surrounding uses (e.g., certain ranch marketing activities, agricultural and timber lodging activities, public utility service facilities [intensive]). Elimination of any of those components would reduce the project’s potential to result in conflicting land uses. Both the Transit Connection and Selective Approval Alternatives would reduce the potential impacts of the TGPA/ZOU, as illustrated in Table 4-3 of the TGPA/ZOU EIR. The TGPA/ZOU does not conflict with any “development approval standards embedded in state law.” Because that is not an impact, there is no need to address it in an alternative.

### **O-1-448**

There is no requirement under CEQA statute or Guidelines that the cumulative impact analysis be quantified. In fact, State CEQA Guidelines Section 15130(b) states in pertinent part: “The discussion of cumulative impacts shall reflect the severity of the impacts and their likelihood of occurrence, but the discussion need not provide as great detail as is provided for the effects attributable to the project alone. The discussion should be guided by standards of practicality and reasonableness, and should focus on the cumulative impact to which the identified other projects contribute rather than the attributes of other projects which do not contribute to the cumulative impact.” The TGPA/ZOU EIR’s cumulative impact analysis provides a qualitative analysis of the project’s potential to contribute to cumulative impacts in each of the impact categories analyzed in the TGPA/ZOU. Quantitative analysis is not necessary in order to convey the severity of the impacts.

The commenter asks for levels of detail that are not possible without engaging in speculation or that are not necessary to understanding the severity of the cumulative impact and the project’s contribution to that impact. For example, it is not possible to identify the acres of agricultural land and timberland that are at risk of conversion when the primary conversion mechanisms are ranch marketing, agricultural and timber lodging facilities, public utility service facilities (intensive), industrial uses, and similar uses that may be approved in agricultural or timberland areas by conditional use permit. There is no known number of such permits that may be approved in the future, the size and design of the resulting development and the extent of the conversion necessary to accommodate each of them is unknown, and any mitigation measures to minimize conversion that may result from the CEQA documents for those future uses are unknown. With regard to the large cumulative projects identified in Table 5-1, the size and character of such uses, including the amount of land to be left in open space is clearly stated there. Further, Figure 5-1 illustrates the location and relative size of these projects on an aerial photo of western El Dorado County and the eastern edge of Sacramento County.

With regard to cumulative noise impacts on U.S. Highway 50, the commenter cites only a portion of the TGPA/ZOU's conclusion, ignoring the explanatory statement and the final conclusion. Specific trip generation numbers or noise modeling is not necessary in order to analyze the potential for cumulative impact and the severity of the project's contribution. The full conclusion is as follows:

Considered together with the Cumulative Projects, it is possible that there would be a cumulatively considerable increase in noise on U.S. Highway 50, White Rock Road, and other roads serving the Cumulative Projects. While the General Plan includes policies to mitigate noise increases associated with new transportation projects, it remains true that impacts associated with traffic may not be able to be fully reduced. Therefore, the cumulative impact of noise associated with new transportation projects that would be needed to serve the Cumulative Projects remains significant and unavoidable and the project's contribution will be substantial.

In no case does the TGPA/ZOU EIR conclude that the project's contribution would be "de minimis." Even a less than significant impact may be "considerable" from the point of view of cumulative impact analysis (State CEQA Guidelines Section 15355(b); *Communities for a Better Environment v. California Resources Agency* (2002) 103 Cal.App.4th 98).

### **O-1-449**

The General Plan has been called the "constitution for all future development" (*Leshar Communications, Inc. v. City of Walnut Creek* 52 Cal.3d 531, 540). As discussed in Section 5.2 of the TGPA/ZOU EIR, it characterizes the long-term physical development of the County. The General Plan and, by association the TGPA/ZOU, is by its very nature growth inducing. It lays out the policy framework for future growth for lands under the jurisdiction of El Dorado County.

The individual components of the TGPA do not induce growth by themselves so much as they do as part of the larger General Plan. The existing General Plan can accommodate an additional 17,500 new dwellings, more or less, before buildout. Increasing the allowable density of mixed use development in Community Regions and Rural Communities is expected to result in approximately 257 additional dwelling units over the next 20 years. Other proposed increases in density will result in some additional development over what might otherwise occur pursuant to the existing General Plan. The level to which that may occur is dependent upon the market demand for higher density and the extent to which the available land is constrained; please see Master Response 5: Future Development Levels under the TGPA/ZOU regarding practical limits on development. The ZOU implements the General Plan and is consistent with that plan, so it will have the same growth inducing effect as the General Plan itself.

### **O-1-450**

The comment relates to the commenter's opinion on the advisability of the provisions of the proposed Home Occupancy Ordinance. Although characterized as an ordinance by the commenter, this is a part of Article 4, Specific Use Regulations, of the ZOU. The term "Home Occupation" is defined in Article 8, Glossary, of the ZOU. The proposed regulations for home occupations are set out in Section 17.40.160 of the ZOU.

A more detailed discussion of the potential for the proposed Home Occupancy regulations to result in significant environmental impacts has been added to Section 3.6, Land Use and Planning, of the TGPA/ZOU EIR. This includes mitigation measures placing limits on home occupations to minimize the potential for hazardous materials use and to limit impacts from traffic.

Please see Master Response 8: General Plan Policies and Mitigation regarding General Plan policies and mitigation for a discussion of the County’s code enforcement process.

**O-1-451**

Section 17.40.160 would increase the number of employees in comparison to the existing Zoning Ordinance. Under the existing ordinance, the employees are limited to residents of the home. Section 17.40.160 would introduce a sliding scale of employees based on parcel size, as illustrated in the following table.

**ZOU Home Occupation Employee Limits**

**Table 17.40.160.1 – Home Occupation Use Matrix**

|                                                                                                          | RM  | R1  | R20K | R1A/R2A | R3A | RE  | Rural Lands, Agricultural and Resource Zones |
|----------------------------------------------------------------------------------------------------------|-----|-----|------|---------|-----|-----|----------------------------------------------|
| Home Occupations (including Student Instruction) in compliance with standards in 17.40.160.C.            | P   | P   | P    | P       | P   | P   | P                                            |
| Student Instruction exceeding standards in 17.40.160. C but in compliance with standards of 17.40.160 D. | A   | A   | A    | A       | A   | A   | A                                            |
| Home Occupations or Student Instructions not in compliance with standards in 17.40.160 C or D.           | CUP | CUP | CUP  | CUP     | CUP | CUP | CUP                                          |

The potential traffic impacts of development under Section 17.40.160 are analyzed in the Recirculated Partial DEIR. It is not possible to quantify potential traffic levels from home occupations because the number and type of such activities that could be undertaken by residents in the future is unknown and cannot be known with any accuracy. However, given the number of additional employees allowed by right on larger rural parcels, it is reasonable to assume that traffic impacts could be significant in some situations at some time in the future. Mitigation has been included in the TGPA/ZOU EIR that will reduce this impact to a less-than-significant level.

Economic and social impacts are not subject to CEQA analysis unless they are related to a physical change in the environment. The physical change that occurs to public roads as a result of vehicle traffic is subject to routine repair, the costs of which are spread across the County or the region,

depending upon whether the maintenance is paid for by County funds, regional funds from the Regional Transportation Implementation Plan, or a combination of both. Whether home occupations will be operated in the future along private roads in a manner that would lead to substantial damage to such roads is purely speculative. The future home occupations, their location, the condition of the private road by which they gain access, and whether any damage to the road is primarily attributable to the home occupation are unknown variables. Without that information, an informed conclusion cannot be reached. No analysis is required of the costs of maintaining roads.

The commenter recommends that analysis be undertaken to show that enough distance exists between a home occupation and adjacent property to prevent daily noise and nuisance. That analysis cannot reasonably be prepared because each home occupation and its location would have their own characteristics that would determine the level of noise that may be produced. Proposed Section 17.40.160C.6 provides that no equipment or process shall be used as part of a home occupation that creates noise, vibration, dust, glare, fumes, odors, or electrical interference detectable to the normal senses off-site. Home occupations that violate this standard would be in violation of the Zoning Ordinance and subject to revocation of their permit. Proposed home occupations that do not meet these standards would be subject to a discretionary Conditional Use Permit. In those cases, specific conditions of approval would be applied to avoid noise. The performance standard under Section 17.40.160C.6 would avoid significant noise impacts.

The commenter objects to the proposed number of employees that would be allowed under Section 17.40.160 and requests a quantitative analysis of how these numbers were derived. The numbers are part of the project being analyzed in the TGPA/ZOU EIR. The purpose of the EIR is to analyze the potential impacts of the project, disclose any significant impacts, and recommend mitigation measures in order to inform decision makers and the public. However, the EIR is not required to justify the contents of the project. That is the role of the decision makers. No further response is necessary.

## **O-1-452**

The commenter suggests that subsection 17.40.160.C.8 allowing heavy commercial vehicles as part of home occupations is inconsistent with "Draft ZOU policy 17.40.160.C.6" that limits offsite impacts. Section 1740.160.C.6 is not a policy. If adopted, it would be an enforceable performance standard applied to all by-right home occupations. There is no inconsistency between subsections C.6 and C.8. Any heavy commercial vehicles that may be used for or operated under a home occupation must conform to the performance standard in subsection C.6. Failure to conform to the standard would be a zoning violation and grounds for revocation of the home occupation approval.

No analysis of the potential for heavy commercial vehicles to create noise, vibration, dust, glare, fumes, odors, or electrical interference is necessary. Subsection C.6 prohibits these impacts "as detectable by normal senses off-site."

Regarding the safety hazard of operating heavy commercial vehicles on narrow roads, it is not possible to analyze this hazard, if one exists, because the number and type of such vehicles, the characteristics of the road that may be affected, and the frequency/hours that such vehicles may traverse the road are unknown and cannot be known with any accuracy. This analysis would be speculative. Mitigation has been included in the TGPA/ZOU EIR that will generally reduce the impact of vehicles associated with home occupations to a less-than-significant level. That mitigation will apply in this situation as well.

Regarding the alleged financial burden on nearby property owners of operating heavy commercial vehicles on private roads, see the related discussion under response to comment O-1-451.

### **O-1-453**

The comment states that the requirements of Section 17.40.160 for screening activities from rights-of-way and road easements does not address aesthetic impacts on adjacent property owners and requests that the aesthetic impact be analyzed in the EIR. The aesthetics impact of future home occupations, absent information about the type of use, existing visual setting and its intensity, and the extent to which the use may degrade the setting, cannot be known at the site level. However, it is reasonable to assume that there may be instances where a home occupation that would be allowed by right under Section 17.40.160 could adversely affect the aesthetics of its surroundings.

The TGPA/ZOU EIR found that the project would result in a significant unavoidable impact as a result of development under the General Plan, as amended, and the Zoning Ordinance, now to be consistent with the General Plan. The aesthetic impact on neighbors that may occur as a result of future home occupations would be a part of that unavoidable impact.

The discussion of impacts in Section 3.1, Aesthetics, under "Project Analysis" has been revised to clarify how additional uses that would be allowed under the ZOU can result in visual impacts. The impact remains the same.

The following paragraph has been added to the FEIR clarify this point.

The aesthetics impact of future home occupations, absent information about the type of use, existing visual setting and its intensity, and the extent to which the use may degrade the setting, cannot be known at the site level. However, because these uses may be applied for in rural areas that are of high visual quality, that there may be instances where a home occupation that would be allowed by right under Section 17.40.160 could adversely affect the aesthetics of its surroundings. The same would be true for more intensive home occupations requiring a discretionary permit. Although more intensive uses would require a conditional use permit and would be subject to CEQA analysis, that does not assure that the use would not result in a significant impact.

### **O-1-454**

The commenter asserts that giving the Planning Director the discretion "to change a residential use into a primarily commercial use ... violates CEQA by not allowing the public to have a complete analysis of the change of use and participate in the process as with a Use Permit." A ministerial project, which is what the ZOU would establish through its administrative permit process, is not subject to CEQA. Whether or not the ZOU should allow certain home occupations on the basis of an administrative permit rather than a conditional use permit is a policy question for decision makers and the public to decide. It is a component of the project, and the TGPA/ZOU EIR is not required to justify the inclusion a project component by the agency.

### **O-1-455**

Proposed Zoning Ordinance Section 17.40.160.F is a limitation on the types of home occupations that can be approved by right. None of the uses identified in Section 17.40.170.F would be allowed on any parcel less than 1 acre in area.

There are no specific development proposals associated with Section 17.40.160.F. Therefore, the sites, designs, capacities/sizes, and operational characteristics of future proposals for home occupations that are necessary to informed CEQA analysis are unavailable. As a result, the analysis in the TGPA/ZOU EIR is necessarily at a program level. At such time as applications would be filed for a home occupation under Section 17.40.160.F, a project-specific CEQA analysis would be performed.

Section 17.40.160.F itself states that such uses “are not compatible with residential activities on parcels less than 1 acre.” Such uses may be allowed on parcels in excess of 1 acre only if approved by conditional use permit. The conditional use permit is a discretionary action subject to CEQA. A CEQA analysis would be required of the specific home occupation with regard to its potential environmental impacts on surrounding properties before the County could take action on the permit. The County would be required to adopt a mitigation monitoring and reporting program to ensure the mitigation measures identified in the CEQA document are implemented, and the conditions of approval would incorporate any mitigation measures identified in the CEQA document. (Public Resources Code Section 21081.6.)

Please see response to comment O-1-452 regarding noise and fumes. The performance standard proposed as part of Section 17.40.160 would avoid this impact.

#### **O-1-456**

The County has edited the limitations described in subsection F for greater clarity. The uses listed in proposed Section 17.40.160.F are those that would be allowed as home occupations only upon approval of a discretionary conditional use permit. Please see response to comment O-1-455 regarding environmental review of conditional use permits.

#### **O-1-457**

The commenter expresses their opinion regarding motor vehicle repair and maintenance. Concerns about noise and odor would be subjects of the CEQA analysis that would be required of any application for conditional use permit to allow this type of use as a home occupation. Please see response to comment O-1-455 regarding environmental review of conditional use permits.

#### **O-1-458**

Paint spray booths and automotive refinishing coating are regulated by the El Dorado County Air Quality Management District under its Rule 230 to limit the emission of volatile organic compounds from finishing or refinishing. This would ensure that fumes would not escape from a home occupation. Please see response to comment O-1-455 regarding environmental review of conditional use permits.

#### **O-1-459**

Please see Master Response 8: General Plan Policies and Mitigation regarding code enforcement.

#### **O-1-460**

The commenter speculates about clouds of smoke that may be caused by automotive repairs. Air quality is an issue that would be considered during the CEQA analysis prepared for any conditional



use permit application. Please see response to comment O-1-455 regarding environmental review of conditional use permits.

**O-1-461**

The commenter speculates about the potential for automobile testing to result in “continuous noxious fumes from car exhaust.” Air quality is an issue that would be considered during the CEQA analysis prepared for any conditional use permit application. Please see response to comment O-1-455 regarding environmental review of conditional use permits.

**O-1-462**

No onsite asbestos disposal is allowed at any business, and any asbestos used in auto parts is in a stable form and not hazardous unless the part is destroyed and the asbestos is thereby released into the environment. Handling and storage of hazardous materials is regulated and overseen by the El Dorado County Department of Environmental Management, Hazardous Waste Division, as the Certified Unified Program Agency (CUPA) for El Dorado approved by Cal-EPA. This includes Hazardous Materials Release Response Plans and Inventories (Business Plans) required of businesses handling hazardous materials. Hazardous materials handling would also be considered as part of the CEQA analysis.

**O-1-463**

The impact of delivery trucks, if any, would be considered as part of the CEQA analysis for the proposed home occupation.

**O-1-464**

The County has recently expanded its zoning enforcement staff. The Department of Environmental Management, Hazardous Waste Division, will monitor the safe use of hazardous materials under its CUPA responsibilities. Please see Master Response 8: General Plan Policies and Mitigation regarding zoning enforcement.

**O-1-465**

The commenter expresses their opinion regarding motor vehicle repair and maintenance. Concerns about noise and service vehicle traffic would be subjects for the CEQA analysis that would be required of any application for conditional use permit to allow this type of use as a home occupation. Please see response to comment O-1-455 regarding environmental review of conditional use permits.

**O-1-466**

The information requested by the commenter (e.g., number and type of vehicles, size of parcel) is not available because no projects have been proposed under proposed Section 17.40.160.F.2. Therefore, it is not reasonably possible for the TGPA/ZOU EIR to undertake this project-specific level of analysis. Aesthetics, noise, and air quality are all issues that would be analyzed in the CEQA analysis for any conditional use application that would be required under Section 17.40.160.F.2. Please see response to comment O-1-455 regarding the environmental review of conditional use permits.

**O-1-467**

The commenter offers their opinion of the potential impacts of carpentry and cabinetmaking on the surrounding neighborhood. The analysis requested by the commenter (e.g., noise, public services, air quality, water quality, and hazardous materials) is not possible because there are no projects of this type to analyze. All of these issues would be analyzed in the CEQA analysis for any conditional use application that would be required under Section 17.40.160.F.3. Noise reduction measures such as requiring activities to occur within an enclosed building, air quality regulations applicable to carpentry and cabinet making, including El Dorado County AQMD Rule 237 on wood products coatings, hazardous materials regulations imposed by State law and enforced by the County CUPA, and other impact reduction strategies would be discussed and mitigation measures identified at that time.

There is no evidence that these concerns cannot be mitigated. For example, no EIRs (prepared when a project has a significant, unavoidable impact) were filed with the State Clearinghouse for cabinet shops in the period between October 2009 and December 2014. Please see response to comment O-1-455 regarding the environmental review of conditional use permits.

**O-1-468**

Proposed Section 17.40.170.F has been revised to clarify the limitations on home occupations. Please see response to comment O-1-455 regarding the environmental review of conditional use permits.

Note, however, food preparation is already allowed as a home occupation in any residential dwelling under State law when classified as a “cottage food operation” (AB 1616 – Chapter 415, Statutes of 2012; Government Code 51035). California Health and Safety Code Section 113758 places a monetary limit on cottage food operations, but not a limit on the amount of food that can be produced. Under that statute, commencing in 2015, and each subsequent year thereafter, the enterprise shall not have more than fifty thousand dollars (\$50,000) in gross annual sales. Section 113758 limits a cottage food operation to “an enterprise that has not more than the amount in gross annual sales that is specified in this [law], is operated by a cottage food operator, and has not more than one full-time equivalent cottage food employee, not including a family member or household member of the cottage food operator, within the registered or permitted area of a private home where the cottage food operator resides and where cottage food products are prepared or packaged for direct, indirect, or direct and indirect sale to consumers...”

**O-1-469**

Regarding the comment on proposed Section 17.40.160.F.5, kennels and catteries would be allowed only upon approval of a discretionary conditional use permit. The analysis requested by the commenter is project-specific and cannot be reasonably provided in the TGPA/ZOU EIR. There is no information about the site, design of kennel or cattery, or proposed number of animals, so no informed analysis is possible. Please see response to comment O-1-455 regarding the environmental review of conditional use permits. Mitigation is project specific; please see Master Response 1: Specificity of Environmental Review regarding the specificity of environmental review on a program.

**O-1-470**

Proposed Section 17.40.160.F.6 cross-references the definition of “Services, personal” in Article 8 of the ZOU. This definition is found under “Retail Sales and Services” in Article 8. It reads:

Services:

Property. ...

Personal. Establishments engaged in providing services relating to personal improvement or appearance, such as barber shops, beauty salons, therapeutic massage parlors, tailors, shoe repair shops, self-service laundries, and dry cleaners.

No change to Article 8 is necessary.

The list of potential business is specific, not vague and confusing, as the commenter suggests. The commenter requests that the ZOU include “a definitive list of business types” along with limitations on their operations. This is a policy issue and not a subject for analysis in the TGPA/ZOU EIR. The EIR analyzes the ZOU as a program-level project, but CEQA does not require the EIR to justify the contents of the project. Please see response to comment O-1-455 regarding the environmental review of conditional use permits.

**O-1-471**

The commenter is concerned over the inclusion of medical and dental offices, clinics, and medical laboratories on the list of home occupations that could be approved under a conditional use permit (proposed Section 17.40.160.F.7). The commenter requests that the ZOU include “a clear definition of what is being referred to in the Home Occupation Ordinance” as well as more extensive analysis of potential drug and chemical use in such facilities. The content of the ZOU is a policy issue and not a subject for analysis in the TGPA/ZOU EIR. The EIR analyzes the ZOU as a program-level project, but CEQA does not require the EIR to justify the contents of the project. Please see response to comment O-1-455 regarding the environmental review of conditional use permits.

**O-1-472**

The commenter is concerned that the inclusion of clinics on the list of home occupations that could be approved under a conditional use permit could create a “flow of unlimited traffic to and from the home,” as well as activities outside of regular medical office hours. The commenter requests that the ZOU include standards for hours of business and number of patients per day as well as more extensive analysis of potential drug and chemical use in such facilities. The content of the ZOU is a policy issue and not a subject for analysis in the TGPA/ZOU EIR. The EIR analyzes the ZOU as a program-level project, but CEQA does not require the EIR to justify the contents of the project. Please see response to comment O-1-455 regarding the environmental review of conditional use permits.

**O-1-473**

The commenter is concerned that the Veterinary Services provision of proposed Section 17.40.160.F.8 is unclear and vague. They request that the ZOU set more specific standards for this use, and that the EIR analyze the use of drugs and impacts of traffic. The content of the ZOU is a policy issue and not a subject for analysis in the TGPA/ZOU EIR. The EIR analyzes the ZOU as a program-level project, but CEQA does not require the EIR to justify the contents of the project.

Please see response to comment O-1-455 regarding the environmental review of conditional use permits.

### **O-1-474**

The commenter is concerned that the Repair Shops or Service Establishments provision of proposed Section 17.40.160.F.9 does not specify the number of clients allowed per day and the number and type of items that can be serviced on site. The commenter requests that the impacts of repair shops/service establishments be analyzed in the TGPA/ZOU EIR. The content of the ZOU is a policy issue and not a subject for analysis in the TGPA/ZOU EIR. The EIR analyzes the ZOU as a program-level project, but CEQA does not require the EIR to justify the contents of the project. Please see response to comment O-1-455 regarding the environmental review of conditional use permits.

### **O-1-475**

The commenter states that the “Commercial Stables policy is erroneous and contradictory and needs clarification so that detailed analysis can be included in the DEIR.” The commenter points out that the definition of commercial stable states, in part, that “[c]ommercial stables do not include the keeping or breeding of horses for personal use, training, or horse boarding consistent with a home occupation.” They also point out that the definition of Private Stable includes a reference to home occupations.

Note that proposed Section 17.40.160C.13 provides for stables as a home occupation under the list of performance standards for home occupations that can be allowed by right. It limits such home occupations to certain zones on sites of 10 acres or larger. Section 17.40.160F is a limitation on certain uses as home occupations. Commercial stables are included on that list. If a commercial stable is to be allowed as a home occupation, a conditional use permit would have to be approved first.

The commenter would like to have an analysis justifying that a 1-acre parcel provides sufficient distance so that a stable would not interfere with neighbors. They also ask that the TGPA/ZOU EIR analyze various potential impacts of stables, including traffic.

The content of the ZOU is a policy issue and not a subject for analysis in the TGPA/ZOU EIR. The EIR analyzes the ZOU as a program-level project, but CEQA does not require the EIR to justify the content of the project. Please see response to comment O-1-455 regarding the environmental review of conditional use permits.

### **O-1-476**

The commenter states that Large-Scale Upholstering Service under proposed Section 17.40.160.F.11 “needs standards set for the number of clients allowed per day and the number and type of items that can be serviced onsite.” Related to this, the commenter would like the TGPA/ZOU EIR to analyze the noise, traffic, aesthetics, and public services impacts that could result from this use.

The content of the ZOU is a policy issue and not a subject for analysis in the TGPA/ZOU EIR. The EIR analyzes the ZOU as a program-level project, but CEQA does not require the EIR to justify the content of the project. Please see response to comment O-1-455 regarding the environmental review of conditional use permits.

**O-1-477**

The commenter states that Welding and Machining under proposed Section 17.40.160.F.12 “needs standards set for the number of clients allowed per day and the number and type of items that can be serviced onsite.” Related to this, the commenter would like the TGPA/ZOU EIR to analyze the noise, traffic, aesthetics, and public services impacts that could result from this use.

The content of the ZOU is a policy issue and not a subject for analysis in the TGPA/ZOU EIR. The EIR analyzes the ZOU as a program-level project, but CEQA does not require the EIR to justify the content of the project. Please see response to comment O-1-455 regarding the environmental review of conditional use permits.

**O-1-478**

The commenter would like the ZOU to include “clear and concise hours of operation” specified for each of the home occupations listed in proposed Section 17.40.160. Related to this, the commenter would like the TGPA/ZOU EIR to analyze the noise, traffic, air quality, and aesthetics impacts that could result from this use.

The content of the ZOU is a policy issue and not a subject for analysis in the TGPA/ZOU EIR. The EIR analyzes the ZOU as a program-level project, but CEQA does not require the EIR to justify the content of the project. Please see response to comment O-1-455 regarding the environmental review of conditional use permits.

The commenter offers their opinion that there are too many components in the project for the public to be able to understand and address its cumulative impacts. The project is a program-level action. As such, it is impossible to provide project-level analysis for future activities under the program for which the characteristics are unknown at this time. Please see Master Response 1: Specificity of Environmental Review regarding the specificity of environmental review under a program EIR.

**O-1-479**

The commenter critiques the organization of the ZOU, explaining why they find it difficult to navigate. They ask for a matrix that illustrates the specific changes from the existing Zoning Ordinance that are embodied in the ZOU, and note that “EIRs must be ‘organized and written in a manner that will be meaningful and useful to decision makers and to the public.’”

The organization of the ZOU is a policy issue and not a subject for analysis in the TGPA/ZOU EIR. The EIR analyzes the ZOU as a program-level project, but CEQA does not require the EIR to justify the content of the project. The organization of the ZOU does not bear on the organization of the EIR because they are separate documents.

Please see Master Response 13: Availability of Full Text of Proposed Zoning and General Plan Changes regarding the comparison of the current Zoning Ordinance and the proposed ZOU. This explains why the changes cannot be put into a matrix.

**O-1-480**

The comment criticizes the number of pages of referenced documents found in Chapter 7, References Cited, of the TGPA/ZOU EIR. They would like to see footnotes in the text of the EIR to identify references and the range of page numbers identified for each reference in Chapter 7.

The TGPA/ZOU EIR has been prepared by the EIR preparer's (ICF International) professional editors. It is not unusual in its use of references, nor in the choice to eschew footnotes in favor of parenthetical references. The TGPA/ZOU EIR conforms to all requirements of CEQA for form and use of references. No changes are necessary.

**O-1-481**

The State CEQA Guidelines provide that an EIR must be recirculated "when significant new information is added to the EIR." (Guidelines Section 15088.5) No significant new information is necessary to add to the TGPA/ZOU EIR with regard to references. The TGPA/ZOU EIR was recirculated to expand on the discussions of groundwater supply, to include a revised traffic analysis based on the revised TDM concurred with by Caltrans, and to analyze the potential impacts, at a program level, of additional design standards to be adopted as part of the County's development manual.

**O-1-482**

State CEQA Guidelines Section 15150 authorizes incorporation by reference. As required by this section, the TGPA/ZOU EIR clearly states when a document is being incorporated by reference and provides a brief summary of the subject material that is being incorporated. Most of the references that are cited in the TGPA/ZOU EIR are not incorporated by reference. Not all of the documents referenced in the TGPA/ZOU EIR are available on the internet. All are available for inspection upon request to the El Dorado County Planning Department.

**O-1-483**

There is no requirement under CEQA or the State CEQA Guidelines to provide specific responses in the FEIR to comments received on the Notice of Preparation. "Pertinent" comments are those that relate to environmental issues. Comments on the NOP were taken into consideration during preparation of the TGPA/ZOU EIR.

**O-1-484**

Contrary to the comment, Community Region boundaries are addressed in the TGPA/ZOU EIR. An EIR reviews the project being proposed and its potential for environmental impact. The TGPA includes the proposed separation of the Camino Pollock Pines Community Region into three adjoining Rural Centers. This proposal is analyzed in the TGPA/ZOU EIR in several places. Please see response to comment O-1-265.

The TGPA/ZOU analyzed in this EIR does not include the proposed study of Policies 2.1.1.1 and 2.1.2.1 mentioned in the NOP for the purpose of considering changes to Community Region and Rural Community boundaries. The El Dorado County Board of Supervisors directed that this be deleted from the project at its November 14, 2011 meeting. The project description in Chapter 2 of the TGPA/ZOU DEIR accordingly does not include a study of Policies 2.1.1.1 and 2.1.2.1. Therefore, although the existing boundaries were taken into consideration in projecting future development levels for purposes of the EIR traffic impact analysis, the potential impacts of changing the boundaries were not studied as part of the project.

Regarding answering specific questions posed in the NOP comments, the TGPA/ZOU EIR is not obligated to respond to specific comments on the NOP, including those put in the form of questions. The comments on the NOP were taken into consideration during preparation of the TGPA/ZOU EIR.

**O-1-485**

The County has reconsidered the proposed deletion of policies related to dam failure inundation and will not make any changes relating to this issue. The County had initiated this proposed change in response to a request from the Department of Homeland Security. On further review, the County has found that dam failure inundation is a required general plan component pursuant to the safety element requirements of Government Code Section 65302(g). Therefore, in order to comply with State law, no changes will be made. No further response is necessary.

**O-1-486**

El Dorado County has exceeded the usual requirements for public review of the project. There is no requirement under CEQA that a county do more than release an NOP for public review, then prepare and release a DEIR for review. El Dorado County, in an effort to provide the public with information about the proposed ZOU, held extensive public information workshops after release of the first NOP. This included a week-long workshop by the Board of Supervisors. The text of the proposed ZOU was available on the County's website and at the Planning Department offices before the release of the NOP. Revisions to the ZOU subsequent to the Board workshops were similarly posted. The existing Zoning Ordinance is also posted on the website and available at the Planning Department. A second NOP was released after the workshops and revisions to the ZOU, although not required by CEQA.

An NOP is required to be made available for public review for 30 days (State CEQA Guidelines Section 15082). The review period for the first NOP was 45 days. The second NOP was available for 30 days. The usual review period for a DEIR is 45 days (State CEQA Guidelines Section 15105). The TGPA/ZOU DEIR was available for review for 120 days. This demonstrates the County's good faith effort at full disclosure.

**O-1-487**

Please see response to comment O-1-486 regarding the County's efforts providing public information about the ZOU and changes to the ZOU made during the early stages of the CEQA process. No changes have been made to the Zoning Ordinance without public notice. The entire ZOU process, including CEQA analysis, is part of the public notice and public hearing process that is being undertaken to change the Zoning Ordinance.

The ZOU is a draft update to the Zoning Ordinance. Public notice has been provided for all public meetings at which the ZOU has been discussed. All of the changes to the draft update have been analyzed in the TGPA/ZOU EIR.

## **Letter O-2—Sierra Pacific Industries, Cedric Twight**





TGPA-ZOU ZOU &lt;tgpa-zou@edcgov.us&gt;

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**Fwd: Comment Letter DEIR TGPA ZOU**

1 message

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**Shawna Purvines** <shawna.purvines@edcgov.us>  
To: TGPA-ZOU ZOU <TGPA-ZOU@edcgov.us>

Thu, Jul 31, 2014 at 2:54 PM

----- Forwarded message -----

From: **Cedric Twight** <CTwight@spi-ind.com>  
Date: Wed, Jul 16, 2014 at 4:53 PM  
Subject: Comment Letter DEIR TGPA ZOU  
To: Shawna Purvines <shawna.purvines@edcgov.us>

Shawna,

Let me know if you need this in hard copy or whether this will suffice.

Thank you,

Cedric

--

**Shawna L. Purvines**  
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**SPI comment DEIR TGPA\_ZOU.pdf**

3797K



# Sierra Pacific Industries

P.O. Box 496014 • Redding, California 96049-6014 Phone (530) 378-8000  
FAX (530) 378-8139

July 16, 2014

Shawna Purvines  
Principal Planner  
Eldorado County Planning Department  
2850 Fairlane Court, Building C  
Placerville, CA 95667-4043

Dear Mrs. Purvines,

The following are Sierra Pacific Industries suggested changes and comments on the Draft Environmental Impact Report (DEIR) for the El Dorado County GP and Zone Ordinance update. The format of these comments is provided in the following manner: 1) The section-page is listed. 2) The portion of the DEIR text being commented on is provided. If changes in that text are recommended, the suggested new language is underlined and the deletions are indicated by ~~strikeover~~. The section may be followed by further explanation of our position which will be done in *italics*.

O-2-1

Zone Ordinance Update:

3.2-7; second to last paragraph;

"For example, timber harvesting and production is also allowed on ~~properties zoned AE and Transportation Corridor (TC)~~ many other zone districts including but not limited to: TPZ, TC, FR, RL, PA, AG, and RR."

O-2-2

*By only including two other zone districts without any qualifier allows the reader to conclude that timber harvest is restricted on other zone districts, which is inaccurate.*

3.2-15; third paragraph (second bullet)

Health Resort and Retreat Center use in the PA, AG, ~~and RL,~~ FR and TPZ zones upon approval of a CUP. Lots adjacent to or within Agricultural zones must be reviewed by the County Agricultural Commission for compatibility with surrounding agricultural uses prior to consideration of the CUP. Nonetheless, the lack of a size limitation in the proposed ZOU raises the possibility of conflicts arising with agricultural operations over traffic and activity levels from this land use or conversion of a substantial amount of farmland to a nonagricultural use. Implementation of Mitigation Measure AG-1a would reduce this impact to a less-than-significant level. The measure would place reasonable size limits on centers consistent with the requirements for Bed And Breakfast Inns.

O-2-3

*The first sentence needs to be edited to reflect the potential for a Health Resort and Retreat Center use in the FR and TPZ zones since that is part of the proposed Project.*

*The DEIR correctly determines that Mitigation Measure AG-1a would reduce this impact to less-than-significant level, but the DEIR should point out that any proposal would be reviewed through*

*the CUP process (full CEQA analysis), which is not trivial and in and of itself is a mitigation measure. Additionally, for the land use designation Natural Resource (NR) or lands in the TPZ district a proposal would also have to satisfy General Plan policy 8.4.2.1 which states:*

O-2-3 Cont.

**Policy 8.4.2.1:** The County Agricultural Commission shall evaluate all discretionary development applications involving identified timber production lands which are designated Natural Resource or lands zoned TPZ or lands adjacent to the same and shall make recommendations to the approving authority. Prior to granting an approval, the approving authority shall make the following findings:

O-2-4

- A. The proposed use will not be detrimental to that parcel or to adjacent parcels for long-term forest resource production value or conflict with forest resource production in that general area;
- B. The proposed use will not intensify existing conflicts or add new conflicts between adjacent proposed uses and timber production and harvesting activities;
- C. The proposed use will not create an island effect wherein timber production lands located between the project site and other non-timber production lands are negatively affected;
- D. The proposed use will not hinder timber production and harvesting access to water and public roads or otherwise conflict with the continuation or development of timber production harvesting; and
- E. The proposed use will not significantly reduce or destroy the buffering effect of existing large parcel sizes adjacent to timber production lands.

*The policy 8.4.2.1 by itself necessarily limits the size of a project on NR and TPZ, but mitigation measure AG-1 further defines the scale.*

**3.2-18;** last paragraph, second sentence:

Health Resort and Retreat Center uses could be approved within FR and TPZ zones upon approval of a CUP. Because this type of use depends upon a quiet atmosphere, ~~it is unlikely to be compatible with the~~ commercial harvesting of timber ~~which~~ could potentially create land use conflicts that could restrict timber harvest activities. However, the County's Right to Farm Ordinance as proposed to be amended by the ZOU (Section 17.40.290) would ensure that such land use conflicts would not restrict timber harvest activities by limiting the circumstances under which agricultural operations (including those in FR and TPZ zones) may be considered a nuisance. This impact would be less than significant.

O-2-5

*The first sentence states, "it is unlikely to be compatible with the commercial harvest of timber", which overstates the certainty that a Health Resort and Retreat Center will be incompatible with timber harvesting and therefore is misleading. Timber harvesting generally occurs very infrequently on any one parcel, usually once a decade, sometimes longer. The infrequent harvesting is precisely why a health resort/ retreat center may likely be compatible with commercial timber harvesting. There are many years when the woods are quiet and the trees are simply standing silent in the forest growing. The concept behind broadening the potential compatible uses in the Forest Resource and TPZ districts is to leverage the aesthetics and quiet surroundings that occur during most years into additional beneficial opportunities within El Dorado County, while not significantly detracting from growing and harvesting timber.*

*The proposed edit allows the sentence to more accurately reflect the uncertainty of whether or not such a use may conflict with timber harvesting.*

*The DEIR correctly determined that the CUP process and County's Right to Farm Ordinance will provide mechanisms to adequately address any potential conflicts.*



3.2-19; third paragraph, second sentence:

~~This type of use is not consistent with the requirement that land within a TPZ be “enforceably restricted” to forestry in order to qualify for the preferential tax rate provided under the Forest Taxation Reform Act of 1976. Nor do any of these uses fall within the list of “compatible uses” that may be allowed in a TPZ zone. The impact of a General Industrial use in TPZ may would be significant. Implementation of Mitigation Measure AG-4, which would revise the ZOU to not allow industrial uses in the TPZ zone, would reduce remove this any potential impact for this use on TPZ, without first going through a change in zone district. to a less than significant level.~~

*The edits to the third paragraph on page 3.2-19 above, which discuss the compatibility of a General Industrial use on TPZ were done to make it accurately reflect State Law and also accurately describe the result of Mitigation Measure AG-4.*

*SPI requests that a General Industrial use in TPZ should be considered a compatible use on TPZ. The need for a General Industrial use would be for a commercial rock quarry. Commercially available mineral resources are limited in their availability due to geologic conditions. Commercial mining of rock is subject to the State Mines and Reclamation Act of 1975 (SMARA) and local ordinances.*

O-2-6

*It is unclear at this time whether another General Industrial use would lend itself to the TPZ district, since for example the technology for bio-diesel from wood debris or bio-char are not fully developed, however that may change in the future.*

*The proposed mitigation measure AG-4 would simply add another layer of process necessary for permitting a mineral resource on TPZ by requiring a change in zoning. Please consider removing mitigation AG-4 as the CUP process provides a sufficient mechanism to analyze the potential impacts, facilitate public comments, develop mitigations and understand the benefits which will lead to a determination of whether such a use is desirable.*

*When considering this request understand that the first sentence of the above paragraph is not accurate. The Timber Productivity Act (Government Code 51100) discusses “enforceably restricted” in G.C. 51118 which states: “Land zoned as timberland production under this chapter shall be enforceably restricted within the meaning of Section 3(j) of Article XIII of the Constitution and the restriction shall be enforced and administered by the city or county in a manner to accomplish the purposes of that section and this chapter.”*

*Section 3(j) of Article XIII of the Constitution states that provisions for the taxation of timberland may be superseded by the Legislature however such an alternative method of taxation, “shall provide for restricting the use of timberland to the production of timber products and compatible uses with provisions for taxation of timberland based on the restrictions.”, which is what the Forest Taxation Reform Act of 1976 did, it set up the Yield Tax system of taxing timber values and restricted the land taxation in a manner that reflected the restrictions on use.*

*The Timber Productivity Act does not restrict the authority of the county to define what it considers a compatible use. This fact is supported by G.C. 51110.1(b) which states: “Land use under a TPZ will be restricted to growing and harvesting timber, and to compatible uses approved by the county (or city).*

*The Timberland Productivity Act states clearly what a compatible use may be in section 51104(h): “Compatible use **is any use** which does not significantly detract from the use of the property for, or*

*inhibit, growing and harvesting timber, and shall include, but not be limited to, any of the following, unless in a specific instance such a use would be contrary to the preceding definition of compatible use:..." The definition provided in 51104(h) is a very broad definition. Specifically, "any use", is compatible so long as it does not "significantly detract from the use of the property for, or inhibit, growing and harvesting timber."*

*The preferential tax relief however is not extended to compatible uses nor the land that they occupy. For the taxation of compatible uses, the assessor can tax all improvements based on their assessed values and increase those assessments according to Proposition 13, including the land area utilized by that compatible use. The following is an example from the Timber and Timberland Values Manual (2007):*

*"Assume that a 160-acre TPZ property, with no improvements, transferred in September 2003.*

*In July 2005, construction is completed on a new residence and the appraiser determines that the appropriate size for the site is one acre.*

*In this example, the base year value of the newly created site should be established based on the value of comparable one-acre homesites in 2003. If it is determined that the proper 2003 value is \$100,000, this becomes the base year value for the homesite. The value of any new construction ---such as driveways, grading, domestic wells, etc -- should be added to the \$100,000 (plus appropriate factoring) to establish the site value. If this property later sells the portion designated as a compatible use area will receive a new base year value and subject to supplemental assessment statues."*

*While this example uses a residence as an example it is applicable to any compatible use including a rock quarry, health resort/retreat center, or hunting lodge.*

*Therefore, a General Industrial use in TPZ can be a compatible use if the County zone code allows such a use. The preferential tax treatment is only extended to the portion of the parcel dedicated to growing and harvesting timber, while all other improvements associated with compatible uses and the land they occupy may be taxed based on their assessed value.*

**3.4-30; Proposed Zoning Ordinance Section 17.21.020 (land uses in Planned Agricultural, Rural Lands, Forest Resource and TPZ Resources zones)**

*The header above should be edited to be more explicit when referring to the zones that are affected by the suggested changes to Section 17.21.020 that are part of the Project.*

**3.4-30; fourth paragraph; first sentence:**

**Health Resort and Retreat Center is a proposed new use permissible in the PA, AG, and RL, FR and TPZ zones.**

*The edits to the sentence above are necessary, since the Project being analyzed includes those uses in the FR and TPZ districts.*

**3.4-33; paragraphs 7, 8, 9: Suggested changes in this instance are in italics and highlighted due to the DEIR using underlining to indicate new text in this section.**

**Mitigation Measure BIO-1a: Limit the relaxation of hillside development standards**

O-2-6 Cont.

O-2-7

O-2-8

O-2-9



Revise proposed Policy 7.1.2.1 and Section 17.30.060, subsections C and D, as follows.

*Policy 7.1.2.1* Development or disturbance of slopes over 30% shall be restricted. Standards for implementation of this policy, including but not limited to restrictions ~~a prohibition on development or disturbance where special-status species habitat is present and~~ exceptions for access, reasonable use of the parcel, and agricultural uses shall be incorporated into the Zoning Ordinance.

*Section 17.30.060, subsection C. Development Standards applicable to slopes 30 percent or greater.*

Development that will result in ground disturbance on slopes 30 percent or greater with a vertical height of 50 feet or more shall be prohibited, except where reasonable use of the property would be denied, as provided in subsection E, or the activity is exempt under subsection D, below.

Any development allowed on slopes 30 percent or greater with a vertical height of less than 50 feet shall require a grading or building permit and shall include an erosion and sediment control plan in compliance with the County Grading Design Manual. Development shall be restricted ~~prohibited~~ where ground disturbance would adversely affect important habitat through conversion or fragmentation and shall comply with the provisions of General Plan Policy 7.4.1.6 regarding avoidance of Important habitats. In order to demonstrate that adverse effects on important habitat will be avoided, the development proponent shall submit an independent Biological Resources Study, to be prepared by a qualified biologist, which examines the site for important habitat consistent with General Plan Implementation Measure CO-U.

*The sections above are inconsistent and need to be revise so that they clearly indicate what the standards for development will be. The inconsistencies are between the revised Policy 7.1.2.1 and subsection D and their use of the word “prohibition or prohibited” (the action of forbidding something) and provisions of General Plan Policy 7.4.1.6, which is restricts the project be designed to avoid to the extent feasible important habitat. The new Policy 7.1.2.1 language now states that ground disturbance or development is forbidden on important habitats and this is reiterated in the new Section 17.30.060 subsection D and yet Subsection D also suggests that Policy 7.4.1.6 should be complied with, which does not forbid the development on important habitats.*

Policy 7.4.1.6 states: “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).”

*Policy 7.1.2.1 and subsection D should be revised to delete the terms “prohibition or prohibited” since they are inconsistent with Policy 7.4.1.6. The term “restricted” (limited in extent or action) is consistent with Policy 7.4.1.6. Policy 7.4.1.6 is the more logical policy position since it requires avoidance of important habitat where feasible and if that is not possible then the impact must be mitigated 2:1 off site and for projects greater than 10 acres an additional mitigation of 1:1 on site.*

3.4-37; fourth paragraph; first sentence:

Health Resort and Retreat Center is a proposed new use permissible in the PA, AG, and RL, FR and TPZ zones.

O-2-9 Cont.

O-2-10

*The edits to the sentence above are necessary, since the Project being analyzed includes those uses in the FR and TPZ districts.*

O-2-10 Cont.

**3.4-37**; fifth paragraph, third sentence & **3.4-30**; fifth paragraph, fourth sentence  
 However, given that the uses would typically be located in rural areas where special-status species are most likely to exist and that the uses would require the removal of habitat from most or all of the sites, it is reasonably foreseeable that the EIR prepared for such uses would conclude that there would be one or more significant and unavoidable impacts, including adverse impacts on special-status species.

*This sentence is not supported by any meaningful analysis. The DEIR does not report the number of special-status species, location by land use designation, or an estimate of previous impacts by land use designation. Nor does the DEIR provide the average parcel size for the zones where this use is being contemplated. These speculative statements need to be qualified so the reader is not misled. For example the statement should read “**may** remove significant amounts of essential habitat”. The DEIR does not support the statement that a project that is constrained in size by mitigation AG-1a would require “the removal of habitat from most or all of the sites”, on land use designations that generally have a minimum parcel size of 40 acres or larger.*

O-2-11

*Without additional data a more rational conclusion would be that because the CUP process is required, special status species habitat will likely be avoided or mitigated per Policy 7.4.1.6. This is because the CUP process requires a full CEQA analysis. The CEQA process will include an environmental scoping to identify potential impacts to various environmental factors, including special status species habitat. If potentially significant impacts are identified then the appropriate level of additional environmental analysis is conducted and those potential impacts are avoided or minimized through changing one or more aspects of the original project (mitigation). Due to the generally large size of PA, AG, RL, FR or TPZ parcels it is seems likely that a multitude of potential design strategies and mitigations could be developed to avoid or minimize the impacts to important habitats. In either case Policy 7.4.1.6 requires that unavoidable impacts to important habitats must be mitigated 2:1 off site and for projects greater than 10 acres an additional mitigation of 1:1 on site. Therefore, I suggest that because a Health Resort/Retreat Center requires a CUP and is subject to CEQA it is more likely that the impacts special status species habitat would “avoid most of or the entire habitat”. Avoiding impacts special status species habitat would to be more compatible with CEQA, the General Plan, avoid additional mitigation costs and help gain approval from the Planning Commission.*

*Without qualifying or supporting statements such as “would require the removal of habitat from most or all of the sites” the reader is misled by attempting to lend certainty to a speculative statement, which undermines the credibility of the document.*

*In addition, the statement “it is reasonably foreseeable that the EIR prepared for such uses would conclude that there would be one or more significant and unavoidable impacts” is also misleading because there is a lack of data to support the “reasonably foreseeable” conclusion, completely ignores the CUP process, the professional staff that would conduct the environmental analysis and assumes that the decision making authorities will ignore the policies of the General Plan, specifically those found under Objective 7.4.1 and 7.4.2.*

O-2-12

#### **OBJECTIVE 7.4.1: RARE, THREATENED, AND ENDANGERED SPECIES**

**The County shall protect State and Federally recognized rare, threatened, or endangered species and their habitats consistent with Federal and State laws.**



**OBJECTIVE 7.4.2: IDENTIFY AND PROTECT RESOURCES**

Identification and protection, where feasible, of critical fish and wildlife habitat including deer winter, summer, and fawning ranges; deer migration routes; stream and river riparian habitat; lake shore habitat; fish spawning areas; wetlands; wildlife corridors; and diverse wildlife habitat.

O-2-12 Cont.

*This sentence found on page 3.4-37; fifth paragraph, third sentence and page 3.4-30; fifth paragraph, fourth sentence should be rephrased so that it does not overstate the depth of analysis provided in the DEIR.*

3.9-24, Pgs. xiii, , ~~Timber Preserve Zone~~ should read Timber Production Zone.

O-2-13

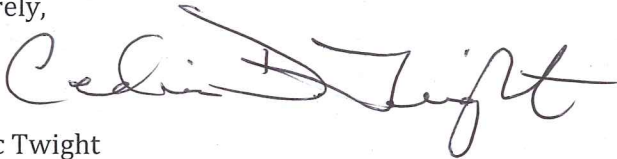
4-6; Last bullet

- Expand allowed uses in the agricultural, forest resource, TPZ, and rural land zones to provide opportunities for agricultural support, recreation, and rural commerce.

*The Project included expanded uses on Forest Resource and TPZ districts. The DEIR in previous sections analyzed and developed mitigations for those uses. Therefore, the objectives stated in this section should reflect this more explicitly and include the proposed edits above for clarity.*

O-2-14

Sincerely,



Cedric Twight  
Sierra Pacific Industries  
RPF #2469

## Responses to Letter O-2

### O-2-1

Please see Master Response 10: Format of the EIR and Master Response 12: Significant and Unavoidable Impacts.

### O-2-2

The commenter suggests clarifying revisions to the text of the DEIR. The revisions have been included in the FEIR.

### O-2-3

The commenter suggests clarifying revisions to the text of the DEIR. The revisions have been included in the FEIR.

### O-2-4

The commenter notes that mitigation measure AG-1 will define the scale of discretionary development projects, in addition to Policy 8.4.2.1. No response is necessary.

### O-2-5

The commenter suggests a revision to the discussion of Health and Retreat Center uses compatibility with commercial timber harvesting. The commenter suggests that because timber harvesting is an infrequent occurrence, this type of use “may likely be compatible with commercial timber harvesting.” The edit is suggested to allow the discussion “to more accurately reflect the uncertainty of whether or not such as use may conflict with timber harvesting.”

No change is made in the FEIR. Although commercial timber harvesting is by its nature an infrequent activity since it occurs only when the forest stand is sufficiently mature to produce marketable timber, it nonetheless results in short-term noise and traffic effects that are not conducive to the quiet, peaceful ambience associated with a health and retreat center. Further, the removal of trees may result in long-term aesthetic impacts on the health and retreat center by substantially changing the views in the vicinity of the harvested area.

### O-2-6

The commenter suggests revisions to the DEIR’s discussion of “enforceable restrictions” for purposes of qualifying for preferential taxation of forestry lands. The paragraph has been revised in the FEIR to remove the statement that enforceable restrictions would be violated by approval of General Industrial uses in a TPZ, as conditionally allowable under the ZOU. However, the conclusion remains unchanged. The types of uses potentially allowed with a conditional use permit are summarized in Impact AG-4 (Convert timberland, including lands currently in timber production and lands zoned for timber production, to non-forestry uses) in Section 3.2, Agricultural and Forestry Resources, of the DEIR. These are land uses that would clearly result in the conversion of timberland to non-forestry uses, thereby exceeding this threshold. The impact would be reduced to a less-than-significant level by Mitigation Measure AG-4, which would remove the General Industrial category from the land use matrix for TPZ lands.

The following clarifications have been made to this paragraph:

~~This type of use is not consistent with the requirement that land within a TPZ be “enforceably restricted” to forestry in order to qualify for the preferential tax rate provided under the Forest Taxation Reform Act of 1976. Nor do any of these uses~~does not explicitly fall within the list of “compatible uses” that may be allowed in a TPZ zone. The uses that could potentially be allowed would by their very nature result in the conversion of timberland, including lands currently in timber production and lands zoned for timber production, to non-forestry uses. The impact would be significant. Implementation of Mitigation Measure AG-4, which would revise the ZOU to not allow industrial uses in the TPZ zone, would reduce this impact to a less-than-significant level.

This comment also requests that a General Industrial use should be identified as a compatible use in the TPZ classification. The specific purpose of the request is for a rock quarry. The request would require revising the TPZ proposed in the ZOU to specify that this is a compatible use. The request is outside the scope of the proposal being considered, which is limited to the Zoning Ordinance revisions proposed by the County, and will not be added to the ZOU.

### **O-2-7**

The commenter suggests clarifying revisions to the text of the DEIR. The revisions to page 3.9-12 have been included in the FEIR.

### **O-2-8**

The commenter suggests clarifying revisions to the text of the DEIR. The revisions to page 3.9-30 have been included in the FEIR.

### **O-2-9**

The commenter suggests revisions to Mitigation Measure BIO-1a such that development on slopes over 30% would be “restricted” in situations where special-status species habitat or important habitat is present, rather than “prohibited” as Mitigation Measure BIO-1a currently provides. The commenter is concerned that the amendments to Policy 7.1.2.1 and Section 17.30.060, subdivisions (C) and (D) embodied in Mitigation Measure BIO-1a are inconsistent with General Plan Policy 7.4.1.6. The relevant part of Policy 7.4.1.6 provides that:

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 intent of Mitigation Measure BIO-1a is to prohibit development on slopes over 30% in order to minimize impacts on habitat. When Policy 7.4.1.6 was adopted, the intent of the General Plan was to restrict development on or disturbance of slopes over 30%. The standard proposed by Section 17.30.060 of the ZOU would loosen development restrictions on slopes over 30% in comparison to current County regulations. As discussed in Impact BIO-1 (Result in the loss and fragmentation of wildlife habitat) of Section 3.4, Biological Resources, of the DEIR, new development on steep slopes could eliminate and fragment wildlife habitat on those slopes. That would be a significant, unavoidable impact.

Mitigation Measure BIO-1a is amended in the FEIR to include a revision to Policy 7.4.1.6 to clarify that development on slopes over 30% where special-status species or important habitat exist would be prohibited. The revision suggested by the commenter would weaken Mitigation Measure BIO-1a and is therefore not included.

**O-2-10**

The commenter suggests clarifying revisions to the text of the DEIR. The revisions to page 3.14-37 have been included in the FEIR.

**O-2-11 and O-2-12**

The referenced discussions of potential impacts on biological resources are general in nature because the locations, sizes, designs, and other characteristics of future uses are unknown. The FEIR includes expanded discussions of the typical impacts of such uses.

The commenter notes that the CUP process will apply CEQA to future proposed uses and that special-status species habitat will likely be avoided or mitigated per Policy 7.4.1.6. However, the TGPA/ZOU EIR cannot defer analysis of this impact to that time. The TGPA/ZOU EIR must make a good faith effort to disclose potential impacts to the extent reasonable, given the information currently available. Accordingly, the DEIR has assumed that because of the intensive nature of these uses there may be situations in which the proposed development would require preparation of an EIR because of significant and unavoidable impacts on biological resources.

**O-2-13**

The commenter suggests clarifying revisions to the text of the DEIR. The revisions to page 3.9-24 have been included in the FEIR.

**O-2-14**

The commenter suggests clarifying revisions to the text of the DEIR. The revisions to page 4-6 have been included in the FEIR.

## **Letter O-Recirc-1—Rural Communities United, Ellen Van Dyke**

Letter O-Recirc-1



TGPA-ZOU ZOU <tgpa-zou@edcgov.us>

**Fwd: Public Comment on the RDEIR for the TGPA/ZOU**

1 message

**Shawna Purvines** <shawna.purvines@edcgov.us>  
To: TGPA-ZOU ZOU <TGPA-ZOU@edcgov.us>

Mon, Mar 16, 2015 at 3:08 PM

References on submitted CD.

----- Forwarded message -----

From: **Ellen Van Dyke** <vandyke.5@sbcglobal.net>  
Date: Mon, Mar 16, 2015 at 2:19 PM  
Subject: Public Comment on the RDEIR for the TGPA/ZOU  
To: Shawna Purvines <shawna.purvines@edcgov.us>  
Cc: Brian Veerkamp <bostthree@edcgov.us>, Ron Mikulaco <bosone@edcgov.us>, Shiva Frentzen <bostwo@edcgov.us>, Sue Novasel <bosfive@edcgov.us>, Michael Ranalli <bosfour@edcgov.us>, Brian Shinault <brian.shinault@edcgov.us>, Gary Miller <gary.miller@edcgov.us>, Tom Heflin <tom.heflin@edcgov.us>, Dave Pratt <dave.pratt@edcgov.us>, Rich Stewart <rich.stewart@edcgov.us>

**RE: Partial Recirculated DEIR for the TGPA/ZOU - Public Comment**

Dear Ms. Purvines:

The attached document is submitted as public comment on the TGPA/ZOU Partial Recirculated Draft EIR (RDEIR) released January 29, 2015.

Additionally, we are resubmitting our previous comments on the DEIR, dated 7/23/14, as part of the above document for inclusion in the record to be addressed with the Final EIR, as most of the issues from our review have not been addressed in the re-circulated document. It is important that they are not overlooked via any determination of what will, or will not be, responded to in those re-circulated sections.

O-Recirc-1-1

Please include all in the administrative record.

Sincerely,

Ellen Van Dyke  
on behalf of the Rural Communities United DEIR Review Group

Note:

Cover letter & full comments delivered via email to [Shawna.Purvines@edcgov.us](mailto:Shawna.Purvines@edcgov.us).  
CD of full comments with references delivered to Planning at 2850 Fairlane Ct Bldg C

Comments cc via email:  
DEIR Review Group, RCU  
EDC Board of Supervisors  
EDC Planning Commissioners

-

**Shawna L. Purvines**

Principal Planner

**County of El Dorado**

Community Development Agency

Long Range Planning

2850 Fairlane Court

Placerville, CA 95667

Phone:(530) 621-5362/Fax: (530) 642-0508

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**RCU Comments R-DEIR March 2015.pdf**

10862K

# **Public Comment on**

The El Dorado County  
Targeted General Plan Amendment (TGPA)  
&  
Zoning Ordinance Update (ZOU)

## **Partial Recirculated Draft ENVIRONMENTAL IMPACT REPORT (RDEIR)**

submitted by

Rural Communities United DEIR Review Group  
March 16, 2015



# contents

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Transportation [Chapter 3.9 - recirculated] 3.9-1

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Water Supply [Chapter 3.10- recirculated] 3.10-24

Energy [Chapter 3.11 - new] 3.11-1

Alternatives [Chapter 4.5 -recirculated] 4.5-1

Other CEQA Considerations [Chapter 5 - recirculated] 5-1

Additional Circulation Required ReCirc-1

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Resubmitted Comments:

RCU Public Comments, 7/23/14  
(Independent Table of Contents)

## Introduction/Synopsis - RDEIR Comments

The update to our General Plan and Zoning Ordinance is currently a very top priority for our Board of Supervisors. However, the project scope itself has been a moving target for community groups: the partially completed design standards from the LDM have been recently added to the RDEIR while the long awaited analysis of Community Regions has been pushed off to some future update, and still no clarity has been provided regarding the Biological Resources section. O-Recirc-1-2

There remains excessive public confusion regarding what specific policy changes are being evaluated under the Draft EIR (DEIR). And in spite of numerous requests, this has still not been corrected in the partial Recirculated Draft EIR (RDEIR). O-Recirc-1-3

Note that recirculation of the RDEIR chapters is not a result of public comment (RDEIR page 1-4). And yet CEQA section 15088.5(f)(2) is being invoked to eliminate the County's required response to comments submitted previously on the those sections. This reveals a very blatant effort to avoid public discourse. That is not in keeping with the intent of CEQA and is an unwarranted and disrespectful response to public comment. When residents are not 'heard', it is reflected in the final product as well as in the lawsuits that must then inevitably follow. O-Recirc-1-4

In summary:

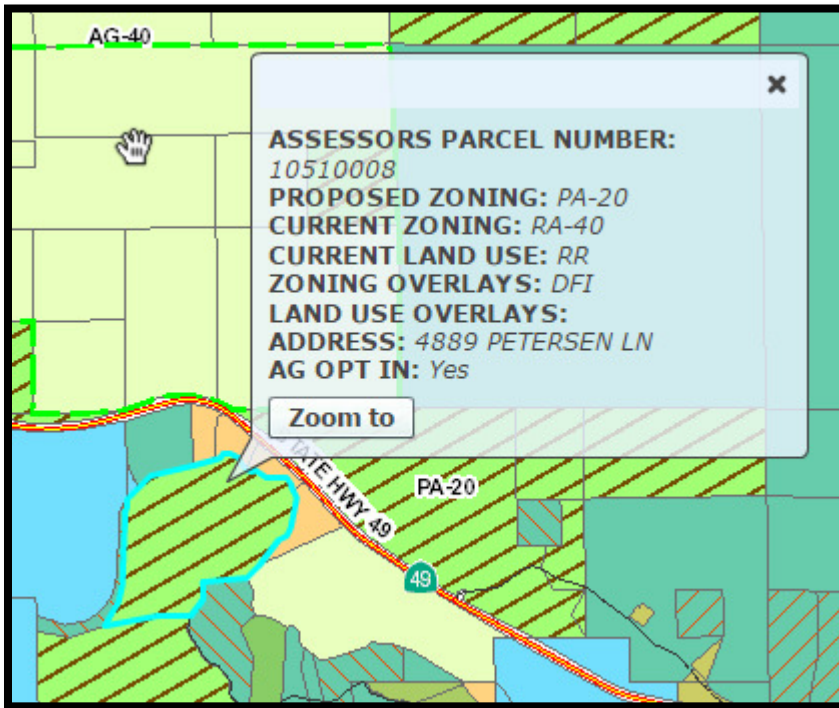
- **The 7/23/14 DEIR comments submitted by the RCU review group are still applicable and are resubmitted along with these RDEIR public comments.** O-Recirc-1-5
- **The Project Description must be revised for both clarity and accuracy.** O-Recirc-1-6
  - **The strike out versions of both the TGPA and the ZOU must be provided as part of the DEIR or included in the appendices for documentation**
  - **The approximately 37,000 parcels proposed to be rezoned by the project must be similarly documented. The fact that site-specific review was not done for each of these parcels under this EIR must also be documented.** O-Recirc-1-7
- **Both 'Biological Resources' and 'Signage' have been removed from the project and put under separate EIR's (RDEIR, section 2.8).** O-Recirc-1-8
  - **The associated policy revisions must also be removed from the project.**
  - **Comments submitted for these sections as part of the DEIR must be forwarded to the proper County personnel for inclusion in the correct EIR**
  - **Policy changes that precede the project, must then be incorporated.**
- **Revise the DEIR accordingly once an accurate project description is provided, and recirculate it in its entirety for public review.** O-Recirc-1-9

The intent of CEQA is to inform the public. The lead agency (El Dorado County) has an obligation to provide this very basic information, as requested by the public, and the project cannot be completed until that clarity has been provided. Do not circumvent the process.

Request for District 4 Recusal:

If Supervisor Ranalli's property remains on the list of parcels to be rezoned<sup>1</sup> by the TGPA/ZOU, resulting in granted entitlements via the rezoning and policy amendments being proposed, then he must recuse himself from votes related to the project. This has been brought to the attention of both the Board of Supervisors (emails dated 10/16/14 and 2/24/15, BOS hearing 2/24/15) and County Counsel email 3/5/15).

O-Recirc-1-10



<sup>1</sup> Mr. Ranalli's parcel is APN 105-100-08, and appears on page 732 of 1616 in the LUPPU Parcel Changes list obtained from El Dorado County's GIS dept in June 2014.

## Project Description - Chapter 2 R-DEIR Review Comments

This recirculation of the Project Description was an 'opportunity-missed' for the County and residents to come together on this project. Residents who have requested repeatedly that they be given full documentation of the changes being proposed, are denied answers yet again with the RDEIR. Specific comments in addition to those in the 7/23/14 RCU submittal (attached) are as follows:

O-Recirc-1-11

1. An accurate and complete project description is necessary to fully evaluate the project's potential environmental impacts. Page 2-3 of the RDEIR erroneously states that "*the full texts of the proposed TGPA and ZOU with the changes from the existing General Plan marked, are available for review*".

A final accurate ZOU strikeout version has *never* been available in spite of repeated requests to County staff, the CEDAC Regulatory Reform subcommittee, Planning Commission, and individual Supervisors. Additionally, policies altered in the TGPA strikeout version do not all appear in the Project Description. What is presented is NOT an accurate and complete project description.

O-Recirc-1-12

*1st paragraph of existing Zoning Ordinance, section 17.30.060:*

### II. RESIDENTIAL AGRICULTURAL-40 (RA-40) DISTRICTS

**17.30.060 Purpose.** The purpose of Sections 17.30.060 through 17.30.100 is to provide for the orderly and timely development of residential and agricultural uses consistent with natural conditions and desirable development patterns. (Prior code §9425(a))

*1st paragraph of Proposed Zoning Ordinance Update, section 17.30.060:*

#### **17.30.060 Hillside Development Standards; 30 Percent Slope Restriction**

##### **A. Content.**

This Chapter contains standards to implement General Plan policies applicable to development within hillside areas. This Chapter regulates disturbance and development on existing lots containing slope gradients thirty percent (30%) or greater in all zones, provides for exceptions to allow reasonable use of property, relieve burdens on and promote agricultural production and protect the public health and safety.

**-Provide full strikeout versions of both the TGPA and ZOU, as RDEIR page 2-3 indicates has already been provided, and recirculate the DEIR in full.**

2. This RDEIR in no way meets the intent of the CEQA process for informing the public in order for them to engage in quality dialogue. Specific examples are needed to show that clear and accurate communication of the proposed revisions has not been shared:

O-Recirc-1-13

a.) The proposed change to policies 5.2.1.3 and 5.3.1.1 are not listed in the project description under 'General Plan Policy Amendments', but are found online in a search of the County website, and buried in the Water impacts section of the RDEIR. If approved, the connection to public sewer and water in the Community Regions (CR's) would be made optional rather than required.

O-Recirc-1-13  
Cont.

The impact of this change in policy would be significant, and it is poised to take place if the EIR is adopted. Yet it was NOT fully disclosed to the public.

**Policy 5.2.1.3** All medium-density residential, high-density residential, multifamily residential, commercial, industrial and research and development projects ~~shall~~ may be required to connect to public water systems if reasonably available when located within Community Regions and to either a public water system or to an approved private water systems in Rural Centers.

**Policy 5.3.1.1** High-density and multifamily residential, commercial, and industrial projects ~~shall~~ may be required to connect to public wastewater collection facilities if reasonably available as a condition of approval. ~~except in Rural Centers and areas designated as Platted Lands (-PL). In the Community Region of Camino/Pollock Pines, the long term development of public sewer service shall be encouraged; however, development projects will not be required to connect to wastewater collection facilities where such connection is infeasible, based on the scale of the project. (Res. No. 298-98; 12/8/98)~~

b.) Proposed Zoning Ordinance 17.30.030 reduces, and essentially eliminates, the riparian setbacks. This policy remains in the Project Description in the RDEIR, impacting biological resources, but the analysis of Biological Resources is very specifically *not* included in this EIR<sup>1</sup>. This ordinance and others regarding biologicals appear poised to be enacted if the EIR for the project is adopted.

This was not made clear to commenters during the DEIR review period, and has not been clarified in the RDEIR. It is also not clear what has happened to the public comments that were submitted on this issue.

O-Recirc-1-14

*Included in the RDEIR Project Description, page 2-15, but not analyzed per section 2.8:*

- Establish standards, including setbacks from lakes, rivers, and streams to avoid and minimize impacts on wetlands and sensitive riparian habitats.

<sup>1</sup> RDEIR Section 2.8 Related Projects, page 2-22

Proposed Ordinance 17.30.030G(3)d represents a 50% reduction from current policy:

d. Ministerial development, including single family dwellings and accessory structures, shall be set back a distance of 25 feet from any intermittent stream, wetland or sensitive riparian habitat, or a distance of 50 feet from any perennial lake, river or stream. This standardized setback may be reduced, or grading within the setback may be allowed, if a biological resource evaluation is prepared which indicates that a reduced setback would be sufficient to protect the resources.



and Proposed Ordinance 17.30.030G(5)a essentially eliminates the setback requirement:

a. The uses, structures and activities allowed in the applicable zone are allowed within riparian areas with an approved Minor Use Permit.

O-Recirc-1-14  
Cont.

- The inconsistencies between the Project Description, the TGPA, and the ZOU must be corrected and recirculated for public review. (A strikethrough version of the ZOU must be made part of the Project Description, as indicated in item 1 above).

O-Recirc-1-15

-The Project Description relative to Biological Resources was completely unclear - will the RCU comments on Biological Resources be answered in spite of the reference in RDEIR section 2-8 regarding 'separate projects'?

O-Recirc-1-16

-How can the biological policy changes still be proposed in the TGPA/ZOU without analysis? Are they included or are they not?

- The impact of the TGPA/ZOU on biological resources would be significant<sup>2</sup>. CEQA requires the impact of these changes to be analyzed with the project and not at a later date as is planned according to RDEIR Section 2.8.

- Why are the biological policy provisions in the Project Description so generic while the LDM provisions are so detailed as to include the 'percentage of compact car parking spaces' (RDEIR page 2-19)?

O-Recirc-1-17

3. From page 2-2 of the RDEIR, it clearly states that zoning within the county's Specific Plans is not being changed via the project:

O-Recirc-1-18

From RDEIR page 2-2:

<sup>2</sup> RDEIR page 5-6

The project would take effect county-wide in those areas that are under County jurisdiction (Figure 2-2), including communities such as El Dorado Hills, Cameron Park, Shingle Springs, El Dorado, Diamond Springs, greater Placerville, Camino, Pollock Pines, and north and south county rural communities. A number of the unincorporated communities within the county are covered by the adopted specific plans listed below, in addition to the County General Plan. **None of these plans are proposed for amendment as part of the project.**

- Meyers Area Community Plan
- Carson Creek Specific Plan
- Promontory Specific Plan
- Valley View Specific Plan
- **El Dorado Hills Specific Plan**
- **Bass Lake Hills Specific Plan**
- North West El Dorado Hills Specific Plan

In comments previously submitted by RCU, this was pointed out as incorrect. An example is the Bass Lake parcel, APN 115-400-12, which is being rezoned from Open Space to High Intensity Recreation<sup>3</sup>. During the Planning Commission hearings for the project, this zoning change to the Bass Lake parcel was specifically discussed. Yet there is still no indication in the RDEIR Project Description that select parcels within the Specific Plans will be changed, no impact is being evaluated (site specific or otherwise), and no revision to the Project Description has been noted that the lake parcel zoning will be retained as Open Space. This does not provide clarity to the public, and in fact leaves the brand new re-circulated Project Description as erroneous as it was before.

**- Please revise the project description for accuracy and recirculate so the public can adequately participate in the review process.**

**- This example is not an isolated one among the 37,000 parcels proposed for change. Why was this public comment on a controversial issue not addressed in the RDEIR when this section was recirculated?**

4. The review of all Community Region boundaries (CRB's) was included in the Resolution of Intention that this General Plan update was based on.

*From the Nov 2011 adopted ROI 182-2011:*

***Policy 2.1.1.1 and 2.1.2.1***

Consider analyzing the possibility of adding new, amending or deleting existing Community Regions or Rural Center planning areas.

O-Recirc-1-18  
Cont.

O-Recirc-1-19

O-Recirc-1-20

<sup>3</sup> LUPPU parcel change per EDC GIS, attached pdf page 744 of 1616



The October 2, 2012 Notice of preparation also included this item from the ROI as part of the project scope<sup>4</sup>, and multiple comments from residents during the NOP period revolved around the CRB's: *this is a known and ongoing area of controversy*.<sup>5</sup> The public had every reason to believe the CRB's would be reviewed and available for possible amendment at the end of the environmental review process for this General Plan update.

O-Recirc-1-20  
Cont.

The insistence by county staff that the ROI and subsequent NOP included only "analyzing" the CRB's and not the possibility of amending them, has been disputed in public forum repeatedly since January 2013, and most recently in the February 24, 2015 Board of Supervisors hearing<sup>6</sup>.

**- Restore the Community Region Boundary analysis to the Final EIR project description, as written into the 2011 Board adopted ROI that this update is based on.**

5. The project objectives are in conflict with each other, and this conflict was used to eliminate worthy mitigation measures and alternatives from consideration. This was pointed out in the RCU comments for the DEIR (7/23/14, page ES-1), and the problem has not been resolved in the recirculation of the Project Description.

One example from the DEIR: maintaining existing limits on commercial uses in agricultural areas is a viable mitigation measure in the effort to protect agriculture, which is a project objective. This conflicts with the objective to expand allowed uses in the agricultural zones. Maintaining the existing limits was thereby [erroneously] able to be discarded as a viable mitigation measure.

O-Recirc-1-21

**- Revise the objectives to eliminate conflicts and recirculate for public review and comment prior to release of the final EIR,**

**- Include restrictions on expanded uses as mitigation to protect agriculture.**

6. There are a number of changes proposed to the General Plan and Zoning Ordinance listed in the project description that either a) do not align with the ROI regarding the stated purpose of the policy change, or b) are erroneously indicated as 'required by state law'. Some of these were discussed in the Planning Commission hearings (Aug 4 - Aug 27 DEIR outreach) following the DEIR comment deadline, but have not been incorporated into the RDEIR.

O-Recirc-1-22

- a. Policy changes related to the dam failure inundation zones were erroneously said to be based on state law. The changes were presumably eliminated

<sup>4</sup> 10/1/2012 NOP attached for reference

<sup>5</sup> Mountain Democrat, 'Community Regions: lines won't change soon', by Chris Daley

<sup>6</sup> GVA/SSCA public comment presentation for 2/24/15 BOS hearing, timeline included



during the Planning Commission hearings, but they nevertheless remain included in the General Plan amendments listed in the RDEIR (page 2-8).

O-Recirc-1-22  
↑  
Cont.

b. The premise that inconsistencies between zoning and land use are in conflict with state law, thereby requiring this comprehensive update, is incorrect. Principal Planner Peter Maurer pointed out in public hearing that General Plan policies 2.2.5.6 and 2.2.5.7 were specifically intended to address this issue. RCU public comments noted this (pages 2-6, 3.2-3 and 3.5-2) and repeated it in the Planning Commission hearings. Yet this has not been acknowledged or corrected in the RDEIR Project Description.

O-Recirc-1-23

c. A specific example of the 'misalignment' of the ROI with a proposed policy change, is the intent to amend policies to reference the importance of Open Space, per Objective 7.6.1. This evolved somehow into a change allowing for additional moderate income housing options (page 2-7 of the RDEIR).

O-Recirc-1-24

d. 37,000 parcels are proposed for zone changes that are not necessarily 'required by state law' as indicated per b) above. The objectives in the Project Description must be corrected. Additionally, none of these parcels will receive a site specific review along with the entitlements being granted.

Each point above reflects multiple proposed changes that reach into various sections of the environmental analysis. A strike-out version of the Zoning Ordinance Update should reveal how far reaching the problem is, and is one reason we requested a recirculation of the Project Description in the first place.

O-Recirc-1-26

**- Clarify the project description to identify exactly which policies are required to be changed for consistency with state law, and cite the law.**

**- Revise the project description to coordinate the proposed changes with the ROI's and provide clarity.**

O-Recirc-1-27

O-Recirc-1-27

**- Provide a full strikeout version of the ZOU, and recirculate the full draft EIR for public review (per item '1' above).**

7. The documentation of which parcels are proposed to be changed with the project has not been provided as part of the project description. The information may be 'researched' via a County provided website, but the County does not stand behind it as accurate, and a website cannot be locked into the public record. There are approximately 37,000 parcels proposed for change. The public must have full access to this record, and it must be included as part of the project description. A list obtained from the County's Geographic Information System department in June 2014 is included in the attachments for reference.

O-Recirc-1-28

**-Documentation of the parcels proposed to be revised under the project must be provided as part of the project description.**

O-Recirc-1-28  
|  
Cont.

8. For all the touting of public outreach efforts<sup>7</sup>, the information from the Planning Commission hearings held Aug 4- Aug 27 was not incorporated into the RDEIR. As examples, dam failure inundation policy as discussed in item 5 above, and the rezoning of the Bass Lake parcel discussed in item 2 above, both remain in the project description. The recirculated Project Description should have reflected the many items discussed in those hearings.

O-Recirc-1-29

While there are many dates of meetings listed and areas where flyers were posted, etc, none of it means anything if the feedback from the public is not incorporated into the project. Public attendance has likely waned at these outreach meetings because public comment is consistently disregarded.

**-Revise the project description to incorporate information from the Planning Commission hearings on the DEIR, Aug 4- Aug 27, 2014**

**-Add the complete list of proposed parcel changes into the project description as documentation of what is included in the project and reviewed under this EIR (see item 7 above)**

O-Recirc-1-30

**-Were the public comments from the July 2012 NOP included with those from the Oct 2012 NOP? Many people would not have even realized they were two different undertakings.**

O-Recirc-1-31

**-How many of the issues from these NOP comments were not incorporated in the DEIR review, such as the problem of low density lands that occur within Community Regions? How many of the unincorporated comments were issues that were also listed in the adopted ROI's?**

**-Were commenters notified that their issue would not be addressed, especially if it was included in the ROI?**

9. The recirculated Project Description provided an opportunity not just for clarification, but to revisit serious problems with the project objectives. Issues that had been included in the ROI and NOP but for various reasons were left out of the project *could* have been reinstated. This would include suggestions regarding job creation (RCU comments 7/23/14, pg ES-1), suggested alternatives (RCU comments 7/23/14, pg 4-1) and numerous items of public concern from the NOP comments.

O-Recirc-1-32

**-Revise the Project Description to encompass the complete 'project' including the project objectives, suggested alternatives, and public input.**

<sup>7</sup> RDEIR, Project Description section 2.5

10. The Project Description is distinctly misleading. The summary of the policy 7.1.2.1 revision (RDEIR page 2-10) sounds as though the change is to *discourage* development on 30% slopes. The *strikeout* version shows the actual revision is to *relax* this requirement by changing the verbiage from "prohibited" to "restricted".

From RDEIR page 2-10 indicating discouragement of hillside development :

*Policy 7.1.2.1: Restriction on Developing Slopes of 30%. The policy that prohibits development on slopes of 30% or steeper would be amended to correspond with policy 2.3.2.1 discouraging development on 30% slopes or steeper and to set standards in the Zoning Ordinance and Grading Ordinance.*

But from the TGPA *strikeout* version, standards are clearly being relaxed:

|                                 |                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                           |                      |
|---------------------------------|-------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------|----------------------|
| <p>Policy 7.1.2.1</p>           | <p>Development or disturbance of slopes over 30% shall be <b>restricted</b>. <del>prohibited on slopes exceeding 30 percent unless necessary for access.</del> Standards for <u>The implementation of this policy, including but not limited to exceptions for access, reasonable use of the parcel, and agricultural uses shall be incorporated into the Zoning Ordinance.</u></p>                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                       | <p>O-Recirc-1-33</p> |
| <p>Move to Zoning Ordinance</p> | <ul style="list-style-type: none"> <li><del>• Reasonable use of the property would otherwise be denied.</del></li> <li><del>• 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 a registered engineering geologist.</del></li> <li><del>• Replacement or repair of existing structures would occur in substantially the same footprint.</del></li> <li><del>• 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.</del></li> </ul> <p style="text-align: center;">O-Recirc-1-32</p> <p><del>Access corridors on slopes 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. <b>Septic systems may only be located on slopes under 30 percent.</b> Roads needed to complete circulation access and for emergency access may be constructed on such cross slopes if all other standards are met.</del></p> |                      |

- The representation of this policy is an example of how the Project Description is misleading to the public, and must be revised.
- This example shows how the strike out version of the TGPA helps clarify the issue, and why a *strikeout* version of the ZOU is also necessary.
- The issue of 'septic systems on slopes' is shown as moved from 7.1.2.1 to the ZOU (section 17.30.060F) where a 'reasonable use' determination has been added. *This is in conflict with state law, as was pointed out in the 7/23/14 RCU comments (page 3.0-54).* This disrespect of public input was wasteful, but it also exposes deeper problems with the project.

11. Beginning on RDEIR page 2-16, the Project Description says the current ordinance is missing lighting, landscaping, and parking standards. However, current ordinances do indeed contain these standards in multiple sections: 17.28.020(J)3, 17.14.170, 17.16.070, and 17.18.090 to name just a few.

| <u>Chapter 17.18</u>                  |                                                      |
|---------------------------------------|------------------------------------------------------|
| <u>OFF-STREET PARKING AND LOADING</u> |                                                      |
| <u>Sections:</u>                      |                                                      |
| 17.18.010                             | Purpose and intent.                                  |
| 17.18.020                             | Off-street parking required.                         |
| 17.18.030                             | Parking design standards.                            |
| 17.18.040                             | Adjustments and special parking requirements.        |
| 17.18.050                             | Off-street parking requirements.                     |
| 17.18.060                             | Schedule of off-street vehicle parking requirements. |
| 17.18.070                             | Parking lot construction standards.                  |
| 17.18.080                             | Off-street loading construction standards.           |
| 17.18.090                             | Parking lot landscaping and buffering.               |

| <u>Chapter 17.14</u>                          |                                                                    |
|-----------------------------------------------|--------------------------------------------------------------------|
| <u>MISCELLANEOUS DEVELOPMENT REQUIREMENTS</u> |                                                                    |
| <u>Sections:</u>                              |                                                                    |
| I. GENERALLY                                  |                                                                    |
| 17.14.010                                     | Future right-of-way line use.                                      |
| 17.14.020                                     | Front setback reduction for slope.                                 |
| 17.14.030                                     | Setback variation for private garage.                              |
| 17.14.040                                     | Setback along developed roads.                                     |
| 17.14.050                                     | Encroachment into required yards.                                  |
| 17.14.060                                     | Stables.                                                           |
| 17.14.070                                     | Public utility distribution, transmission lines and/or facilities. |
| 17.14.080                                     | Leasing motorcycles.                                               |
| 17.14.085                                     | Lot line adjustments.                                              |
| 17.14.090                                     | Interior lot lines.                                                |
| 17.14.095                                     | Mineral resource development.                                      |
| 17.14.100                                     | Waste water treatment plans.                                       |
| 17.14.110                                     | Parcel size exception - Parcels conveyed to government agency.     |
| 17.14.120                                     | Parcel size exception.                                             |
| 17.14.130                                     | Architectural supervision.                                         |
| 17.14.140                                     | Zoning permits.                                                    |
| 17.14.150                                     | Height limits and exceptions.                                      |
| 17.14.160                                     | Recycling collection facilities.                                   |
| 17.14.170                                     | Outdoor lighting.                                                  |
| 17.14.180                                     | Cellular communications facilities.                                |
| 17.14.190                                     | Ranch marketing.                                                   |
| 17.14.200                                     | Wineries.                                                          |
| 17.14.210                                     | Communication facilities, wireless.                                |
| 17.14.220                                     | Bed and breakfast inns.                                            |
| 17.14.230                                     | Mixed-use development.                                             |
| 17.14.240                                     | Wind energy conversion systems.                                    |
| 17.14.250                                     | Medical marijuana distribution facilities.                         |
| 17.14.260                                     | Outdoor cultivation of medical marijuana.                          |

O-Recirc-1-36  
Cont.

Regardless, resources were expended to add lighting, landscape, and parking standards into this recirculation, and the cost of initiating an entirely separate EIR process for Biological Resources was approved, while simultaneously rationalizing that *the County does not have staff or money to address the CRB's that should have legitimately been included in this DEIR.*

O-Recirc-1-36  
Cont.  
↑

**-Restore the Community Region boundary review per the adopted ROI 182-2011 that the project and this DEIR is based on.**

O-Recirc-1-37

**Additionally, regarding the added standards:**

**-What is the impact of increasing density within the Community Regions while simultaneously reducing the off-street parking requirement? (RDEIR pg 2-20)**

O-Recirc-1-38

**- How many spaces might this amount to, and what is the impact of eliminating those spaces? How unpleasant will it be to shop locally?**

**-What economic impact might there be regarding tax leakage?**

O-Recirc-1-39

**-Where are the bus stops located that are being impacted by this revision?**

O-Recirc-1-40

**-Why should Industrial, R&D, Commercial, Civic or utility uses be exempt from a water efficient landscape plan if under 2500sf, and developer-installed landscaping in SF and Multi Family residential exempt if under 5000 sf? (RDEIR 2-16)**

O-Recirc-1-41

12. **All previously submitted comments from the RCU 7/23/14 public comment on the DEIR are incorporated herein.**

O-Recirc-1-42

## Transportation and Traffic Summary - Chapter 3.9 R-DEIR Review

### **Summary:**

Policy TC-Xa of the General Plan requires that all highway and road segments, as well as all interchanges and intersections in the unincorporated areas of the county be measured. The RDEIR does not measure any interchanges or intersections. It also omits several important segments of highway 50 and major roads in the county. In addition, the traffic numbers are combined for both directions (e.g. North combined with South, East combined with West). The combined number is then used to compute LOS. Each of the "directions" needs to be split out and listed separately for LOS. The EIR cannot be considered sufficient until all of these required segments, interchanges, intersections, and direction are included in the traffic study.

O-Recirc-1-43

The conclusions of the traffic section as contained in table 3.9-13 simply don't pass muster. Just looking at the high-level results shows that even after adding nearly 20,000 homes in the county, the number of cars traveling to Sacramento county in 2035 during the morning commute will increase by only 200 cars on highway 50 and actually decrease on Green Valley Road! The table purports to use 2010 numbers for baseline traffic, but these numbers don't even match the county's own DOT counts or CalTrans counts for highway 50. Forecasts for Saratoga way are now included in the table, but the numbers are unbelievable--literally. According to the TDM forecast, Saratoga Way will carry more traffic in the AM peak than Westbound Highway 50, but will have multiple intersections with traffic signals.

Table TC-2 (this table shows road segments allowed to operated at LOS F) is proposed to be moved to "another document". The RDEIR does not address the implications of this change. Will the table still be part of the General Plan? If so, why are the other documents not included in the RDEIR? If the other document is not part of the General Plan, how are revisions made to the table, since today changes require a 4/5 vote by the Board.

O-Recirc-1-44

### **Detailed review:**

Page 2-8 shows a proposed policy change: " Policies TC-1m, TC-1n(B), TC-1w: Road Improvements. These policies would be amended to make minor modifications to clarify language: TC-1m—delete "of effort"; TC-1n(B)—replace "accidents" with "crashes" to be consistent with transportation industry standard language; and TC-1w—delete "maximum." The RDEIR does not analyze the impact of these wording changes.

O-Recirc-1-45

The first change in Policy TC-1m: "The County shall ensure that road funds allocated directly or otherwise available to the County shall be programmed and expended in ways that maximize the use of federal and other matching funds, including maintenance ~~of effort~~ requirements." This proposed amendment

O-Recirc-1-46

changes the meaning of the policy. "maintenance of effort requirements" is a legal term pertaining to Federal Matching funds.

- **Please explain why this change is being proposed, the impact it will have to the meaning of the policy, and the impact it will have to funding for roads.**

O-Recirc-1-46  
Cont.

**Policy TC-1w** New streets and improvements to existing rural roads necessitated by new development shall be designed to minimize visual impacts, preserve rural character, and ensure neighborhood quality to the maximum extent possible consistent with the needs of emergency access, on street parking, and vehicular and pedestrian safety.

- **Please explain why this change is being proposed, and the impact it will have on visual impacts, rural character, and neighborhood quality.**

O-Recirc-1-47

Page 2-8 shows a proposed policy: " Table TC-2, Policy TC-Xb, and Policy TC-Xd. Level of Service Standards. This revision entails moving Table TC-2 to another document; if it is moved, all references to TC-2, including the references in TC-Xb and TC –Xd, would be amended."

**Is the "other document" part of the general plan? If so, where is the DEIR evaluation of this document? If the other document is not part of the general plan, does this then mean that Table TC-2 would then not need a general plan amendment in order to be revised (or deleted)?**

- **Please explain the impact of moving table TC-2 to "another document."**

O-Recirc-1-48

Page 2-9 shows a proposed policy change: " Policy TC-Xi: Planning for U.S. Highway 50 Widening. this policy would be amended to allow for coordination of regional projects to be delivered on a schedule agreed to by related regional agencies, thereby excluding regional projects from the scheduling requirements of the policies of the General Plan" **Will this exempt highway 50 from the requirements of Policy TC-Xf?**

- **Please analyze the impact to traffic on highway 50 in the county if widening of highway 50 no longer needs to meet the scheduling requirements of the policies of the General Plan.**

O-Recirc-1-49

Page 2-9 shows a proposed policy change: " Policy TC-1y: Employment Cap. The El Dorado Hills Business Park employment cap limits would be analyzed and either amended or deleted."

- **Please analyze the potential impact to traffic if the employment cap is amended or deleted. State the mitigations required to ensure that traffic on roads in El Dorado Hills is not worsened by amending this policy.**

O-Recirc-1-50

Page 2-9 shows a proposed policy change: " Policies TC-Xd, TC-Xe and TC-Xf: Level of Service Standards. These policies would be amended to clarify the definition of "worsen"; to clarify what is required if a project "worsens" traffic; to identify the methodology for traffic studies (e.g., analysis period, analysis scenarios, methods); and to identify the timing of improvements." This process is very vague, and could have

O-Recirc-1-51

significant impact if certain changes are made. For instance, if the timing of improvements is relaxed, this would have a significant impact on traffic for a longer period of time.

- **Please analyze the potential impact of the changes (e.g. timing of improvements, definition of "worsen", etc.) to these policies. State the mitigations required to ensure that traffic is not worsened with respect to the current definition, and that the period of delay to completion of a mitigation project is not pushed further out in time.**

Page 3-9.26, bullet 2 asserts that "Expansion of Agricultural Districts"... "would not affect traffic impacts." However, the land use overlays would potentially change on many parcels. Incorporating parcels into Ag districts may cause more traffic in terms of tourism and commercial traffic. Removing parcels from Ag districts (the default), may lead to more residential development.

- **In the FEIR, please analyze the traffic impact of changing Ag district boundaries**

Page 3-9.26, bullet 3 states: " The potential impact of additional residential density was considered in the analyses that follow."

- **In the FEIR, please describe how this impact was considered. Was each residential area evaluated at the proposed maximum density for traffic impact?**

Page 3-9.27, bullet 1 states: "New objective and policies encouraging infill development. Any future infill would be subject to the density and intensity limitations of the General Plan. As a result, this change would not incrementally alter land use patterns or intensity." **This statement is demonstrably false since the county currently has in process an approved project to convert mixed-use commercial into high density housing (55 units per acre, more than double what is currently allowed under the general plan). Other potential projects are proposed (such as Central EDH) that vastly increase the density (recreational vs. HDR).**

- **In the FEIR, please examine the impact of possible conversion of other commercial, recreational, and/or high-density residential to an even higher density than allowed by the TGPA/ZOU.**

Page 3-9.27 states: " these changes generally adopt the least intensive of those zones."

- **In the FEIR, please list the parcels where the changes do not adopt the least intensive of the zones, and the impact they have on the traffic in those areas (and overall).**

Page 3-9.27 states: " The rezonings would not change the development potential. As a result, the rezonings would not change the expected traffic impacts that will occur as a result of implementation of the General Plan." **However, the ZOU/TGPA process "creates" many new entitlements without individual discretionary review. For example, under ZOU/TGPA changes, the Dixon Ranch property near Green Valley Road, would be automatically rezoned from 3 Ag parcels to approximately 28**

O-Recirc-1-51  
Cont.

O-Recirc-1-52

O-Recirc-1-53

O-Recirc-1-54

O-Recirc-1-55

O-Recirc-1-56



parcels. While the resulting designation is consistent with the general plan, there is no *individual* review of each project in this bulk process. There are many such proposed "automatic rezones" and the traffic impact of each of these needs to be included in the cumulative impact study.

- In the FEIR, please analyze the impact of the "bulk rezone" being done by the TGPA/ZOU update. Consider the fact that this process bypasses the full CEQA process that includes public review of individual projects. Therefore, the development (and therefore traffic) potential is higher than performing individual rezones.

Page 3-9.28 states: " For the project (i.e., TGPA/ZOU), LOS was determined by comparing existing and forecasted traffic volumes for selected roadway segments with peak-hour LOS capacity thresholds. These thresholds are shown in Table 3.9-3 and were developed based on the methodologies contained in the *Highway Capacity Manual* (HCM) (Transportation Research Board 2010)." The 2010 HCM clearly states that " Because passing capacity decreases as passing demand increases, two-lane highways exhibit a unique characteristic: operating quality often decreases precipitously as demand flow increases, and operations can become "unacceptable" at relatively low volume-to-capacity ratios."

It is clear that simple volume/capacity ratios are an *inadequate measure* of LOS on 2-lane highways and arterials (such as Green Valley Road), and over-state the actual capacity of road segments. **Please explain whether or not the TDM includes the following factors as required by the HCM 2010. If not, please explain the rationale for not including each one:**

1. Highway Class per segment
2. lane width
3. shoulder width
4. terrain
5. % no passing zones
6. Directional split
7. Peak hour factor
8. access point density
9. % heavy vehicles
10. signal spacing

**Class I, II, and III must be evaluated for LOS by the method stated in Chapter 15 of the 2010 HCM, and using table 15-3:**

O-Recirc-1-56  
Cont.

O-Recirc-1-57

| LOS | Class I Highways |          | Class II Highways | Class III Highways |
|-----|------------------|----------|-------------------|--------------------|
|     | ATS (mi/h)       | PTSF (%) | PTSF (%)          | PFFS (%)           |
| A   | >55              | ≤35      | ≤40               | >91.7              |
| B   | >50–55           | >35–50   | >40–55            | >83.3–91.7         |
| C   | >45–50           | >50–65   | >55–70            | >75.0–83.3         |
| D   | >40–45           | >65–80   | >70–85            | >66.7–75.0         |
| E   | ≤40              | >80      | >85               | ≤66.7              |

The information for each road segment in the study area must be updated to include the factors (1-10) above.

- Please update the FEIR results to utilize the methods specified in Chapter 15 of the 2010 HCM for all Class I, II, and III highways (or equivalent) in the study area.

O-Recirc-1-57  
Cont.

HCM 2010, Chapter 15 states: "Isolated signalized intersections on two-lane highways may be evaluated with the methodology of Chapter 18, Signalized Intersections. Two-lane highways in urban and suburban areas with multiple signalized intersections 2 mi or less apart should be analyzed as urban streets or arterials with the methodology of Chapter 17, Urban Street Segments."

O-Recirc-1-58

- In the FEIR please update the study to use the methods described in HCM 2010 for "Urban Arterials" (including signalized intersections) for study area roads designated as "major arterial", such as El Dorado Hills Blvd, segments of Green Valley Road, Saratoga Way, Sunrise Blvd., etc.

Page 3-9.31 states: " El Dorado County's revised, updated TDM was used to model six roadway network scenarios for the TGPA/ZOU project. This analysis indicates that U.S. Highway 50 will not reach LOS F in 2035 under any of the six roadway network scenarios analyzed." **This statement calls into question the validity of the EDC TDM. Clearly, as is stated in the DEIR, a segment of Highway 50 today operates at LOS F. The TDM does not show this segment as LOS F for any dates or scenarios.**

O-Recirc-1-59

- Please explain in detail the huge discrepancy in the 2035 horizon year (Caltrans TCR/CSMP) with the output of the TDM. If this discrepancy cannot be fully accounted for, then clearly at least one of the models is fundamentally incorrect.

O-Recirc-1-60

Page 3-9.32 Much justification of the county TDM is placed upon the " superior zonal resolution (many times more than SACMET) enables a much more detailed analysis of county roadways." The county TDM can have great detail, yet poor representation of the larger area, improper initial conditions, and arrive at an unusable result.

O-Recirc-1-61

- In the FEIR, please show how much of a difference this "superior zonal resolution" makes in the highway 50 traffic forecasts?
- In the FEIR, please explain how and when the county collects traffic counts on Highway 50 for each segment. Please show a table of

O-Recirc-1-62

**differences between the county collected data for Highways 49 and 50, and the CalTrans data for the baseline year (2010).**

O-Recirc-1-62  
Cont.

Page 3-9.33 states "... El Dorado County is tasked with maintaining LOS E on U.S. Highway 50 as required by the General Plan." Since segments of US Highway 50 are already at LOS F (as physically measured by CalTrans), clearly the county planning process has not worked. CalTrans indicates that there is no way to mitigate the traffic to better than LOS F by 2035 given the amount of growth in the county. The fact that the TDM does not concur (by a large amount e.g. LOS C vs. LOS F) with the CalTrans initial conditions in 2010, this makes the county TDM highly suspect as a useful planning tool for Highway 50 traffic.

O-Recirc-1-63

- **Please explain how the county will ensure roadway segments will not reach improper LOS (LOS E, or LOS F, as appropriate), when the TDM results are demonstrably incorrect today.**

Page 3-9.33 states that CalTrans and the County use different annual growth projections (e.g. SACOG's vs. County).

O-Recirc-1-64

- **The CalTrans/SACOG rate is 0.72% AGR, and the county uses 1.03% AGR. Given that CalTrans uses a more conservative growth rate (about 30% lower than the county), please explain why their traffic forecasts for 2035 are higher volume than that of the TDM.**

Page 3-9.33 states: " For these reasons, El Dorado County has chosen to use its methodology in this analysis." El Dorado County has decided to accept the results of the TDM without understanding the fundamental differences with the Caltrans data. This is not an accepted engineering practice.

O-Recirc-1-65

- **In the FEIR, please show in detail how each of these factors [land use, traffic counts, and growth rate] makes a difference, how much that difference is, and explain why the TDM provides a more realistic forecast of Highway 50 traffic in 2035.**

Table 3.9-5 asserts Impact 5.4-1 will be mitigated to LTS based on several policies and measures. Unfortunately, these measures and policies cannot be reasonably expected to work as a mitigation (which is a CEQA requirement). Working with multiple jurisdictions on potential solutions does not ensure the problem will be solved.

O-Recirc-1-66

- **Please consider a new Measure TC-V(4), which will prohibit the approval of any new subdivisions south of Highway 50 along the Latrobe Road Corridor until it can be demonstrated that segments of Latrobe Road and White Rock Road (as well as Highway 50) will conform to the county LOS standard, and funding for the project is identified.**

Page 3-9.36 indicates that Scenario 1 is a 2010 baseline. This is five years old. In 2010, the county was still recovering from a recession, and traffic in 2010 is not necessarily representative of current traffic on many road segments.

O-Recirc-1-67

- **Please explain the rationale for using this old information when 2014 and some 2015 traffic counts are available on the EDC website.**
- **Please run the scenarios 1-6 using 2014/2015 traffic data as the baseline.**

O-Recirc-1-67  
Cont.

Page 3.9-36 states: " Three baselines are represented in the scenarios: 2010, 2025 with future CIP/MTP road improvements (assumes that planned roadway improvements have been constructed), and 2035 cumulative impact."

O-Recirc-1-68

- **Please list all assumptions in the cumulative impact. This would include (but not limited to):**
- **A list of CIP and MTP road improvements, their scheduled completion dates, and funding sources/finance plans for each showing a "reasonable expectation" that these projects will in fact be fully funded and completed by the dates specified.**
- **Document the impact of the federal Highway Trust Fund projected shortfall on these projects.**
- **A list of approved but not yet constructed projects in El Dorado County and Eastern Sacramento County (including dwelling unit counts) that were included in the cumulative scenarios.**
  - **For example, Easton, the 10,000+ homes south of highway 50 in Folsom. The adopted plans for Vineyard Springs, North Vineyard Station, Florin-Vineyard Gap, etc.**
  - **Alto, Diamante, La Canada, Migianella, Summerbrook, Silver Springs, Bass Lake, Rancho Dorado, etc.**
  - **The remaining approved units in Serrano, Valley View, Promontory, Carson Creek, etc.**
- **A list of proposed projects in El Dorado County and Eastern Sacramento County (including dwelling unit counts) that were included in the cumulative scenarios.**
  - **For example, Marble Valley, Lime Rock, Dixon Ranch, Central EDH, San Stino, Town Center Apartments, Wilson Estates, etc.**
  - **NewBridge, Jackson Township, West Jackson Highway, Cordova Hills, Mather South, etc.**

O-Recirc-1-69

Page 3.9-37 includes Table 3.9-6. In this table, the current (2010) Employment increases from 44,468 to 60,139. This is an increase of 15,671 jobs. This means that new jobs would need to be created at the rate of about 1 job per new household on an average throughout the county.

O-Recirc-1-70

- **Please provide the following information about assumed job creation (15,671 jobs) in scenario 6 as all of these factors impact how much traffic is added and which roads are impacted.**
  - Location of jobs/job centers**
  - Types of jobs to be created**
  - Projected salary ranges of these jobs (determines where the employees can afford to live)**

- d) Price range of homes in each new area (determines what kind of job salary ranges the residents need)
- e) Assumptions about where the new employees will live (e.g. will they need to commute from Sac county, can they afford to live in El Dorado Hills, Cameron Park, Shingle Springs, etc. given the latest average housing price data from the EDC Association of Realtors.

O-Recirc-1-70  
Cont.

The county's past track record indicates that creating this many jobs will be extremely difficult, especially high-paying jobs for people purchasing expensive homes in west county.

- Please show a plan that lays out how this large jobs:housing ratio will be achieved given that historically our overall jobs:housing ratio is around 0.5.

From the 2013 report prepared by BAE for use in the El Dorado County TDM, the numbers are quite different than those presented and used in the TDM. The BAE report lists growth & jobs in EDC with the following tables:

**Table 1: Baseline Conditions, West Slope, Less City of Placerville**

|                   | 2010    |
|-------------------|---------|
| Population (a)    | 139,941 |
| Housing Units (a) | 59,668  |
| Employment (b)    | 32,597  |

O-Recirc-1-71

**Notes:**

(a) Based on 2010 Census. El Dorado countywide population, minus population in census tracts located in Tahoe Basin, minus City of Placerville. Tahoe Basin is defined by census tracts 302, 303.01, 303.02, 304.01, 304.02, 305.02, 305.04, 305.05, 316, 320, 9900.

(b) Based on Draft SACOG TAZ-level employment estimates for 2008 and projections for 2014, for El Dorado County West Slope, less employment in City of Placerville area. Assumes constant average annual rate of growth between 2008 and 2014, to estimate 2010 employment.

Sources: U.S. Census, 2010; SACOG, 2012; BAE, 2012.

The initial conditions for any simulation/forecast can make a large difference in the results. There is a stark difference in the number of jobs in the two reports. The BAE report lists 32,597 jobs in the county in 2010, the RDEIR lists 44,468 jobs in 2010--a 36% difference.

- Please explain why baseline condition numbers from the BAE report for Employment are not used in the TDM analyses presented in the RDEIR.
- Please provide a reference for the 44,468 job number used in the RDEIR.

O-Recirc-1-72

- **Please re-run scenarios 2-6 using the BAE employment number of 32,597 for the base year**

O-Recirc-1-73

In table 3.9-6

- **Please explain why employment was changed in scenario 6 from 71,181 to 60,139.**

O-Recirc-1-74

Page 3.9-37 states that " The travel demand model (TDM) analysis evaluated 227 roadway segments for each of the six study scenarios to evaluate effects on the County's roadway network." This is insufficient to determine the project impact. Measure Y and the subsequent General Plan policies require that "all intersections and interchanges" be examined.

O-Recirc-1-75

- **In the FEIR, please include all intersections and interchanges in the analysis of scenarios 1-6.**

Page 3.9-39 states: However, the following programmed improvements to Green Valley Road are expected to reduce this impact to a less than significant level." The RDEIR then goes on to list the improvements. One of them is Segment ID 151 and the RDEIR cites CIP project GP178 as the solution. There are multiple issues with this "mitigation":

1. CIP project GP178 has a history of consistently slipping out in time each year. Since these intersections have been LOS F for a number of years, it is clear that the TIM fee/CIP programs do not work as planned. The table below is derived from the County DOT website data on GP178. This table clearly shows that the project has slipped out more than 12 years since 2008. In the mean time, this remains an area of high congestion and LOS F.

- **Please explain how residents can be reasonable assured that this mitigation (GP178) will be instituted before additional traffic is generated through these intersections.**

O-Recirc-1-76

| CIP Year | Est. Completion | Est. Cost |
|----------|-----------------|-----------|
| 2006     | initiated 8/22  | 2.9       |
| 2007     |                 |           |
| 2008     | after 12        | 3.9       |
| 2009     | after 17/18     | 2.4       |
| 2010     | after 18/19     | 2.4       |
| 2011     | -               | -         |
| 2012     | after 20/21     | 1.9       |
| 2013     | 23/24 - 32/33   | 1.9       |
| 2014     | 24/25 - 33/34   | 1.9       |

2. CIP project GP178 does nothing to address traffic at Green Valley Road and Silva Valley Parkway.

O-Recirc-1-77

- **Please explain what improvements are assumed to be completed for this intersection and why the public can be assured of their implementation.**

Table 3.9-10 includes a note "GP" stands for General Purpose Lanes (includes auxiliary lanes). An auxiliary lane is not a General Purpose Lane (per Caltrans).

O-Recirc-1-78

- **Please explain how auxiliary lanes are treated in the TDM. Are they treated as capacity lanes?**

Table 3.9-10 includes a segments of highway 50 (e.g. segment 5) that are partially in a community region and partially in a rural area. In the larger table, it appears that some of these segments exceed the General Plan Standard of LOS D in a rural area. For example, the un-numbered segment W of Cambridge Road shows in Table 3.9-13 as LOS E, but it is in the rural region.

O-Recirc-1-79

- **Please list these segments that are out of compliance with the general plan and their mitigations**

Page 3-9.45 states segments of Missouri Flat Road and Cameron Park Drive are not considered an impact since they are listed in the General Plan table as exceptions to the LOS rule. While this is true, the General Plan also states that there is a maximum v/c ratio for road segments. Since the traffic forecasts are for two directions of the road segments, the reader cannot determine if these segments exceed the allowed v/c ratio.

O-Recirc-1-80

1. Highway 50 to Mother Lode Drive may not operate at a v/c worse than 1.12
2. Mother Lode Drive to China Garden Road may not operate at a v/c worse than 1.20
3. Cameron Park Drive from Robin Lane to Coach Lane may not operate at a v/c worse than 1.11

- **Please state the future *directional* cumulative v/c ratios for these segments of Missouri Flat Road and Cameron Park Drive. If any of these ratios are worse than allowed in the general plan, provide the subsequent necessary mitigation measures in the FEIR.**

Page 3-9.39 states: " Because the County has specific traffic mitigation policies that require future development projects to construct adequate roadway facilities to maintain acceptable levels of service and payment of fees that go toward making regional traffic improvements designed for improving traffic operations, potential impacts are considered less than significant." This is incorrect. The County does not require development projects to construct adequate roadway facilities to maintain acceptable levels of service. Depending on the project and impact, many development projects simply pay a fee to help pay for a project that may be 10 years or more away. In many cases, projects listed in the CIP keep slipping out in time and changing drastically in cost. For instance, CIP project #71324 (**Saratoga Extension Phase I**) has the following revisions to schedule and cost (from county DOT website):

O-Recirc-1-81

| EDC CIP | Project Completion Date | Estimated Cost |
|---------|-------------------------|----------------|
| 2006    | 06-07                   | 10,000,000     |
| 2007    | 10-11                   | 10,694,269     |

|      |                    |            |
|------|--------------------|------------|
| 2008 | 09-10              | 16,298,226 |
| 2009 | 13 - 18            | 15,062,236 |
| 2010 | 14-19              | 15,279,510 |
| 2012 | "after 2021"       | 11,541,347 |
| 2013 | "after 2022"       | 11,541,347 |
| 2014 | "FY 24/25 - 33/34" | 11,541,347 |

O-Recirc-1-81  
Cont.

Another example is CIP project #72332 (**EDH Blvd realignment**). This one is particularly obnoxious since this intersection has been at LOS F for over 15 years. This is a clear failure of the CIP/TIM fee program.

| EDC CIP | Project Completion Date | Estimated Cost   |
|---------|-------------------------|------------------|
| 2004    | 06-07                   | \$ 2,689,996.00  |
| 2006    | Jul-08                  | \$ 5,033,559.00  |
| 2007    | After 2011              | \$ 5,713,826.00  |
| 2008    | After 2012              | \$ 14,268,688.00 |
| 2009    | After 2018              | \$ 13,899,022.00 |
| 2010    | after 2019              | \$ 11,694,000.00 |
| 2012    | After 2021              | \$ 9,451,507.00  |
| 2013    | "FY 23/24 - 32/33"      | \$ 9,452,000.00  |
| 2014    | "FY 24/25 - 33/34"      | \$ 9,452,000.00  |

O-Recirc-1-82

These two examples are not unique--there are many such projects where the dates get pushed out every year and the estimated costs jump wildly. CEQA demands that there be a reasonable expectation that a mitigation will occur and it will work. Our current situation with the county CIP program provides neither.

- **Please describe the process used by the county to ensure that 1) TIM fees are adequate to cover the construction of the mitigation at 10 and 20 years in the future. 2) Mitigations in the CIP do not get pushed out in time, or removed from the CIP.**
- **Describe the monitoring program for this, why it has failed in the past (see examples of failures above), and what has changed such that the County is confident it will succeed in the future.**
- **In the FEIR, please analyze as an alternative to the current CIP program (which has not been working), amending of Policy TC-Xf as follows:**

O-Recirc-1-83

***At the time of approval of a tentative map for a single family residential subdivision of five or more parcels that worsens (defined as a project that triggers Policy TC-Xe [A] or [B] or [C]) traffic on the County road system, the County shall do one of the following: (1) condition the project to construct all road improvements necessary to maintain or attain Level of Service standards detailed in this Transportation and Circulation***

O-Recirc-1-84



***Element based on existing traffic plus traffic generated from the development plus forecasted traffic growth at 10-years from project submittal; or (2) ensure the commencement of construction of the necessary road improvements are included in the County's 10-year CIP.***

O-Recirc-1-84  
Cont.

***For all other discretionary projects that worsen (defined as a project that triggers Policy TC-Xe [A] or [B] or [C]) traffic on the County road system, the County shall do one of the following: (1) condition the project to construct all road improvements necessary to maintain or attain Level of Service standards detailed in this Transportation and Circulation Element based on existing traffic plus traffic generated from the development plus forecasted traffic growth at 10-years from project submittal; or (2) ensure the construction of the necessary road improvements are included in the County's 20-year CIP.***

Page 3-9.49 states: "These measures would reduce or avoid decreasing LOS and require payment of TIM fees that would go toward making regional traffic improvements designed for improving traffic operations. Therefore, potential impacts would be less than significant." Improvements may not take place for 10 to 20 years after the completion of a project given the TIM fee arrangement. This could create a significant impact for 10 to 20 years (or more).

O-Recirc-1-85

- **Please explain the rationale for stating this 10 to 20 year delay in implementing traffic operations as "less than significant." Especially given the examples and discussion above showing CIP projects moving repeatedly out in time, even though a road segment or intersection is operating at LOS F.**

Page 3.9-58 Table 3.9-13:

Road segments (other than freeway segments), are listed with a total volume at peak AM and peak PM hours. Using this method, the volume and capacity numbers are misleading, and err on the side making the LOS appear better than it really is. As stated in HCM 2010, the information for each segment should include the directional split if available. This information is readily available at the El Dorado County DOT website. Looking at numbers for Green Valley road, the directional split is highly biased in the commute direction (e.g. 70/30). Thus one direction could be LOS F, the other LOS B, but when the two directions are combined, the result may show a misleading LOS D.

O-Recirc-1-86

- **In the FEIR please provide directional counts and directional LOS calculations on all roadways in the study area where directional counts have been measured.**

Measurement points. Measurement points on highway 50 are presented as "W of Latrobe" or "W of Bass Lake", etc. It is unclear whether or not these measurements would include traffic from the ramps associated with the measurement point.

O-Recirc-1-87

- **Please clarify where in each highway 50 segment the measurement is obtained and whether it is west of on/off ramps or not. If the counts are**

**not west of the associated on/off ramps, please state the justification for this, as it would not give correct volume or LOS for that freeway segment.**

O-Recirc-1-87  
↑  
Cont.

"Worsen". In order to understand whether or not the project will worsen already LOS F traffic (Policy TC-Xe):

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.

O-Recirc-1-88

- **In the FEIR, please measure the % increase in traffic during the AM and PM peak hours, and the additional ADT generated by the project for all road segments, intersections, and interchanges that are LOS F in Scenario 1.**

Missing road segments. In addition to intersections and interchanges, several critical segments of roadway are missing from the analysis.

- **In the FEIR, please provide the volume/LOS information for the following roads/segments in the same format as the others in Table 3.9-13. If any of the following road segments are not considered by the county as important to review, please list the reason for each segment.**
  - **Highway 50 W of Empire Ranch interchange.**
  - **Saratoga Way: all segments from EDH Blvd to Empire Ranch. This is important to understand the parallel capacity for highway 50.**
  - **El Dorado Hills Blvd. north of Saratoga Way. This will be important to understand the future split of traffic for parallel capacity on Saratoga Way. This segment is 4AD today. Please denote the future configuration in the FEIR.**
  - **El Dorado Hills Blvd. south of Park Drive. (Highway 50 WB ramp dumps out here, as well as left turns from El Dorado Hills Blvd. to WB 50, and exit from Raley's center)**
  - **Empire Ranch Road. (all segments) Important to understand highway 50 impact, parallel capacity.**
  - **Latrobe Rd/White Rock Rd Connector (all segments). Important to understand the parallel capacity for highway 50.**
  - **Marble Valley Road south of Highway 50 Important to understand Marble Valley / Lime Rock contribution to highway 50 traffic.**

O-Recirc-1-89

- Flying C/Deer Creek Road South of Highway 50. Important to understand Marble Valley / Lime Rock contribution to highway 50 traffic.
- Green Valley Road East of Silva Valley Parkway. Important to understand the impact from Dixon Ranch, and the left turn requirements at this intersection. This will presumably be the primary path to the freeway for this traffic.
- Silver Springs Parkway South of Green Valley Road. Important to understand impact from Silver Springs, Dixon Ranch, Summerbrook, etc.
- Latrobe Road north of Town Center Blvd. Important to understand impact of south of highway 50 and Town Center Apartments, business.
- Valley View Pkwy. south of White Rock Road (this road is used by commuters as a cut-through from the business park today. This is anticipated to get much worse once the Silva Valley interchange is complete, and additional business and residential is added south of Highway 50.)
- White Rock South of highway 50 (Silva Valley Interchange).
- Silva Valley Parkway at Oak Meadow Elementary School. This is important to understand the magnitude of the problem created by placing freeway traffic exiting past an Elementary School.
- Silva Valley Parkway North and South of Golden Eagle Lane. There is currently a large backup of traffic at school start and end. This will be highly exacerbated by much more traffic being routed down Silva Valley Parkway for freeway access.

O-Recirc-1-89  
Cont.

Existing conditions for Highway 50 W of Latrobe (ID 1 and 2) are very different (lower) than the CalTrans measurements. The CalTrans 2010 Traffic Counts book lists peak hour traffic at this segment as 8600 vehicles on the mainline freeway. The TDM table shows a peak volume of 3330 AM and 4100 PM. Clearly since CalTrans lists this segment of Highway 50 as LOS F in peak hour, the table must be incorrect.

- **Please correct the volume numbers or explain the justification for the numbers used and how they were obtained. This difference is very significant.**

|   |    |     |          |                              |       |         |        |       |         |        |
|---|----|-----|----------|------------------------------|-------|---------|--------|-------|---------|--------|
| 3 | 50 | SAC | 23.136   | SACRAMENTO/E DORADO CO LN    | 8,600 | 101,000 | 93,000 |       |         |        |
| 3 | 50 | ED  | 0        | SACRAMENTO/E DORADO CO LN    |       |         |        | 8,600 | 101,000 | 93,000 |
| 3 | 50 | ED  | 0.857    | LATROBE RD                   | 8,600 | 101,000 | 93,000 | 7,000 | 78,000  | 71,000 |
| 3 | 50 | ED  | R 1.677  | BEG INDEP ALIGN RT LNS       | 7,000 | 78,000  | 71,000 | 3,350 | 37,500  | 34,000 |
| 3 | 50 | ED  | R 1.677  | L BEGIN INDEP ALIGN LT LANES | 3,350 | 37,500  | 23,000 | 3,350 | 37,500  | 34,000 |
| 3 | 50 | ED  | R 3.154  | END INDEPENDENT ALIGN        | 3,350 | 37,500  | 34,000 | 7,000 | 78,000  | 71,000 |
| 3 | 50 | ED  | R 3.232  | BASS LAKE RD                 | 7,000 | 78,000  | 71,000 | 5,700 | 68,000  | 62,000 |
| 3 | 50 | ED  | 4.962    | CAMBRIDGE RD                 | 5,700 | 68,000  | 62,000 | 5,600 | 64,000  | 61,000 |
| 3 | 50 | ED  | 6.57     | CAMERON PARK                 | 5,600 | 64,000  | 61,000 | 5,600 | 64,000  | 61,000 |
| 3 | 50 | ED  | R 8.564  | SHINGLE SPRINGS              | 5,600 | 64,000  | 61,000 | 3,850 | 51,000  | 47,500 |
| 3 | 50 | ED  | R 10.295 | EAST SHINGLE SPRINGS         | 3,850 | 51,000  | 47,500 | 3,800 | 48,000  | 47,000 |

O-Recirc-1-90

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Segments #5 and #6 of Highway 50 at Bass lake show a total peak volume of 4350AM and 5740PM. The CalTrans 2010 Traffic Counts book lists peak hour traffic at this segment as 7000.

O-Recirc-1-91

- **Please correct the base volume numbers or explain the justification for the numbers used and how they were obtained.**

O-Recirc-1-91  
Cont.

Several other road segments in the table have numbers substantially different than the El Dorado County DOT website count numbers (e.g. Segment #44 show a total peak volume of 1060AM and 1650PM. The EDC DOT Traffic count for 2010 lists peak hour traffic at this segment as 1900AM, 2050PM in Jan, and 1314AM, 2068PM in Jul. DOT numbers also list this segment as 1909AM/2116PM in Jan 2013.

O-Recirc-1-92

- **Please correct the base volume numbers on all listed road segments or explain the justification for the numbers used and how they were obtained.**

NOP comments: The following comments received by the county on the Draft EIR NOP have not been fully addressed in the RDEIR.

- **Please address the following items in the FEIR:**

a) Page 710: Caltrans requests "Specifically, the EIR should identify the impacts that the increase in traffic will have on SHS segments, intersections, and interchanges, and any necessary mitigations to reduce the impacts to a less than significant level."

b) Page 711: Caltrans requests "Average Daily Traffic, AM and PM peak hour volumes and levels of service (LOS) on all roadways where potentially significant impacts may occur, including crossroads and controlled intersections for existing, existing plus project, cumulative and cumulative plus project scenarios. Calculation of cumulative traffic volumes should consider all traffic-generating developments, both existing and future, that would affect study area roadways and intersections. The analysis should clearly identify the project's contribution to area traffic and any degradation to existing and cumulative LOS. [emphasis added]

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c) Page 711: Schematic illustration of traffic conditions including the project site and study area roadways, trip distribution percentages and volumes as well as intersection geometrics, i.e., lane configurations, for the scenarios described above.

d) Page 711: Identification of mitigation for any roadway mainline section or intersection with insufficient capacity to maintain an acceptable LOS with the addition of project-related and/or cumulative traffic. As noted above, the project's fair share contribution, financing, scheduling, implementation responsibilities and lead agency monitoring should also be fully discussed for all proposed mitigation measures.

## Groundwater - Chapter 3.10 R-DEIR Review Comments

### Groundwater Resources & Groundwater Quality

Because many of the TGPA/ZOU proposed policies will enable high-density residential, commercial, industrial, agricultural, recreational, and research and development uses in rural areas of the County—and because such development projects will rely on groundwater and septic tanks (or waste pond systems, etc.)—it is clear that development proposed under the TGPA/ZOU will have a significant impact on water quality. The consultant ICF International stated at the July 10, 2014, Planning Commission meeting that they, too, were aware that new allowable uses would impact water quality.

But not only will *water quality* issues loom large as septic systems contaminate wells originating from fractured rock aquifers, management of *groundwater supply* will quickly become an issue fraught with difficulties—including legal challenges—when too many wells tap aquifers that subsequently lapse into “overdraft.”

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Water law will come into play as groundwater becomes depleted and neighbors vie for the resource to keep their wells viable. Water law is complex, and dictated by a procession of cases: **Katz v. Walkinshaw** (141 Cal 116) (1903); **Peabody v City of Vallejo** (2 Cal. 2d 908) (1949) **City of Pasadena v. City of Alhambra** (33 Cal.2d 908) (1949); **Niles Sand and Gravel Company v. Alameda County Water District** (37 Cal. App. 3d 924) (1974); **Techachapi-Cummings County Water District v. Armstrong** (49 Cal. App. 3d 992) (1975); **City of Los Angeles v. City of San Fernando** (14 Cal. 3d 199) (1975); **Wright v. Goleta Water District** (174 Cal. App. 3d 74) (1985); **Hi-Desert County Water District v. Blue Skies Country Club** (23 Cal. App. 4<sup>th</sup> 1723) (1994); **Baldwin v. Tehama County** (31 Cal. App. 4<sup>th</sup> 166) (1994); and **City of Barstow v. Mojave Water Agency** (23 Cal. 4<sup>th</sup> 1224) (2000).<sup>1</sup> Predictably, the recent drought will bring many new cases due to the unprecedented pumping of groundwater.<sup>2</sup> The County needs to be aware of this body of law, and prepare to facilitate the outcome of legal challenges that will be decided.

### Why Planning is Important

To avoid—or at least reduce litigation over groundwater issues—planning is critical. It is essential that the County develop a Groundwater Management Plan and an implementing ordinance. Development of such a plan should **precede** the completion and implementation of the TGPA/ZOU. **Without such an evaluation—without this basis for land use planning—the viability of much of the land use authorized in the TGPA/ZOU is called into question, and jeopardizes residents’ investments.**

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<sup>1</sup> Department of Water Resources. 2003. *California’s Groundwater*. Bulletin 118, update 2003; Appendix B.

<sup>2</sup> Sawyers, G.W. XXXX. *A Primer on California Water Rights*. Available at: [http://aic.ucdavis.edu/events/outlook05/Sawyer\\_primer.pdf](http://aic.ucdavis.edu/events/outlook05/Sawyer_primer.pdf)

An evaluation of El Dorado County groundwater resources is especially important because, as stated in the **RDEIR, page 3.10-29**, at least two water service districts—the GDPUD and GFCSD—**do not have surplus supplies that could be provided to expand service areas where well production is declining or where wells have failed**. Also precluded in these areas is the transport of water by truck to existing residents that cannot connect to a public water supply system due to economic factors.<sup>3</sup> EID, too, will be unable to expand its service area; it “...has additional supplies to serve their existing service area to 2035...but not long-term supplies” to serve areas outside of its service area.<sup>4</sup> And, in any case:

**RDEIR, page 3.10-29:** “...LAFCO is unlikely to approve extensive annexations, such as would be needed to supply rural development, that would exceed EID’s forecasted capacity to serve customers within their existing service area and that would result in difficult to serve and/or discontinuous service area boundaries.”

Well failure and well deepening is not uncommon in El Dorado County. In fact, a recent statewide report by the Department of Water Resources (DWR)<sup>5</sup> for the four year period 2010 through 2014 found “The greatest concentration of recent well deepening activity is in the foothill areas of Nevada, Placer, and El Dorado counties.” The following table and map are taken from the DWR report:

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Table 1 - Counties with Wells Deepened from 2010 through early 2014

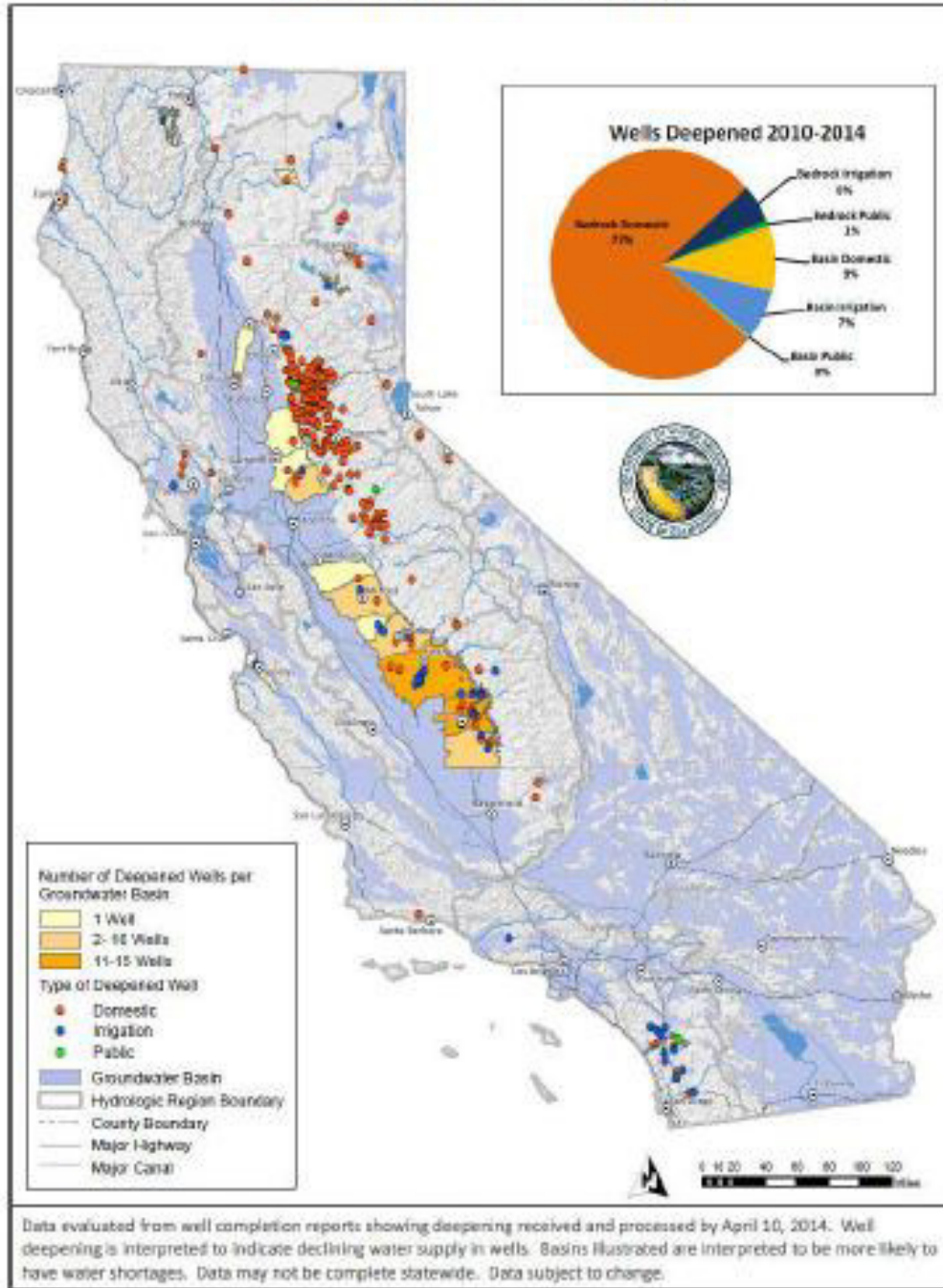
| County           | Wells in Alluvial Groundwater Basins |            |          | Wells in Fractured Bedrock |            |          | Total      |
|------------------|--------------------------------------|------------|----------|----------------------------|------------|----------|------------|
|                  | Domestic                             | Irrigation | Public   | Domestic                   | Irrigation | Public   |            |
| Alameda          |                                      |            |          | 1                          |            |          | 1          |
| Alpine           |                                      |            |          | 3                          |            |          | 3          |
| Amador           |                                      |            |          | 6                          |            |          | 6          |
| Butte            |                                      |            |          | 12                         | 2          |          | 14         |
| Calaveras        |                                      |            |          | 11                         |            | 2        | 13         |
| Del Norte        | 1                                    |            |          |                            |            |          | 1          |
| <b>El Dorado</b> |                                      |            |          | <b>41</b>                  |            |          | <b>41</b>  |
| Fresno           | 5                                    | 6          |          | 3                          | 1          |          | 15         |
| Humboldt         | 2                                    |            |          |                            |            |          | 2          |
| Kern             |                                      |            |          | 2                          |            |          | 2          |
| Lassen           |                                      |            |          | 8                          |            |          | 8          |
| Madera           | 4                                    | 2          |          | 1                          | 2          |          | 9          |
| Merced           | 2                                    | 1          |          |                            |            |          | 3          |
| Modoc            |                                      | 1          |          | 1                          |            |          | 2          |
| Mono             | 1                                    |            |          |                            |            |          | 1          |
| Monterey         |                                      | 1          |          |                            |            |          | 1          |
| Napa             |                                      |            |          | 2                          |            |          | 2          |
| Nevada           |                                      |            |          | 90                         |            |          | 90         |
| Placer           | 1                                    |            |          | 43                         |            |          | 44         |
| Plumas           | 1                                    | 1          |          | 1                          |            |          | 3          |
| Sacramento       | 4                                    | 1          |          | 1                          |            |          | 6          |
| San Diego        |                                      |            | 1        | 5                          | 11         |          | 17         |
| Santa Barbara    |                                      |            |          | 1                          |            |          | 1          |
| Shasta           | 1                                    |            |          | 1                          |            |          | 2          |
| Sierra           |                                      |            |          | 1                          |            |          | 1          |
| Siskiyou         |                                      | 1          |          | 3                          |            |          | 4          |
| Sonoma           |                                      |            |          | 2                          | 1          |          | 3          |
| Tulare           | 10                                   | 10         |          | 1                          | 2          |          | 23         |
| Tuolumne         |                                      |            |          | 17                         |            |          | 17         |
| Ventura          |                                      | 1          |          |                            |            |          | 1          |
| Yuba             |                                      |            |          | 16                         |            | 1        | 17         |
| <b>Total</b>     | <b>32</b>                            | <b>25</b>  | <b>1</b> | <b>273</b>                 | <b>19</b>  | <b>3</b> | <b>353</b> |

<sup>3</sup> RDEIR, page 3.10-29.

<sup>4</sup> RDEIR, page 3.10-29.

<sup>5</sup> Department of Water Resources. 2014. *Public update for drought response groundwater basins with potential water shortages and gaps in groundwater monitoring*. State of California, Resources Agency, Department of Water Resources. April 30, 2014.

Figure 4 - Water Wells Deepened 2010-2014



O-Recirc-1-95  
(Cont.)

**Map Source:** Department of Water Resources. 2014. "Public Update for Drought Response Groundwater basins with Potential Water Shortages and Gaps in Groundwater Monitoring." State of California, Resources Agency, Department of Water Resources. April 30, 2014.

### **Characterizing Groundwater Production in El Dorado County**

Text in the RDEIR attempts to characterize the nature of groundwater production in the County despite the fact that it asserts: ***"Historical data on groundwater levels is quite limited. The water levels in water wells within the county are not routinely tested, are not reported to***



**the County, and there is no comprehensive database on groundwater levels”** (RDEIR, page 3.10-14). Nonetheless, the consultant presents the following information:

**RDEIR, page 3.10-14:** “The Center for Economic Development (CED) at Chico State University compiled well depth data in the County with consistent measurements between 1999 and 2010, and corrected for wells not measured in any particular year. Average groundwater depths from 1999 to 2010 are shown in Table 3.10-2 below.” **Overall, El Dorado County experienced little groundwater change** during this 10-year period. Depths fluctuated between 22 and 30 feet deep, with an increasing long-term trend.”

**Table 3.10-2. Average Water Table Depths in El Dorado County (1999–2010)**

| <u>Year</u> | <u>Average Depth to Groundwater (feet)</u> |
|-------------|--------------------------------------------|
| <u>1999</u> | <u>26.39</u>                               |
| <u>2000</u> | <u>29.40</u>                               |
| <u>2001</u> | <u>33.71</u>                               |
| <u>2002</u> | <u>32.48</u>                               |
| <u>2003</u> | <u>31.36</u>                               |
| <u>2004</u> | <u>31.80</u>                               |
| <u>2005</u> | <u>30.58</u>                               |
| <u>2006</u> | <u>28.25</u>                               |
| <u>2007</u> | <u>30.89</u>                               |
| <u>2008</u> | <u>32.30</u>                               |
| <u>2009</u> | <u>31.20</u>                               |

Source: California State University, Chico 2011.

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(Cont.)

It is interesting that this information was chosen to represent “average depth to groundwater” in El Dorado County. The CED’s compilation of well depth data (presented in the *El Dorado County Economic & Demographic Profile*),<sup>6</sup> is presented as data derived from monitoring conducted by DWR; the implication is that the data represents a county-wide survey of depth to groundwater. However, a review of data compiled by DWR indicates that this data is most likely derived from “observation wells” used to characterize seasonal fluctuation in *groundwater basins*, (in this case most likely the Tahoe Basin)—not from wells in areas of fractured rock aquifers. When the CED states “*Depths have fluctuated between 22 and 30 feet deep...*” the characterization sounds like *seasonal* variation, not *spatial* variation. And, as it turns out, DWR does perform seasonal monitoring at its observation wells in groundwater *basins*, specifically the Tahoe Basin:

*“DWR’s Northern Region and its cooperators monitor groundwater levels ...[t]hese measurements are made twice a year: once in spring, when levels are highest, and once in fall, when levels are lowest.”<sup>7</sup>*

<sup>6</sup> Center for Economic Development, California State University, Chico Research Foundation. 2011. *El Dorado County economic demographic profile*. California State University, Chico. Available at: <http://www.cedcal.com>.

<sup>7</sup> California Department of Water Resources. 2015. *Groundwater Data and Monitoring, Northern Region*



Because CED is not a scientific/research body,<sup>8</sup> it is likely their understanding of the data may not be complete. But as a consultant, ICF International should make certain that the data accurately represents what it purports to represent. For instance: Can the consultant verify that the well data presented in Table 3.10-2 (RDEIR, page 3.10-14) includes a representation of the “average depth to groundwater” in the fractured rock aquifers of the West Slope of El Dorado County, or in any areas of the County outside of the Tahoe Basin?

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(Cont.)

A more appropriate characterization of the groundwater resources of El Dorado County is derived from the draft *Voluntary Domestic Well Assessment Project, El Dorado County Data Summary Report* compiled by the State Water Resources Control Board, Groundwater Ambient Monitoring and Assessment Program (September 2005, page 4), and the El Dorado County Water Agency,<sup>9</sup> both of which cite the Calkins, Carla Water Well Survey Report dated June 1978. (This data is also cited in Appendix A of the July 23, 2014 Rural Communities United submittal, page 3.10-34.) **It presents median depth of wells—and their median production rates (in gallons per minute [gpm])—for multiple wells in several “planning areas” of the County.**

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**Table 2. Well Characteristics in El Dorado County**

| County Planning Area       | Number of Wells Surveyed | Median Depth (Feet) | Median Rate (gpm) |
|----------------------------|--------------------------|---------------------|-------------------|
| Camino-Fruitridge          | 57                       | 100                 | 5                 |
| Cool                       | 29                       | 200                 | 5                 |
| El Dorado/Diamond Springs  | 19                       | 150                 | 4                 |
| Pinon                      | 37                       | 150                 | 10                |
| Garden Valley              | 70                       | 150                 | 10                |
| Gold Hill                  | 2                        | --                  | 5-10              |
| Kelsey                     | 45                       | 125                 | 4                 |
| Latoche                    | 23                       | 200                 | 5                 |
| Leitch-Coloma              | 66                       | <100                | 10                |
| Nicot Hill                 | 21                       | 150                 | 7                 |
| Pollock Pine               | 10                       | --                  | 8                 |
| Pleasant Valley            | 199                      | 100                 | 6                 |
| Rector                     | 120                      | 125                 | 10                |
| Shingle Springs            | 42                       | 125                 | 4                 |
| Somerset/Yaerplay/Mt Aukum | --                       | --                  | 10                |

Source: Calkins, Carla, Water Well Survey Report, June 1978

Presumably the CED data was relied upon because (as the consultant asserts), “**water levels in water wells within the county are not routinely tested, are not reported to the County, and there is no comprehensive database on groundwater levels.**” And while this statement

*Groundwater Level Evaluation, Data Collection & Management.* Available at: [http://www.water.ca.gov/groundwater/data\\_and\\_monitoring/northern\\_region/GroundwaterLevel/gw\\_level\\_monitoring.cfm](http://www.water.ca.gov/groundwater/data_and_monitoring/northern_region/GroundwaterLevel/gw_level_monitoring.cfm).

<sup>8</sup> The Center for Economic Development (CED) is not a groundwater research institution; it is funded in part by the U.S. Department of Commerce, Economic Development Administration, and the Small Business Administration.

<sup>9</sup> Page 3-13, December 2007 El Dorado County Water Agency, EDCW06-001 3-13 Water Resources Development and Management Plan. Source: Calkins, Carla, Water Well Survey Report, June 1978

may be *technically* correct, **the County nonetheless does collect well construction information, including well depth and production rates** in gallons per minute (gpm). The consultant could have used this data to better characterize the status of groundwater and groundwater wells in the County. Data on the depth and production rates of the County's wells from 1990 onward reside in the County's Envision system, and in e-files in the County Assessor's office.<sup>10</sup> (Countywide well information is also available to the public on the County Surveyor's *GOTNET* website.) **These currently available data could be used to identify areas within the County where wells may not be productive, especially over the long-term. This is the information upon which land use planning can be based.**

These data were/are compiled in response to the following 2004 General Plan policies:

**Policy 5.2.3.3:** The County shall develop and **maintain a map and database** of private well water production and other appropriate information.

**Policy 5.2.3.6:** The County shall **assess and analyze the well data** gained since the permit process started in 1990. Such data should be used to identify areas of **likely groundwater supply limitations**. At the completion of this analysis period, **the County should determine if the General Plan uses within the areas of water supply limitation are compatible with identifiable supply limitations and modify the General Plan uses, if necessary.**

A brief look at the GOTNET data generated under these policies yielded the following tables: (**NOTE:** These tables **are not intended as a complete analyses** of the (approximate) planning areas described; only nine wells surrounding an area named on the GOTNET map are represented—**a more complete analysis needs to be performed to accurately represent any given planning area.**)

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(Cont.)

| County Well Information |               |            |                 |                |
|-------------------------|---------------|------------|-----------------|----------------|
| Source: GOTNET          |               |            |                 |                |
| Planning Area           | Parcel Number | Well Depth | Pump Rate (gpm) | Site           |
| Shingle Springs         | 09039062      | 175        | 30              | Monarch        |
|                         | 09039062      | 600        | 9               | Woodside Way   |
|                         | 09031002      | 200        | 17              | Roberta Lane   |
|                         | 10906041      | 500        | 7               | Monarch        |
|                         | 10904009      | 52         | 20              | Durock Court   |
|                         | 10904005      | 152        | 15              | Haven Lane     |
|                         | 10924025      | 400        | 15              | Business Drive |
|                         | 10903035      | 160        | 17.5            | Durock Road    |
|                         | 10903020      | 900        | 3               | Durock Road    |
|                         |               | Average:   | 349             | 15             |
|                         | Median:       | 200        | 15              |                |

<sup>10</sup> Personal communication with Fred Sanford, Supervising Environmental Health Specialist for El Dorado County, March 1, 2015.

| Planning Area | Parcel Number | Well Depth | Pump Rate (gpm) | Site             |
|---------------|---------------|------------|-----------------|------------------|
| Latrobe       | 08702177      | 400        | 13              | Unidentified     |
|               | 08704091      | 300        | 8               | Latrobe Road     |
|               | 08713206      | 400        | 0               | So. Shingle Road |
|               | 08702138      | 600        | 10              | Memory Lane      |
|               | 08704063      | 730        | 2               | Independence     |
|               | 08701016      | 600        | 19.5            | So. Shingle Road |
|               | 08703055      | 240        | 15              | So. Shingle Road |
|               | 08709101      | 600        | 0               | Old Station Lane |
|               | 08726023      | 750        | 2               | Latrobe Road     |
|               | Average:      | 513        | 8               |                  |
|               | Median:       | 600        | 8               |                  |

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(Cont.)

| Planning Area                  | Parcel Number | Well Depth | Pump Rate (gpm) | Site             |
|--------------------------------|---------------|------------|-----------------|------------------|
| El Dorado /<br>Diamond Springs | 33130122      | 208        | 60              | Oakdale          |
|                                | 03312617      | 140        | 75              | Hwy 49           |
|                                | 32922201      | 540        | 4               | Forni Road       |
|                                | 09314019      | 340        | 22              | Bucks Bar        |
|                                | 05435127      | 120        | 20              | Hwy 49           |
|                                | 05155034      | 420        | 10              | Finch Court      |
|                                | 32921108      | 700        | 5.75            | Hagen Ranch      |
|                                | 33103005      | 500        | 1.6             | xxxx             |
|                                | 33105007      | 500        | 1.25            | Slate Creek Road |
|                                | Average:      | 385        | 22              |                  |
|                                | Median:       | 420        | 10              |                  |

| Planning Area | Parcel Number | Well Depth | Pump Rate (gpm) | Site               |
|---------------|---------------|------------|-----------------|--------------------|
| Coloma        | 00601168      | 600        | 6               | Mt. Murphy Road    |
|               | 08842027      | 175        | 18              | Sage Brush Road    |
|               | 00601184      | 150        | 30              | End of Carvers     |
|               | 00630112      | 260        | 30              | Hwy 49             |
|               | 00646017      | 300        | 10              | Mountain View Road |
|               | 08842019      | 375        | 10              | Sage Brush Road    |
|               | 08801053      | 700        | 1.5             | Marshall Road      |
|               | 10507062      | 125        | 35              | Amaloc Lane        |
|               | 08842037      | 500        | 29              | Mt. Murphy Road    |
|               | Average:      | 354        | 19              |                    |
|               | Median:       | 300        | 18              |                    |

| Planning Area | Parcel Number | Well Depth | Pump Rate (gpm) | Site            |
|---------------|---------------|------------|-----------------|-----------------|
| Kelsey        | 08803103      | 880        | 40              | Longdrive Way   |
|               | 08803128      | 290        | 30              | Bayne Road      |
|               | 08803152      | 420        | 14              | Bayne Road      |
|               | 08818015      | 700        | 8               | Shoofly         |
|               | 08818023      | 300        | 8               | Shoofly         |
|               | 08819003      | 700        | 1               | Poohs Path      |
|               | 08401112      | 200        | 15              | Twisting Trails |
|               | 08832017      | 220        | 12              | Laughlin Road   |
|               | 08803154      | 700        | 2               | Mobile Manor    |
|               |               | Average:   | 490             | 14              |
|               | Median:       | 420        | 12              |                 |

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(Cont.)

| Planning Area | Parcel Number | Well Depth | Pump Rate (gpm) | Site                 |
|---------------|---------------|------------|-----------------|----------------------|
| Pollock Pines | 00939033      | 175        | 20              | Randolph Canyon Road |
|               | 00939034      | 615        | 45              | Randolph Canyon Road |
|               | 00934011      | 120        | 12              | Bullion Bend         |
|               | 00964003      | 260        | 24              | Twin Mountain Road   |
|               | 00928107      | 350        | 40              | Sly Park Road        |
|               | 00935014      | 200        | 40              | Sesame Street        |
|               | 10123008      | 600        | 5               | Ridge Way            |
|               | 00904038      | 1025       | 5               | Spring Valley        |
|               | 00905134      | 400        | 65              | Twin Mountain Road   |
|               |               | Average:   | 416             | 28                   |
|               | Median:       | 350        | 24              |                      |

| Planning Area         | Parcel Number | Well Depth | Pump Rate (gpm) | Site                 |
|-----------------------|---------------|------------|-----------------|----------------------|
| Fairplay / Outingdale | 09408013      | 800        | 2               | Idlewild Road        |
|                       | 09407043      | 375        | 15              | Perry Creek Road     |
|                       | 09406016      | 775        | 13              | Above Perry Creek V. |
|                       | 09401073      | 600        | 12              | Fairplay Road        |
|                       | 09401069      | 500        | 2               | Fairplay Road        |
|                       | 09501123      | 580        | 50              | Slug Gulch           |
|                       | 09508046      | 600        | 5.5             | Vineyard View Drive  |
|                       | 09501146      | 420        | 28              | Boondock Trail       |
|                       | 09510001      | 1100       | 5.14            | Slug Gulch           |
|                       |               | Average:   | 639             | 15                   |
|                       | Median:       | 600        | 12              |                      |

| Planning Area | Parcel Number | Well Depth | Pump Rate (gpm) | Site               |
|---------------|---------------|------------|-----------------|--------------------|
| Rescue        | 06904069      | 160        | 8.5             | Green Valley Road  |
|               | 06904047      | 300        | 15              | Green Valley Road  |
|               | 06903057      | 300        | 30              | Chemise Road       |
|               | 06906058      | 75         | 30              | Chemise Road       |
|               | 06917105      | 320        | 14.7            | Kelly Creek        |
|               | 31737204      | 700        | 0               | Ponderosa Road     |
|               | 31734403      | 820        | 15              | Greenstone Country |
|               | 31719047      | 400        | 2               | Stagecoach         |
|               | 31719047      | 600        | 3               | Green Valley Road  |
|               |               | Average:   | 408             | 13                 |
|               | Median:       | 320        | 15              |                    |

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(Cont.)

| Planning Area   | Parcel Number | Well Depth | Pump Rate (gpm) | Site               |
|-----------------|---------------|------------|-----------------|--------------------|
| El Dorado Hills | 12609122      | 300        | 60              | Harlan Drive       |
|                 | 12610024      | 400        | 6.5             | Malcom Dixon       |
|                 | 12615008      | 885        | 1.25            | Verder Valle Drive |
|                 | 12613054      | 420        | 15              | Green Valley       |
|                 | 12608024      | 360        | 5               | Covey Way          |
|                 | 12608037      | 300        | 3               | Arroyo Vista       |
|                 | 12616007      | 198        | 45              | Hickok Road        |
|                 | 12608025      | 420        | 42              | Winding Oak        |
|                 | 01208086      | 300        | 10              | Lover's Lane       |
|                 |               | Average:   | 398             | 21                 |
|                 | Median:       | 360        | 10              |                    |

While it is understood that wells and well production can vary widely within a given area based on the nature of fractured rock aquifers, important planning information would be gained from an evaluation of existing data. At a minimum, a planning document such as the TGPA/ZOU **should** use all available data to plan for development, and thus protect County residents from investing in areas where well and septic failure are likely, and where contamination of wells from septic tanks and wastewater ponds is probable.

### **Development of a Groundwater Management Plan**

The County has the data necessary to develop a Groundwater Management Plan, and **existing law** authorizes local agencies to adopt and implement a Groundwater Management Plan (Assembly Bill 3030 [1992], sections 10750-10756 of the California Water Code provided a systematic procedure for a local agency to develop a groundwater management plan).<sup>11</sup>

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<sup>11</sup> Legislative Counsel's Digest. 2014. *Assembly Bill 1739*. California Legislative Information. Available at: [http://leginfo.legislature.ca.gov/faces/billNavClient.xhtml?bill\\_id=201320140AB1739](http://leginfo.legislature.ca.gov/faces/billNavClient.xhtml?bill_id=201320140AB1739).

Recently signed legislation that collectively forms the “Sustainable Groundwater Management Act,”—Senate Bill (SB) 1168, Assembly Bill (AB)1739, and SB 1319 (which amends AB 1739) of the 2013-2014 legislative session—will require local entities to manage groundwater resources, or if they do not, the State could step in and regulate groundwater use. Specifically, the intent of these bills is to make certain all groundwater basins and sub-basins (such as the Tahoe Basin) are managed sustainably by local entities pursuant to an adopted sustainable groundwater management plan.<sup>12</sup>

According to the language in SB 1168, AB 1739 and SB 1319, the bills were passed for reasons that included the number of failed wells that were being reported, deteriorated water quality, environmental damage that occurs when groundwater is not properly managed, and notably, because sustainable groundwater management *respects property rights*.

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(Cont.)

But the TGPA/ZOU disregards this kind of planning:

**RDEIR, page 3.10-3:** “*The three bills—SB 1168 (Pavley), SB 1319 (Pavley), and AB 1739 (Dickinson) ...do not apply to this project because western El Dorado County has no groundwater basins.*”

Western El Dorado County may not have groundwater basins, but the eastern portion has the Tahoe Basin, and the TGPA/ZOU is, after all, a *countywide* planning document. And, more fundamentally, these bills—designed to protect the viability of groundwater resources statewide, do not **preclude** the development of groundwater management plans in counties *without* defined groundwater basins. In fact, they support and promote the development and establishment of such plans, and the adoption of implementing groundwater ordinances. Bulletin 118, a publication of the State Water Resources Control Board,<sup>13</sup> stresses the importance of establishing groundwater management plans and county ordinances in **counties without defined basins (“non-basin areas”)**, and provides—in Appendix D of Bulletin 118, a groundwater management model ordinance that includes non-basin areas. The goal of the ordinance is described as follows:

*“In developing this model ordinance, the California Department of Water Resources recognizes that the goal of a groundwater management plan and the goal of an ordinance to manage groundwater should be the same—**assurance of a long-term, sustainable, reliable, good quality groundwater supply.**”*

The text of this model ordinance includes the following language:

*“...the groundwater basins and **non-basin areas** of the County will be divided into subunits based on hydrogeologic principles and institutional boundaries. These subunits shall be established by the Board based on public input to address the groundwater management needs of the County.”*

<sup>12</sup> Senate Rules Committee. 2014. Senate Bill 1168. Bill analysis, third reading. July 31, 2014.

<sup>13</sup> State of California Resources Agency, Department of Water Resources. 2003. *Bulletin 118*. Update October, 2003. Available at: [http://www.water.ca.gov/groundwater/bulletin118/update\\_2003.cfm](http://www.water.ca.gov/groundwater/bulletin118/update_2003.cfm).

Thus, there is an understanding that **even in counties that lack specific, defined groundwater basins, it is essential to develop groundwater management plans and accompanying implementing ordinances** to protect both groundwater resources and the public that relies upon them.

This model ordinance stresses the development of monitoring networks that monitor changes in groundwater level and quality, and changes in surface water flow and quality that are caused by groundwater pumping.

### **Development of a Groundwater Management Plan is Mandated in the General Plan**

Most importantly, **Policy 5.2.3.6—and other General Plan policies—as much as require the establishment and implementation of a Groundwater Management Plan:**

**Policy 5.2.3.6:** *“The County shall assess and analyze the well data gained since the permit process started in 1990. Such data should be used to identify areas of likely groundwater supply limitations. At the completion of this analysis period, **the County should determine if the General Plan uses within the areas of water supply limitation are compatible with identifiable supply limitations and modify the General Plan uses, if necessary.**”*

O-Recirc-1-97  
(Cont.)

**AND**, the County has made “promises” to its residents:

**Objective 5.2.1: County-Wide Water Resources Program.** *“Establish a **County-wide water resources development and management program** to include the activities necessary to ensure **adequate future water supplies** consistent with the General Plan.”*

**Policy 5.2.1.1:** *“The El Dorado County Water Agency shall support a County-wide water **resources development and management program** which is coordinated with water purveyors and is **consistent with the demands generated by the General Plan land use map.**”*

**Policy 5.2.1.2:** *“An adequate quantity and quality of water for all uses, **including fire protection**, shall be provided for with **discretionary development.**”*

**Policy 5.2.1.4:** *“Rezoning and subdivision approvals in Community Regions or other areas dependent on **public water supply** shall be subject to the availability of a **permanent and reliable water supply.**” (This provision applies to groundwater, too: see discussion regarding definition of “public water supply.”)*

**Policy 5.2.1.9:** *“In order to approve the tentative map or building permit for which the [Water Supply Assessment] was prepared the County must (a) **find that...the water supply from existing water supply facilities will be adequate to meet the highest projected demand associated with the approval on the lands in question...** 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 future uses within the area served**”*



**by the water supplier, including but not limited to, fire protection, agricultural, and industrial uses...**

O-Recirc-1-97  
(Cont.)

**Objective 5.2.3: Groundwater Systems.** “Demonstrate that **water supply is available** for proposed groundwater dependent development and **protect against degradation of well water supplies for existing residents.**”

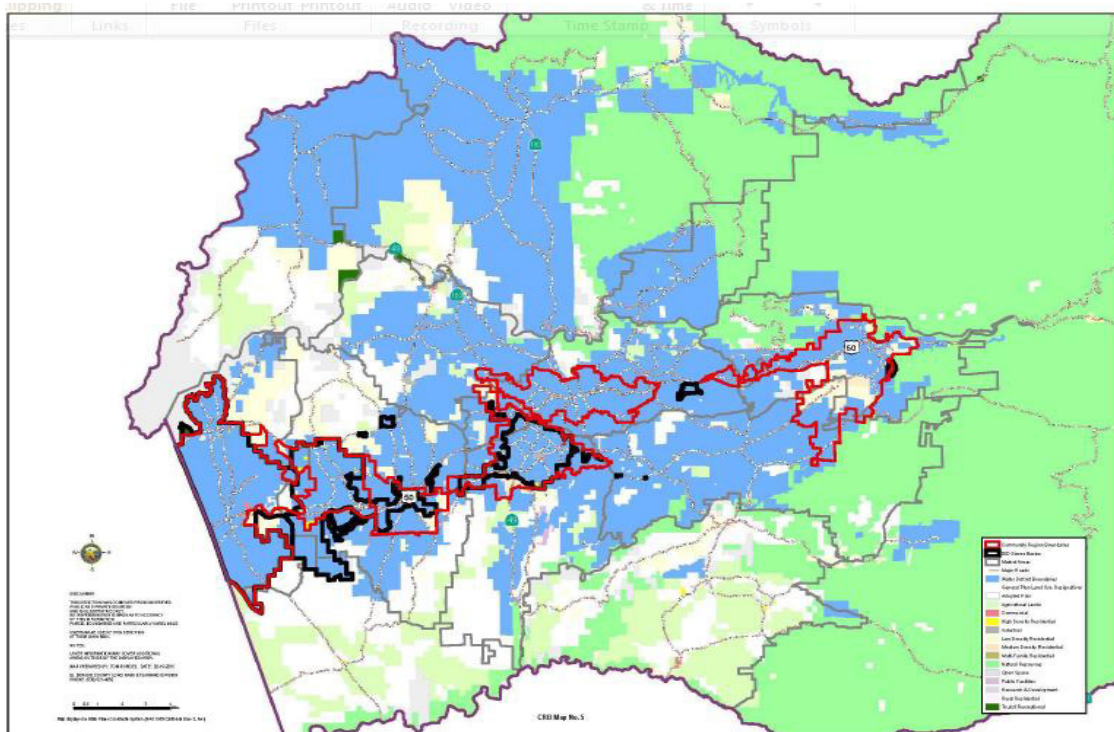
**Need for a Groundwater Management Plan**

The need for a groundwater management plan becomes clear when examining a map of the County’s **water service boundaries**. Clearly, much of the County is **not** served by the water districts that provide service based on surface water supply. In fact, while the map identifies *water service boundaries*, it is not clear what the extent of the water service *within* those boundaries actually is. (That is, the extent of the water **delivery infrastructure** within the service boundaries is not clearly defined on the map.)

O-Recirc-1-98

**Map of Service Boundaries**

Water service boundaries are depicted in blue; public sewer in black



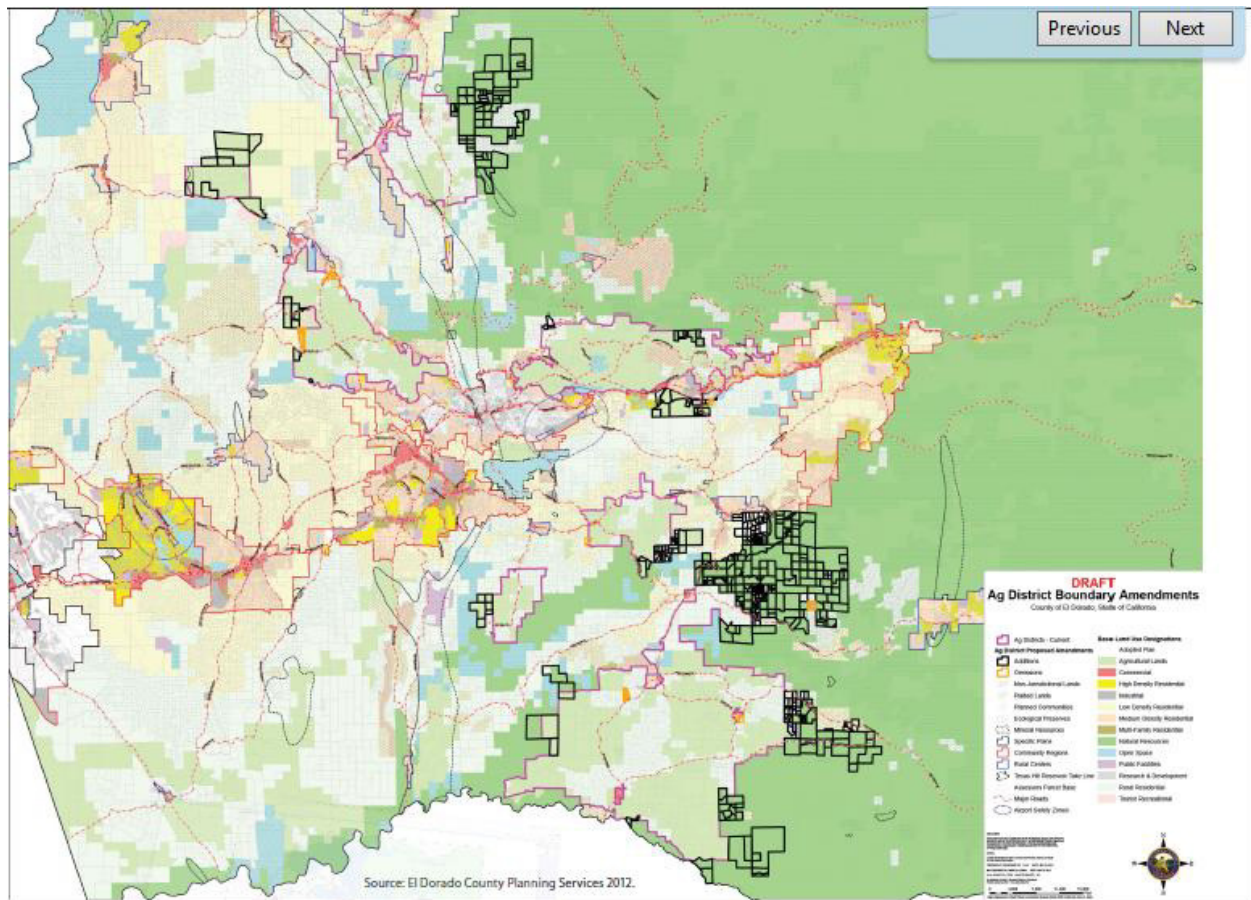
**Map Source:** El Dorado County Community Development Agency, Long Range Planning Division, PowerPoint presentation on Community Region Boundaries to Board of Supervisors, February 24, 2015 (page 5).



Also problematic in terms of the demand placed on limited groundwater resources is the addition of agricultural lands in areas not served by El Dorado Irrigation District (areas now defined as “natural resources”). Agricultural uses—orchards, vineyards, livestock, etc.—demand a great deal of water,<sup>14</sup> as do additional development/activities that will be allowed in agricultural districts, such as Bed & Breakfast, health resorts, retreat centers, and agricultural support services.

O-Recirc-1-98  
(Cont.)

**Map of Agricultural District Boundaries**  
Agricultural land additions in black; omissions in orange



**Map Source:** El Dorado County TGPA/ZOU Draft Program EIR; Prepared by ICF International, March 2014; Figure 2-4.

<sup>14</sup> See *Typical Water Demands for Rural Residential Parcels (and for other uses)*. Available at: [http://www.edcgov.us/Water\\_Well\\_Program.aspx](http://www.edcgov.us/Water_Well_Program.aspx).

Additional Impacts on Groundwater will come from **Community Regions** and **Rural Centers**. Development of the highest densities will be directed to community areas (Community Regions) and rural communities (Rural Centers), **both of which will be supported to varying degrees by groundwater under County policy:**

*TGPA/ZOU dEIR, page 3.6-5:* “Policy 5.2.1.3 would be revised such that medium-density residential, high-density residential, multifamily residential, commercial, industrial and research and development projects **may** be required to connect to **public water systems** if reasonably available when located within **Community Regions** and to either a **public water system** or to an approved **private water systems in Rural Centers**. The current policy requires such development to be connected to public water systems in Community Regions.”

O-Recirc-1-98  
(Cont.)

**AND**

**Policy 5.2.1.11** “The County shall direct new development to areas where **public water service** already exists. In **Community Regions**, all new development shall connect to a **public water system**. In **Rural Centers**, all new development shall connect either to a **public water system** or to an approved **private water system**.”

**AND**

**Policy 5.2.2.1** “**Community water systems** and/or package water treatment plants may be considered **an acceptable alternative to public water service within Rural Centers**.”

“**Public water system**,” while not defined in the current El Dorado County Municode (Chapter 8.39—Well Standards), **is defined in the El Dorado County “Final Draft of Proposed Well Construction & Water Supply Standards Ordinance” dated August 14, 2014 and on the County website:**

*“Public water system” means a system for the provision of water for human consumption through pipes or other constructed conveyances that has **15 or more service connections or regularly serves at least 25 individuals daily** at least 60 days out of the year. Public water systems can be either **Community** (a public water system that serves at least **15 service connections** used by yearlong residents or regularly serves at least **25 yearlong residents** of the area served by the system); **Non-community** (a public water system that is not a community water system); or **Non-transient non-community** (a public water system that is not a community water system and that regularly serves at least 25 of the same persons over 6 months per year). (This includes systems regulated under Cal Code (California Health and Safety Code).*

“**Private water system**” most probably includes private wells, although this term does not appear to be defined. The current Municode (Chapter 8.39) does not define private water system, nor does the draft revision of Chapter 8.39 (draft August 14, 2014).

But it is clear that **both public and private water systems will be based on groundwater—and both are allowed to support development even in areas planned for the highest densities—Community Regions.** (The language in Policy 5.2.1.3 is proposed to be changed to “**may** be required to connect to public water systems”—which implies even a private water system could meet requirements in a Community Region.) For **Rural Centers, “community water systems”**—a water system that serves 15 connections or greater—**are most probably also based on groundwater.**

O-Recirc-1-99

#### **AND YET:**

**RDEIR, page 3.10-18:** “*Policy 5.2.3.5...limits the allowable density of projects that are reliant on groundwater..[b]ecause groundwater is not a reliable source of water in areas that are not served by a public water system...*” (NOTE: This statement is contradictory given the definition of “public water system”; I believe the consultant meant to use the terminology “public water service,” not “public water system” in this sentence.)

#### **“Significant and Unavoidable” Impact**

To claim that the impact of the TGPA/ZOU policies on groundwater resources is “**significant and unavoidable**” rings false. “Significant”—true. “Unavoidable”—false. *A proper planning document*—which the TGPA/ZOU is declared to be—must, of necessity, evaluate the impacts of its proposals and avoid pitfalls that are avoidable. Sanctioning development in areas that lack adequate groundwater supplies is irresponsible, and borders on unethical—***and it is avoidable***. Implementing development policies that authorize development in areas of inadequate water supply leads residents into building homes and businesses in unsuitable areas; it thrusts investment losses squarely onto their shoulders. (Drilling wells that never come to fruition is a cost borne by the landowner alone, as is the misfortune of well failure after a residence or business has been established.) Identifying areas in which development *would not* be supported by groundwater supplies, however, *is* responsible planning, and is the planning residents deserve and expect the County to provide, especially when information for sound planning is readily at hand.

O-Recirc-1-100

In fact, General Plan policy 5.1.2.2 is intended to circumvent over-use of public services, including water usage:

**Policy 5.1.2.2: “*Provision of public services to new discretionary development shall not result in a reduction of service below minimum established standards to current users...*[Minimum Levels of Service].”**

Despite this policy, the RDEIR continues to “argue” for unavoidability:

**RDEIR, page 3.10-29:** “*Developing a baseline estimate of groundwater supplies would require a comprehensive and multiyear effort of collecting private well information and modeling both recharge characteristics and future demand that is beyond the scope of this General Plan. Even with this information, groundwater supplies are expected to vary from*

place to place, depending upon the underlying geology, size and accessibility of the aquifer, and its source of recharge. Impacts tend to be localized and accurately predicting how groundwater withdrawals within a particular area may affect surrounding areas is difficult if not impossible. Therefore, this impact would be **significant and unavoidable** due to the increased demands for groundwater supplies associated with the ZOU update, **the lack of information regarding groundwater capacity and supply**, and the general information indicating that **groundwater supplies are not reliable.**

And finally: RDEIR, page 3.10-30: “...it would be speculative to conclude that a **water reliability project would be an achievable and practical mitigation measure.**”

O-Recirc-1-100  
(Cont.)

Instead of taking on a “difficult analysis,” residents are left to fend for themselves:

RDEIR, page 5-29: “Future development under the TGPA/ZOU will place greater demands on groundwater supplies in those parts of the West Slope that are not served by public water agencies. **This will be compounded** by components of the ZOU such as ranch marketing, rural industrial, and home occupations that can intensify very localized water demands in rural areas where groundwater is the sole source of water.”

And, “increases in the number of wells and water demand on the county’s fractured rock aquifers **without accounting for total available water supply** in the affected aquifers and their ability to meet cumulative demands...” will mean that “[t]he TGPA/ZOU will make a **considerable contribution to this significant impact.**”

RDEIR, page 3.10-15: “**Persistent drought and climate change will continue to impact the reliability of County groundwater supplies.** The combination of rising temperatures, a smaller snowpack, and more frequent and potentially longer droughts could reduce the availability of both surface and groundwater supplies, as more water runs off or evaporates and less infiltrates into the ground. Reduced infiltration could **reduce the reliability of groundwater wells drilled in fractured rock** (El Dorado County Water Agency 2014).”

RDEIR, page 3.10-27: Impact WS-2: Substantially deplete groundwater supplies or interfere substantially with **groundwater recharge**, resulting in a **net deficit in aquifer volume or a lowering of the local groundwater table level (e.g., the production rate of pre-existing nearby wells would drop to a level that would not support existing land uses or planned uses for which permits have been granted) (significant and unavoidable).**

RDEIR, page 4-15: “...even with the adoption of site-specific CEQA mitigation measures identified in the CEQA process for the specific project, large examples of such uses [uses requiring conditional use permits] would result in **localized significant, unavoidable impacts.** These components include certain **ranch marketing activities** (Ordinance section 17.40.260); **intensive home occupations** (Ordinance section 17.40.160.F); **agricultural and timber lodging activities** (Ordinance section 17.40.170); public utility service facilities, **intensive**, in some zones; **industrial**, general, in some zones; **recreational facilities** (Chapter 17.25); and **ski area.**”

And, it appears as though there will be no mechanism in place to guarantee adequate groundwater supply:

**RDEIR, page 3.10-28:** *“In the case of large projects that would have a water demand equivalent to **500 or more residential units**, a [Water Supply Assessment] WSA would be required... **When required**, the WSA would inform decision-makers and the public of the availability of water (or lack thereof) to supply the proposed use. **However, neither a CEQA analysis nor a WSA is required to ensure that water would be available to meet project demands...**”*

Despite this acknowledgement of “significant” impact on groundwater resources, the RDEIR retreats into denial...

**Impact Discussion, (RDEIR, page 2-24):** *“No specific development projects are being proposed as part of the TGPA and Zoning Ordinance Update . General plan policies require that site-specific developments with **substantial water needs** occur only in **community areas** and **rural communities** where adequate utilities are available. Water purveyors in the County of El Dorado rely **primarily** on surface water supplies, so **future projects would not substantially deplete groundwater supplies. The project would have no impact.**” (NOTE: By virtue of the definition of “public water supply,” development of the highest densities—in Community Regions—can and most probably will be supported by groundwater to varying degrees.)*

..and then the RDEIR reasserts impact on groundwater resources:

O-Recirc-1-100  
(Cont.)

**RDEIR, page 5-29:** *“**Future development under the TGPA/ZOU will place greater demands on groundwater supplies** in those parts of the West Slope that are not served by public water agencies. As discussed in Chapter 3.10, Water Supply, El Dorado County’s West Slope lacks cohesive groundwater basins and is instead underlain by fractured rock that supports aquifers of varying size, depth, and dependability. It is reasonably foreseeable that there will be **an adverse impact on groundwater supplies from an expansion of agricultural plantings and of development** under the General Plan. **This will be compounded by components of the ZOU such as ranch marketing, rural industrial, and home occupations that can intensify very localized water demands in rural areas where groundwater is the sole source of water. “...increases in the number of wells and water demand on the county’s fractured aquifers without accounting for total available water supply in the affected aquifers and their ability to meet cumulative demands in dry and multiple dry years. The TGPA/ZOU will make a considerable contribution to this significant impact.”**”*

**RDEIR, page 3.10-28:** *“**The conditional uses in the ZOU may have implications on groundwater supplies. The ZOU update involves rezoning for different types of uses,** such as **new commercial services in rural areas** (e.g., microbrewery; Bed & Breakfast; health resort and retreat center; ski resort including a day lodge, one or more restaurants, maintenance facilities, a retail shop, and parking lot), public utility service facilities (e.g., power,*

water, sewage disposal, telecommunications, and similar services), agricultural uses (e.g., ranch marketing, local food and farm supply stores), and industrial uses.”

(Cont.)

### Practical Application of a Planning Document

The TGPA/ZOU is a *planning* document, and yet it backs away from the task of planning:

**RDEIR, page 3.10-19: *New land uses under the ZOU:*** “There are a number of land uses that are included in the ZOU that are not found in the current Zoning Ordinance...they include uses such as industrial - general, public utility service facilities - intensive, and ski area that can have large water demands. **However, because there is no means of knowing how many, if any, of these uses might be built, where they might be built, their actual activities and related water demands, and what, if any, water conservation measures may be employed, the impact of these prospective use categories on water supplies cannot be reasonably ascertained without engaging in pure speculation. For that reason, they will not be analyzed further.**” These uses would be allowed only upon prior approval of a discretionary permit.”

O-Recirc-1-101

**AND:**

**RDEIR, page 3.10-1:** “To the extent that such works may have impacts on the environment, the design, size, and location of the works **are unknown and cannot be known at this time; therefore, useful environmental analysis is infeasible. Further discussion would be speculative.**”

The County currently has the information upon which to determine where such development will or will not be successful. Saying “...**because there is no means of knowing how many, if any, of these uses might be built, where they might be built,**” reveals a lack of analysis, and a lack of **planning**. And it does not meet the requirements for analysis that must occur under the TGPA/ZOU project evaluation; **it does not meet the requirement for full public disclosure under CEQA.**

### Requests for Information

Based on the previous discussion, please include the following information in a recirculated draft EIR:

- Please identify in a recirculated draft EIR specifically where the DWR data, cited by the Center for Economic Development at Chico State University Chico State (Table 3.1—2; RDEIR, page 3.10-14) data was derived from, the specific goal of the monitoring, and the location and type of wells monitored (e.g., if they were observation wells, and so forth). Explain why this data was used to characterize the groundwater resources in El Dorado County.
- Please perform a thorough evaluation of the wells in El Dorado County using the data now available in County records, and include the analysis in a recirculated draft EIR.

O-Recirc-1-102

O-Recirc-1-103

- Perform an analysis based on **Policy 5.2.3.6**: *“The County shall **assess and analyze the well data** gained since the permit process started in 1990. Such data should be used to identify areas of **likely groundwater supply limitations**. At the completion of this analysis period, **the County should determine if the General Plan uses within the areas of water supply limitation are compatible with identifiable supply limitations and modify the General Plan uses, if necessary,**” and include this analysis in a recirculated draft EIR.*

O-Recirc-1-104
- Establish a **Groundwater Management Plan** based on data now available in County records, and upon any additional data that may be necessary to complete a viable plan for the County, and include this plan in a recirculated draft EIR.

O-Recirc-1-105
- Establish a **groundwater ordinance** based on the direction provided by the State Water Resources Control Board in Bulletin 118 that directs counties that **lack specific, defined groundwater basins to develop groundwater management plans and accompanying implementing ordinances**, and include this ordinance language in a recirculated draft EIR.

O-Recirc-1-106
- Include the El Dorado County Municode (Chapter 8.39—Well Standards) in the recirculated draft EIR, as well as the County’s *“Final Draft of Proposed Well Construction & Water Supply Standards Ordinance updated August 14, 2014”* and discuss the following:

O-Recirc-1-107

  - Discuss how, specifically, the existing code and draft code differ and the basis for changes.
  - Discuss if/how the “General Separation Guidelines” (8.39.100-Setbacks) in the draft document can be protective in areas of fractured rock aquifers.
  - Discuss the likelihood that the potential for well contamination can change over time as new development—or new kinds of development—encroach on existing well water supplies.
  - Discuss (under 8.39.510—Water Quality) which contaminants can and cannot be removed from drinking water supplies by *“installation of a certified treatment system.”*
  - Discuss why there is no longer a requirement to report specific well information (variances granted, inspection waivers granted, etc.) to the Regional Board. (Existing code Section 8.39.360 “Reports to the Regional Board” has been replaced with Section 8.39.360 “Severability.”)
  - Discuss how many parcels are impacted by the following language included under **8.39.090 Parcel Size** of the draft ordinance: **3. “If a parcel created by a gift deed recorded on or before October 10, 1983, a water well permit may be**



issued,” and 4. “If parcel was created after May 26, 1977 and before 2004 and the parcel is 4.5 acres a water well permit may be issued.” O-Recirc-1-107 (Cont.)

- Discuss why this ordinance revision was not included in the RDEIR. Discuss if this ordinance was circulated for public review, and if so, identify when, and who reviewed the document.
- Provide a map or maps that show the existing water service conveyance lines for each water service district (not just the service boundaries). O-Recirc-1-108
- Provide a map(s) of sewer conveyance lines. O-Recirc-1-109
- Identify areas where septic tank percolation rates are  $\leq 1$  minute per inch (mpi), and  $\geq 80$  mpi. Describe which soil types make septic systems less effective, and identify by parcel number (and map) where these soil types are located in El Dorado County. O-Recirc-1-110
- Explain how El Dorado County can authorize the placement of septic tanks (onsite wastewater treatment systems [OWTS]) on slopes  $\geq 30$  percent in light of the following Water Board policy:<sup>15</sup>
  - **Tier 1 – Low Risk New or Replacement OWTS: 7.7 Natural ground slope in all areas used for effluent disposal shall not be greater than 25 percent.** (Page 24.) These OWTS standards went into effect on May 13, 2013. Because El Dorado County has not adopted its own conforming policy under Tier 2, it is bound by Tier 1 OWTS standards. If El Dorado County proposes to allow development on slopes exceeding 30%, then any septic system located on the same slope will be in violation of the OWTS. **Furthermore, the County will be in violation of the OWTS if it allows septic systems to be located on any part of a property where slopes exceed 25 percent.** O-Recirc-1-111
- Because septic systems placed on slopes  $\geq 30$  percent are more likely to “daylight” than systems placed in areas of lesser slope, explain how El Dorado County can authorize the placement of septic tanks on slopes  $\geq 30$  percent, especially in light of the following Water Board policy:<sup>16</sup>
  - **8.1.2: OWTS shall be located, designed, and constructed in a manner to ensure that effluent does not surface at any time, and that** O-Recirc-1-112

<sup>15</sup> California Water Boards. 2012. *Final draft water quality control policy for siting, design, operation and maintenance of onsite wastewater treatment systems*. State Water Resources Control Board / Regional Water Quality Control Boards. March 20, 2012. Available at: [http://www.edcgov.us/Liquid\\_Waste\\_Program.aspx](http://www.edcgov.us/Liquid_Waste_Program.aspx)

<sup>16</sup> California Water Boards. 2012. *Final draft water quality control policy for siting, design, operation and maintenance of onsite wastewater treatment systems*. State Water Resources Control Board / Regional Water Quality Control Boards. March 20, 2012. Available at: [http://www.edcgov.us/Liquid\\_Waste\\_Program.aspx](http://www.edcgov.us/Liquid_Waste_Program.aspx)



percolation of effluent will not adversely affect beneficial uses of waters of (Cont.)  
the State. (Page 22.)

- Explain why septic tanks will be allowed on slopes  $\geq 30$  percent when El Dorado County's "Procedure for New Sewage Disposal System Approval"<sup>17</sup> specifically states under IV (B) that "Ground slopes in the sewage disposal and replacement area **shall not be greater than 30 percent,**" and the following:

- **2004 General Plan, Conservation and Open Space Element, pages 134-135: OBJECTIVE 7.1.2: EROSION/SEDIMENTATION, Minimize soil erosion and sedimentation. Policy 7.1.2.1 "Development or disturbance shall be prohibited on slopes exceeding 30 percent unless necessary for access. The County may consider and allow development or disturbance on slopes 30 percent and greater when:**

*Reasonable use of the property would otherwise be denied.*

*Access corridors on slopes 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 30 percent.***

This statement—regarding the restriction that septic systems may only be located on slopes under 30 percent—**follows** the statement about reasonable use. **Therefore, the "reasonable use" clause does not apply—septic systems cannot be located on slopes  $\geq 30$  percent.**

- Based on the analysis in the preceding bullet, the following interpretation is inaccurate and its misinterpretation has serious implications: **F. Reasonable Use Criteria for Placement of Septic Systems on Existing Legal Lots or Parcels** (page 23). "General Plan Policy 7.1.2.1 restricts the placement of septic systems on steep slopes. Where public or private sewer service is unavailable, septic systems are integral to the development of most structures. Thus, **the placement of an effluent disposal field on slopes of 30 percent or greater is considered as part of the reasonable use determination required for the development of parcels with slopes greater than 30 percent.**" "Septic system components may be located in areas containing slopes **greater than 30 percent** where alternative locations are not feasible or where the placement would reduce the overall disturbance of slopes."

<sup>17</sup> El Dorado County Environmental Health. 2015. Procedure for new sewage disposal system approval. Available:  
[http://www.edcgov.us/Government/EMD/EnvironmentalHealth/New\\_Sewage\\_Disposal\\_System\\_Approval.aspx](http://www.edcgov.us/Government/EMD/EnvironmentalHealth/New_Sewage_Disposal_System_Approval.aspx)

- Explain how the County's *Septic System Minimum Setback Requirements*<sup>18</sup> protect groundwater systems in each of the situations in the tables that follow, given the easy conveyance of septic effluent to wells that draw water from the fractured rock aquifers of El Dorado County.

O-Recirc-1-114

**Well**

|                                                                                                                                                                                                                                                                                                                                                                                                                                                |          |
|------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------|----------|
| Minimum horizontal separation distance between well and:                                                                                                                                                                                                                                                                                                                                                                                       |          |
| Any sewer line (sanitary, industrial, or storm; main or lateral)                                                                                                                                                                                                                                                                                                                                                                               | 50 feet  |
| Watertight septic tank or subsurface sewage leaching field                                                                                                                                                                                                                                                                                                                                                                                     | 100 feet |
| Cesspool or seepage pit                                                                                                                                                                                                                                                                                                                                                                                                                        | 150 feet |
| Animal or fowl enclosure                                                                                                                                                                                                                                                                                                                                                                                                                       | 100 feet |
| The above horizontal separation distances are generally considered adequate. Wells should be located outside areas of flooding. The top of the well casing shall terminate above grade and above known levels of flooding caused by drainage or runoff from surrounding land. Area drainage should be directed away from the well, and if necessary, the area around the well shall be built up so that the drainage moves away from the well. |          |

**Leach Lines**

|                                                                                          |                                       |
|------------------------------------------------------------------------------------------|---------------------------------------|
| From ephemeral (seasonal) stream/swale                                                   | 50 feet                               |
| From flowing stream                                                                      | 100 feet                              |
| From well, spring, lake, or pond                                                         | 100 feet                              |
| From lake or reservoir used for drinking water                                           | 200 feet                              |
| From trees                                                                               | 5 feet                                |
| From lot lines, roads, driveways, or buildings                                           | 10 feet                               |
| From a cut or fill (e.g., pool)                                                          | Four (4) times the cut or fill height |
| Shall not be placed under asphalt, concrete, or under areas subject to vehicular traffic |                                       |
| Shall not be placed in fill material                                                     |                                       |

<sup>18</sup> El Dorado County. 2015. *Septic system minimum setback requirements*. Available at: [http://www.edcgov.us/Government/EMD/EnvironmentalHealth/Septic\\_System\\_Minimum\\_Setback\\_Requirements.aspx](http://www.edcgov.us/Government/EMD/EnvironmentalHealth/Septic_System_Minimum_Setback_Requirements.aspx)

**Septic Tank**

|                                                                    |          |
|--------------------------------------------------------------------|----------|
| From house                                                         | 5 feet   |
| From any building                                                  | 5 feet   |
| From trees                                                         | 5 feet   |
| From lot lines, roads, or driveways                                | 5 feet   |
| From streams, springs, lakes, or reservoirs                        | 50 feet  |
| From well or spring used for domestic purposes                     | 100 feet |
| Shall not be installed in areas subject to high groundwater tables |          |

- Because contamination of well water from septic tank and other sources is a serious problem in El Dorado County (see discussion of groundwater contamination in Appendix A of the Rural Communities United submittal of July 23, 2014), describe if/when El Dorado County performs water quality testing on private wells, and the results of that testing. Discuss if any of this testing is performed post-construction/approval (i.e., a year or so post-construction). O-Recirc-1-115
- The GOTNET website also contains information on **septic systems** in the County. This information could be used to identify areas that may prove problematic for septic systems, or for identifying areas where wells are susceptible to contamination from septic systems. (An analysis of soil types could yield important information in this regard.) Please provide in the recirculated draft EIR an analysis of the potential for septic tank success/failure for the different planning areas of the County. O-Recirc-1-116
- Identify, by parcel number and map, the parcels to be included in agricultural designations (and those excluded). Identify which parcels will be served by groundwater, and those that are in water service district boundaries. Identify wells now in the areas to be added to agricultural designations, and identify their depth and production rates (gpm), and any known history of well deepening, wells gone dry, and aquifer overdraft. O-Recirc-1-117
- Identify site-specific aquifer recharge areas. O-Recirc-1-118
- Please include in the recirculated draft EIR responses to questions and comments—and requests for information—raised in the July 23, 2014 RCU document under “Water Quality - dEIR Review Comments” (pages 3.0-1 through 3.0-53) which is hereby incorporated by reference. O-Recirc-1-119

## Water Supply - Chapter 3.10 R-DEIR Review Comments

1. The Chapter on Water Supply was expanded to include a discussion of groundwater, according to the RDEIR (page 1-5). **See 'Groundwater' page 3.10-1 for comments regarding this expanded section.**
2. **Prior RCU comments on the original DEIR section regarding 'Water Supply' have been resubmitted as part of the public comments attached and dated 7/23/14, for inclusion in the final response.**

O-Recirc-1-120

O-Recirc-1-121

Additionally:

3. The RDEIR erroneously leads us to believe that EID is not supplying water for the Folsom Specific Plan Area (SPA) south of Highway 50. From page 5-27:

*"The Folsom South of Highway 50 area is not dependent upon water from El Dorado County and therefore is not a contributor to cumulative impacts on water supply."*

However, the Water Supply Assessment (WSA)<sup>1</sup> for the SPA project shows otherwise, identifying EID as one of two public water systems supplying the area (see below). Additionally, there is no non-potable supply available to the area<sup>2</sup>, so the supply will be 'potable only' for any and all assigned uses.

O-Recirc-1-122

*From the Folsom WSA, page 1:*

### **INTRODUCTION**

The City of Folsom and the U.S. Army Corps of Engineers are preparing an Environmental Impact Report/Environmental Impact Statement for the proposed Folsom Specific Plan Area (Folsom SPA) development south of U.S. Highway 50.<sup>1</sup> The Folsom SPA qualifies as a "project" under California Water Code (CWC) § 10912 because it is a proposed residential development project of more than 500 units.<sup>2</sup> Pursuant to CWC § 10910 (b), the City of Folsom has identified two public water systems that will serve the project – the City of Folsom and El Dorado Irrigation District (EID).<sup>3</sup> Both the City of Folsom and EID are public water systems under CWC § 10912 because they both operate systems for providing piped water for public consumption to more than 3,000 service connections. Procedurally, the City of Folsom, as the land-use agency responsible for the Folsom SPA, and has prepared the Folsom SPA Water Supply Assessment (Folsom SPA WSA) for approval by both the Folsom City Council and EID's Board of Directors as the respective governing body of each public water system that will provide water to the project.<sup>4</sup>

<sup>1</sup> City of Folsom, Folsom Specific Plan Area WSA, Final, June 2011

<sup>2</sup> Folsom SPA WSA (ibid) section 2.1 page 9

- Why are we told that EID is not supplying water for a portion of the 10,000 homes south of 50 in Folsom? Correct this inconsistency and adjust the analysis accordingly. Recirculate the DEIR, as this is a major misrepresentation that the public has a right provide input on.

O-Recirc-1-122  
(Cont.)

- What is the impact on El Dorado County to have our main water supplier expand out of county? Would the water supplied to Folsom be considered water in excess of what EDC needs, even though EDC customers are already under mandatory conservation and not fully having their water needs met?

- Why exactly ARE County residents being asked to conserve if there is not only surplus, but enough water supply to expand service out of district?

- How are infrastructure costs to be split between EDC and Folsom, and what is the effect on EDC customers?

4. EID has persistently *and misleadingly* used 'firm yield' as the measure of its water supply capability. Firm yield refers to the maximum amount of water a District can be expected to supply to meet its commitments. However the metric that is important here is 'safe yield'.

O-Recirc-1-123

**Safe yield** is defined as the maximum water supply withdrawal rate available to withstand the worst drought of record. While our current mega-drought year is not over until June 30, either this rain year or the horror year of 1976-77 is the greatest drought in California records.

Tully & Young are assuming that water demand only goes up 3% in a dry year. "Dry year" is not defined but if they mean critical year as they refer to earlier, those occur every nine years. However no mention is made, nor analysis made, of what happens in an Historical Drought Year, such as we are currently in.

**Why is EID doing its water planning based on Firm Yield rather than on Safe Yield? They continue to use the phrase "Dry Year". It is not clear whether this refers to a year of *less than normal* rainfall, or to a Critical Year (on average every nine years) of *very low rainfall*, or to a Year of Historical Drought (almost no rainfall) such as the one we are currently in. Given Climate Change's lowering rain amounts and reduced snow packs, EID needs to be prepared to deliver water to its ratepayers on a Firm Yield basis. Operating on a prudent Firm Yield basis means we have no "extra" water to ship out of county. As it is, in this Historic Drought Year (and they will be coming more frequently), County residents are asked by EID to conserve water- is that so it can be given to south Folsom?**

5. From page 1-5 of the RDEIR, "*Because there is no comprehensive data on the amount of groundwater available, this is a qualitative examination. The conclusion is that future demand on groundwater resources will exceed supplies, resulting in a significant effect.*"

O-Recirc-1-124

So we know there is not adequate information available on groundwater, and we know EID will have substantial shortfall for supply<sup>3</sup>. It would be inconsistent with General Plan policy to move forward with the TGPA/ZOU project, thus increasing development, under such conditions.

O-Recirc-1-124  
(Cont.)

From RDEIR, page 3.10-7

The 2014 West Slope Update of EDCWA's Water Resources Development and Management Plan reflects the Agency's long-term view of water supply and demand in El Dorado County. It forecasts that, although water supply will meet demand in EID's service area to 2035, after 2035 EID will face substantial supply shortages.

**- Comprehensive data must be collected and a quantitative examination done prior to approving the increase in development proposed under the TGPA/ZOU.**

6. This erroneous statement appears on RDEIR page 5-27: "As noted elsewhere, the project does not include substantial changes in the land use intensity or extent described in the 2004 General Plan."

Yet the RDEIR contains multiple statements emphasizing the significant impact of the TGPA/ZOU due to the "extent of development anticipated under the TGPA/ZOU"<sup>4</sup>. Even within the same chapter of the RDEIR, the increased intensity of development that will occur under the TGPA/ZOU and its impact on water supply is acknowledged:

O-Recirc-1-125

From RDEIR page 5-29:

It is reasonably foreseeable that there will be an adverse impact on groundwater supplies from an expansion of agricultural plantings and of development under the General Plan. This will be compounded by components of the ZOU such as ranch marketing, rural industrial, and home occupations that can intensify very localized water demands in rural areas where groundwater is the sole source of water. Although the County's General Plan policies, individual project review through the conditional use permit process, and water well ordinance all act to reduce the potential to approve development that will generate demand in excess of groundwater supplies, these policies and regulations would allow incremental increases in the number of wells and water demand on the county's fractured aquifers without accounting for total available water supply in the affected aquifers and their ability to meet cumulative demands in dry and multiple dry years. The TGPA/ZOU will make a considerable contribution to this significant impact.

**-The TGPA/ZOU will contribute to significantly increased development. Inconsistent statements to the contrary throughout the DEIR must be corrected, along with the associated impact analysis specifically on water, but throughout the DEIR as well.**

<sup>3</sup> RDEIR, page 3.10-7

<sup>4</sup> RDEIR pgs 5-3, 5-6



## Energy Conservation - RDEIR Review Comments Ch 3.11

1. Appendix F to the State CEQA Guidelines requires a review not only of energy efficiencies, but also of local and regional energy supplies, requirements for additional capacity, and the effects of peak demand periods.

O-Recirc-1-126

**The RDEIR does not address whether there is sufficient electric supply in El Dorado County. Given the historic, and current poor and below average electric reliability service record for County residents, and the fact that most of El Dorado Hills is served from a single source of electricity from the PG&E Clarksville substation, a detailed analysis on whether there is adequate supply of electricity and quality electric service should be an important part of this EIR.**

2. Under the heading 'Impacts and Mitigation Measures' (RDEIR page 3.11-6) there is reference to Mitigation Measure AQ-1: *Implement measures to reduce construction-related exhaust emissions.*

O-Recirc-1-127

**-By what agency or authority would compliance with AQ-1 be assessed?  
-What enforcement provisions exist relative to AQ-1?  
-Is there any public record of compliance assessment or enforcement actions?  
How can the public know that monitoring is occurring?  
-Have there ever been requests for waiver or exemption from existing construction exhaust emissions requirements in El Dorado County which were acted on by the cognizant authority? If any, were they granted or denied?**

3. This statement from the RDEIR does not acknowledge the increase in development that will be brought about by the TGPA/ZOU policy changes:

*".. the TGPA/ZOU does not propose adding substantially more development than allowed under the current General Plan. Accordingly, implementation of the project is not anticipated to substantially increase building electricity, water, or natural gas consumption over currently projected levels."*<sup>1</sup>

O-Recirc-1-128

This is in direct conflict with the statement from Chapter 5, Other CEQA Considerations:

*"Clearly the project and Cumulative Projects will increase demand for energy in the El Dorado County region."*<sup>2</sup>

<sup>1</sup> RDEIR, page 3.11-7

<sup>2</sup> RDEIR section 5.1.6, page 5-7

- Clarify this inconsistency, update the analysis, and recirculate this section.

O-Recirc-1-128  
(Cont.)

- The ability to reliably deliver increased amounts of electricity must be included in the DEIR analysis.

4. This graphic (below) shows the standard PG&E website info page for 'Rotating Outage Blocks'. Rotating outages result from insufficient energy supply.

- What is the current availability of power and supply infrastructure relative to already approved but not yet constructed development in El Dorado County? ...Relative to the existing General Plan needs? ... Relative to the increased demand under the TGPA/ZOU?

O-Recirc-1-129

**PG&E Rotating Outage Block Map**

ROBC\_SUBBL 070ROBC\_ALPHA 00Outage Block: 07

95762

PG&E Service Area  
 Rotating Outage Blocks

PG&E provides geographic information which outlines the boundaries of the rotating outage block areas within our service territory to public safety agencies, the public, the media and customers. We are providing this information to assist the public in preparing for potential rotating outages. Because electric circuits do not necessarily conform to street maps, the rotating outage boundary information is fairly general in nature. Moreover, this data represents a snapshot of our electric distribution configuration as it exists at this time. Because the electric system is a very dynamic, multifaceted operation, there may be variations in the outage areas at any given time due to subsequent construction, maintenance or other operational considerations as well as subsequent reconfiguration of the circuits. Due to these real-time variations, the accuracy level of this information is approximately 80 percent at any given time. PG&E assumes no liability for any decisions made by any entity based on the use of this data.



5. The RDEIR indicates that increasing density may marginally reduce vehicle usage, and cites the Victoria Transport Policy Institute "Land Use Policy on Transport" 2014. However, the example used is Los Angeles, which is very dense, but also very vehicle dependent. The concept presented seems to be that the increased density promoted by the TGPZ/ZOU policies will reduce vehicle use. This is simply not true unless multiple other factors are put into place that El Dorado County does not have, such as county wide access to public transit and planned development clustered around that transportation source. O-Recirc-1-130

**-Please clarify how increasing development density without planned public transit and clustered communities will reduce traffic in El Dorado County?**

6. This statement: "*All future development will conform to building code and other state energy conservation measures described in the Regulatory Setting.... Therefore, [new development] will not result in the inefficient or wasteful consumption of energy*"<sup>3</sup> is a completely unsupported and utopian assertion. O-Recirc-1-131

**- Does the possibility of a waiver request exist on any regulatory level? (state, federal, or County)**

**- To what extent is current development inefficient or wasteful?  
How efficient, in what specific categories and units of measure, would new development have to be in order to not exhibit either wasteful or inefficient energy consumption?**

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<sup>3</sup> RDEIR, page 3.11-7

## Range of Alternatives - Chapter 4.5 R-DEIR Review Comments

The significant flaws in the DEIR 'Alternatives' chapter were made known via public comments, and have not been corrected in the RDEIR. See the RCU public comments on the DEIR (7/23/14 page 4-1, incorporated with this submittal) but in summary:

- The County impermissibly eliminated numerous significant impacts from consideration when selecting alternatives
- Rejection of the Modified Community Region Boundaries (CRB) alternative is not rationally linked to substantial evidence in the record. *This Alternative needs to be reinstated and analyzed in the Final EIR.*
- Hypothetical growth projections and misleading information were used to erroneously conclude that the CRB alternative created an inconsistency with the objective to promote and support the creation of jobs.

O-Recirc-1-132

O-Recirc-1-133

O-Recirc-1-134

Additionally:

1. The 'No Project' alternative (RDEIR, page 4-10) is described as having "*.. fewer impacts than the project because it does not include amendments to the Zoning Ordinance that would adversely affect aesthetics, agricultural resources, biological resources, and land use.*" And yet, Table 4.3 does not reflect this statement, showing the 'No Project' alternative as having greater impacts.

O-Recirc-1-135

**Table 4.3. Impacts of Project Alternatives**

| Project Alternative                          | Impact Category and Significance <sup>1</sup> |                                     |                                               |                      |                    |                       |       |                        |                            |              |            |
|----------------------------------------------|-----------------------------------------------|-------------------------------------|-----------------------------------------------|----------------------|--------------------|-----------------------|-------|------------------------|----------------------------|--------------|------------|
|                                              | Aesthetics                                    | Agricultural and Forestry Resources | Air Quality and Greenhouse Gases <sup>2</sup> | Biological Resources | Cultural Resources | Land Use and Planning | Noise | Population and Housing | Transportation and Traffic | Water Supply | Cumulative |
| Project Alternative                          | SU                                            | SU                                  | SU                                            | SU                   | SU                 | SU                    | SU    | SU                     | SU                         | SU           | SU         |
| 1. No-Project                                | SU                                            | SU                                  | SU                                            | SU                   | LTS                | SU                    | SU    | —                      | SU                         | SU           | SU         |
| 2. Transit Connection                        | SU                                            | LTS                                 | SU                                            | SU                   | SU                 | SU                    | SU    | LTS                    | SU <sup>2</sup>            | SU           | SU         |
| 3. Selective Approval of TGPA/ZOU Components | SU                                            | LTS                                 | SU                                            | SU                   | LTS                | SU                    | SU    | LTS                    | SU                         | SU           | SU         |

<sup>1</sup> SU = significant and unavoidable; LTS = less than significant; — = not applicable

<sup>2</sup> Alternative 2 will reduce this impact below the level of the project, but not to a less-than-significant level.

**-Please clarify this inconsistency. Table 4.3 should show the No Project alternative to have the fewest significant and unavoidable impacts in order to be consistent with page 4-10.**

2. The DEIR showed the 'project' to have 33 significant and unavoidable impacts, and yet only two possible alternatives (*..besides not doing the project...*) were suggested.

O-Recirc-1-136

This was pointed out in the RCU comments and yet no alternatives have been added in this recirculation. The Final EIR is too late to add an alternative and allow adequate public review, so the implication is that no alternatives are to be added.

O-Recirc-1-136  
Cont.

**-Please consider the suggested alternatives under item 3 (below).**

O-Recirc-1-137

**-How does the project DEIR currently comply with CEQA section 15126.6 regarding the selection of a reasonable range of alternatives?**

O-Recirc-1-138

3. Please consider the following alternatives for the purpose of expanding the range of alternatives, and clarify the 'No Project' alternative as requested:

O-Recirc-1-139

a. **'No Project' Alternative** - Please clarify the description of this alternative from RDEIR Section 4.5.1 page 4-10. It should include only the ZOU policies which were intended to implement the 2004 General Plan mitigations, as that would be the "continuation of the existing plan" under CEQA, and should not include the zoning amendments that would adversely affect aesthetics, agricultural resources, biological resources, and land use.

O-Recirc-1-140

b. **'Job Promotion' Alternative**-(RCU comments 7/23/14, page ES-1) if the county is serious about creating jobs they need to stop promoting residential development in place of jobs projects. Eliminate all density increasing policies in the ZOU that will further tip the already unbalanced jobs-to-housing balance, for this alternative. Retain or add policies and programs to improve market information, new business counseling, planning & permit assistance, revolving loan fund for capital, business expansion classes, and infrastructure planning, as have been effective in neighboring counties

O-Recirc-1-141

c. **'Agricultural' Alternative** - Eliminate all density increasing policies in the ZOU. Retain policies that promote agriculture, and develop the compatibility matrix and policy to avoid conflicts with non-agricultural uses. Retain policies that retain transitions and buffers between the rural and urban areas of our very diverse county. Change the Ag 'opt-in' to an Ag 'opt-out', so that all non-respondent property owners retain Agricultural District designations.

d. **'Compliance' Alternative** - Identify specifically which policies must be revised for compliance with state law and consistency purposes. Eliminate all other high impact ZOU revisions. Include references to justify the determination that a policy qualifies for inclusion in this alternative. Analysis and contraction of Community Regions should be included in this alternative, and expansions will be required with site specific review on project by project basis.

O-Recirc-1-142

4. Each alternative under section 4.5 has been modified. These alternatives must now be re-reviewed to determine which is the environmentally superior

alternative, and the public must be offered the opportunity to review and provide feedback.

↑  
O-Recirc-1-142  
Cont.

**-Please analyze the modified alternatives and recirculate chapter 4.6 for the public to review and provide input.**

O-Recirc-1-143

**-This would be an excellent opportunity to add one or more of the suggested alternatives from item 3 above.**

O-Recirc-1-144

## Other CEQA Considerations - Chapter 5 R-DEIR Review Comments

1. **The previous RCU comments regarding Other CEQA Considerations have not been fully answered with the recirculated section, and are incorporated herein.**

O-Recirc-1-145

2. The Growth Inducing Impacts section contains multiple statements emphasizing the significant impact of the TGPA/ZOU due to "*the extent of development anticipated under the TGPA/ZOU*" (RDEIR pgs 5-3, 5-6). This directly contradicts the statement in section 5.1.9 Population and Housing that says "*The project would not substantially change the population projections under the existing General Plan.*" (RDEIR pg 5-10). These cannot both be true.

O-Recirc-1-146

**-Please clarify this discrepancy. Either the extent of anticipated development under the TGPA/ZOU is great and will have significant impact, or there is no substantial change in the population projections.**

**-With this type of statement added to multiple sections, the full impact of the project is just now coming to be understood. A partial recirculation does not allow full review by the public, and ALL sections (Aesthetics, Population, Noise, etc) must be recirculated.**

O-Recirc-1-147

**- The fact that the extent of development anticipated in the TGPA/ZOU would be a significant impact on Biological Resources was added to section 5.1.4 (RDEIR page 5-6). How can the analysis of impacts on Biological Resources *not* be included in the EIR? (RDEIR section 2.8 page 2-22)**

3. This verbiage was added to section 5.1.10 (RDEIR pg 5-11):

*"Impacts from individual projects resulting from future proposals for ranch marketing, home occupations, and similar expanded uses under the ZOU would be localized and not likely to have an individual effect on overall traffic levels on the County and state road systems."*

O-Recirc-1-148

**- Because the impacts are 'localized' does not eliminate the need for analysis under CEQA, whether the impacts are relative to traffic or aesthetics or population growth.**

4. The TGPA/ZOU will have huge growth-inducing impacts that are just now truly coming to light and being acknowledged in the recirculated chapters, yet the Population & Housing chapter was NOT recirculated. This statement has been **added** to section 5.1.10 (RDEIR pg 5-11):

O-Recirc-1-149

*"However, the project would result in a cumulatively considerable increase in traffic generation **due to the TGPA's increase in density for mixed use projects and the expanded range of uses that can be considered under the ZOU.**"*

And this statement was **removed** from section 5.2 (RDEIR pg 5-30):

*"[... while the project may have a potential to induce growth, it does not automatically result in growth. Growth can happen only through capital investment in new economic opportunities ...]"*

Again, the DEIR population & Housing chapter was NOT recirculated. It includes multiple statements saying the project has no impact, fully misleading the public in spite of the inconsistency with the final conclusion of 'significant and unavoidable impacts'. Here are a few examples:

O-Recirc-1-149  
Cont.

from 3.8-5 (DEIR), pdf page 263/1212

### Zoning Ordinance Updates

- The project includes rezoning of individual parcels throughout the county as needed to make the zoning classifications on each property consistent with the property's General Plan designation. Where there is more than one zone classification that would be consistent with the General Plan, these changes generally adopt the least intensive of those zones. The residential development potential of the parcels is currently determined by the residential densities established in the General Plan. The rezonings would not change the residential development potential. As a result, the rezonings would have no incremental effect on the potential for residential development. **This component of the ZOU would have no impact on existing population and housing and is not discussed further.**

from 3.8-7 (DEIR), pdf page 265/1212

El Dorado County Impact Analysis  
Population and Housing

### Project Impacts

No specific development projects are proposed as part of the TGPA and ZOU. The General Plan authorizes new development pursuant to its policies and in the locations identified in the General Plan. The TGPA would revise certain General Plan policies, but would not substantively change the planned locations of future development and related growth. Impacts related to population would be the same as assessed in the 2004 General Plan EIR, which found them to be significant, with no mitigation identified to reduce the impact to a less than significant level. Therefore, the impact would be significant and unavoidable. Specific assessment of the changes in the General Plan and how these changes might affect population generated by implementation of the General Plan is presented below.

further statements from Chapter 3.8 (DEIR):

*" Proposed new Policy 2.4.1.5 promoting infill development .. is not expected to induce substantial population growth."*

*" Proposed changes to Policies 5.2.1.3 and 5.3.1.1 .... would not be expected to substantially change population growth associated with implementation of the General Plan."*

"The project will not displace residents. ... Therefore, **there would be no impact.**"

"The amendments to Policies 2.1.1.3 and 2.1.2.5 ... the number of additional residences attributable to the TGPA **would not be a substantial change in the amount of growth associated with implementation of the General Plan.**"

"Policies 2.2.3.1, 2.2.3.2, and 2.2.5.4 ... the number of additional residences that could result from implementation of the amendments **is not expected to be a substantial increase.**"

O-Recirc-1-149  
Cont.

**-The public has not been made fully aware of the impact of the multiple growth inducing policies, nor have these policies been adequately analyzed in all sections of the DEIR. There must be a full recirculation of the DEIR (aesthetics, noise, biological resources...) to allow the public to fully understand the policies encouraging development, and comment on the complete analysis in a meaningful way.**

O-Recirc-1-150

5. Statements in the RDEIR summary of changes (pdf page 21/204) conflicts with verbiage under 'Alternatives' as shown below:

From RDEIR, pdf page 21/204:

**"Revised Chapter 5, Other CEQA Considerations.** Changes to the Other CEQA Considerations chapter from the DEIR include additional discussion of the contributions to cumulative impacts resulting from the proposed development standards, including impacts related to aesthetics (Outdoor Lighting Standards in particular), biological resources (Outdoor Lighting Standards in particular), energy use, transportation and traffic, surface and groundwater supplies, and growth-inducing impacts. The traffic discussion is updated with information from the new TDM run. With the exception of surface and groundwater supplies, where there is information that future demand under the General Plan and the TGPA/ZOU will exceed future supplies, the Community Design Standards and **ZOU additions will not result in a considerable new contribution to cumulative impacts.**"

O-Recirc-1-151

From the RDEIR 'Alternatives', pdf page 151/204

"The No-Project Alternative would have fewer impacts than the project because it does not include **amendments to the Zoning Ordinance that would adversely affect aesthetics, agricultural resources, biological resources, and land use.**"

**- The ZOU contributes significantly to both the significant and cumulative impacts of the project. The summary of changes to Chapter 5 is misleading to the public and should be revised.**

## Additional Circulation Req'd. - R-DEIR Review Comments

The RCU comments previously submitted for the DEIR (7/23/14) requested the recirculation of multiple chapters, as well as the addition of new chapters to cover missing analysis.

O-Recirc-1-152

However, per the RDEIR Summary of Revisions (section 1.4), the 'reasons' for recirculating the selected chapters did not include 'public comment'. It is also apparent in reviewing the RDEIR that the prior RCU comments were generally not addressed.

Comments below must still be addressed, and may help clarify why recirculation of the DEIR document in its entirety is still necessary.

1. The Project Description chapter is being re-circulated for the purpose of adding specific items from the not-yet-completed Land Development Manual, and not in response to prior public comment<sup>1</sup>.

**The information requested in the RCU comments is still needed, namely a complete and accurate list of all proposed policy and ordinance changes being evaluated under this EIR<sup>2</sup>. Recirculation of the full DEIR document is then necessary to allow the opportunity for meaningful public review.**

O-Recirc-1-153

2. A recirculation of the Alternatives section was requested for multiple reasons<sup>3</sup> and included the need to broaden the range of alternatives. That is not what the RDEIR purports to do via recirculation of Alternatives section 4.5, and in fact none of the issues noted by RCU have been addressed.

O-Recirc-1-154

**The conflicting project objectives must still be corrected in order to select feasible alternatives for analysis. Modifications to the proposed alternatives are then needed, including the reinstatement and analysis of the Community Region alternative. And finally, recirculation of the full chapter must occur in order to allow public input.**

3. The reason for changes to the References section in the RDEIR did not include 'response to public comments'. Inclusion of this chapter was summarized as being intended to incorporate citations added for the recirculated sections that were not previously given in the DEIR References chapter.

O-Recirc-1-155

Recirculation does not address the fact that references throughout the original DEIR were inadequate. As an example, the statement "*Reducing the potential for residential development would indirectly limit the future creation of jobs in retail and other commercial sectors.*" is an unfounded assumption, and it was used as a narrative to eliminate the Modify Community Regions Boundary Alternative<sup>4</sup>.

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<sup>1</sup> RDEIR, page 1-4

<sup>2</sup> RCU comments, 7/23/14, page 2-1

<sup>3</sup> RCU comments 7/23/14, beginning page 4-1

<sup>4</sup> DEIR page 4-12



**The only way to correct the problem with References is with full recirculation of the DEIR<sup>5</sup>. Additionally, the Modify Community Regions Boundary Alternative that was erroneously excluded must be reinstated.**

O-Recirc-1-155  
↑ Cont.  
O-Recirc-1-156  
O-Recirc-1-157

4. There are multiple proposed policy revisions which encourage development that have not been identified in the project description. Accurate strikeout versions of both the ZOU and TGPA must be developed before a truly comprehensive list can be made showing all revisions which will encourage increased development. The true impact of the project on population and housing and transportation cannot be fully analyzed without this list.

An example of revisions encouraging development that are not identified in the Project Description are the changes to policies 5.2.1.3 and 5.3.1.1. The result would be to make the connection to public sewer and water in the Community Regions 'optional' rather than 'required'. The entire purpose of this change would be to encourage development, yet no analysis with respect to population, housing, and growth-inducing impact has been done. The impact has only been acknowledged relative to Water Supply<sup>6</sup>.

*Proposed revisions from the TGPA strike-out version, policies 5.2.1.3 & 5.3.1.1*

**Policy 5.2.1.3** All medium-density residential, high-density residential, multifamily residential, commercial, industrial and research and development projects ~~shall~~ may be required to connect to public water systems if reasonably available when located within Community Regions and to either a public water system or to an approved private water systems in Rural Centers.

O-Recirc-1-158

**Policy 5.3.1.1** High-density and multifamily residential, commercial, and industrial projects ~~shall~~ may be required to connect to public wastewater collection facilities if reasonably available as a condition of approval. ~~except in Rural Centers and areas designated as Platted Lands (-PL). In the Community Region of Camino/Pollock Pines, the long term development of public sewer service shall be encouraged; however, development projects will not be required to connect to wastewater collection facilities where such connection is infeasible, based on the scale of the project. (Res. No. 298-98; 12/8/98)~~

**-Utilizing the strikeout versions of the TGPA and ZOU, develop a truly comprehensive list of the proposed changes that will result in encouraging growth and development.**

O-Recirc-1-159

<sup>5</sup> RCU comments 7/23/14, pg 7-1

<sup>6</sup> RDEIR, page 3.10-18

5. The complete list of parcels proposed to be changed is available through the County's Geographic Information Systems (GIS) department. It is also available via a website that is separate but linked to the County's website. But it is not documented as part of the proposed changes that might easily be found as part of the Project Description, or EIR. Changes discussed at the Planning Commission hearings for the project, Aug4 through Aug 27, 2014, have not been documented in any way, and the public has no way of knowing if changes have been made.

O-Recirc-1-160

**- Provide the GIS listing of all parcels proposed for change under the project, and include it as documentation of those changes within the EIR or its appendices.**

6. Multiple references are made throughout the DEIR that 'the impact would be the same' as the 2004 General Plan<sup>7</sup>. However, with so many mitigation measures never implemented from the 2004 General Plan, and still not being implemented with this update, how can that analysis be made? Excerpt from the County's 2013 annual progress report on the General Plan<sup>8</sup>:

O-Recirc-1-161

"As part of the General Plan implementation process, the County is also required by State law to implement a Mitigation Monitoring Program, or MMP. The MMP is a valuable tool to regularly review and assess the progress of specific mitigation measures incorporated into the General Plan to reduce environmental damage (PRC Sections 21081.6 and 21081.6(b), Government Code Section 65400 and CEQA Guidelines Sections 15091.d and 15097, 15097(b)]. In addition to State requirements, the General Plan also requires regular reviews of these same (environmental) mitigation measures (General Plan Policy 2.9.1.5). As all mitigation measures have been incorporated into the Implementation Plan, the General Plan is deemed "self mitigating." Therefore, all mitigation measures are included on the Implementation Plan, with the status of many implementation measures directly affecting the completion of the MMP (See Appendix A)."

The conclusion above is that the General Plan is self mitigating. Completing the Implementation Measures from the El Dorado County General Plan EIR is how the General Plan self-mitigates. Appendix A of the 2013 Annual Progress Report lists almost 30 Implementation Measures that are not yet completed. If these Implementation Measures are still in progress, then the impacts of the current General Plan have not been fully mitigated. How can the County amend policies of the General Plan when the policies were carefully crafted to mitigate the impacts of the General Plan? What analysis has been done to show that amending policies that were intended to complement yet-to-be-implemented policies will increase the negative impacts of the General Plan?

<sup>7</sup> DEIR pages 3.2-13, 3.4-22, 4-15; RDEIR pages 4-10, 4-13, 4-17

<sup>8</sup> County of El Dorado 2013 General Plan Annual Progress Report - Strategic Planning For Our Future

For example, on page 16 of 26 of the 2013 Annual Report, it lists that the County has yet to develop and adopt a Cultural Resources Preservation Ordinance, Implementation Measure CO-Q. Adopting that Ordinance is part of EIR Mitigation Impact Number 5.3-1(c). How is it possible to analyze the impacts of amending any policies in the current General Plan if this Ordinance is not completed first?

**- Which of the 2004 General Plan mitigations are impacted, or possibly negated, by the policies being revised under the TGPA/ZOU? If open space requirements, or limitations for development on slopes, are mitigation for the density increasing policies of the 2004 General Plan, then any proposed policies impacting them has in turn impacted the ability of the plan to 'self mitigate', and changes the concluding analysis.**

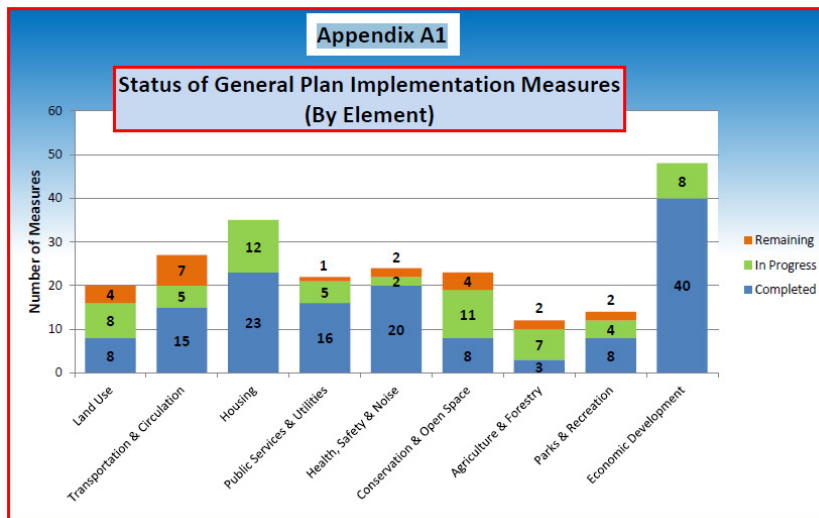
**- Page 3, line item 14 of the referenced 2013 General Plan annual progress report, states that the County has worked with community groups to 'identify appropriate uses' of vacant land in their Community Regions. Community groups opposed the notion of this being 'complete' during public comment of the 6/24/14 presentation to the Board, and staff agreed, but that is how it remains documented. How many other mitigation policies are documented as 'complete' that are actually not?**

O-Recirc-1-161  
Cont.

*From page 3 of 26, June presentation to the Board (BOS file no 14-0724 D):*

|    |           |      |                                                                                                                                                                                                                                                                     |
|----|-----------|------|---------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------|
| 14 | Completed | LU-K | Develop and maintain an inventory of vacant lands within each Community Region and Rural Center. This would include working with community groups to identify appropriate uses for such parcels, including residential development and establishment of communities |
|----|-----------|------|---------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------|

*Erroneous bar chart from staff presentation to the Board 6/24/14 (BOS file no 14-0724 C, 1 of 1):*



**-By amending policies before completing implementation of Ordinances needed for mitigation of negative impacts, the County bypasses the General Plan's ability to self mitigate. How is this consistent with PRC Sections 21081.6 and 21081.6(b), Government Code Section 65400 and CEQA Guidelines Sections 15091.d and 15097, 15097(b)?**

↑  
O Recirc-1-161  
Cont.

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EPA, ECHO Data  
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Cosumnes River Streamflow  
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*Yes, this page is indeed blank.*



## Responses to Letter O-Recirc-1

### O-Recirc-1-1

Please see responses to comments in Letter O-1, which is the commenter's letter on the DEIR to which this comment refers.

### O-Recirc-1-2

The commenter expresses their opinion regarding what issues the County should be taking up. The commenter's reference to "no clarity has been provided regarding the Biological Resources section" is understood to refer to the update of the Biological Resources policies of the General Plan, which is under preparation as a separate project. Please see response to comment I-26-101 regarding the status of the update to the Biological Resources policies.

### O-Recirc-1-3

Please see Master Response 13: Availability of Full Text of Proposed Zoning and General Plan Changes regarding the availability of detailed information on the proposed project.

### O-Recirc-1-4

Portions of the DEIR were recirculated for the purposes described in Chapter 1, Introduction, of the Recirculated EIR. As directed in State CEQA Guidelines Section 15088.5(f)(2), the County requested that reviewers limit their comments to the revisions and new material presented in the Partial Recirculated DEIR. As stated in that chapter, the FEIR contains all of the comments received on both the DEIR and the Partial Recirculated DEIR, with responses to all of those comments.

### O-Recirc-1-5

Please see response to comment O-Recirc-1-1.

### O-Recirc-1-6

Please see Master Response 13: Availability of Full Text of Proposed Zoning and General Plan Changes regarding the availability of detailed information on the proposed project.

### O-Recirc-1-7

Please see the response to the commenter's previous comment O-1-324.

### O-Recirc-1-8

The section of the Partial Recirculated DEIR that the commenter refers to is the Project Description, which shows changes in strikeout and underline. As can be seen on page 2-22 of the Partial Recirculated DEIR, the portion of Section 2-8, Related Projects, referring to the Biological Resources policies and the sign ordinance were not revised from the DEIR. As stated in the DEIR, these are related projects and not part of the project analyzed in this EIR. Please see also Master Response 4: Scope of the Project for more explanation regarding the related projects and the scope of the EIR.

**O-Recirc-1-9**

An accurate project description for the EIR is provided in Chapter 2 of the Partial Recirculated DEIR, which clearly shows the revisions from the DEIR in ~~strikeout~~ and underline.

**O-Recirc-1-10**

This comment regarding recusal of a Board member is not related to the EIR, and no response can be made in the EIR.

**O-Recirc-1-11**

As stated in response to comment O-Recirc-1-9, an accurate project description for the EIR is provided in Chapter 2 of the Partial Recirculated DEIR, which clearly shows the revisions from the DEIR in ~~strikeout~~ and underline.

**O-Recirc-1-12**

Please see Master Response 13: Availability of Full Text of Proposed Zoning and General Plan Changes for a response to this comment.

**O-Recirc-1-13**

Please see Master Response 13: Availability of Full Text of Proposed Zoning and General Plan Changes for a response to this comment.

**O-Recirc-1-14**

As stated in the response to comment O-Recirc-1-9, an accurate project description for the EIR is provided in Chapter 2 of the Partial Recirculated DEIR, which clearly shows the revisions from the DEIR in ~~strikeout~~ and underline. The elements of the project that were changed after the publication of the DEIR are analyzed in the Partial Recirculated DEIR. Those elements of the project that were not changed after the publication of the DEIR were analyzed in the DEIR and not reprinted in the Partial Recirculated DEIR. The Partial Recirculated DEIR supplements the information in the DEIR and replaces only portions of the DEIR, as it is a partial recirculation. Chapter 1, Introduction, of the Partial Recirculated DEIR makes this clear.

**O-Recirc-1-15**

Please see Master Response 13: Availability of Full Text of Proposed Zoning and General Plan Changes for a response to this comment.

**O-Recirc-1-16**

Please see response to comment O-Recirc-1-8.

**O-Recirc-1-17**

The Community Design Standards are a part of the project analyzed in the EIR, having been added to the project and analyzed in the Partial Recirculated DEIR, which is why a detailed description of that element of the project is presented in Section 2.4, Description of the Project. As clearly described in Chapter 2, Project Description, of the Partial Recirculated DEIR and the DEIR, the Biological

Resources policies and the sign ordinance are related projects and not a part of the project analyzed in the EIR, and for that reason are described in Section 2.8, Related Projects.

**O-Recirc-1-18**

Please see the response to the commenter's previous comment O-1-294.

**O-Recirc-1-19**

Please see response to comment O-Recirc-1-14.

**O-Recirc-1-20**

Please see the response to the commenter's previous comment O-1-415.

**O-Recirc-1-21**

Please see the response to the commenter's previous comment O-1-3 referenced in this comment.

**O-Recirc-1-22**

The County has reconsidered the proposed deletion of policies related to dam failure inundation and will not make any changes relating to this issue. The County had initiated this proposed change in response to a request from the Department of Homeland Security. On further review, the County has found that dam failure inundation is a required general plan component pursuant to the safety element requirements of Government Code Section 65302(g). Therefore, in order to comply with State law, no changes will be made. No further response is necessary.

**O-Recirc-1-23**

Please see Master Response 7: General Plan and Zoning Ordinance Consistency Requirements regarding consistency of general plan and zoning.

**O-Recirc-1-24**

Please see the response to the commenter's previous comment O-1-15.

**O-Recirc-1-25**

Please see Master Response 7: General Plan and Zoning Ordinance Consistency Requirements regarding consistency of general plan and zoning and the response to the commenter's previous comment O-1-324.

**O-Recirc-1-26**

Please see Master Response 13: Availability of Full Text of Proposed Zoning and General Plan Changes.

**O-Recirc-1-27**

In this comment, the commenter summarized comments O-Recirc-1-22 through O-Recirc-1-26. Please see the responses to these comments for a response.

**O-Recirc-1-28**

Please see Master Response 13: Availability of Full Text of Proposed Zoning and General Plan Changes.

**O-Recirc-1-29**

The purpose of the partial Recirculated DEIR is made clear in Partial Recirculated DEIR Chapter 1, Introduction. This document is not a completely revised DEIR. Responses to comments made on the DEIR were not responded to in the Partial Recirculated DEIR and they are responded to in this FEIR, as required by CEQA.

Regarding the commenter's comment O-Recirc-1-18, referenced here, please see the response to that comment for a response.

Regarding the commenter's comment O-Recirc-1-22, referenced here, please see the response to that comment for a response.

**O-Recirc-1-30**

Regarding the commenter's comment O-Recirc-1-28, referenced here, please see the response to that comment for a response.

**O-Recirc-1-31**

Comments on the scope of the EIR received in response to either of the NOPs circulated by the County were considered in the preparation of the EIR. Comments that were made in response to either of the NOPs that were not related to the scope of the EIR, but were regarding the elements of the project that commenters were in favor of or against, were not considered in the preparation of the EIR. The County may consider those comments in the decision-making process.

**O-Recirc-1-32**

The comment relates to the commenter's opinion on the extent of changes being proposed as part of the TGPA/ZOU project. It does not address the adequacy of the DEIR or other environmentally related topic. State CEQA Guidelines Section 15132(d) requires the FEIR to contain "[t]he responses of the Lead Agency to significant environmental points raised in the review and consultation process." The comment is not on a significant environmental point, and therefore no response is necessary. Please see also response to comment O-Recirc-1-31.

**O-Recirc-1-33**

The 30% slope policy changes were not changed from the DEIR to the Partial Recirculated DEIR. The statement in the DEIR (and Partial Recirculated DEIR) project description clearly indicates that the policy would be changed from prohibiting to discouraging development on slopes of 30% or steeper.

**O-Recirc-1-34**

Please see Master Response 13: Availability of Full Text of Proposed Zoning and General Plan Changes.

**O-Recirc-1-35**

Please see the response to the commenter's previous comment O-1-114 referenced here.

**O-Recirc-1-36**

As stated on pages 2-16 and 2-17 of the Partial Recirculated DEIR, the existing Zoning Ordinance does not have "comprehensive" lighting or landscaping standards. As stated on page 2-19 of the Partial Recirculated DEIR, "the existing Zoning Ordinance contains extensive parking and loading area requirements in Chapter 17.18."

The remainder of the comment concerns the commenter's opinion concerning the allocation of County staff and money, which are not topics addressed in this EIR. Please see also response to comment I-26-101 regarding the status of the Biological Resources policies.

**O-Recirc-1-37**

The TGPA/ZOU analyzed in this EIR does not include the proposed study of Policies 2.1.1.1 and 2.1.2.1 mentioned in the NOP for the purpose of considering changes to Community Region and Rural Community boundaries. The El Dorado County Board of Supervisors directed that this be deleted from the project at its November 14, 2011 meeting. The project description in Chapter 2 of the TGPA/ZOU DEIR accordingly does not include Policies 2.1.1.1 and 2.1.2.1. Therefore, although the existing boundaries were taken into consideration in projecting future development levels for purposes of the EIR traffic impact analysis, the potential impacts of changing the boundaries were not studied as part of the project.

**O-Recirc-1-38**

Impacts regarding parking are presented in Impact TRA-1 in the Partial Recirculated DEIR.

**O-Recirc-1-39**

Discussion of project-related economic impacts is not required by CEQA unless there would be reasonably foreseeable environmental impacts indirectly caused by economic changes due to project implementation. Accordingly, the TGPA/ZOU EIR does not address economic impact nor provide thresholds of significance for economic impacts.

**O-Recirc-1-40**

Please see Master Response 1: Specificity of Environmental Review regarding the level of detail in the EIR. As a program EIR for a general plan and zoning ordinance, evaluation of impacts at specific bus stops would be speculative and beyond the scope of the EIR.

**O-Recirc-1-41**

The comment relates to the commenter's opinion on the advisability of one or more of the policies or regulations being proposed as part of the TGPA/ZOU project. It does not address the adequacy of the DEIR or other environmentally related topic. State CEQA Guidelines Section 15132(d) requires the FEIR to contain "[t]he responses of the Lead Agency to significant environmental points raised in the review and consultation process." The comment is not on a significant environmental point, and therefore no response is necessary.

**O-Recirc-1-42**

Please see responses to comments in Letter O-1, which is the commenter's letter on the DEIR to which this comment refers.

**O-Recirc-1-43**

Please see Master Responses 1, 4 and 14. It was determined in consultations with County staff at the project onset in 2012 that 2010 would be the established baseline year for the El Dorado County Traffic Demand Model (EDC TDM) as those counts were the most complete and most recent at that time. The counts used for the base year analysis in the TGPA/ZOU is verified to be correct per these sources:

- Two-way traffic counts for local roadways were provided by the County for the five year period between 2007 and 2011.
- Additional year 2010 counts for state highways for SR-49 and SR-193 were obtained from Caltrans staff and Caltrans Traffic and Vehicle Systems Unit web site, i.e. the Caltrans Count book.
- Freeway traffic counts on US-50 were obtained from the Freeway Performance Measurement System (PeMS) web site for mixed-flow and HOV lanes.

The Saratoga Way volumes are the total of both directions. The U.S. Highway 50 volumes are separated, not only by direction, but also by general purpose and HOV lanes. Additionally, the volumes reported in the RPDEIR for U.S. Highway 50 were inadvertently incorrect. The updated existing conditions and Scenario 6 volumes and accompanying LOS are shown below:

| Direction     | Existing Conditions |                  | Scenario 6       |                  |
|---------------|---------------------|------------------|------------------|------------------|
|               | AM Peak Hour/LOS    | PM Peak Hour/LOS | AM Peak Hour/LOS | PM Peak Hour/LOS |
| Eastbound GP  | 1,720/B             | 3,560/C          | 2,360/B          | 3,830/D          |
| Westbound GP  | 2,955/D             | 2,140/C          | 3,450/D          | 2,840/C          |
| Eastbound HOV | 620                 | 800              | 800              | 970              |
| Westbound HOV | 620                 | 800              | 900              | 1,150            |
| Total         | 5,915               | 7,300            | 7,510            | 8,790            |

As shown, the updated volumes show an increase of 1,595 vehicles in the AM peak hour and 1,490 vehicles in the PM peak hour between existing conditions and Scenario 6. Westbound US 50 is projected to serve 4,350 vehicles in the AM peak hour, which is much higher than the bi-directional volume of 2,470 on Saratoga Way under Scenario 6.

Additionally, the data in Table 3.9-13 (and updated volumes for US 50) show significant increases in traffic across the County line. For example, the sum of traffic crossing the County Line on US 50, Saratoga Way, White Rock Road, the Latrobe Road Connection, and Green Valley Road increases from 8,175 vehicles in the AM peak hour in 2010 to 14,480 vehicles in the AM peak hour under Scenario 6. This shows an increase of 6,305 vehicles in the AM peak hour in both directions. Similarly, the PM peak hour volume at the County line is expected to increase by 6,670 vehicles

under Scenario 6. The updated volumes do not result in any new impacts or require new mitigation measures.

Please see the response to the commenter's previous comment O-1-361.

#### **O-Recirc-1-44**

This information will remain in the General Plan and will not move to another document.

Please see the response to the commenter's previous comment O-1-362.

#### **O-Recirc-1-45 and O-Recirc-1- 46**

The intent of the original policy language was to identify roadway maintenance projects (overlays, chip seals etc.) as a priority for use of local funds to leverage additional state and federal discretionary funding. As confirmed by the commenter, the original wording was misleading. The revised text simply clarifies the County's existing practice of aggressively pursuing state and federal roadway funding sources.

Please see the response to the commenter's previous comment O-1-363.

Please see the response to the commenter's previous comment O-1-364.

#### **O-Recirc-1-47**

The term "maximum" implies a quantifiable metric that can be measured and achieved without regard to constraints or relative to an established baseline. Removal of the term "maximum" appropriately reinforces the concept of feasibility when considering and implementing improvements.

Please see the response to the commenter's previous comment O-1-365.

#### **O-Recirc-1-48**

Table TC-2 is not being moved and will remain part of the General Plan.

Please see the response to the commenter's previous comment O-1-366.

#### **O-Recirc-1-49**

This change only affects regional inter-jurisdictional projects led by outside agencies that are not required to meet El Dorado County's General Plan which would allow for input from the County but will not affect the project schedule. Policy TC-Xf is for developments submitted to El Dorado County for review, and is not affected by inter-jurisdictional projects.

Please see the response to the commenter's previous comment O-1-367

#### **O-Recirc-1-50**

The intent was for the analysis to take place to determine if this policy could be amended or deleted. This component of the Project will not be pursued at this time. The roadway impact analysis will take place with the major CIP/TIM Fee update. Therefore, the component was not analyzed in the TGPA/ZOU EIR.

Please see the response to the commenter's previous comment O-1-368.

### **O-Recirc-1-51**

In this context "worsen" applies specifically to the degradation of LOS and not the timing of mitigation improvements. Mitigation cannot be determined at this time because it would be project-specific and no development projects are proposed as part of the TGPA/ZOU.

The proposed change does not affect the application of the TIM program. Therefore, it would not change the timing of infrastructure installation.

Please see the response to the commenter's previous comment O-1-369.

### **O-Recirc-1-52**

The traffic analysis for the TGPA/ZOU did take into account the changing agricultural district boundaries. In the "project" scenario, the land use assigned to the parcels is consistent with moving the boundaries. Therefore, the potential traffic impact was analyzed.

See also Master Response 5 regarding future development levels under the TGPA/ZOU.

### **O-Recirc-1-53**

Additional residential density was addressed/analyzed by increasing the number of residential units consistent with the targeted densities within specific TAZs of the TDM and running the model to determine the traffic LOS implications.

See also Master Response 5 regarding future development levels under the TGPA/ZOU.

Please see the response to the commenter's previous comment O-1-370.

### **O-Recirc-1-54**

The project discussed in this comment required approval of a general plan amendment to allow higher density. It is a separate, privately-initiated project that is not part of the TGPA/ZOU Project and therefore is not pertinent to a discussion of the correctness of the conclusion in the TGPA/ZOU EIR. The new infill development objective and policies do not propose to increase density.

The comment requests a line of analysis that would be purely speculative and not necessary for informed decision-making. It is literally impossible to examine the potential impacts of possible future general plan amendments where the project for which the amendment would be requested is unknown, the density requested is unknown, the location of such amendment is unknown, and the type of development is unknown.

Please see the response to the commenter's previous comment O-1-371.

### **O-Recirc-1-55**

Please see Master Response 4 regarding project-specific rezonings for general plan consistency.

Please see the response to the commenter's previous comment O-1-372.



**O-Recirc-1-56**

Rezoning does not create any new parcels. The example given, Dixon Ranch, currently is designated in the General Plan for three Low Density Residential parcels and zoned Exclusive Agriculture (AE) an archaic zone remaining from when the parcels were subject to the Williamson Act. The proposed zoning rezones these parcels to Residential Estate – 10 Acre zone. No new parcels are created. Any future division of land would require a separate discretionary approval under the State and Local Subdivision Map Act and policies.

The traffic impact analysis is a program-level analysis that considers the potential traffic impacts of development under the land use densities of the current General Plan, plus the additional traffic that would result from the TGPA. An individual review of each potential parcel is not required in order to enable decision makers to make an informed decision about the TGPA or ZOU. See also Master Responses 1 regarding the specificity of review and 2 regarding the approach to impact analysis.

Please see the response to the commenter's previous comment O-1-373.

**O-Recirc-1-57**

The County does not concur with this comment. The 2010 HCM, Chapter 15 states, "Planning and Preliminary engineering analysis has the same objectives as design analysis, except that it occurs early in the process when few details of demand and other characteristics are known. Thus design analysis is augmented by the use of default values for many inputs."

The reference to passing capacity pertains to the HCM operational analysis methodology for rural two-lane roadways. As stated above, the planning level analysis is the same as the design analysis, except many of the default values are used. Therefore, the analysis takes into account the operations characteristics described in the comment.

The LOS determinations in Table 3.9-13 are determined by the correspondence of the peak hour volume to the LOS thresholds by facility classification – the thresholds are based on HCM criteria. Please refer to the LOS thresholds for peak hour volumes in Table 3.9-3 in the TGPA/ZOU EIR.

The County does not concur with this comment. The geometric inputs recommended by the HCM 2010 are appropriate for detailed, operational analysis method, which is distinct from the program/planning level of analysis for the TGPA/ZOU; LOS reported in the TGPA/ZOU should be used as a planning level input to assist in the identification of locations where operational problems may exist.

The HCM does not require the use of the factors listed in the comment. The 2010 HCM, Chapter 2 states:

"Planning analyses are applications for the HCM generally directed toward broad issues such as initial problem identification (e.g., screening a large number of locations for potential operations deficiencies), long-range analyses, and statewide performance monitoring. An analyst often must estimate the future times at which the operation of the current and committed systems will fall below a desired LOS... Planning and preliminary engineering analyses typically involve situations in which not all of the data needed for the analysis are available. Therefore, both types of analyses frequently rely on default values for many analysis inputs. Planning analyses may default nearly all inputs – for example, through use of generalized service table volumes."

Please see the response to the commenter's previous comment O-1-375 and Master Response 14: Traffic Analysis Methodology, Travel Demand Model.

**O-Recirc-1-58**

The County does not concur with this comment. The comment inappropriately conflates planning-level and development project-level analyses. Operational analysis for signalized intersections is not appropriate with the planning level focus of the TGPA/ZOU. Planning level techniques to analyze traffic conditions are appropriate for large area EIRs that are focused on the assessing impacts of programmatic decisions at the countywide level .

As stated in Table 3.9-3, Footnote b, “Only roadways meeting the HCM criteria, including those related to signal spacing, for Two-Lane Highways are designated as such.” The vast majority of roadway segments in the RPDEIR are analyzed as Arterials, including El Dorado Hills Boulevard, the applicable segments of Green Valley Road, and Saratoga Way. Sunrise Boulevard is not located in El Dorado County, nor is it a study facility for this project.

Please see the response to the commenter’s previous comment O-1-376 and Master Response 14: Traffic Analysis Methodology, Travel Demand Model.

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**O-Recirc-1-59 and O-Recirc-1-60**

The fundamental differences between the TGPA-ZOU and the Caltrans 2014 TCR/CSMP traffic forecasting methodology is explained in detail in the RPDEIR. That section describes how the TGPA-ZOU is based on the EDC TDM, while Caltrans’ 2014 TCR/CSMP is based on the SACSIM model. The EDC TDM has a more detailed roadway network and more accurate land use forecasts than the SACSIM model. The RPDEIR also states:

“Caltrans and El Dorado County also differ in determining the amount and distribution of future development. Caltrans determines the annual growth from all applicable travel demand models in the analysis area as well as linear regression analysis of historical traffic volumes and applies the traffic growth to the baseline conditions to determine the 20-year volumes. El Dorado County determines an appropriate 20-year residential growth forecast by considering the amount and distribution of growth that has historically occurred within the County, future demand and market trends, General Plan policies regarding how and where to accommodate future growth, location and availability of developable parcels, as well as other factors. The County’s TDM is used to model future transportation system performance based on forecasted residential, commercial, and employment growth and planned roadway improvements identified in the County’s Twenty Year Capital Improvement Program (CIP).”

Refer to pages 3.9-32 through 3.9-33 of the RPDEIR for more detail.

The County does not concur with this comment. The LOS F condition was reported in the most recent version of the TCR/CSMP report prepared by Caltrans at the time the Draft EIR was prepared and circulated for public review. The updated document was not available at the time the Draft EIR was prepared.

The EDC TDM and the TGPA/ZOU DEIR are based on an average weekday peak-hour traffic volumes while the TCR-CSMP reflects the influence of weekend travel characteristics. Hence, current or future Level of Service (LOS) comparisons between these documents is not valid. The 20 Year Concept LOS for US 50 is consistent between the DEIR and the 2014 TCR-CSMP (LOS E). It does not, nor has it ever, constituted a standard or guideline for traffic assessments of state highway operations – even for Caltrans own project approval documents (PID, PSR, PA-ED).

As a program/planning level EIR, this document serves as a first-tier document that assesses and documents the broad environmental impacts of a program with the understanding that a more detailed site-specific environmental review may be required to assess future projects implemented under the program. As individual projects with specific site plans and facilities are planned, the County will evaluate each project to determine the extent to which this EIR covers the potential impacts of the project and to what extent additional environmental analysis will be required for each specific future project. (see Public Resources Code, Sections 21083.3, 21093, 21094; CEQA Guidelines, Sections 15152, 15168, 15183.).

In addition, the TCR LOS calculation is based on 2011 Caltrans published traffic volume book data (91,000 Average Daily Traffic); peak hour count of 8,600 is reported for both directions. This volume is more indicative of summer weekend conditions versus average weekday conditions for which the model is based. An assumed 65/35 directional split (5590 and 3010) was used by Caltrans for their TCR which is also more reflective of peak summer conditions.

It should be noted that, Exhibit 10-8 of the Highway Capacity Manual 2010 indicates that an Annual Average Daily Traffic (AADT; which accounts for seasonal fluctuations) of 91,000 would only equate to LOS F along the six-lane, rolling terrain segment of US-50 west of Latrobe Road under atypical conditions. More specifically, LOS F for these conditions would only be realized with a daily (K) factor of 0.11 and a directional (D) factor of 0.65, both of which exceed the more empirically based values one would apply to this segment (K near 0.09 and D near 0.60).

Please see Master Response 14: Traffic Analysis Methodology, Travel Demand Model and the response to the commenter's previous comment O-1-377.

## **O-Recirc-1-61 and O-Recirc-1-62**

The refined zone structure for the current EDC TDM was released for public comment, approved by the County Board of Supervisors, and developed using typical industry methods – as described in the EIR, smaller zones can improve the fidelity of models in assigning vehicle trips to the roadway network, particularly in localized areas. The SACMET model uses approximately 111 zones to represent El Dorado County, while the EDC TDM uses 497 zones. The finer zone structure of the EDC TDM allows for a more realistic representation of where traffic loads onto the roadway network, travel times, and other relevant factors.

The EDC TDM has been thoroughly tested and validated. The TDM meets all applicable validation standards suggested by Caltrans, the Federal Highway Administration, and the California Transportation Commission. The validation process examined the accuracy of the model for nearly 300 roadway segments, across all time periods (daily, peak period, and peak hour). The validation process shows how well the model represents traffic volumes. Since the EDC TDM meets all of the suggested validation criteria, the model is appropriate for use. Additionally the model has been peer-reviewed by multiple industry experts and was found to be an appropriate tool for long range planning purposes.

For a higher functional classification fully access-controlled roadway facility like US 50, this would result in more accurate loadings at the respective interchanges with US 50 particularly at the ramps (ons and offs). Conversely, greater zonal resolution would not affect accuracy at the model gateways. While the SACMET model relies on the model constructs (i.e., the gravity model) to determine the gateway volumes coming in and out of El Dorado County, the EDCTDM treats these volumes as explicit a-priori inputs. The latter approach allows a more reasonable and empirically

based method for determining growth at the external gateways. For this reason, the EDCTDM has historically generated more reasonable forecasts of US 50 within El Dorado County than the SACMET model (see KAI as Dowling Associates, personal communication, 2008 peer review of US 50 forecasts comparing SACMET and EDC TDM - previous versions of both models).

Please see the response to the commenter's previous comments O-1-379, O-1-380 and O-1-381.

### **O-Recirc-1-63**

The EDC TDM is measuring LOS that is reflective of average weekday conditions. Caltrans analysis, as documented in the 2014 TCR/CSMP, is more representative of peak season weekend conditions. Although the concern raised by this comment pertains to the planning process rather than to the adequacy of the environmental impact analysis provided in the Draft EIR, the comment will be noted as a concern and will be provided to the Board of Supervisors for consideration in the decision making process.

Please see Master Response 14: Traffic Analysis Method and Travel Demand Model and the response to the commenter's previous comment O-1-382.

### **O-Recirc-1-64**

For the TCR/CSMP, Caltrans uses the SACSIM regional TDM as an indicator of traffic growth to derive a growth factor to adjust traffic volumes for 2035 conditions on US50. The annual growth rate cited in the comment actually refers to the historical growth rate in SACOG's residential forecasts. Caltrans and SACOG use different growth rates as their responsibilities in long range planning may differ. The annual growth rate is not used by Caltrans to forecast traffic projections.

Please see the response to the commenter's previous comment O-1-383.

### **O-Recirc-1-65**

The County does not concur that a less than conservative methodology was used. Please see Response O-Recirc-1-61 and 62.

In Table 3.19-3, AM and PM peak hour volumes are used to analyze LOS for each direction. Peak hour volumes represents the highest volume during a typical weekday of travel and is a better indicator of operational performance because they represent the highest volumes under normal conditions.

Please see Master Response 14: Traffic Analysis Method and Travel Demand Model and the response to the commenter's previous comment O-1-384.

### **O-Recirc-1-66**

Please see Master Response 5.

A moratorium on new subdivisions south of U.S. Highway 50 is not necessary because the County's TIM fee and related capital improvements program, in conjunction with General Plan policies TC-Xa, TC-Xb, TC-Xd, and TC-Xf, and among others require roads to meet the County LOS standards and fund needed improvements to do so. In particular, policy TC-Xf specifically requires the approval of new tentative maps to be conditioned upon meeting LOS standards.

**O-Recirc-1-67**

Baseline models are by design backwards looking (they require complete datasets). At the inception of this project (in 2012) the 2010 dataset was the most complete and appropriate available. The DEIR baseline is typically set at the date of the NOP. Comparing published U.S. Highway 50 volumes for 2010 and 2012 reveals only a 0.87% increase in volumes from 2010 to 2012.

Please see the response to the commenter's previous comment O-1-385 and O-1-386.

**O-Recirc-1-68 and O-Recirc-1-69**

1. The following lists the future roadway improvements from the CIP that were included in the future roadway network per direction of County staff:
  - Projects in 2012 10-Year CIP (Project No.)
    - Silver Springs Parkway (76107 and 76108)
  - Projects in 2012 20-Year CIP (Project No.)
    - Headington Road Extension (71375)
    - Country Club Drive Extension (GP124, GP125, and GP126)
    - Diamond Springs Parkway (72334, 72368, and 72375)
    - Latrobe/White Rock Connector (66116)
    - Saratoga Way Extension (71324 and GP147)
2. Analysis of federal funding levels is beyond the scope of this EIR. However, in coordination with SACOG and the El Dorado County Transportation Commission (EDCTC), assumptions of both federal and state discretionary funding levels were predicated on historical revenue streams experience by El Dorado County. Note that the County's TIM Fee, which is typically used to leverage (provide the local match) state and federal funding, was also considered.
3. Vacant and underdeveloped lands within the Community Regions were reviewed on a parcel-by-parcel basis to estimate the development potential according to the land use designations in the current General Plan. Achievable levels of development for those parcels considered available data for current (non-expired), approved projects; data reviewed included Specific Plans, Development Agreements, Parcel Maps and Tentative Subdivision Maps. The TGPA/ZOU does not forecast land use in Eastern Sacramento County.
4. The development potential within El Dorado County for the cumulative scenarios was determined through an achievable development analysis at a parcel level within the community region boundaries. The achievable development analysis indicated where future growth could occur. The TGPA/ZOU does not forecast land use in Eastern Sacramento County. However, growth in Eastern Sacramento County was assumed consistent with SACOG data input for their model.
5. Additional scenarios which include proposed projects have been included for informational purposes.

Please see the response to the commenter's previous comments O-1-386 and O-1-387.

**O-Recirc-1-70**

Please see the response to the commenter's previous comment O-1-388.

**O-Recirc-1-71 through O-Recirc-1-73**

The land use for the EDC TDM projects 2010 to 2035 job growth of 15,671 employees, compared to 16,078 employees in the BAE report; the 2010 to 2035 residential growth is 17,336 units (or 15,949 HHs), compared to 17,409 units in the BAE report. The residential and employment growth forecasts for the EDC TDM is within 2.5% of the BAE projections when not including incorporated Placerville in the totals.

Please see the response to the commenter's previous comment O-1-389.

**O-Recirc-1-74**

As stated on Page 3.9-37 of the RPDEIR:

In the Draft EIR, Table 3.9-6 inadvertently overrepresented development in the City of Placerville with some double counting of employment. This has been rectified in the most recent version of the TDM. The values have been corrected since release of the Draft EIR to eliminate this double-counting. Note that Placerville is outside of the scope of the TGPA/ZOU and that no revisions to land use data within the County was required based on the revised totals. The revised totals did not result in any change in the significance of the traffic impacts identified in Impacts TRA-1, TRA-2, TRA-4, and TRA-5.

**O-Recirc-1-75**

The County does not concur with this comment. The TGPA/ZOU is not a development project, so analysis of all intersections and interchanges is not warranted. The County has a robust count program that collects arterial counts across the county each year. This level of detail is appropriate for the program analysis discussed in the EIR. Future development projects that are built under the land use designations proposed by the TGPA/ZOU will be required to prepare project specific traffic studies. The project specific traffic studies would evaluate potential impacts on the intersections and interchanges they affect.

Analysis of intersection operations is beyond the programmatic scope of the TGPA/ZOU planning analysis, as a result, turning moving counts are not relevant to this project.

See also Master Response 1.

Please see the response to the commenter's previous comment O-1-390.

**O-Recirc-1-76**

The County does not concur with this comment. Although the planning level analysis contained in the RPDEIR concludes that portions of Green Valley Road operate at LOS F today, the County recently finalized an operational level analysis for this roadway. The more detailed operational analysis concluded that the segment of Green Valley Road from Francisco Boulevard to El Dorado Hills Boulevard operates at an acceptable LOS E during both peak hours in both directions (*Final Corridor Analysis Report for Green Valley Road*, Kittelson & Associates, Inc., October 2014).

Additionally, the study concluded that the intersections of Green Valley Road/Francisco Drive and

Green Valley Road/El Dorado Hills Boulevard both operate acceptably during the AM and PM peak hours. Therefore, improvements are not yet needed for this segment.

### **O-Recirc-1-77**

The TGPA/ZOU is not a development project, so analysis of all intersections and interchanges is not warranted. This level of detail is appropriate for the program analysis discussed in the EIR. Future development projects that are built under the land use designations proposed by the TGPA/ZOU will be required to prepare project specific traffic studies. The project specific traffic studies would evaluate potential impacts on the intersections and interchanges they affect.

Analysis of intersection operations is beyond the programmatic scope of the TGPA/ZOU planning analysis. Additionally the Final Corridor Analysis Report for Green Valley Road (Kittelson & Associates, Inc., October 2014) concluded that the Green Valley Road/Silva Valley Parkway intersection operates at LOS C in both peak hours under existing (2014) conditions.

Please see the response to the comment I-59-08.

### **O-Recirc-1-78**

Given that auxiliary lanes exhibit unique operating characteristics, they have different coded capacities than General Purpose Lanes in the EDC TDM. General Purpose Lane capacities are summed with special purpose lane capacities (e.g., auxiliary lanes, HOV lanes, truck climbing lanes etc.) to reflect a given roadway segments total capacity for vehicle throughput.

The note in Table 3.9-10 is referring to the volume and LOS reported in the table. After the EDC TDM is run, the total volume is compared to the LOS thresholds capacity to determine LOS. This process takes place outside the EDC TDM and does not affect the capacity of the auxiliary lanes in the EDC TDM.

### **O-Recirc-1-79**

Tables 3.9-7 through 3.9-12 reflect the Minimum LOS that Caltrans requested per their TCR/CSMP. However, as the commenter correctly states, U.S. Highway 50 Segments 5-8 and portions of Segments 9-12 west of Cameron Park (which includes the west of Cambridge segment) are in the rural region with a threshold of LOS D. Tables 3.9-8 and 3.9-12 have been revised to note that the County's LOS is D in these segments.

### **O-Recirc-1-80**

Directional volumes are not required to compute the volume to capacity (V/C) ratios. The V/C ratio is the two-way total volume divided by the two-way capacity of the roadway, as shown in Table 3.9-3 of the RPDEIR. The V/C ratios for each segment of Missouri Flat Road and Cameron Park Drive at LOS F are provided below for ease of reference:

- Missouri Flat Road – North of Forni Road – V/C = 1.01 for Scenario 6, PM peak hour
- Cameron Park Drive – North of Robin Lane – V/C = 1.05 for Scenario 6, PM peak hour

## O-Recirc-1-81 through O-Recirc-1-84

The EIR explains that the timing of actual construction of improvement projects funded through the County's traffic impact mitigation fee program may lag behind development given that growth patterns may have changed or the Traffic Impact Mitigation (TIM) Fee Program zone may have financial obligations that delay the construction of planned improvements. The County's CIP is reviewed annually, as required by the General Plan, to update the most current costs of material, land, labor etc. which cause variations in cost estimates, right-of-way being one of the biggest factors. Because forecasts are imperfect, actual permit activity is checked annually to update the current year, five year and 10-year budget of which recommendations for amending the CIP are brought to the Board. Timing of roadway improvements also shift due to actual growth patterns (checked annually when compared to 20-year forecast). The Board of Supervisors ultimately determines the prioritization of projects within the Capital Improvement Program.

See also response I-59-08 regarding the validity of the requirement to construct roadway facilities based on a fee program.

Per the Mitigation Fee Act (California Government Code Section 66000 – 66008) and the County's TIM Fee Operating Agreement, the County must monitor and annually report to its' Board of Supervisors the collection, allocation and expenditure of fee revenues. TIM program fees are kept in a dedicated account and can only be used for CIP projects. Many of the CIP projects are funded by a combination of TIM fees and other revenue sources. However, roadways that are determined to be as a result of development only are placed in TIM Fee Program which is then 100% TIM fee funded through the CIP program. (O-1-42)

The TIM Fee Program, including the CIP is an effective program for funding road improvements and reducing the traffic congestion that would occur absent such a program. One of the key purposes of the TIM Fee Program and related CIP is to coordinate the funding of improvements to roads shared by numerous prospective development projects that are necessary to maintain the acceptable level of service. See response I-59-08 for a discussion of the TIM Fee Program. The current CIP program is not the subject of the TGPA, so there is no requirement under CEQA to consider an alternative to that program.

Regarding Policy TC-Xf, no change is proposed to that policy.

In any case, the "alternative to the current CIP program" proposed by the commenter would be ineffective in reducing the impacts of traffic generated by new development on county roads. That is because the road improvements necessary to reduce the impacts cannot be constructed by a single development project. The suggested alternative is infeasible for the following reasons:

(1) The full road improvements necessary to maintain an acceptable level of service include not only those improvements necessitated by the tentative map, but also by anticipated similar development along that same road or roads. Requiring improvements on a project-by-project basis would result in incremental construction of pieces of the necessary infrastructure, with improvements being installed like the pieces in a jigsaw puzzle. Without a coordinated method of ensuring full construction, the County could not ensure that level of service standards could be maintained.

(2) Under the Fifth Amendment of the U.S. Constitution any development exaction must be roughly proportional to the impact caused by that development. (Dolan v. City of Tigard 512 U.S. 374 (1994)) That means that a single project cannot be conditioned to construct all road improvements necessary to maintain an acceptable level of service. The resulting incremental approach to road



improvements would necessarily leave gaps in improvements and could not ensure that full improvements would ever be built.

Please see the response to the commenter's previous comments O-1-394, and O-1-396.

### **O-Recirc-1-85**

The General Plan is a long-term policy document, it is not a development project. Development projects that may be built pursuant to the General Plan will be implemented over a period of time. Unlike a development project, the impacts of the TGPA/ZOU will not occur immediately. It is reasonable to assume that the impacts of development under the General Plan will similarly occur over a period of time.

The commenter misconstrues the statement in the RPDEIR by truncating the cited discussion. A more complete excerpt from the RPDEIR clearly shows that the RPDEIR recognizes there will be a short term significant impact. That is also disclosed in the Executive Summary of the RPDEIR. Here is the more extensive discussion from Impact TRA-1 of the RPDEIR:

With the exception of Study Scenario 1, which represents the existing condition, future development, whether under the project or the existing General Plan, would result in a decrease in service to an unacceptable LOS F on certain roadway segments. The County has programs in place that can be used to mitigate potential transportation impacts that result in unacceptable levels of service. The mitigation measures, such as payment of TIM fees to fund roadway improvements to increase capacity and improve LOS, apply to discretionary projects. Future discretionary projects that are developed within the TGPA/ZOU areas would be required to construct on-site roadway improvements as conditions of approval or as a condition of a subdivision map and pay TIM fees as required by the existing County policies described above. The County has specific traffic mitigation policies that require future development projects to construct adequate on-site and off-site roadway facilities to maintain acceptable levels of service and payment of fees that go toward making regional traffic improvements designed for improving traffic operations. Alternatively, the developer may be required to construct offsite and be reimbursed as deemed appropriate via a road reimbursement agreement. In either case, necessary improvements are required as part of project approval. Therefore, potential impacts are considered less than significant.

Some of the scenarios would result in a decrease in LOS on U.S. Highway 50 and other County roads that could be addressed through construction of additional lanes, including HOV lanes or other widening projects that would add capacity to the freeway. Specifically, the 2014 TCR/CSMP identifies U.S. Highway 50 improvements to include auxiliary lanes and ITS from the Sacramento/El Dorado County Line to Ponderosa Road, two HOV lanes plus ITS from there to Greenstone, and auxiliary lanes and ITS from Greenstone to Missouri Flat during the 2035 planning period. The improvements are shown by roadway segment in Table 3.9-11 of the 2014 TCR/CSMP. These improvements are considered 20-year build facilities, meaning they are the roadway improvements that are planned and programmed over the next 20 years (California Department of Transportation 2014b). The TDM included these improvements in the analysis of the study scenarios. However, there is no assurance that these improvements to U.S. Highway 50 would be in place at this time. This is because of the inherent limitations in Measure Y's fee-based funding approach, as discussed above. Therefore, potential short-term impacts would be significant and unavoidable until these improvements are in place.

Impacts to County-maintained roads could be approved by a vote of the El Dorado County electorate or the Board of Supervisors to include on a list of roads that are allowed to operate at LOS F. However, it cannot be assured that this would happen. Furthermore, Policy TC-Xa is only in effect until December 31, 2018 at which time it may or may not be extended. The Board of Supervisors could extend this policy by voting to extend the deadline or voting to include the policy as a permanent component of the Transportation and Circulation Element of the General Plan.

See also master responses 1, regarding the level of detail in a program EIR, and 4 regarding the scope of the project.

Please see the response to the commenter's previous comment O-1-399.

### **O-Recirc-1-86**

The County does not concur with this comment. Please see Responses O-Recirc-1-57 and O-Recirc-1-58. The reference to directional splits pertains to the HCM operational analysis methodology and is not applicable to the program/planning level analysis of LOS for the roadway segments in Table 3.9-13. The County acknowledges that operational analysis includes considerations beyond the scope of the programmatic analysis. The planning level of analysis is consistent with the approach used for other Countywide documents and for a program EIR. The LOS methodology for the TGPA/ZOU analyzes V/C for the AM peak hour and PM peak hour separately. Directionality of traffic flow is highly sensitive to the peak hour which is why both peak hours are analyzed so that there is no bias towards reporting the better LOS result.

The commenter is confusing the impact analysis with the cumulative impact analysis. Section 5.2 of the RPDEIR discusses cumulative impacts, including cumulative traffic impacts. It discloses that the cumulative impacts on traffic are significant and unavoidable.

See also master response 1 pertaining to program EIRs.

Please see the response to the commenter's previous comment O-1-400.

### **O-Recirc-1-87**

Counts on US 50 are inclusive of traffic that has merged from an upstream on-ramp. The count locations at Latrobe and Bass Lake refers to a segment of US 50 that is located west of the on-ramp in the westbound direction and west of the off ramp in the eastbound direction.

Please see the response to the commenter's previous comment O-1-401.

### **O-Recirc-1-88**

Please see Master Response 1 regarding the specificity of review.

When the Resolution of Intent (ROI) was adopted, the intent was to clarify what "worsening" is, as defined in Policy TC-Xe. The policy reads "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 a development project.

The DEIR does not need to measure the percentage increase in traffic and additional ADT in order to enable an informed decision. That is a typical approach when analyzing the impacts of a site-specific

development project. The TGPA/ZOU is not a development project and does not include any site-specific development projects.

The TGPA/ZOU Project makes zoning consistent with the land use designations in the General Plan. Where zoning was brought consistent with the General Plan and zoning was RA-20 and rezoned RL-10, the traffic was analyzed by the change in zoning, this does not mean that this is a development project (no new parcels or development was created), therefore TC-Xe does not apply.

This EIR is a program/planning level document. Any development project would require a separate discretionary review, a traffic analysis considering policies such as the TC-X policies (including TC-Xe) and potentially a project specific EIR.

Please see the response to the commenter's previous comment O-1-402.

### **O-Recirc-1-89**

The arterial segments analyzed in Table 3.9-13 of the EIR is based on the availability of counts collected by El Dorado County. For each segment where a count is available, the industry recognized practice of applying the NCHRP- 255 "difference method" was applied to the future outputs of the EDCTDM.

Please see the responses below.

- a. Highway 50 W of Empire Ranch Interchange is located outside of El Dorado County, but was included in the cumulative impact analysis network.
- b. Saratoga Way - The segment west of El Dorado Hills Boulevard is included in the RPDEIR in Table 3.9-13. The County did not collect counts on Saratoga Way, as a result, the LOS is analyzed using volumes that are not post-processed.
- c. El Dorado Hills Blvd. north of Saratoga Way - Six segments of El Dorado Hills Blvd between Saratoga Way and Green Valley Road were analyzed in Segments 34-39.
- d. El Dorado Hills Blvd. south of Park Drive - The segment of El Dorado Hills Boulevard south of Saratoga Way is included in the RPDEIR, this segment is south of the northern Park Drive/El Dorado Hills Boulevard intersection. The County did not collect counts south of the southern Park Drive/El Dorado Hills Boulevard intersection (i.e. under US 50). As a result, this segment was not reported in Table 3.9-13 which reports LOS for segments where a count is available for post-processing using the difference method.
- e. Empire Ranch Road is located outside of El Dorado County, but was included in the cumulative impact analysis network.
- f. The Latrobe Rd/White Rock Connector is included in Table 3.9-13. Please note that this is a future facility and the volumes (and associated LOS) are not post-processed.
- g. Marble Valley Road - the TGPA/ZOU does not consider the impacts of developments that require GP amendments and that are not already approved by the BOS. For informational purposes, the proposed GP amendment projects were included in one of the alternative scenarios.
- h. Green Valley Road East of Silva Valley Parkway - Thirteen segments of Green Valley Road were analyzed in Segments 149-161. This project is not intended to analyze impacts from individual development projects.

- i. Silver Springs Parkway South of Green Valley Road – The RPDEIR did not analyze Silver Springs Parkway as part of the TGPA-ZOU process. This project is not intended to analyze impacts from individual development projects.
- j. Latrobe Road north of Town Center Blvd. - The County did not collect counts at this arterial segment. As a result, this segment was not reported in Table 3.9-13 which reports LOS for segments where a count is available for post-processing using the difference method. Five segments of Latrobe Road were analyzed in Segments 45 and 166-171. The closest available roadway segment is Latrobe Road north of White Roack Road (Segment 45). This project is not intended to analyze impacts from individual development projects.
- k. Valley View Parkway south of White Rock Road - The County did not collect counts at this arterial segment. As a result, this segment was not reported in Table 3.9-13 which reports LOS for segments where a count is available for post-processing using the difference method. This project is not intended to analyze impacts from individual development projects.
- l. White Rock South of Highway 50 – This segment is represented by Segment 115 in Table 3.9-13 – White Rock Road south of Silva Valley Parkway.
- m. Silva Valley Parkway at Oak Meadow Elementary School – The County did not include intersections in this analysis. Segment 64 (Silva Valley Parkway south of Serrano Parkway) is adjacent to Oak Meadow Elementary School. This segment is projected to operate at LOS C under all scenarios. This project is not intended to analyze impacts from individual roadway projects.
- n. Silva Valley Parkway North and South of Golden Eagle Lane – Five segments of Silva Valley Parkway were analyzed, these segments in question were analyzed in as Segments 65 and 66. This project is not intended to analyze impacts from individual roadway projects.

Please see the response to the commenter’s previous comment O-1-403.

### O-Recirc-1-90

The volumes reported in Table 3.9-13 of the RPDEIR were updated for US 50 west of Latrobe Road. The FEIR includes the updated volumes and LOS. The updated Existing conditions volumes are as follows:

| Direction     | AM Peak Hour Volume/LOS | PM Peak Hour Volume/LOS |
|---------------|-------------------------|-------------------------|
| Eastbound GP  | 1,720/B                 | 3,560/C                 |
| Westbound GP  | 2,955/D                 | 2,140/C                 |
| Eastbound HOV | 620                     | 800                     |
| Westbound HOV | 620                     | 800                     |
| Total         | 5,915                   | 7,300                   |

The Caltrans 2010 Traffic Counts book referenced by the commentor states, “Included is an estimate of the “peak hour” traffic” versus average weekday conditions for which the model is based. The 2008 – 2013 Count Books all report a peak hour volume of 8,600 for this segment. The peak hour estimate of 8,600 in the Caltrans Count Book is bi-directional while the segments of U.S. Highway 50 as listed in Table 3.9-13 are for each peak hour direction.

Please see Master Response 14: Traffic Analysis Methodology, Travel Demand Model.

### **O-Recirc-1-91**

The Caltrans 2010 Traffic Counts book referenced by the commentor states: “Included is an estimate of the “peak hour” traffic.” The volume may not be an actual count and is for both directions.

A more appropriate source for an average weekday peak hour traffic count is Caltrans Performance Measurement System (PeMS), which is the source of the volumes in the RDEIR. The volumes in the RDEIR are correct.

Please see the response to the commentor’s previous comment O-1-405 and Master Response 14: Traffic Analysis Methodology, Travel Demand Model.

### **O-Recirc-1-92**

Peak hour volumes are determined by adding the volumes in each direction for the same hour, i.e., EDC DOT Traffic count for January 2010: AM peak hour is determined by adding the 8-9AM westbound volume of 1,222 with the 8-9AM eastbound volume of 506, which equals 1,728. The commentor erroneously added the eastbound 11AM to noon volume of 571 to the 7-8AM westbound volume of 1,329. The volumes in the DEIR are correct.

Please see the response to the commentor’s previous comment O-1-406.

### **O-Recirc-1-93**

Specific responses are as follows:

- a. The County acknowledges that operational analysis includes considerations beyond the scope of the programmatic analysis. The planning level of analysis is consistent with the approach used for other Countywide documents. See also master response 1.
- b. Daily thresholds rely on assumptions about the proportion of traffic that occurs during the peak hour; therefore, it is desirable to use peak hour volumes, when available, to determine LOS. Daily LOS is a more gross measurement than peak hour. As such, it is typically not used in conjunction with peak hour LOS. The Caltrans TIS Guidelines (Caltrans, 2002) listed in this comment apply specifically to the preparation of Traffic Impact Studies for individual development projects. As such, they are not applicable to the program EIR analysis of the TGPA/ZOU. See also master response 1.
- c. The County does not concur with this comment. Please see master response 1.
- d. The County does not concur with this comment. The TIM fee and CIP will address traffic increases resulting from the TGPA/ZOU because they are based on reasonable projections of future development based on the General Plan’s land use designations. Analysis of the traffic impact fees was not the intent of the Countywide TGPA/ZOU analysis. The fees will be updated as part of the El Dorado County Traffic Impact Mitigation Fee update which began in late 2014. The TGPA/ZOU does not include any development projects and therefore a discussion of a “fair share contribution” and other aspects of mitigation that apply to

individual development projects do not apply here. The County will adopt a mitigation monitoring and reporting program in conjunction with approval of the TGPA/ZOU, as required by CEQA.

Please see the response to the commenter's previous comment O-1-407 and Master Response 14: Traffic Analysis Methodology, Travel Demand Model.

### **O-Recirc-1-94**

This comment relates to speculation regarding potential private litigation for the effects of leaking septic tanks on groundwater quality and of groundwater overdraft on residential water supplies in the future. The potential for legal challenges with private well owners and septic system owners regarding the future degradation of groundwater supply and quality conditions is outside the scope of the TGPA/ZOU EIR. The scope of the project examined in the TGPA/ZOU EIR is clearly described in Section 1.1.3 and Chapter 2 of the DEIR. In sum, the "project" analyzed in the TGPA/ZOU EIR consists of a discrete set of Targeted General Plan Amendments and a comprehensive update of the Zoning Ordinance. It is a Program EIR that evaluates broad general plan amendments and zoning ordinance updates. The County would not "facilitate the outcome" of private litigation to which it is not a party because it would have no role in such litigation.

The TGPA/ZOU EIR states that water quality can affect groundwater supplies. Master Responses 5 and 6 provide an extensive discussion of state and county regulations on septic tanks that are protective of groundwater resources. Tier 1 water quality standards promulgated by the State Water Resources Control Board for Onsite Water Treatment Systems and administered by the County through building permits limit development on steep slopes where septic tanks and associated systems may be susceptible to septic releases or leakages. In addition, existing County codes require measures for installation and maintenance of septic systems that avoid the potential for contaminating ground and surface waters. For example, the County requires certain soil conditions and land area, as well as a minimum of a 100-foot distance between groundwater wells and a septic tank or leach field to minimize the potential for well contamination.

### **O-Recirc-1-95 through O-Recirc-1-97**

The development of Groundwater Management Plans (GWMPs) is not within the scope of the TGPA. The EIR examines the impacts of the proposed plan amendments on existing conditions within the County; it is not in itself a planning document, nor is it expected to expand the proposed project to include an extensive (and expensive) new component.

**Master Response 6** addresses the County's efforts and policies established to maintain groundwater supply and minimize impacts to groundwater quality. The TGPA would not substantially increase the overall level of development analyzed in the 2004 General Plan EIR and there are several General Plan policies that act to restrict development in areas where public water supplies are not available. The County General Plan has a number of groundwater related policies (see the Public Services and Utilities Element) that will be implemented as budget allows. The following groundwater objective and policies demonstrate the importance of groundwater supplies to the County.

**OBJECTIVE 5.2.3: GROUNDWATER SYSTEMS, Demonstrate that water supply is available for proposed groundwater dependent development and protect against degradation of well water supplies for existing residents.**

The General Plan's policies 5.3.3.1 through 5.3.3.7 provide for overview of individual development proposals to ensure that there is sufficient groundwater, if the project is to depend on groundwater. The following policy is an example of this.

- **General Plan Policy 5.2.3.1:** The County Well Ordinance and/or other County requirements regulate the installation of new private wells.

The County Environmental Management Department has developed and made available, *A Guide for the Private Well Owner*, as well as an informational page on *Typical Water Demands For Rural Residential Parcels* ([http://www.edcgov.us/Water\\_Well\\_Program.aspx](http://www.edcgov.us/Water_Well_Program.aspx)). In addition, each new well that is drilled within the County needs to be approved via issuance of a well permit. In order to obtain a building permit, proof of an adequate water supply must be provided to the Division of Environmental Health as part of the application (County Policy #800-02).

In addition, the following policy provides an example of how the County is tracking well use:

- **General Plan Policy 5.2.3.7:** The Environmental Management Department shall compile and make available information regarding typical water demands associated with rural residential development that is dependent upon groundwater. The information shall be posted on the Department's Internet website and available in hard copy format at the Development Services Public Counter.

The County Environmental Management Department also collects individual well data, on a well-by-well basis. This information is available in the County's GIS (<http://gem.edcgov.us/gotnet/>). However, the County has not mapped the coverage of groundwater aquifers, nor the associated aquifer capacities.

Although these examples do not comprise a County GWMP, they do represent the County's efforts to monitor and manage groundwater resources within the County. With consideration of the County's budgetary constraints, these efforts are effective at managing groundwater use and supply within the County. In addition, these efforts could ultimately be expanded to build the data record needed to develop a GWMP in the future.

In addition to County ordinances, Senate Bill 610, requires that a water supply assessment (WSA) be prepared for large projects that meet specific criteria<sup>7</sup>. The primary goal of the WSA to determine is whether the projected water supply for the next 20 years (planning horizon) – based on normal, single dry, and multiple dry water years – would meet the demand projected for the proposed project plus the existing and planned future uses, including agricultural and manufacturing uses. Should private groundwater supplies be needed, the ability for the aquifer to provide the water will be evaluated as part of approval of a proposed project. These efforts, among others, will help the County manage and track groundwater supplies.

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<sup>7</sup> A residential development with greater than 500 units; business with an area greater than 500,000 square feet; office building with an area greater than 25,000 square feet; a proposed hotel/motel with greater than 500 rooms; an industrial facility with an area greater than 650,000 square feet; a mixed-use project that includes one or more of the projects specified above; or a project that would demand an amount of water equivalent to, or greater than, the amount of water required by a 500-dwelling unit project.

This comment also refers to the accuracy of the groundwater data presented by the Center for Economic Development (CED) at Chico State University in the 2010-11 El Dorado County Economic and Demographic Profile (California State University, Chico 2011) presented in the Table 3.10-2 or the TGPA/ZOU EIR (page 3.10-14) regarding existing groundwater depths within the County. The commenter seeks verification that the data is accurately represented in the TGPA/ZOU EIR. The commenter suggests that the DWR data that CED reports cited to represent average groundwater depths within the County, but that it was originally collected by DWR to monitor seasonal variations in groundwater basins, and that the data is most likely derived from wells within the Tahoe Basin; not from wells in areas of fractured rock aquifers. The RPDEIR's reference to mild variations in groundwater levels within the County derived from the DWR data in the CED Report does not mean to infer that there is not a growing concern regarding groundwater supplies within the County. In fact, the discussion in the RPDEIR follows the table with information from a more recent statewide DWR report (DWR 2014) to state that, despite the mild fluctuations in groundwater depths that the data indicates, that "data between 2010 and 2014 indicate that fluctuations can be greater" and that the greatest concentration of recently deepened wells is in the fractured bedrock foothill areas of Nevada, Placer, and El Dorado counties.

There is no dispute that well deepening and even failure is occurring, and the DWR data supports the RPDEIR's conclusion that this has been a more recent phenomena within the County. The EIR states that the TGPA/ZOU project could result in a **significant and unavoidable (SU)** impact on groundwater supplies (Impact WS-2) due to new development and the ZOU would allow certain new types of large projects that could rely on groundwater supply in agricultural, rural, and resource zoning districts upon approval of conditional use permits. In any case, given that this is a program EIR evaluating broad general plan amendments and zoning ordinance update, it is not necessary to develop a detailed study of groundwater to be able to characterize the resource, analyze the potential effects of the project, and to conclude that the impacts of future development in comparison to existing conditions will result in SU impacts on groundwater.

The commenter believes the State Water Resources Control Board's Groundwater Ambient Monitoring and Assessment Program (GAMA) data used for the Voluntary Domestic Well Assessment Project El Dorado County Data Summary Report (SWRCB 2005) would provide a more appropriate characterization of the groundwater resources of El Dorado County than the DWR data presented in the RDEIR. The DWR data presented in CED Report (described above) was relied upon to demonstrate that, "water levels in water wells within the county are not routinely tested, are not reported to the County, and there is no comprehensive database on groundwater levels." The comment infers that the no further data was necessary to show because the statement dismisses the need. This statement was presented to illustrate the lack of the detailed, long-term information that is necessary to a comprehensive analysis. The County's GOTNET data presented by the commenter with well depths and production rates in gallons per minute (gpm) is also not comprehensive, long-term data. In fact, it represents only instantaneous measurements, as opposed to long-term monitoring, and because of the variable nature and undefined boundaries of the fractured aquifers, instantaneous measurements are insufficient to characterize changes that may be occurring within any given aquifer. The State Water Resources Control Board's GAMA data used for the Voluntary Domestic Well Assessment Project El Dorado County Data Summary Report (SWRCB 2005) was developed to characterize groundwater quality presents median depths of wells surveyed in 1978 (Carla Calkins, Water Well Survey Report, June 1978). This is historical data, over 35 years old, and is not linked to any data points since that time. It is of limited use in characterizing existing conditions. In addition, groundwater depths along Highway 50 between Placerville and South Lake



Tahoe are monitored by the USGS as a result of several large landslides that occurred in January 1997. In many landslides, infiltration of rainfall or rapid snowmelt increases groundwater pressures. These elevated pressures can, in turn, trigger landslide movement. Data are collected every 15 minutes and displayed on graphs (USGS 2015). However, these data do not help characterize groundwater conditions in Western El Dorado, where most of the private drinking water wells are located.

Therefore, although there is well information available, it is still not sufficient to provide the detailed analysis needed to adequately characterize groundwater conditions in the western portion of the County. The data that is available (i.e., GOTONET, State Water Board, DWR, and USGS) is not comprehensive, it consists of one-time observations or at too few well locations to (1) map/identify the boundaries of the groundwater aquifers or the sources of supply; (2) accurately characterize groundwater supplies within the fractured aquifers; (3) identify specific aquifers where wells are non-productive over the long term; (4) characterize the use/recovery rates within aquifers; or (5) provide other data points necessary to preparing a GWMP. Given these limitations, the RPDEIR has done an adequate job in representing the groundwater data available for the region. The commenter adds that all available well depth data should be used to plan for development, and thus to avoid development in areas with limited groundwater supplies and where contamination of wells from septic tanks and wastewater ponds is probable. This is a policy issue; preparing a GWMP is outside the scope of CEQA to characterize, analyze, and disclose the impacts of the project. As described in the Response to O-Recirc-1-95, the County has several ordinances that require the proof of adequate water supplies and restricts the proximity of groundwater wells and septic systems prior to obtaining project approval and permits. This data will need to be collected during the project approval process if it is not readily available at the time.

The purpose of the TGPA/ZOU EIR is not for land use planning. Its purpose is to identify the potential impacts of proposed plans. The issue regarding the land use strategies to manage resource conditions with additional growth in the County is one of policy, not a question of EIR adequacy. For example, the question of whether the County should adopt different policies or reduce the current general plan land use allocations is one to be discussed within the County's Development Services Department.

## **O-Recirc-1-98**

The Commenter discusses the development of a GWMP and states that the County has the data necessary to develop a GWMP, and existing law authorizes local agencies to adopt and implement a GWMP. As stated in the TGPA/ZOU EIR, "historical data on groundwater levels is quite limited" (p. 3.10-4), and sufficient data is not available on the variable nature of the groundwater fractures. As discussed in the response to I-Recirc-1-97, there is not enough data to develop a GWMP at this time.

Existing law does not mandate the adoption and implementation of a GWMP in El Dorado County where no alluvial basin exists. In general, the County chooses not to undertake preparation of a GWMP because of the cost of such a venture. Prior to the Sustainable Groundwater Management Act (SGMA), with AB 3030, development of a GWMP applied to areas within groundwater basins and was voluntary; not mandatory. With the adoption of the recent SGMA, groundwater sustainability plans are now required by January 31, 2020, for all high or medium-priority basins in overdraft condition and by January 31, 2022, for all other high- and medium-priority basins unless legally adjudicated or otherwise managed sustainably. This requirement does not apply to the majority of El Dorado County because it is not within a groundwater basin. DWR's Groundwater Sustainability

Program Draft Strategic Plan (DWR 2015) states that, “Groundwater within fractured rock is not addressed by the SGMA.”

The Tahoe Valley Basin (Tahoe South Subbasin) in Western El Dorado County is designated as a medium priority basin in the current California Statewide Groundwater Elevation Monitoring (CASGEM) Groundwater Basin Prioritization List (DWR 2014a). The County has not decided to what extent it will participate in any SGMA effort for the Tahoe Basin and that is not pertinent to the evaluation of potential impacts to groundwater from the TGPA/ZOU. Again, this a policy decision and not a question of EIR adequacy.

The General Plan itself does not mandate preparation of a GWMP be developed for El Dorado County.

According to DWR guidance, required components of a GWMP include development of basin management objectives (BMOs) for a groundwater basin, monitoring and management of groundwater levels, groundwater quality, land subsidence, changes in surface flow and water quality that are caused by groundwater pumping, and provide a description of how recharge replenishes the basin. The GWMPs also require identification of the area of the groundwater basin, and the local agency or agencies subject to the plan. For local agencies located in areas outside groundwater basins, geologic and hydrologic principles appropriate to those areas can be used. (DWR 2014b).

The various policies and implementation measures in the Public Utilities element described above in the Response to O-Recirc-1-95 require information gathering, information availability, and decision-making based on available groundwater. Although this doesn’t cover all the information required for a GWMP, it is similar in its goal of managing groundwater to ensure a long-term, sustainable, reliable, good quality groundwater supply. In addition, it consists of what the County’s elected legislative body considers to be a feasible set of actions to reduce the impact of future development on groundwater.

## **O-Recirc-1-99**

The Commenter describes the need for a GWMP and states that much of the County is not served by the water districts that provide service based on surface water supply, and that many of the new projects and land use zone amendments proposed in the General Plan will rely on groundwater supply..

The information provided by the Commenter about water systems supports the conclusion of the RDEIR that the impact on groundwater will be significant and unavoidable. The Commenter is correct that new water systems outside of the three primary public water district service zones (EID, GDPUD, GFCSD), would rely on groundwater, which also supports the conclusion in the RDEIR. Even if there’s a water system using groundwater as its source, future development will still be constrained by a lack of service if the source is unreliable. No water system will reasonably extend service when it is known that it lacks a reliable supply. In this case, new development or the addition of agricultural lands in areas that are not served by the three primary public water districts would be limited based on a preliminary assessment of groundwater supplies within the area.

**O-Recirc-1-100**

The Commenter refers to the conclusion of “Significant and Unavoidable” for impacts groundwater resources and states that it is false because the impacts are avoidable by limiting land use development in areas that rely on groundwater supplies. As previously described in Response to O-Recirc-1-96, the purpose of the TGPA/ZOU EIR is not for land use planning. Its purpose is to identify the potential impacts of proposed plans. The issue regarding the land use strategies to manage resource conditions with additional growth in the County is one of policy, not a question of EIR adequacy. The County’s General Plan already sets out a future land use pattern for the County. It also, in the Public Services and Utilities Element, sets out policies and implementation measures aimed at avoiding to the extent feasible development that lacks sufficient groundwater, as described in Response to O-Recirc-1-95. Based on the Significant and Unavoidable conclusion, the County Board of Supervisors can choose not to approve the proposed amendments in order to reduce the impacts identified. But, even so they cannot avoid the impact as planned because it is largely the result of the current General Plan’s allocation of future development potential. As is the case, County will make a statement of overriding considerations for the Project.

Regarding the comment repudiating the conclusion of No Impact in the Impact Discussion, (RDEIR, page 2-24). The significance of the Project on groundwater resources varies with the setting. In this case, the No Impact conclusion refers only to the areas that do not rely on groundwater for their supplies. The Project would have no impact on groundwater in areas served by EID, GDPUD, GFCSD because they primarily rely on surface water supplies, and therefore future projects would not substantially deplete groundwater supplies.

The comment discussions regarding the identification of, and limitation on development in, areas in which development would not be supported by groundwater supplies is responsible planning, also supports the conclusions in the EIR. Again, this is a matter that will be addressed as part of the County’s land use planning efforts.

**O-Recirc-1-101**

The Commenter discusses the practical application of a planning document, and states that “the TGPA/ZOU is a planning document, and yet it backs away from the task of planning”. The EIR is a document meant to disclose the impacts of the planning document, as previously stated in the Response to O-Recirc-1-97. The issue regarding the land use planning in the County is one of policy, not a question of EIR adequacy.

The Commenter’s stated that the EIR discussion regarding the infeasibility of useful environmental analysis on specific TGPA/ZOU projects due to lack of information (RDEIR, page 3.10-1) “does not meet the requirements for analysis that must occur under the TGPA/ZOU project evaluation”. The EIR does in fact meet the requirements for full public disclosure under CEQA. Although it is clear that there is a lack of comprehensive info about groundwater, there is sufficient information to reach the conclusion that the impact on groundwater resources is Significant and Unavoidable.

**O-Recirc-1-102**

In a request for information, the Commenter asks where the DWR data, cited by the CED at Chico State University was derived from, the specific goal of the monitoring and the location and type of wells monitored. It is believed that the data comes from Well Completion Reports from water supply wells drilled within the County that were consistently collected by DWR between 1999 and 2010.

The CED then corrected for wells not measured in any particular year. According to DWR, the majority of groundwater data in the area is of well depths compiled from Well Completion Reports that well drillers are required to send to DWR. DWR does not have an established monitoring network in Western El Dorado County because it is very difficult to fully characterize groundwater systems within areas of fractured rock (pers comm. Eric Senter. 2015).

The CED report provides some information on the Western El Dorado County fractured rock system, but is not the sole basis for characterizing the groundwater system and associated issues. The information is used as a means to generally characterize resources and the related issues. It is clear that the long-term monitoring necessary to better characterize the issue is not available at either a County-wide or localized level. As described in Master Response 1, the EIR for the TGPA/ZOU is a "program EIR." That is, an EIR prepared for a series of actions that can be characterized as one large project and that are related in connection with the issuance of regulations and plans. The proposed TGPA/ZOU is the project for which the EIR was prepared. Therefore, the degree of specificity in the TGPA/ZOU EIR corresponds to the degree of specificity contained in the proposed TGPA/ZOU.

### **O-Recirc-1-103**

In a request for information, the Commenter asks that a thorough evaluation of the wells in El Dorado County using the data now available in County records be evaluated and summarized in the EIR. A detailed analysis is not necessary for the purposes of evaluating the potential significance of future development on groundwater. It is beyond the reasonable scope of the EIR. In addition, the information available about planned projects is insufficient to adequately evaluate the availability of groundwater supplies within the fractured rock system. For example, there is no comprehensive, long-term groundwater monitoring data set; no specific project water demand data available since the locations and elements are unknown, no information on the water source that would be used, no design plans are available, nor is the intensity of future development that may be allowed under conditional use permits known. In addition, it is very difficult to fully characterize a fractured rock groundwater system.

### **O-Recirc-1-104**

In a request for information, the Commenter asks that an analysis be conducted, and summarized in the EIR, based on Policy 5.2.3.6, which specifies an assessment of well data compiled since the permit process started in 1990 in order to identify areas of likely groundwater supply limitations. At the completion of this analysis period, the County should determine if the General Plan uses within the areas of water supply limitation are compatible with identifiable supply limitations and modify the General Plan uses, if necessary.

Please see Response O- Recirc-1-102. This has not been done and no such information is available. It's not reasonable or feasible given the complexity of the fractured rock aquifer systems. Please also see Master Response 1 regarding specificity of Program EIR and Master Response 6 regarding groundwater, and Response to O-Recirc-1-40. Groundwater availability at any given site varies depending upon the underlying geology of that site. Therefore, the answer to this question is unknown and would require an extensive study of groundwater that is beyond the reasonable scope of the TGPA/ZOU EIR.

**O-Recirc-1-105**

In a request for information, the Commenter asks that a GWMP be established based on data now available in County records, and include this plan in a recirculated draft EIR. As stated in Response O-R-1-98, existing law does not mandate the adoption and implementation of a GWMP in El Dorado County where no alluvial basin exists. In general, the County chooses not to undertake preparation of a GWMP because of budgetary constraints. The various policies and implementation measures in the Public Utilities element described above in the Response to O-Recirc-1-95 help to fulfill the similar GWMP goal of managing groundwater to ensure a long-term, sustainable, reliable, good quality groundwater supply. In addition, as described in Response to O-Recirc-1-96, there is not sufficient information to provide the detailed analysis needed to adequately characterize groundwater conditions in the western portion of the County.

**O-Recirc-1-106**

In a Request for Information, the Commenter asked that the County establish a groundwater ordinance based the “State Water Resources Control Board in Bulletin 118 that directs counties that lack specific, defined groundwater basins to develop groundwater management plans and accompanying implementing ordinances”, and include it in the EIR. As stated in Response O-R-1-98, existing law does not mandate the adoption and implementation of a GWMP in El Dorado County where no alluvial basin exists. DWR Bulletin 118 doesn’t require El Dorado County to undertake preparation of such an ordinance. As described in Response to I-R-20-15, it is beyond the reasonable scope of the EIR to review a groundwater management plan that is a part of the proposed project. In addition, it is likely that the Commenter meant to refer to DWR guidance as DWR is the agency that publishes Bulletin 118.

**O-Recirc-1-107**

In a request for information, the Commenter requests that a discussion on the El Dorado County Municode (Chapter 8.39—Well Standards), and on the County’s “Final Draft of Proposed Well Construction & Water Supply Standards Ordinance updated August 14, 2014” be included in the RDEIR. The existing Municode is available online or from the county and does not need to be included the EIR. The draft ordinance is not included because it has not yet been adopted and is therefore not an effective regulatory requirement. As such, it may be subject to further change and not suitable for reliance upon in the EIR. The requirements of the existing code are discussed in detail in Master Response 5 regarding the practical constraints that limit development potential, Master Response 6 on groundwater supply and water quality, and in Response to O-Recirc-1-95. In addition, these items are outside the scope of the Project, and are not needed to analyze groundwater at a program EIR level.

**O-Recirc-1-108**

In a request for information, the Commenter asks for a map or maps that show the existing water service conveyance lines for each water service district (not just the service boundaries). This is a level of detail that not necessary at the Program EIR level, in which the purpose to identify and characterize potential impacts of the proposed TGPA/ZOU. This information can often be found in UWMPs or Water Master Plans, or often may be requested from, the water districts themselves.

**O-Recirc-1-109**

In a request for information, the Commenter asks for a map/s of sewer conveyance lines. As described above in the Response to O-Recirc-1-108, this is a level of detail that not necessary at the Program EIR level. The location of septic facilities within the County can be found on the County of El Dorado's GOTNET website.

**O-Recirc-1-110**

In a request for information, the Commenter asks that areas where septic tank percolation rates are  $\leq 1$  minute per inch (mpi), and  $\geq 80$  mpi, which soils make septic systems less effective and soil types by parcel number within the County. As described above in the Response to O-Recirc-1-108, this is a level of detail that not necessary at the Program EIR level. Soil types within the County can be found on the County of El Dorado's GOTNET website, and the Natural Resources Conservation Service (NRCS) website on soils.

**O-Recirc-1-111**

In a request for information, the Commenter asks how El Dorado County can authorize the placement of septic tanks (onsite wastewater treatment systems [OWTS]) on slopes  $\geq 30$  percent in light of the Water Board OWTS policy for low risk new or replacement OWTS (Tier 1). Please see Master Response 5: Practical Constraints on Future Development under the TGPA/ZOU. Development will be required to be consistent with the State Water Resources Control Board requirements; this is a constraint on development. According to the policy, Tier 1 applies when a Local Agency Management Program (LAMP) has not been approved by the Regional Water Board. A LAMP must include corrective action requirements, minimum monitoring requirements, exemption criteria, and requirements for determining when an existing onsite system needs major repairs. Local agencies must submit their draft LAMP to the regional board by May 13, 2016, and the Regional Board must approve the LAMP by May 13, 2017. The effective date of the Policy was May 13, 2013, but local agencies may continue to implement their existing OWTS permitting programs for 60 months after the effective date of the Policy. (State Water Resources Control Board 2015). Therefore, El Dorado County has not needed to comply with the OWTS policy as of yet.

**O-Recirc-1-112**

In a request for information, the Commenter asks how El Dorado County can authorize the placement of septic tanks on slopes greater than 30 percent, where septic systems are more likely to "daylight" than systems placed in areas of lesser slope, especially in light of the Water Board policy 8.1.2: OWTS shall be located, designed, and constructed in a manner to ensure that effluent does not surface at any time, and that percolation of effluent will not adversely affect beneficial uses of waters of the State. Please see Response O-R-1-111. The proposed revision does not change County regulations on the location of septic systems. The placement of septic systems on slopes will also be subject to all State Water Board regulations.

**O-Recirc-1-113**

In a request for information, the Commenter asks how septic tanks will be allowed on slopes greater than 30 percent when El Dorado County's "Procedure for New Sewage Disposal System Approval" specifically states under IV (B) that "Ground slopes in the sewage disposal and replacement area shall not be greater than 30 percent," as well as the 30 percent slope restriction in the 2004 General

Plan Conservation and Open Space Element (Policy 7.1.2.1). The proposed amendment would not change the County's regulations on the location of septic systems. The County also has Reasonable Use Criteria for Placement of Septic Systems on Existing Legal Lots or Parcels that states that "Septic system components may be located in areas containing slopes greater than 30 percent where alternative locations are not feasible or where the placement would reduce the overall disturbance of slopes." No change is proposed to that existing regulation either. Please see Response O-R-1-111. The placement of septic systems on slopes will be subject to all State Water Board and County regulations. These are constraints on the use of slopes as the location of such systems, and the regulations will not be changed by the TGPA or ZOU.

### **O-Recirc-1-114**

In a request for information, the Commenter asks how the County's Septic System Minimum Setback Requirements protect groundwater systems, given the easy conveyance of septic effluent to wells that draw water from the fractured rock aquifers of El Dorado County. The County's regulatory well setbacks are determined using a sound understanding of groundwater systems and the type of activities that occur in the area. The distance accounts for the amount of sand, gravel and clay between a well and septic system to filter out contaminants before they reach groundwater water wells. The required 100-foot setback between a well and your septic system provides relatively good protection against bacteria and viruses when it is working properly (El Dorado County 2004).

### **O-Recirc-1-115**

In a request for information, the Commenter asks for a description of when El Dorado County performs water quality testing on private wells, and the results of that testing. As described in Response to O-Recirc-1-94, Tier 1 water quality standards are promulgated by the State Water Resources Control Board OWTS policy and are administered by the County through building permits. In addition, the El Dorado County Environmental Health Well Standards Ordinance (Chapter 8.39) states that when the County Division of Environmental Health issues a well permit, it may condition the permit to specify water quality monitoring. The County's Well Guide (El Dorado County 2004) provides guidance on water quality sampling. Groundwater wells that are part of a public water system or that provide water for public use are regularly tested during operation. If a contaminant is detected in one of these wells, the well is immediately shut down to determine the cause and whether the contaminant can be treated or not.

### **O-Recirc-1-116**

In a request for information, the Commenter asks an analysis of the potential for septic tank success/failure for the different planning areas of the County be provided in the EIR. While this information may be useful for site-specific development projects, it is not pertinent to the Program level analysis in the EIR, as described in Master Response 1 and Response to O-Recirc-1-102. This type of information is not necessary to analyze the broad impact of new development and changes in land use zones. Determining "areas where wells are susceptible to contamination" requires site-specific analyses that are beyond the scope of a Program EIR.

### **O-Recirc-1-117**

In a request for information, the Commenter asks that the parcels to be included in agricultural designations be identified, which ones will be served by groundwater, and those that are in water

service district boundaries, as well as the locations of wells now in the areas, their depth and production rates (gpm), and any known history of well deepening, wells gone dry, and aquifer overdraft. As described above in the Response to O-Recirc-1-108, this is a level of detail that not necessary at the Program EIR level. The project is not proposing any site-specific uses, nor will it be used for purposes of approving site-specific uses. For purposes of identifying the impact and reasonably informing decision-makers of its significance, a program level analysis is sufficient.

### **O-Recirc-1-118**

In a request for information, the Commenter asks site-specific aquifer recharge areas be identified. As described above in the Response to O-Recirc-1-108, this is a level of detail that not necessary at the Program EIR level. Aquifer recharge areas are not proposed to be designated as part of the TGPA/ZOU.

### **O-Recirc-1-119**

In a request for information, the Commenter asks that the responses to questions and comments and requests for information raised in the July 23, 2014 RCU document under "Water Quality - dEIR Review Comments" (pages 3.0-1 through 3.0-53) be included in the RPDEIR. None of the comments rise the level of "significant new information" that would necessitate further recirculation of the EIR. All comments are being responded to in the FEIR, including those submitted in 2014

### **O-Recirc-1-120**

The Commenter refers to comments 'Groundwater' page 3.10-1. It is not clear what the Commenter is referencing in this comment. As stated in the Response to O-Recirc-1-119, all comments are being responded to in the FEIR, including those submitted in 2014.

### **O-Recirc-1-121**

The Commenter resubmits prior RCU comments on the original DEIR as part of the public comments attached and dated 7/23/14, for inclusion in the final response. As stated in the Response to O-Recirc-1-119, all comments are being responded to in the FEIR, including those submitted in 2014.

### **O-Recirc-1-122**

The Commenter states that the RPDEIR erroneously leads the public to believe that EID is not supplying water for the Folsom Specific Plan Area (SPA) south of Highway (Hwy) 50. The Folsom SPA south of Hwy 50 includes a small portion of the EID service area. This is not an expansion of EID's service area. EID's planning documents take that service into account as part of future demand projections. This is clarified in the FEIR.

The County and local water suppliers implement conservation measures, particularly during drought periods. EID and GDPUD are the urban water purveyors on the West Slope of El Dorado County that are required to develop UWMPs. EID and GDPUD have adopted a number of urban and agricultural programs to conserve water (El Dorado County Water Agency 2014). Each purveyor implements different water conservation programs to meet the needs of their respective service area customers. The range of actions that have been taken varies with each water supplier, but generally includes the following:

- Reducing leakage and losses in raw water canals and conveyance systems



- Conducting water audits/surveys to assess potential illegal diversions/use
- Water and wastewater treatment plant backwash water recovery
- Leak management on both raw water and finished water distribution system
- Public education/outreach program implementation
- Residential and commercial/industrial (CII) plumbing retrofit program
- Rebate programs for high-efficiency clothes washers and toilets
- Rebate program for irrigation efficiency improvements
- Residential and CII water surveys and leak detection programs
- Individually metered landscape water use and sub-metering
- Implementing automated meter reading retrofits
- Tailwater controls and spill management

The EIR is properly relying upon EID's water supply forecasts and planning documents because EID is the water provider. Please see Master Response 6: Groundwater Supply and Water Quality for more information. The infrastructure cost to be incurred by EID customers for future system improvements is not related to the TGPA/ZOU, and is not a pertinent subject for the EIR.

The commenter questions the likelihood that EID will be successful in acquiring additional water rights in the face of competing interests within the State, especially in light of the drought. This is a question for EID, the applicant for these water rights. The EIR relies on EID's planning efforts, and their assumption that these water rights will be obtained, because EID is the expert agency in this subject area and is the agency responsible for providing water to customers within western El Dorado County.

### **O-Recirc-1-123**

The Commenter states that EID has persistently and misleadingly used 'firm yield' as the measure of its water supply capability. This is a question more appropriate for the EID; not the County. The TGPA/ZOU EIR is properly relying upon EID's forecasts and planning documents because EID is the water provider. Please see Master Response 6: Groundwater Supply and Water Quality for more information.

### **O-Recirc-1-124**

The Commenter states that comprehensive data must be collected and a quantitative examination done prior to approving the increase in development proposed under the TGPA/ZOU. As described in Response to O-Recirc-1-95, the County has several ordinances and policies in place that will help protect groundwater resources at the time that individual projects are pursued and well data is collected by the County Environmental Management Department as part of well permit compliance. In addition, water supply assessments and other assessments will need to be conducted in order for certain development projects to be approved. The issue of whether the TGPA/ZOU approval is based on a comprehensive examination of groundwater resources and EID's water supply is a question of General Plan policy, not of EIR adequacy.

**O-Recirc-1-125**

The Commenter states that there are inconsistent statements that need to be corrected in the RPDEIR regarding whether the TGPA/ZOU will contribute to significantly increased development along with the associated impact analysis specifically on water, as compared to the 2004 General Plan. Please see Master Response 2: Relationship of the TGPA/ZOU EIR to the 2004 General Plan EIR Impact Analysis that describes the TGPA/ZOU EIR references pertinent analyses contained in the 2004 General Plan EIR, but the TGPA/ZOU EIR draws its own conclusions about the significance of the environmental impacts of the TGPA/ZOU. In addition, please see Master Response 4: Scope of the Project that describes the extent of the TGPA and ZOU elements. Please see Master Response 5: Practical Constraints on Future Development under the TGPA/ZOU for a description of the practical considerations made as part of the TGPA/ZOU EIR. For example, sites that are located in areas that are not served by public water and sewer systems have a lower development potential than those that are served by public water and sewer. Therefore, although the TGPA proposes to increase maximum densities for certain land use designations and for mixed use development in Community Regions and Rural Communities, those changes would not result in a substantial increase in future development density where public water and sewer service are not available.

**O-Recirc-1-126**

The California Independent System Operator (CAISO), in collaboration with the California Energy Commission and California Public Utilities Commission, is responsible for ensuring that California's power system reliably delivers power to meet the state's needs. CAISO manages the high voltage grid for 80% of California, including El Dorado County and Pacific Gas and Electric's (PG&E's) service area. This encompasses statewide approximately 26,000 miles of transmission lines and 740 power plants. CAISO is responsible for planning improvements to the grid necessary to reliability, conformity to state energy goals, and economic opportunity on a regular basis. The planning process includes forecasting reliability into the future on a 10-year horizon (to 2024), and approving the transmission projects (e.g., new and expanded capacity transmission lines) necessary to ensure reliability. CAISO's 2014–2015 Transmission Plan, for example, approves seven reliability-driven transmission projects for the statewide grid, with a total cost of approximately \$352 million. (California Independent System Operator 2015)

The CAISO's 2015 Local Capacity Technical Analysis report indicates that sufficient electrical supply capacity exists to serve El Dorado County in the short term and to 2024 (the extent of current CAISO forecasts). This report identifies thermal overloads and loss of crucial facilities or transmission lines under theoretical contingency situations as concerns in the Sierra Division that includes western El Dorado County. However, it goes on to state that "previously approved projects within the area address the identified reliability concerns." (California Independent System Operator 2014)

The TGPA/ZOU does not represent a substantive increase in the development potential identified in the 2004 General Plan. Therefore, it would not substantially change the energy need forecasts used by CAISO, nor would it result in an inability to provide reliable electrical energy to El Dorado County in the future.

**O-Recirc-1-127**

Mitigation Measure AQ-1 would require including an additional zoning code provision (Section 17.30.090) specifying measures that will be required of discretionary permits in order to reduce construction-related exhaust emissions. These measures would be required as conditions of County

approval of such permits. The County would be responsible for ensuring that they are implemented. For discretionary permits that require a mitigated negative declaration or EIR, a mitigation monitoring or reporting program would be adopted pursuant to Public Resources Code Section 21081.6 to ensure that the mitigation will be implemented. Mitigation Measure AQ-1 would establish a new requirement; there have not been past waivers or exemptions because the County has not required this in the past.

### **O-Recirc-1-128**

The Partial Recirculated DEIR examines the impacts from the increase in development that would occur if the TGPA/ZOU is approved. It separately examines whether the TGPA/ZOU would contribute to a cumulative impact. The Partial Recirculated DEIR's statements regarding impacts of the proposed TGPA/ZOU policy changes and the cumulative impact are not in conflict. The Partial Recirculated DEIR correctly states that the amendments contained in the TGPA do not substantially increase the projected level of future development that is allowed under the current General Plan. Please see Master Response 5: Future Development Levels under the TGPA/ZOU. From a cumulative impact perspective, future growth under the current General Plan, in conjunction with the list of cumulative projects and the small increase from the TGPA, will result in a cumulatively considerable increase in energy demand.

The reliability of the electricity grid is not in question. Please see the response to comment O-Recirc-1-126.

### **O-Recirc-1-129**

Power supply infrastructure will be available as already approved, but not yet constructed development projects are constructed in El Dorado County. In some cases, this will require local extensions of power lines. CAISO's 2015 Local Capacity Technical Analysis report identifies thermal overloads and loss of crucial facilities or transmission lines under theoretical contingency situations as concerns in the Sierra Division including western El Dorado County. However, it goes on to state that "previously approved projects within the area address the identified reliability concerns." (California Independent System Operator 2014)

Please see the response to comment O-Recirc-1-128 regarding the reliability of statewide electrical energy supplies.

The commenter mistakenly equates rotating outages, which occur during short periods where electricity supply cannot meet peak demand within California or PG&E's overall service area, with local electrical energy shortages. Rolling outages do not occur as a result of a shortage of energy in El Dorado County. CAISO operates PG&E's transmission system to ensure that statewide power generation matches expected demands on real-time basis. Involuntary rolling outages occur when CAISO declares a Stage 3 emergency indicating that the operating reserves in the real-time market are forecast to be less than 1.5%. At such time, PG&E will implement rotating block outages for all customers including the non-firm customers as a means of reducing the drain on the grid and allowing power to continue to be provided to other portions of the state or PG&E's overall service area. (Pacific Gas and Electric 2015)

**O-Recirc-1-130**

As stated in the Partial Recirculated DEIR, increasing density marginally decreases vehicle use. The Partial Recirculated DEIR is not claiming that the decrease is substantial, as the commenter implies. The proposed amendment would increase densities for mixed use development where site constraints allow. A marginal decrease in vehicle use can occur when the availability of services and stores in a mixed use development allows residents to make shopping or other trips on foot or by bicycle rather than by automobile. Countywide access to public transit or planned development clustered around a transportation node is not the sole mechanism for a marginal decrease in automobile use.

**O-Recirc-1-131**

The California Building Code applies to all new development, and there are no substantive waivers available that would exempt development from its energy efficiency requirements. The California Building Code is revised on a regular basis, with each revision increasing the required level of energy efficiency.

Regarding the extent to which existing development is inefficient or wasteful, the Oxford Dictionaries Online defines wasteful as “using or expending something of value carelessly, extravagantly, or to no purpose” (Oxford University Press 2015). Whether an action, such as residential and commercial development, or even expansion of agricultural use, is careless, extravagant, or to no purpose is a value judgment in the absence of objective standards. With the adoption of the General Plan, the County has established as policy the pattern, density, and intensity of land use development. The goals and policies of the General Plan reflect the elected Board of Supervisors’ considered judgment that development that is consistent with the General Plan is neither careless nor without purpose.

Efficiency is a relative term. Existing development is less efficient in its energy use than future development because it was built to a less efficient standard. Since adoption of the state’s first energy efficiency codes in the late 1970s, energy efficiency standards have saved Californians more than \$74 billion in reduced electricity bills (California Energy Commission 2015a). The state energy efficiency requirements of the California Building Code will continue to be updated to improve energy efficiency (California Energy Commission 2015b). Similarly, vehicle fuel efficiency will improve in the future as the national Corporate Average Fuel Economy standards for automobiles and trucks take effect (National Highway Traffic Safety Administration 2015a). This will include phasing in a fleet average of 54.5 miles per gallon for new cars by model year 2025 (National Highway Traffic Safety Administration 2015b).

In light of reasonably foreseeable improvements in Federal- and State-mandated energy and fuel efficiency requirements, and the County’s adopted development policies expressed in the General Plan, new development will generally be neither wasteful nor inefficient in its use of energy.

**O-Recirc-1-132**

Please see the response to the commenter’s comment on the DEIR—comment O-1-436, to which this comment refers.

**O-Recirc-1-133**

Please see the response to the commenter's comment on the DEIR—comment O-1-437, to which this comment refers.

**O-Recirc-1-134**

Please see the response to the commenter's comment on the DEIR—comment O-1-441, to which this comment refers.

**O-Recirc-1-135**

The commenter states that Table 4-3 does not show that the No Project alternative would have fewer impacts on the project. The commenter has underlined impact levels for Alternatives 2 and 3. The project impacts are identified in the first line of Table 4-3 and show that all of the impacts of the project would be SU – Significant and Unavoidable, while the No Project Alternative is shown as having LTS – Less than Significant impacts for Cultural Resources and no applicable impacts for Population and Housing. The text discussion indicates that the impacts of the No Project Alternative would be less than for the project, but still at the Significant and Unavoidable level.

**O-Recirc-1-136**

Please see the response to the commenter's comment on the DEIR—comment O-1-446, to which this comment refers.

**O-Recirc-1-137**

Please see response to comment O-Recirc-1-139, to which this comment refers.

**O-Recirc-1-138**

Please see response to comment O-1-436.

**O-Recirc-1-139**

Please see responses to comments O-Recirc-1-140 and O-Recirc-1-141.

**O-Recirc-1-140**

As stated on page 4-10 of the Partial Recirculated DEIR, to which this comment refers, and on page 4-10 of the DEIR, as this language was not revised in the Partial Recirculated DEIR, "for the TGPA/ZOU DEIR, the No-Project Alternative will consist of the continuation of the existing adopted General Plan and Zoning Ordinance, without changes." As clearly stated, no zoning ordinance changes would be made under the No Project Alternative, and the existing, adopted Zoning Ordinance would continue in effect.

**O-Recirc-1-141**

The commenter suggests that the County evaluate three additional alternatives in the EIR beyond those already analyzed. As stated in the EIR and in response to comment O-1-446, the EIR contains an adequate range of alternatives, and there is no requirement to evaluate additional alternatives. In

addition, the commenter appears to suggest these alternatives not to address environmental impacts of the project, but because they are potential project alternatives the commenter supports.

### **O-Recirc-1-142**

The changes to the analysis of the alternatives in the Partial Recirculated DEIR were not substantial and did not change the conclusions of the EIR regarding alternatives. Alternative 3 was identified in the DEIR as the Environmentally Superior Alternative. No change to that conclusion has been made.

### **O-Recirc-1-143**

All required changes in the analysis of alternatives were presented in the Partial Recirculated DEIR. No further analysis is required. Please see response to comment O-Recirc-1-142.

### **O-Recirc-1-144**

Please see response to comment O-Recirc-1-141.

### **O-Recirc-1-145**

The Partial Recirculated DEIR was not intended as a direct response to comments received on the DEIR. Responses to comments on the DEIR are found in this chapter.

### **O-Recirc-1-146**

As described on page 3-1 of the DEIR, and in more detail in Master Response 2: Relationship of the TGPA/ZOU EIR to the 2004 General Plan EIR and 2004 Impact Analysis, the EIR for the project must look at the projected effects of the modified General Plan. The TGPA itself does not substantially change the amount of development that would occur as a result of implementation of the General Plan. For this reason, the implementation of the project would result in a substantial amount of development, but not substantially change the growth projected by the County under the current General Plan.

### **O-Recirc-1-147**

The changes to the text of the biological resources impact section on page 5-6 of the Partial Recirculated DEIR to which this comment refers is a change for clarification, and the conclusions of the analysis were not changed, as can be seen in the section, where changes to the text are shown in underline and strikeout.

The discussion on page 2-22 to which the comment refers concerns the separate project of preparation of the update to the Biological Resource Policies, which is not part of the project analyzed in this EIR and does not say that analysis of impacts on biological resources was not included in the EIR.

Please see response to comment I-26-101 regarding the status of the Biological Resources policies.

### **O-Recirc-1-148**

The individual projects in the text added to the EIR, as noted in the comment, are projects consistent with the amended General Plan and the Zoning Ordinance if the TGPA/ZOU is approved. The added text explains that the overall traffic impact of the projected future growth would include the traffic

impacts of such projects. The discussion goes on to describe the overall significant cumulative traffic impact to which the project makes a considerable contribution, as stated on page 5-13 of the Partial Recirculated DEIR. The traffic impacts of implementation of the TGPA/ZOU are presented in the program-level impact analysis found in Section 3.9, Transportation and Traffic, of the Partial Recirculated DEIR.

### **O-Recirc-1-149**

Please see response to comment O-Recirc-1-146 for a response to the comment that the growth inducing impacts conclusion was modified in the Partial Recirculated DEIR. It was not.

### **O-Recirc-1-150**

There has been no change in the proposed policies included in the project evaluated in the EIR. As stated in the EIR, the TGPA does not include substantial changes in land use designations that would substantially change the projected growth generated by implementation of the General Plan compared to the existing adopted General Plan. However, as clearly explained in the EIR and summarized in response to comment O-Recirc-1-146, the amended General Plan, if the TGPA is adopted, would result in substantial amount of growth and development compared to existing conditions today, and that is the project analyzed in the EIR, as required by CEQA.

### **O-Recirc-1-151**

The commenter has misunderstood the language in Chapter 1, Introduction, of the Partial Recirculated DEIR (the first text excerpt in this comment). In this section, "Community Design Standards and ZOU additions" refers to the changes in the project following the circulation of the DEIR. In the second text excerpt in the comment, which is from Section 4.5, Range of Alternatives, and is text that was not modified from the DEIR in the Partial Recirculated DEIR, "amendments to the Zoning Ordinance" refers to the whole of the ZOU element of the project. For this reason, these two statements do not conflict. It is both true that the ZOU contributes significantly to the project and cumulative impacts of the project and that the changes in the project analyzes in the Partial Recirculated DEIR as summarized in the Introduction to the Partial Recirculated DEIR would not affect that conclusion.

### **O-Recirc-1-152**

As stated in response to comment O-Recirc-1-29, and made clear in the Introduction to the Partial Recirculated DEIR, responses to comments made on the DEIR were not responded to in the Partial Recirculated DEIR and they are responded to in this FEIR, as required by CEQA.

### **O-Recirc-1-153**

Please see Master Response 13: Availability of Full Text of Proposed Zoning and General Plan Changes for a response to this comment and more information on the availability of specific details of the proposed changes.

### **O-Recirc-1-154**

Please see response to the commenter's comment O-1-3 on the DEIR, to which this comment refers.

**O-Recirc-1-155**

Please see responses to the commenter's comments O-1-441 through O-1-443 on the DEIR, to which this comment refers. Also, please note, as explained in response to comment O-Recirc-1-29, and made clear in the Introduction to the Partial Recirculated DEIR, responses to comments made on the DEIR were not responded to in the Partial Recirculated DEIR and they are responded to in this FEIR, as required by CEQA.

**O-Recirc-1-156**

Please see responses to the commenter's comments O-1-444 through O-1-446 on the DEIR for a response to this comment.

**O-Recirc-1-157**

Please see Master Response 13: Availability of Full Text of Proposed Zoning and General Plan Changes for a response to this comment and more information on the availability of specific details of the proposed changes.

**O-Recirc-1-158**

Please see response to comment O-1-34.

**O-Recirc-1-159**

Please see Master Response 13: Availability of Full Text of Proposed Zoning and General Plan Changes.

**O-Recirc-1-160**

Please see Master Response 13: Availability of Full Text of Proposed Zoning and General Plan Changes.

**O-Recirc-1-161**

Please see Master Response 9: Adequacy of the Current General Plan.



## **Letter O-Recirc-2—Friends of El Dorado County, Bernard Carlson, Henry Batsel, and Dennis Jordan**

Letter O-Recirc-2

TGPA-ZOU ZOU <tgpa-zou@edcgov.us>



**Fwd: Comments to Purvine 3 15 15 (3)**

1 message

**Shawna Purvines** <shawna.purvines@edcgov.us>  
To: TGPA-ZOU ZOU <TGPA-ZOU@edcgov.us>

Mon, Mar 16, 2015 at 4:09 PM

----- Forwarded message -----

From: **Bernard Carlson** <1bcc@comcast.net>  
Date: Mon, Mar 16, 2015 at 4:04 PM  
Subject: Comments to Purvine 3 15 15 (3)  
To: Shawna Purvines <shawna.purvines@edcgov.us>

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**Shawna L. Purvines**  
Principal Planner

**County of El Dorado**  
Community Development Agency  
Long Range Planning  
2850 Fairlane Court  
Placerville, CA 95667  
Phone:(530) 621-5362/Fax: (530) 642-0508  
[shawna.purvines@edcgov.us](mailto:shawna.purvines@edcgov.us)  
[www.edcgov.us](http://www.edcgov.us)

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 **Comments to Purvine 3 15 15 (3).pdf**  
559K

March 15, 2015

Shawna Purvines,  
El Dorado County Community Development Agency  
Long Range Planning,  
2850 Fairlane Court, Building C, Placerville, CA 95667

Re: Public Comment -**Targeted General Plan Amendment & Zoning Ordinance Update (TGPA-ZOU)**

Dear Shauna Purvines,

These comments are made on behalf of Friends of El Dorado County a non-profit public benefit corporation actively monitoring El Dorado County transportation issues.

O-Recirc-2-1

ITEM 1

The El Dorado County Planning and Transportation Departments have failed to implement as required by the El Dorado County General Plan Measure TC-F. As a result, the county has failed to monitor local impacts to HWY 50 as required by General Plan Measure TC-F.

The measure relates -***“Develop and implement a countywide program to annually monitor county road and state highway segment and intersection conditions to ensure that acceptable Levels of Service are maintained.”***

O-Recirc-2-2

The implementation time frame according to the General Plan is one year from General Plan adoption. According to both long range

planning and the transportation departments no monitoring of local impacts is done on HWY 50.

This measure is legally required and purposed to quantify transportation impacts (TRIPS) to the local and state highways. As a result of the failure to monitor local impacts to the state highway the county has arbitrarily charged impact fees to mitigate impacts (TRIPS) to local and state highways.

Ramp counts which most accurately identify local impacts to HWY 50 have been done every three years by Cal Trans. The Cal Trans ramp counts located on their web site indicate that our local impacts to Hwy 50 are significantly down. From Missouri Flat to the Sacramento County line the total trip counts are **down below 2003 levels** – down 12,000 per day or down 4.38 million trips per year. The original Historical Cal Trans ramp counts are copied to [refundees.com](http://refundees.com) as Cal Trans has recently removed their historical counts from their site.

Failure to quantify local impacts to the state highway system allows for arbitrary mitigation and arbitrary impact fee collections and subjects the county to CEQA and Gov. Code 66000 lawsuits.

If the county wishes to mitigate local impacts to the state highway system we recommend the immediate implementation of Measure TC-F and preserve rather than remove the measure in this revision process.

O-Recirc-2-2  
Cont.

## ITEM 2

The county has failed to implement Measure TC-E which protects right-of-way for future road improvements – Policy TC-1a. This Measure

O-Recirc-2-3

must be implemented and maintained. Specifically, protecting the right-of way at Saratoga Road has been compromised as an effective parallel capacity connector to the 4 lane Iron Point connection, and as a result, impacted air quality, safety, bicycle navigation, and congestion around the El Dorado Hills Interchange. As early as 1995 the importance of a 4 lane parallel capacity connection to Iron Point was established - by numerous general plan and transportation studies.

Preserving Saratoga as a 4 lane connector to Iron Point for safety to hospitals, accident reduction, air quality, and congestion on El Dorado Hills Blvd and HWY 50 is paramount. An additional park and ride is needed at the ½ mile segment to be completed as the park and ride south of HWY 50 is usually filled to capacity.

Additionally, the cost benefit to completing Saratoga and connecting to Iron Point is a substantial benefit to the public. The failure to complete Saratoga as planned prior to 1995 allows for substantial impacts to remain at El Dorado Hills Blvd, the EDH Interchange, and mainline HWY 50.

Respectfully,

Bernard Carlson  
Henry Batsel  
Dennis Jordan

Friends of El Dorado County  
5864 Dolomite  
El Dorado, Ca  
530-626-6263

O-Recirc-2-3  
Cont.

## **Response to Letter O-Recirc-2**

This letter is exactly the same as Letter I-Recirc-19. Please see the responses to that letter.

## **Letter O-Recirc-3—El Dorado County Farm Bureau, Renee Hargrove and Jim Davies**

## Letter O-Recirc-3



TGPA-ZOU ZOU &lt;tgpa-zou@edcgov.us&gt;

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**Fwd: RDEIR EDC TGPA-ZOU 2015**

1 message

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**Shawna Purvines** <shawna.purvines@edcgov.us>  
To: TGPA-ZOU ZOU <TGPA-ZOU@edcgov.us>

Mon, Mar 16, 2015 at 4:19 PM

----- Forwarded message -----

From: **Renee Hargrove** <reeneh@edcfb.com>

Date: Mon, Mar 16, 2015 at 4:17 PM

Subject: RDEIR EDC TGPA-ZOU 2015

To: Economic Development &lt;shawna.purvines@edcgov.us&gt;

Cc: bosone@edcgov.us, bostwo@edcgov.us, The BOSTHREE &lt;bosthree@edcgov.us&gt;, The BOSFOUR &lt;bosfour@edcgov.us&gt;, The BOSFIVE &lt;bosfive@edcgov.us&gt;, Charlene Carveth &lt;charlene.carveth@edcgov.us&gt;, Jim Davies &lt;jimdaviesforestry@gmail.com&gt;

Hello, Shawna! Attached is the above-mentioned document, inclusive of comments.

Respectfully submitted,

*Renee' Hargrove*

*Executive Director*

*El Dorado County Farm Bureau*

*reeneh@edcfb.com*

530.622.7773

--

**Shawna L. Purvines**  
Principal Planner

**County of El Dorado**  
Community Development Agency



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[www.edcgov.us](http://www.edcgov.us)

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**RDEIR comments EDC TGPA-Zoning March 2015.pdf**

22K



2460 Headington Road  
Placerville, CA 95667-5216  
Phone: 530.622.7773  
Fax: 530.622.7839  
Email: info@edcfb.com

Date: March 16, 2015

To: Shawna Purvines  
El Dorado County Community Development  
Agency, Long Range Planning

From: Reneé Hargrove, Executive Director  
Jim Davies, President

Subject: Partial Recirculated Draft Environmental Impact Report (RDEIR) for the El Dorado County Targeted General Plan Amendment and Zoning Ordinance Update

The El Dorado County Farm Bureau has reviewed the Partial Recirculated Draft Environmental Impact Report (RDEIR) for the Targeted General Plan Amendment (TGPA) and Zoning Ordinance Update (ZOU).

O-Recirc-3-1

In general we find that the RDEIR fully analyzed and addressed a full range of issues and alternatives, particularly related to agriculture, needed to move the General Plan forward. Land Use Designations and Zoning were adeptly addressed as well.

At this time, we would like to congratulate you and the staff for a job well done. We look forward to working together well into the future to promote and protect the agricultural industry and our county's economic viability.

O-Recirc-3-2

cc: El Dorado County Board of Supervisors  
El Dorado County Agricultural Commissioner, Charlene Carveth

## **Responses to Letter O-Recirc-3**

### **O-Recirc-3-1**

This comment is an introductory statement. No response is necessary.

### **O-Recirc-3-2**

The comment expresses the commenter's satisfaction with the EIR as an informational document, and no further response is necessary.

## 9.7 Individuals

## Letter I-1—Tom Infusino



TPGA-ZOU ZOU <tgpa-zou@edcgov.us>

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## What is the comment period for the TPGA/ZOU DEIR?

2 messages

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**Tom Infusino** <tomi@volcano.net>  
To: TPGA-ZOU@edcgov.us

Tue, Mar 25, 2014 at 10:54 AM

Ms. Shawna Purvines, Long Range Planning  
El Dorado County Community Development Agency  
2850 Fairlane Court, Building C  
Placerville, CA 95667

Hi,

On page ES-18, the DEIR states:

### “ES.6 How to Comment on this Draft EIR

This is the Draft EIR for the TPGA/ZOU project. It will be available for public review and comment for the 60-day period beginning March 24, 2014 and ending July 23, 2014.”

In one place this sentence indicates that the comment period will be 60-days. In another place this sentence indicates that the comment period will be from March 24 to July 23; which is 120 days. What is the length of the comment period; 60 days or 120 days. What is the final date for submitting comments.

Please reply by email as soon as possible, so that I may provide you with timely comments.

Sincerely,

Tom Infusino  
(209) 295-8866

I-1-1

5/19/2014

Edcgov.us Mail - What is the comment period for the TPGA/ZOU DEIR?

**TGPA-ZOU ZOU** <tgpa-zou@edcgov.us>  
To: Tom Infusino <tomi@volcano.net>  
Cc: TGPA-ZOU ZOU <TGPA-ZOU@edcgov.us>

Sat, May 17, 2014 at 5:27 AM

Hi Tom,

Sorry for the confusion. The Board of Supervisors extended the comment period from the anticipated 60 days to 120 days. The final day to send comments on the TPGA-ZOU EIR is July 23, 2014.

Thank you,  
Shawna Purvines  
[Quoted text hidden]

## **Responses to Letter I-1**

### **I-1-1**

The commenter is correct. The public comment period closed July 23, 2014, and was open for 120 days.



## Letter I-2—Ellen Van Dyke



TGPA-ZOU ZOU &lt;tgpa-zou@edcgov.us&gt;

## Fwd: Fw: dEIR layout question

1 message

**Shawna Purvines** <shawna.purvines@edcgov.us>  
To: TGPA-ZOU ZOU <TGPA-ZOU@edcgov.us>

Tue, Apr 1, 2014 at 9:06 AM

----- Forwarded message -----

From: **David Defanti** <david.defanti@edcgov.us>

Date: Tue, Apr 1, 2014 at 9:01 AM

Subject: Re: Fw: dEIR layout question

To: Ellen Van Dyke &lt;vandyke.5@sbcglobal.net&gt;, Shawna Purvines &lt;shawna.purvines@edcgov.us&gt;

The DEIR released last week is approximately 1,200 pages - about 400 pages in Chapters 1-7 and the remaining in Appendices A-D. I find that the Executive Summary is a good place to start - particularly the table summarizing project impacts, each impacts' level of significance, mitigation measures and level of significance after mitigation. The detailed impact analysis is in Chapter 3. I did a quick word search for the 30% slope issue and found discussion in nearly every section of Chapter 3 as well as in other chapters. Please let me know if I can answer any other questions or provide additional assistance.

-Dave

On Tue, Apr 1, 2014 at 6:06 AM, Ellen Van Dyke &lt;vandyke.5@sbcglobal.net&gt; wrote:

Hello David-

Shawna referred me to you for the question below. I believe what I am looking at is the complete dEIR (Chapters ES thru 7 and Appendices A-D), but wish to confirm that there are no other back up documents I might be missing that contain further analysis. Impact analysis appears to be under Chapter 3, and I think that's it. (yes I am using the search tool on an e-copy as Shawna wondered)

I-2-1

Just checking, and thank you- Ellen

**From:** Shawna Purvines**Sent:** Monday, March 31, 2014 4:31 PM**To:** Ellen Van Dyke**Subject:** Re: dEIR layout question

Hi Ellen,

Any given proposed revision/amendment may have various environmental impacts that would be addressed in the different sections of Chapter 3. If it was me and I was looking for something particular in the DEIR like a certain policy or phrase I usually do a search of the document so that I can see were it has been discussed throughout the document.

I am out of the office until Thursday. If my suggestion above doesn't make sense, feel free to give David a call or I can contact you on Thursday.

Shawna

On Mon, Mar 31, 2014 at 3:59 PM, Ellen Van Dyke <[vandyke.5@sbcglobal.net](mailto:vandyke.5@sbcglobal.net)> wrote:

Hello Shawna-

Need your help with how the dEIR document is laid out, I think.

If I wish to find the impact analysis of a particular policy change, I would look somewhere in Chapter 3, Impact Analysis. For example, policy 7.1.2.1 regarding development on slopes over 30% is on page 3.8-5.

Have I got it, or is there any place else I should be looking? I have the draft EIR, Executive Summary through Chapter 7, and Appendices A-D.

Ellen

--

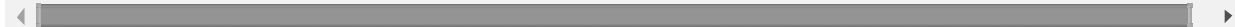
Shawna L. Purvines  
Community Development Agency, Long Range Planning  
County of El Dorado  
2850 Fairlane Court  
Placerville, CA 95667  
Phone: (530) 621-5362  
Fax: (530) 642-0508  
[shawna.purvines@edcgov.us](mailto:shawna.purvines@edcgov.us)  
[www.edcgov.us](http://www.edcgov.us)

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Thank you.



-

Dave Defanti, Assistant Director  
Community Development Agency  
County of El Dorado  
2850 Fairlane Court  
Placerville, CA 95667  
Direct: (530) 621-5342  
Fax: (530) 642-0508  
[david.defanti@edcgov.us](mailto:david.defanti@edcgov.us)  
[www.edcgov.us](http://www.edcgov.us)

5/19/2014

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Thank you.

-

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Fax: (530) 642-0508  
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Thank you.

## **Responses to Letter I-2**

### **I-2-1**

The complete DEIR is available on the TGPA-ZOU website.

## Letter I-3—Rob and Gloria Vernon



Cindy Johnson <cynthia.johnson@edcgov.us>

## Re: LRP Web Pages Feedback Received - Submitted via TGPA-ZOU Online Comment Form

2 messages

Anne Novotny <anne.novotny@edcgov.us>

Tue, Apr 1, 2014 at 12:01 PM

To: Larry Kinnings <larry.kinnings@edcgov.us>, Derek Reddin <derek.reddin@edcgov.us>

Cc: Cindy Johnson <cindy.johnson@edcgov.us>, Jean Warner <jean.warner@edcgov.us>

Larry & Derek,

I submitted this comment today via the TGPA-ZOU Online Comment Form.

--Anne

On Mon, Mar 31, 2014 at 7:44 AM, <rgvernon@directcon.net> wrote:

Data from form "LRP Web Page Feedback" was received on 3/31/2014 7:44:23 AM.

Long Range Planning (LRP) Web Page Feedback

| Field    | Value                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                |
|----------|----------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------|
| Name     | Rob & Gloria Vernon                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                  |
| Email    | <a href="mailto:rgvernon@directcon.net">rgvernon@directcon.net</a>                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                   |
| Phone    | 530-621-2468                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                         |
| Comments | We would like to voice our support for the proposed changes to the County ordinance "Off-road Vehicle Use" per Section 17.40.210 E. We have a problem in this neighborhood that this change would help address. Namely, a guy who has a moto-cross track in his "backyard" and who invites all his buddies to come play. The noise and dust is irritating to say the least, and impacts the whole neighborhood. And his attitude is "F*** 'em!" I don't think that this kind of activity and attitude is in keeping with the community, where the rest of us just want to enjoy our properties in peace. This ordinance change would help in addressing these kinds of issues. Rob & Gloria Vernon Thompson Hill Rd. |

I-3-1

Email "LRP Web Pages Feedback Received" originally sent to [anne.novotny@edcgov.us](mailto:anne.novotny@edcgov.us); [cindy.johnson@edcgov.us](mailto:cindy.johnson@edcgov.us); [jean.warner@edcgov.us](mailto:jean.warner@edcgov.us) from [rgvernon@directcon.net](mailto:rgvernon@directcon.net) on 3/31/2014 7:44:23 AM. The following were also sent a copy: [derek.reddin@edcgov.us](mailto:derek.reddin@edcgov.us).

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5/19/2014

Edcgov.us Mail - Re: LRP Web Pages Feedback Received - Submitted via TGPA-ZOU Online Comment Form

Thank you.

---

**Cindy Johnson** <cynthia.johnson@edcgov.us>  
To: TGPA-ZOU ZOU <TGPA-ZOU@edcgov.us>

Tue, Apr 1, 2014 at 2:51 PM

***Cindy Johnson***

Administrative Technician

Community Development Agency, Long Range Planning

County of El Dorado

2850 Fairlane Court

Placerville, CA 95667

Direct: (530) 621-4650

Fax: (530) 642-0508

[cynthia.johnson@edcgov.us](mailto:cynthia.johnson@edcgov.us)

[Quoted text hidden]



## Responses to Letter I-3

### I-3-1

The comment relates to the commenter's concerns over their neighbor's ongoing off-road motorcycle use. It does not raise any issues related to the project assessed in the DEIR. Therefore, no response is necessary.

## **Letter I-4—William and Jo Ann Hoffman**



TGPA-ZOU ZOU &lt;tgpa-zou@edcgov.us&gt;

---

## Targeted General Plan Amendment & Zoning Ordinance Update (TGPA-ZOU)

1 message

---

**William Hoffman** <bill.hoffman@hughes.net>

Wed, Apr 2, 2014 at 1:26 PM

To: TGPA-ZOU@edcgov.us

Cc: brenda.bailey@edcgov.us

Subject: New language in the County Zoning Ordinance Update 14.40.210E

### Harvey Winje Motorcycle Dust, Noise & Annoyance

We are William and Jo Ann Hoffman who live at 5750 Thompson Hill Road, Placerville, CA, Parcel Number 089-030-15-100, and are retirees who are home most each and every day. We are the immediate neighbors of Harvey Winje who lives at 776 Cold Springs Road. We share the fence line with the part of his property that contains his motocross track and therefore receive the most noise and dust of any in the neighborhood when motorcyclists race around his track. We have lived here for over twenty-eight years and have tolerated the annoying and disruptive racing next door for over a decade. To date we have not filed complaints due to the unfriendly nature of his relationship with us since we purchased our property from him in 1986.

The excessive motorcycle noise and dust has been going on for the past decade or more since his father passed away and he took over the property. For years now there has been motorcycle racing on many days of each month and recently pretty much each day of the week. It is my understanding that he has grandsons and great grandsons who are involved with racing at a Sacramento motorcycle park and they "practice" at Harvey's track, the one directly across the fence from us. This usually occurs from mid-afternoon until early evening on weekdays and most weekend days, weather permitting. This has been going on for months now. During January with no rain the dust was especially bad just like summer days. One day in particular, Sunday January 19<sup>th</sup> the wind direction brought the dust directly onto our home. Our garage is only a few feet from the fence separating us from the racing activities and our house is just 20 feet beyond the garage. At the height of the racing we could barely see the garage from our house. We also had company that weekend from Tracy and they had just detailed their new truck and when they left on Sunday afternoon you could write your name anywhere on their vehicle including their windows. They had to turn the window washers on to see to drive home. That was the final straw for us after all these years. We had had similar situations over the past decades but never did call any authorities but did call Mr. Winje to complain. Sometimes to no avail. In past years many people would come on the weekend to race on the track and at one time we counted eleven cyclists of all ages from little ones to adults. Often it was so noisy that we would just leave our home for the day and come home late in the evening. The next day was often "interesting" when I would use our leaf blower to dust off our driveway creating an impressive dust cloud. This past year he cleared a firebreak around the front part of his property and then they started riding the motorcycles around it now exposing the front of our home to the dust and noise as well as to two other immediate neighbors who eventually complained to him heightening the awareness of his disturbing activities. Also, we are often subjected to parties and groups of riders visiting Mr. Winje's property on the weekends and we must endure hours of noise and clouds of dust caused by these parties. For instance last Sunday, March 2<sup>nd</sup> we observed two pickups entering Mr. Winje's property each with several motorcycles in them. We later videotaped numerous riders using Mr. Winje's track creating a great deal of noise.

I-4-1

On several occasions over the years other neighbors would call the sheriff and Mr. Winje would confront me in person or by phone accusing me of calling the authorities which I had not but it just goes to show that he knows that he is creating an annoying and disturbing situation for us but seems not to care. He keeps saying his property is zoned agricultural and that he can do whatever he wants. On one occasion, a few years ago, my brother-in-law and his family came over during a summer weekend to enjoy our pool while we were away. He called the sheriff to complain about the motorcycles and they sent deputy to speak with Mr. Winje. During the deputy's talk with Mr. Winje she called my brother-in-law to give him the results and Mr. Winje yelled, "tell him to go f---k himself!" So you can see the personality we deal with here. I have asked my brother-in-law to also send you a message so you know that is not just hearsay. Mr. Winje now is 71 years old and was raised on the property and said he has been riding motorcycles for 60 years. I explained that since he was young the community has changes dramatically with many more people that are now exposed to his noise and dust and that he should be aware of how he is affecting his neighbors.

I-4-1  
Cont.

We have a swimming pool that we cannot enjoy during the summertime practice sessions, as to be outside at that time is "miserable". Clouds of dust and the loud roar of these engines is intolerable. Before we can swim in our pool again, we must first vacuum out a great deal of dust and dirt. Not only is there dust in our pool, but dust is covering our pool deck, our house deck, our road, our house roof and our garage roof and our cars which we keep in the garage. We cannot leave our house windows open any longer, nor can we use our screen doors. We cannot turn on our all-house fan, as we then suck all this dirt and dust into our home. We have planted 10-12 high Oleander plants along our fence line hopefully help capture a lot of this dust and the noise, but when you get even two motor cycles roaring around this track, there is no stopping the noise and the dust. During the hot summer months, we are very concerned about the fire danger that these cycles create.

We feel these Motor-Cross practice sessions and parties are creating a public nuisance and are greatly changing the character of our neighborhood and depriving those of us who live by Mr. Winje the right to the peaceful enjoyment of our respective properties.

We ask for your help to eliminate this problem.

Sincerely,

William and Jo Ann Hoffman

5750 Thompson Hill Road

Placerville, CA

Ph 530-626-6828

## Responses to Letter I-4

### I-4-1

The comment relates to the commenter's concerns over their neighbor's ongoing off-road motorcycle use. It does not raise any issues related to the project assessed in the DEIR. Therefore, no response is necessary.

## Letter I-5—Geoffrey Wilson



TGPA-ZOU ZOU &lt;tgpa-zou@edcgov.us&gt;

---

## TGPA-ZOU Ordinance 14.40.21 OE Harvey Winje Motorcycle dirt track, noise and DUST!

1 message

---

**gwilson@d-web.com** <gwilson@d-web.com>

Wed, Apr 2, 2014 at 3:58 PM

To: TGPA-ZOU@edcgov.us, Bill Hoffman <bill.hoffman@hughes.net>, Jo Hoffman <jo.hoffman@hughes.net>

My name is Geoffrey Wilson and I live at 5661 Vineyard Lane, Placerville, California, next door to the Gold Hill Winery. I am writing to you about the excessive motorcycle noise originating from Harvey Winje's motorcycle track at 776 Cold Springs Road. For years now, myself, my family and many other neighbors living in this area have listened to the incessant roar of these motorcycles circling the track that Mr. Winje has built on his property.

A few years ago, me and my family visited the home of William and Jo Ann Hoffman at 5750 Thompson Hill Road. Jo Ann is my sister. My family came to enjoy their pool while they were away on vacation. The motorcycle noise and the clouds of dust caused by this motorcycle track made it impossible for us to enjoy our visit to their pool, so I called the sheriff to complain. Soon a deputy arrived to speak with Mr. Winje. Shortly thereafter, the deputy called me to discuss the results of her meeting with Mr. Winje, who proceeded to yell so loudly that I could hear him over her phone "Tell him to go f---k himself!". It is obvious that Mr. Winje does not care that his noise and dust is negatively affecting those who live around him.

Although I do not live right next door to Mr. Winje, the noise travels easily to my home...day after day, weekend after weekend, year after year. Many times I look toward my sister's home and all I can see is a huge cloud of dust settling over her place. She and her husband shouldn't have to live with such noise and dust. I feel these motorcycles and this track is a nuisance to all of us who live near Mr. Winje. Furthermore, it is depriving all of us the right to go outside and enjoy our property and the peaceful serenity we expect when we live in the country.

Please help us to eliminate this problem. This NEEDS TO STOP!!

Sincerely,

Geoffrey Wilson

5661 Vineyard Lane, PO Box 497

Coloma, CA 95613

Ph. 530-344-8118

I-5-1

## Responses to Letter I-5

### I-5-1

The comment relates to the commenter's concerns over their neighbor's ongoing off-road motorcycle use. It does not raise any issues related to the project assessed in the DEIR. Therefore, no response is necessary.



## Letter I-6—Sean McGinness



TGPA-ZOU ZOU <tgpa-zou@edcgov.us>

## Re: question regarding commercial zoning

1 message

**Shawna Purvines** <shawna.purvines@edcgov.us>

Wed, Apr 23, 2014 at 9:30 AM

To: Sean Mcginness <seanmcginness@gmail.com>, TGPA-ZOU ZOU <TGPA-ZOU@edcgov.us>

Hi Sean,

The commercial zoning in and around the Candlelight Village was approved with the application of mobile home park many years ago. The 2004 General Plan retained the commercial land use in this area and therefore the Zoning Ordinance, required by State law to be consistent with the General Plan, retains the commercial zoning as well. There is a General Plan overlay on the mobile home park and adjacent commercial parcels limiting the creation of any new commercial parcels or mobile home parks outside of the existing area. It was the intent of the General Plan to reduce any further expanse of higher density residential and commercial development into rural areas.

Please give me a call if you have additional questions or wish to discuss this in more detail.

Shawna Purvines - 621-5362

On Tue, Apr 22, 2014 at 5:10 PM, Sean Mcginness <seanmcginness@gmail.com> wrote:

Hi Shawna,

We live at 7130 Buzzards Gulch Rd, Somerset, CA. Our parcel is adjacent to Candlelight Village. The proposed zoning map shows several acres of proposed Commercial zoning within and around Candlelight Village. That does not seem like an appropriate zoning for a rural area adjacent to planned ag.

I-6-1

I am I misunderstanding something?

Thank you,

Sean McGinness  
(530) 903-1541

-

Shawna L. Purvines  
Community Development Agency, Long Range Planning  
County of El Dorado  
2850 Fairlane Court  
Placerville, CA 95667  
Phone: (530) 621-5362  
Fax: (530) 642-0508  
[shawna.purvines@edcgov.us](mailto:shawna.purvines@edcgov.us)  
[www.edcgov.us](http://www.edcgov.us)

5/19/2014

Edcgov.us Mail - Re: question regarding commercial zoning

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## Responses to Letter I-6

### I-6-1

The County responded to the commenter's question as shown in the comment. Please see Master Response 3: Necessity to Amend the Zoning Ordinance regarding the proposed rezoning actions for consistency with the General Plan and Master Response 13: Availability of Full Text of Proposed Zoning and General Plan Changes.

## Letter I-7—Joyce Bennett

Community Development Agency.

I just spent 3 hrs reading your long range  
Plan.

Who or what is EDH - APAG & NOP?

Issue Policy 5.2.13 NOP response. I do not believe  
the foothills have a water table.

Why on earth would it be against the law to  
slaughter animals you raise for your food?  
Animal rights activists?

Why would you limit what could be sold  
at a ranch, orchard etc to what is grown  
there?

Why are crafts that generate business being  
discouraged?

Why would you build on slopes that fire  
trucks have trouble getting up?

Why are heavily populated areas getting  
special treatment in voicing their concerns  
and a special road fund?

At home businesses should be encouraged.

We have wonderful horse trails. Stables, rides  
ect. should be exploited.

Is your aim to consolidate areas + lead to incorporation?

I-7-10

In Greenwood we pay a fee for solid waste but there is no plant that I know of on the Ridge. We could make much better use of that money for fire protection.

I-7-11

You don't need 9 acres for 4-4 sheep or rabbits. Where in the Co. do you have solid or waste water facilities? Is the whole Co. paying to support them?

I-7-12

After 3 hrs of reading this is what I come up with.

Sincerely

Joyce Bennett

2601 Syd Rd

Greenwood

Car

EL DORADO COUNTY  
RECEIVED

APR 28 2014

LONG RANGE PLANNING

RECEIVED  
DOT

## Responses to Letter I-7

### I-7-1

In this comment, the commenter has requested information regarding either the TGPA/ZOU project or the DEIR and is not commenting on the adequacy of the DEIR or environmentally related issues. Therefore, no response is necessary.

The acronyms named by the commenters refer to the following: EDH refers to El Dorado Hills and NOP refers to Notice of Preparation. The acronym "APAG" is not found in the TGPA/ZOU EIR, and the commenter doesn't provide a reference that allows us to provide a response.

### I-7-2

The foothills do have water tables, in the sense that within the fractured rock underlying the foothills there are interconnected spaces holding water at a particular level below the ground. However, Western El Dorado County does not have a distinct groundwater basin. The difference is that a groundwater basin is a cohesive underground reservoir composed of a single aquifer or a group of linked aquifers.

### I-7-3 through I-7-5

These comments relate to the commenter's opinion on the advisability of one or more of the policies or regulations being proposed as part of the TGPA/ZOU project. They do not address the adequacy of the DEIR or other environmentally related topic. State CEQA Guidelines Section 15132(d) requires the FEIR to contain "[t]he responses of the Lead Agency to significant environmental points raised in the review and consultation process." The comments are not on a significant environmental point, and therefore no response is necessary.

### I-7-6

Note that the proposed change to the restrictions on slopes over 30% does not affect the standards for access set out in the County Department of Transportation Design Standards. These limit the grade of access roads to a maximum of 15%. The remainder of the comment relates to the commenter's opinion on the advisability of one or more of the policies or regulations being proposed as part of the TGPA/ZOU project. It does not address the adequacy of the DEIR or other environmentally related topic. State CEQA Guidelines Section 15132(d) requires the FEIR to contain "[t]he responses of the Lead Agency to significant environmental points raised in the review and consultation process." The comment is not on a significant environmental point, and therefore no response is necessary.

### I-7-7

Comments have been encouraged from all parts of the County, through public notice and the public hearings of the Board of Supervisors while drafting the ZOU. There has not been any "special treatment of heavily populated areas"; all comments have been given equal consideration. No special road fund is part of the project. Since that is the case, no further response to that comment is appropriate.



**I-7-8 through I-7-9**

These comments relate to the commenter's opinion on the advisability of one or more of the policies or regulations being proposed as part of the TGPA/ZOU project. They do not address the adequacy of the DEIR or other environmentally related topic. State CEQA Guidelines Section 15132(d) requires the FEIR to contain "[t]he responses of the Lead Agency to significant environmental points raised in the review and consultation process." The comments are not on a significant environmental point, and therefore no response is necessary.

**I-7-10**

The project does not propose or promote any proposed incorporations. Incorporation of new cities or special districts is the responsibility of the El Dorado County Local Agency Formation Commission (LAFCo), not the County Board of Supervisors. Any proposed incorporation would be the LAFCo's responsibility to study and, if warranted, administer a formation election.

**I-7-11**

This comment expresses the commenter's opinion regarding the budgeting of money for public services. It does not relate to the project proposals or the TGPA/ZOU EIR. Therefore, no response is necessary.

**I-7-12**

Regarding the commenter's statement regarding rabbits, this comment relates to the commenter's opinion on the advisability of one or more of the policies or regulations being proposed as part of the TGPA/ZOU project. It does not address the adequacy of the DEIR or other environmentally related topic. State CEQA Guidelines Section 15132(d) requires the FEIR to contain "[t]he responses of the Lead Agency to significant environmental points raised in the review and consultation process." The comment is not on a significant environmental point, and therefore no response is necessary.

The question about the location and funding of solid waste and wastewater facilities does not relate to the project proposals or the TGPA/ZOU EIR. Therefore, no response is necessary.

## **Letter I-8—Thomas R. Van Noord**

**THOMAS R. VAN NOORD**  
Attorney at Law  
3350 Country Club Drive, #202  
Cameron Park, CA 95682  
(530) 677-1025 FAX (530) 677-6580

14 MAY -2 AM 11:20  
RECEIVED  
PLANNING DEPARTMENT

April 30, 2014

Shawna Purvines  
Development Services Department  
El Dorado County  
2850 Fairlane Court  
Placerville, CA 95667

Re: Request/recommendation to amend the draft ZOU Main Street zone to allow micro-distilleries.

Dear Ms. Purvines:

As we recently were discussing, the draft ZOU provides for a new "Main Street" zone which allows brew pubs by right and micro-breweries or commercial breweries with a CUP. Apparently a distillery (or even a micro-distillery) would only be allowed in industrial/ R&D zones or as an accessory use to a winery in an AG zone under the current draft.

In view of the recent success of micro-breweries, micro-distilleries are also becoming more and more popular. I have included a Wikipedia article regarding micro-distilleries.

California has recently relaxed the state requirements for such a business. Of course micro-distilleries are still regulated by strict federal regulations.

I have an interest in establishing a micro-distillery in a proposed Main Street zone in downtown Camino. It seems that that type of use and activity would be no different than a micro-brewery or brew pub.

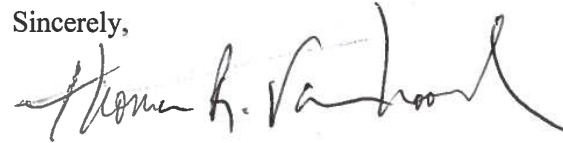
The opportunity to be able to engage in a micro-distillery, as well as a micro-brewery or brew pub, in Main Street commercial zone would be a great asset for attracting tourists and economic development in these zoning classifications, especially downtown Camino where the mill closure has devastated the downtown economy.

I-8-1

It is respectfully requested that the Main Street zone include a micro-distillery (with appropriate limiting definitions regarding quantity and sales similar to the differences between brew pub/micro-breweries and commercial breweries).

Thank you.

Sincerely,

A handwritten signature in black ink, appearing to read "Thomas R. Van Noord". The signature is fluid and cursive, with a long, sweeping tail on the final letter.

Thomas R. Van Noord

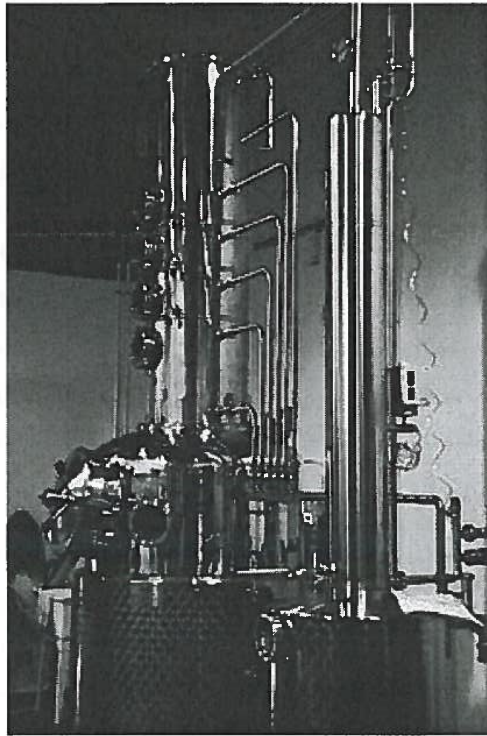
TVN/cc

Enclosure(s):

cc: Ron Mikulaco; Ray Nutting; Brian Veerkamp; Ron Briggs; Norma Santiago

Search Wikipedia

## Microdistillery



A custom-made 400 liter Kothe hybrid pot-column still operated by the Catoctin Creek Distilling Co. of Purcellville, Virginia.

A **microdistillery** is a small, often 'boutique', distillery established to produce beverage grade alcohol in relatively small quantities. While the term is most commonly used in the United States, micro-distilleries have been established in Europe for many years, either as small cognac distilleries supplying the larger cognac houses, or as distilleries of single malt whisky originally produced for the blended Scotch whisky market, but whose products are now sold as niche single malt brands. The more recent development of micro-distilleries can now also be seen in locations as diverse as London, Switzerland and South Africa.

Throughout much of the world, small distilleries operate throughout communities of various sizes, mostly without being given a special description. Due to the extended period of Prohibition in the United States, however, most small distilleries were forced out of business, leaving only the corporate-dominated megadistilleries to resume operation when Prohibition was repealed to produce small batch brands.

Most microdistilleries in South Africa ceased to exist when legislation was introduced in 1964 that made

it almost impossible for small, private distilleries to operate viably. The legislation was relaxed again in 2003 and although most distilling expertise was lost, it was recovered by a new generation of microdistillers and has grown since.

A recent trend in this segment of the distilling industry is for megadistillers to create their own microdistillery within their current operation. Makers Mark, owned by Jim Beam Inc., and Buffalo Trace in Kentucky are now producing specialty bourbon brands with small stills. It is anticipated that other megadistillers, Bacardi, Brown Forman, Pernod Ricard and Diageo, will soon join the parade.

## Movement

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The modern microdistilling movement grew out of the beer microbrewing trend, which originated in the United Kingdom in the 1970s and quickly spread throughout the United States in the following decades. While still in its infancy, the popularity of microdistilling and microdistilled spirits is expanding consistently, with many microbreweries and small wineries establishing distilleries within the scope of their brewing or winemaking operations. Other microdistilleries are farm-based.<sup>[1]</sup> Anchor Brewing Company, Ballast Point Brewing Company, and Dogfish Head are examples of American craft breweries that have begun expanding into microdistillation. Leopold Bros. is an example of a microdistiller that began as a microbrewery, and now operates as a distillery alone.<sup>[2][3]</sup>

Some of the newer microdistilleries produce only spirits. Plain and seasonally-flavored vodkas are popular products.<sup>[1]</sup> As with the emergence of microbrewing, California and Oregon have experienced the highest number of microdistillery openings. Significant recent growth has also occurred in the Midwest.<sup>[1]</sup> Microdistilleries for gin and vodka have also now started to re-emerge in London, England, after being restricted and effectively banned for over a hundred years due to UK government restrictions on still sizes, which have now been partially relaxed. There are now five licensed distilleries in London: Beefeater, and Thames Distillers, and four microdistilleries: the City of London Distillery, The London Distillery Company, Sacred Microdistillery and Sipsmith. At the same time, European micro-distilleries have been a key element in the absinthe renaissance in several countries, including Switzerland.<sup>[4]</sup>

South Africa has experienced a relative big growth in microdistilleries and produces mainly pot distilled brandies, fruit brandies, fruit based eau de vie (locally called mampoer), husk based spirits (like Italian Grappa) and a wide range of liqueurs and flavoured vodkas. A local microdistillery training academy, Distillique,<sup>[5]</sup> is one of the few training academies worldwide which provides craft and microdistiller training courses on a regular monthly basis for microdistillers. Microdistillers include the Jorgensen's distillery,<sup>[6]</sup> Dalla Cia Distillery,<sup>[7]</sup> Nyati Jjj Distillery, Schoemanati distillery,<sup>[8]</sup> Tanagra distillery<sup>[9]</sup> and Wilderer Distillery.<sup>[10]</sup>

In the 1990s the liquor industry established the notion of super premium spirits offering a higher-quality (and usually more elaborately packaged) product at a higher price. The higher prices created an opportunity for small distilleries to profitably produce niche brands of exotic spirits that did not need

massive economies of scale to maintain profitability. The first decade of the new millennium saw the creation of hundreds of such distilleries producing products that were designed and marketed in a way that resembled celebrated restaurants more than alcoholic spirits marketing. Numerous competitions and publications were formed to support the burgeoning sub-culture of spirits.<sup>[11][12]</sup>

It is no longer the case that microdistilleries are producing at the premium end of the market only; the established brands are under threat from local microdistilleries at all price points (with the possible exception of the ultra discount supermarket brands such as Sainsbury's and Tesco's "value" brands, which are close to loss leaders).

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## Innovation

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Microdistillers often experiment with new techniques to produce new flavors.<sup>[13]</sup> Tony Conigliaro uses a rotavap (i.e. glassware not copper pot) on a small scale to produce distilled spirits which change from day to day in his bar, and Ian Hart uses vacuum equipment to conduct distillation at much reduced temperatures, resulting in less cooked aromatics.<sup>[14]</sup>



A Double Diamond pot still used by Downslope Distilling of Centennial, Colorado.

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## U.S. regulation

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The U.S. Government regulates distilleries to a high degree and currently does not distinguish its treatment of distilleries in terms of size. This stringent regulation has prevented microdistilling from developing as rapidly as microbrewing which enjoys relatively more relaxed government control. A number of states, such as California, Indiana, Iowa, Kansas, Michigan, Utah and Washington, have passed legislation reducing the stringent regulations for small distilleries that were a holdover from

prohibition.<sup>[1]</sup> The Bureau of Alcohol, Tobacco, and Firearms (BATF) and the Alcohol and Tobacco Tax and Trade Bureau (TTB) are responsible for enforcing Federal statutes as they apply to all manufacturers of beverage alcohol.

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## South African regulations

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### Craft distillery

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The distillation of spirits has its roots deep in American history, however the terms "craft distillery" and "craft distilling" are becoming more common in the nomenclature of American society. The term "craft" brings to mind the idea of smaller batches of distilled liquors being made in a family setting. Although the family aspect may come into play some of the time, the term "craft distilling" refers mostly to the concept of starting with raw materials and creating distilled liquors with the same attention to detail that was normal in the earlier history of the United States.

Craft distilling is a catch phrase for some, used for marketing purposes. However, many craft distillers consider that in order to be true to the art of making distilled liquors one must not only care about the end result, but also about the process and the impact of its production.<sup>[15]</sup> In this way craft distilling sets itself apart from the larger, more established distilleries.

A craft distiller is actively involved in every aspect of the distillation of the spirit, from ingredient selection to bottling and labeling. Some Craft Distilleries take this one step further and even grow the grains they use to produce distilled liquors. One, Mad Buffalo Distillery,<sup>[16]</sup> a farm distillery in Union, Missouri, controls every aspect of their product, from growing and harvesting their grain, fermenting, distilling, aging, bottling, labeling, all on their family farm.<sup>[17]</sup>

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### See also

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### Footnotes

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### References

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### External links

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Last modified 4 months ago



## Responses to Letter I-8

### I-8-1

The comment relates to the commenter's opinion on the advisability of one or more of the policies or regulations being proposed as part of the TGPA/ZOU project. It does not address the adequacy of the DEIR or other environmentally related topic. State CEQA Guidelines Section 15132(d) requires the FEIR to contain "[t]he responses of the Lead Agency to significant environmental points raised in the review and consultation process." The comment is not on a significant environmental point, and therefore no response is necessary.

## Letter I-9—Rob & Gloria Vernon

File Number

### Draft EIR Received from Email

First Name

Last Name

Address

Email Address

City

Add Email Address?

State  Zip Code

Organization or Agency

Parcel Number

Primary Interest

Comments:

Comment Date:

We would like to voice our support for the proposed changes to the County ordinance "Off-road Vehicle Use" per Section 17.40.210 E. We have a problem in this neighborhood that this change would help address. Namely, a guy who has a moto-cross track in his "backyard" and who invites all his buddies to come play. The noise and dust is irritating to say the least, and impacts the whole neighborhood. And his attitude is "F\*\*\* 'em!" I don't think that this kind of activity and attitude is in keeping with the community, where the rest of us just want to enjoy our properties in peace. This ordinance change would help in addressing these kinds of issues. Rob & Gloria Vernon Thompson Hill Rd. 530-621-2468 (Comment submitted on 3/31/14 7:44 AM via LRP Web Pages Feedback, 4/1/14.an)

## **Responses to Letter I-9**

### **I-9-1**

Letter I-9 is the same as Letter I-3, but submitted through a different process. Please see response to comment I-3-1 for a response.

## **Letter I-10—Lawrence & Jane Alexander**

File Number 280968

### Draft EIR Received from Email

First Name Lawrence & Jane

Last Name Alexander

Address 4401 Fawn Street

Email Address Lawrie@Britcars.com

City Shingle Springs

Add Email Address?

State CA Zip Code 95682

Organization or Agency Deer Hills Property Owners Association

Parcel Number

Primary Interest Both

Comments: [View Scanned Doc](#) [Ag Opt In](#)

Comment Date: 04/09/2014

We are writing to notify you of our opposition to a proposed rezoning through the Targeted General Plan Amendment and Zoning Ordinance Update of property adjacent to our neighborhood. Parcel APN 319-260-01 is a 62 acre parcel located at the northwest corner of Mother Lode and Greenstone. The 62 Acre Parcel borders our neighborhood, known as Deer Hills, located just west of Greenstone and north of Motherlode Drive (Fawn Street, Doe Street and Buck Street). The 62 Acre Parcel is currently zoned RE-5. However, it is proposed to be amended to Research & Development (R&D) to be consistent with the Land Use Designation in the General Plan. This proposed rezoning would allow uses that are a huge leap from the adjacent zoning of Deer Hills, which comprises 45 three-acre parcels currently zoned medium density residential. The R & D designation is an incompatible land use directly adjacent to a rural neighborhood. In response to the Environmental Impact Report we, as owners of a home in Deer Hills, oppose the rezoning of the 62 Acre Parcel to R & D. R&D Zoning would allow businesses to be located such as Manufacturing, Hazardous Materials Handling, Restaurants, Storage and Distribution, Laboratories and other Industrial Uses. Such permitted uses would have significant undesirable consequences for our rural neighborhood such as: **| Noise pollution from large trucks or machinery | Light pollution from late night activities and/or security | Chemical pollution | Commercial/Industrial buildings and equipment within sight of our homes | Increased traffic on the already crowded Motherlode Drive** Rezoning the 62 Acre Parcel to R&D is simply wrong for Deer Hills. Instead, we support a General Plan Amendment to change the Land Use Designation of the 62 Acre Parcel to RE-5, or other Residential Use. Please give serious consideration to our concerns in your decisions regarding amending the Zoning for the Parcel APN 319-260-01. Thank you.

## Responses to Letter I-10

### I-10-1

This comment is in response to a General Plan consistency rezone for APN 319-260-01, currently zoned RE-5, but designated as Research and Development (R&D) on the General Plan Land Use Map. Government Code Section 65860 requires that when a General Plan is adopted the Zoning Ordinance must be amended to be consistent with that General Plan “within a reasonable time.” This proposed rezone will fulfill this requirement. Please see Master Response 7: General Plan and Zoning Ordinance Consistency Requirements regarding the need for zoning and general plan consistency.

## Letter I-11—Bill Draper



**Draft EIR Received from Email**

|               |                                  |                           |                    |                        |                                  |
|---------------|----------------------------------|---------------------------|--------------------|------------------------|----------------------------------|
| File Number   | 280969                           |                           |                    |                        |                                  |
| First Name    | Bill                             | Last Name                 | Draper             |                        |                                  |
| Address       | 4645 Meadowlark Way              |                           | Email Address      | cbdrapers@gmail.com    |                                  |
| City          | Placerville                      |                           | Add Email Address? |                        |                                  |
| State         | CA                               | Zip Code                  | 95667              | Organization or Agency | Registered Professional Forester |
| Parcel Number |                                  |                           | Primary Interest   | Both                   |                                  |
| Comments:     | <a href="#">View Scanned Doc</a> | <a href="#">Ag Opt In</a> |                    | Comment Date:          | 04/13/2014                       |

I am not sure how any development on TPZ, FR, RR or NR such as health, resort and retreat centers can be allowed by right. First a Timberland Conversion Permit must be obtained from the State of California. There is no mention of this step in your draft document. The entire process of seeking a permit from the County becomes moot if the state permit is not granted. These type of projects have major impacts on law enforcement, fire, transportation, water quality and schools. Annexation into the appropriate fire and school district needs to be required. Without a specific case by case review, any project is going to have impacts more than "less than significant".

## Responses to Letter I-11

### I-11-1

The term “by right” refers only to County permitting. Any project that is subject to State permits, such as a timberland conversion permit, would be required to obtain that permit before development could occur.

Health resort and retreat centers would not be allowed by right in the proposed agricultural, rural, and resource zones. The ZOU would allow this type of use only upon approval of a conditional use permit. That will involve a project-specific review, including consideration of the availability of services and preparation of an environmental review pursuant to CEQA.

A timberland conversion permit would be required when forest land is being permanently converted to a non-forestry use. As noted in the comment, the State Department of Forestry and Fire Protection has the sole authority to grant such permits. If such a permit is required, then no such development would be allowed unless the permit is granted, regardless of whether the County were to approve a conditional use permit.

## **Letter I-12—Richard Boylan, PhD.**

File Number

### Draft EIR Received from Email

First Name

Last Name

Address

Email Address

City

Add Email Address?

State  Zip Code

Organization or Agency

Parcel Number

Primary Interest

Comments:

Comment Date:

The Draft EIR and associated Land Use Maps on-line are imprecise, inadequately if at all labeled, and lacking detail to make positive identification of affected lands. It appears that the Land use Policy Programmatic Update (LUPPU) proposes high-density developments (large subdivisions) in areas of Diamond Springs and El Dorado where local citizens have repeatedly stated that they do not want such developments, and that such developments assail the local community's rural, historic and natural character. I reject the EIR as totally inadequate, flawed, and failing to provide a clear, transparent, contextualized, and community-relevant statement of local impacts.

## Responses to Letter I-12

### I-12-1

The County has posted detailed maps of the TGPA and ZOU on its website, including a search function that allows parcel-specific review. The public has also been given the opportunity to review the materials at the offices of the County Planning Division. The TGPA includes minor changes to the land use map to correct mapping errors found during the zoning consistency review. Otherwise, the existing land use designations are not being changed. No new, high density development, such as large subdivisions, is proposed under the TGPA anywhere in the county. This includes the Diamond Springs and El Dorado areas.

Please see also Master Response 1: Specificity of Environmental Review and Master Response 4: Scope of the Project. .

## Letter I-13—Jim Copeland

File Number **280971** ▾

### Draft EIR Received from Email

First Name

Last Name

Address

Email Address

City

Add Email Address?

State  Zip Code

Organization or Agency

Parcel Number

Primary Interest

Comments:

Comment Date:

Why is it so hard to find the specific proposed zoning categories? How do I do it? Even a staff member at the Planning Dept. the other day couldn't find them and needed help. Thank you.

## Responses to Letter I-13

### I-13-1

The County TGPA/ZOU website includes a search function allowing someone to search for any proposed zone changes on a parcel-by-parcel basis using their Assessor's Parcel Number as the key. The proposed land uses within each of the proposed zones under the ZOU are found in the Zone District Use Matrices in Article 2 of the proposed Zoning Ordinance. Please see also Master Response 13: Availability of Full Text of Proposed Zoning and General Plan Changes.



## Letter I-14—Jake Lee

### Draft EIR Received from Email

|               |                                  |                           |                          |                        |            |
|---------------|----------------------------------|---------------------------|--------------------------|------------------------|------------|
| File Number   | 280972                           |                           |                          |                        |            |
| First Name    | Jake                             | Last Name                 | Lee                      |                        |            |
| Address       | 7931 Oakhill Lane P.O. Box 45    |                           | Email Address            | jake.gloria@yahoo.com  |            |
| City          | Pilot Hill                       |                           | Add Email Address?       |                        |            |
| State         | CA                               | Zip Code                  | 95664                    | Organization or Agency |            |
| Parcel Number |                                  |                           | Primary Interest         | Both                   |            |
| Comments:     | <a href="#">View Scanned Doc</a> | <a href="#">Ag Opt In</a> | <input type="checkbox"/> | Comment Date:          | 04/18/2014 |

The specific interest here is in change to an agricultural designation as to land use for our 30+ acre parcel (#10418002) from residential. If there is an option to do so, please accept this as an expression of our desire to do so

## Responses to Letter I-14

### I-14-1

The comment relates to the commenter's desire for a zone change. It does not address the adequacy of the DEIR or other environmentally related topic. State CEQA Guidelines Section 15132(d) requires the FEIR to contain "[t]he responses of the Lead Agency to significant environmental points raised in the review and consultation process." The comment is not on a significant environmental point, and therefore no response is necessary.

## Letter I-15—Diane Lehr

File Number 280973

### Draft EIR Received from Email

First Name Diane

Last Name Lehr

Address 4455 Fawn Street

Email Address djdoxie@comcast.net

City Shingle Springs

Add Email Address?

State CA Zip Code 95682

Organization or Agency

Parcel Number

Primary Interest TGPA

Comments:

[View Scanned Doc](#)

[Ag Opt In](#)

Comment Date: 04/18/2014

Dear Board of Supervisors, I am writing to notify you of our opposition to a proposed rezoning through the Targeted General Plan Amendment and Zoning Ordinance Update of property adjacent to our neighborhood. Parcel APN 319-260-01 is a 62 acre parcel located at the northwest corner of Mother Lode and Greenstone. The 62 Acre Parcel borders our neighborhood, known as Deer Hills, located just west of Greenstone and north of Motherlode Drive (Fawn Street, Doe Street and Buck Street). The 62 Acre Parcel is currently zoned RE-5. However, it is proposed to be amended to Research & Development (R&D) to be consistent with the Land Use Designation in the General Plan. This proposed rezoning would allow uses that are a huge leap from the adjacent zoning of Deer Hills, which comprises 45 three acre parcels currently zoned medium density residential. The R & D designation is an incompatible land use directly adjacent to a rural neighborhood. In response to the Environmental Impact Report, George and Diane Lehr as an owner of a home in Deer Hills, oppose the rezoning of the 62 Acre Parcel to R & D. R&D Zoning could allow businesses to be located such as Airports, Airstrips, or Heliports, Hazardous Materials Handling, Restaurants, Churches, Recreational Facilities and Industrial Uses. Such permitted uses would have significant undesirable consequences for our rural neighborhood such as: Noise pollution from large trucks or machinery Light pollution from late night activities and/or security Chemical pollution Commercial/Industrial buildings and equipment within sight of our homes (Add your own) Rezoning the 62 Acre Parcel to R&D is simply wrong for Deer Hills. Instead, we support a General Plan Amendment to change the Land Use Designation of the 62 Acre Parcel to RE-5, or other Residential Use. Please consider our concerns in your decisions regarding amending the Zoning for the Parcel APN 319-260-01. Sincerely, Diane and George Lehr Deer Hills Homeowner

I-15-1

## Responses to Letter I-15

### I-15-1

The comment requests that the zoning classification currently proposed for a specific parcel be changed to another zone. This does not address the adequacy of the DEIR or other environmentally related project and expresses the commenter's preference for a particular zone. The comment is not on a significant environmental point, and therefore no response is necessary. The County will consider this request in its deliberations prior to adoption of the TGPA and ZOU. Please see also Master Response 7: General Plan and Zoning Ordinance Consistency Requirements regarding the need for general plan and zoning consistency.

## Letter I-16—Aaron Klinger

File Number

### Draft EIR Received from Email

First Name

Last Name

Address

Email Address

City

Add Email Address?

State  Zip Code

Organization or Agency

Parcel Number

Primary Interest

Comments:

Comment Date:

A DEIR correction (or notice of error) is needed in reference to the review and public comment duration specified on page ES-18. The comment period dates are correct; the specified 60 day period is not. There should be no opportunity for a future claim of misleading or contradictory notice quashing adequate public review.



## Responses to Letter I-16

### I-16-1

The commenter is correct. The public comment period closed July 23, 2014, and was open for 120 days.

## Letter I-17—Scott Keeling

File Number 280975

### Draft EIR Received from Email

First Name Scott

Last Name Keeling

Address 1040 Paso Diablo Ct.

Email Address skeeling51@gmail.com

City Placerville

Add Email Address?

State CA Zip Code 95667

Organization or Agency property owner

Parcel Number

Primary Interest Both

Comments: [View Scanned Doc](#) [Ag Opt In](#)

Comment Date: 04/14/2014

My parcel 060 401 32 is currently zoned 1/2 general commercial and 1/2 commercial. It is surrounded by general commercial and mineral reserve properties. The proposed zoning for my parcel is a more restrictive commercial limited. For my intended use I will require the general commercial zoning at least on the part where it exists. I have contacted county planners in the past with my concerns but the plan has not changed. It is unclear to me why the most restrictive zoning is applied to this parcel considering the surrounding zoning. Also this change was made without any contact with the land owner.

## Responses to Letter I-17

### I-17-1

The comment requests that the zoning classification currently proposed for a specific parcel be changed to another zone. This does not address the adequacy of the DEIR or other environmentally related project and expresses the commenter's preference for a particular zone. The comment is not on a significant environmental point, and therefore no response is necessary. The County will consider this request in its deliberations prior to adoption of the TGPA and ZOU. Please see also Master Response 7: General Plan and Zoning Ordinance Consistency Requirements regarding the need for general plan and zoning consistency.

## Letter I-18—Katie Huff

File Number 280976

### Draft EIR Received from Email

First Name Katie

Last Name Huff

Address 3072 Latham Lane

Email Address katiejane.huff@gmail.com

City El Dorado Hills

Add Email Address?

State CA Zip Code 95762

Organization or Agency

Parcel Number

Primary Interest Both

Comments: [View Scanned Doc](#)

[Ag Opt In](#)

Comment Date: 04/27/2014

- Zoning Parcel Map does not work, I cannot locate the identified area on a map - ES-8B10-1a: Limit the relaxation of hillside development standards. THIS IS NOT SUPPORTED IN THE DOCUMENT WITH ENGINEERING STANDARDS THAT WILL BE IMPLEMENTED OR REGULATED TO ENSURE THAT PROPER STANDARDS AND REGULATIONS ARE FOLLOWED. - I FEEL LIKE BUILDING ON THE HILL SIDES OF EDH IS GOING TO DECREASE MY HOME VALUE, YOU ARE NOW TAKING OPEN SPACES AND JUST CREATING A CONGESTED AREA THAT WILL NO LONGER HAVE THE SAME FEEL AND QUALITY OF LIFE THAT I CURRENTLY HAVE IN EDH. YOU WILL HAVE TO ANALYZE THE IMPACT TO THE HOMES, DECREASE IN VALUE TO HAVE AND CONSIDER THE IMPACT TO THE NEIGHBORS, QUALITY OF LIFE MIGHT EQUATE TO YOU BUYING OUT PEOPLE. - HOW ARE YOU GOING TO REDUCE CONSTRUCTION NOX EMISSIONS, ARE YOU REGULATING GREENHOUSE GAS EMISSIONS. ALL CONSTRUCTION SHOULD ONLY BE OPERATING ON TIER 4 EQUIPMENT IN 2015 PER LAW - I DONT UNDERSTAND HOW YOU ARE GOING TO REGULATE AND TEST FOR NATURAL OCCURRING ABESTOS IN THE SOIL. I NEED TO SEE THE DOCUMENT, TESTING AND REPORTS ON THE STATUS OF THIS ACTIVITY. THIS IS A HUGE FACTOR IN THE EL DORADO AREA AND HAS LARGE IMPACTS TO THE RESIDENTS OF THIS AREA. IT COULD CAUSE HEALTH IMPACTS IF YOU ARE NOT TREATING THE CONSTRUCTION SITE ACCURATELY. WHAT ARE YOU DOING TO ENSURE THAT THIS IS TESTED DURING EXCAVATION, DISPOSAL AND DURING EACH NEW FEATURE OF WORK - WITH NEW DEVELOPMENT OF HOMES THE DEVELOPER SHOULD BE CONSIDERING HOW THEY CAN TAKE HOMES OFF THE GRID NOT TO RELY ON WATER SOURCES AND PUT A LARGER

I-18-1

I-18-2

I-18-3

## Responses to Letter I-18

### I-18-1

The commenter asks how construction-related nitrogen oxide (NOX) emissions will be reduced and also indicates that law requires the operation of Tier 4 construction equipment. In addition, the commenter asks whether greenhouse gases (GHGs) will be regulated.

As indicated in Mitigation Measure AQ-1 of the DEIR, Section 17.30.090 of the ZOU has been revised to require a plan for approval to reduce construction-related NOX emissions by 20%. Regarding Tier 4 construction equipment, the EPA's emission standards (Tiers 1 through 4) apply to the manufacture and production of engines used in equipment and do not apply to the operation of engines used in equipment.

Regarding GHG emissions, Impact AQ-7 of the DEIR evaluates GHG emissions associated with the TGPA/ZOU and indicates GHG emissions would be below applicable thresholds and are less than significant.

### I-18-2

The commenter asks how will naturally occurring asbestos (NOA) be addressed. Impact AQ-3 of the DEIR evaluates NOA associated with grading and construction activities. As indicated in Impact AQ-3, EDCAQMD's Rule 223-2 General Plan Policies Policy 6.3.1.1 through 6.3.1.3 would minimize exposure to NOA, reducing the impact to a less-than-significant level.

### I-18-3

The commenter suggests that new development should be "off the grid" and not reliant on water sources. As discussed in Section 3.10, Water Supply, the public water purveyors within the county will supply water to new development and have undertaken measures to conserve water where practical. The commenter offers no suggestions for how new development might occur without water.

## Letter I-19—Chuck Beckwith





TGPA-ZOU ZOU <tgpa-zou@edcgov.us>

## Fwd: COmment of EIR Draft

1 message

**Shawna Purvines** <shawna.purvines@edcgov.us>  
To: TGPA-ZOU ZOU <TGPA-ZOU@edcgov.us>

Tue, Jul 1, 2014 at 9:21 AM

----- Forwarded message -----

From: **Planning Unknown** <planning@edcgov.us>  
Date: Tue, Jul 1, 2014 at 9:19 AM  
Subject: Re: COmment of EIR Draft  
To: Chuck Beckwith <beckwithchuck@gmail.com>, Shawna Purvines <shawna.purvines@edcgov.us>

I will forward your comments on to the Long Range Planning Division.

Thanks.

Joe Prutch  
Planning Services

On Fri, Jun 20, 2014 at 12:39 PM, Chuck Beckwith <beckwithchuck@gmail.com> wrote:

----- Forwarded message -----

From: **Chuck Beckwith** <beckwithchuck@gmail.com>  
Date: Thu, Jun 19, 2014 at 4:03 PM  
Subject: COmment of EIR Draft  
To: TPGA-ZOU@edcgov.us

My name is Charles Beckwith and my address is 3055 Latham Ln, Eldorado Hills CA 95762  
After reviewing the Executive Summary of the Draft EIR for the proposed changes to the County TGPA/ZOU and have the following comments concerning the Impacts and Mitigation Table. Overall I believe the EIR Document did not make an exhausting effort to develop suggested mitigation strategies for the identified impacts, including the impacts for no change to the general plan or zoning regulations.

I-19-1

### Table ES-1 Impact and Mitigation

- AES 1 & AES 3 Revise the mitigation strategy from "limit relaxation of hillside development" to "do not relax hillside development"
- AES 4 Revise mitigation strategy to include revision to proposed zoning ordinance would forbid development that created a new source of light or glare.
- AQ 1 -7. Revise document to include migration measures that would substantially reduce or eliminate the identified impacts.
- BIO 1-4. Revise the mitigation strategy in the document from "limit" to

I-19-2

I-19-3

I-19-4

I-19-5

“forbid” relaxation of hillside development and forbid music festivals

- LU 1,2 &3. Change the current document’s level of significance to “S” and include mitigation strategies. | I-19-6
- NOI 1-5. Revise the document to include mitigation strategies that will reduce the noise level to the pre development level. | I-19-7
- PH1-3. Revise the document to include mitigation strategies, including a strategy to forbid development that induces substantial population growth. | I-19-8
- TRA 2-6. Revise document to include mitigation strategies that will allow development to have no impact on the current transportation circulation system and congestion management. | I-19-9
- WS-1 Revise document to include a mitigation strategy that will identify new sources of water supplies that will eliminate the impact of development on existing supplies. | I-19-10

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Thank you.

—

Shawna L. Purvines  
 Community Development Agency, Long Range Planning  
 County of El Dorado  
 2850 Fairlane Court  
 Placerville, CA 95667  
 Phone:(530) 621-5362  
 Fax: (530) 642-0508  
 shawna.purvines@edcgov.us  
 www.edcgov.us

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Thank you.

## Responses to Letter I-19

### I-19-1

Please see Master Response 8: General Plan Policies and Mitigation.

### I-19-2

The commenter suggests that the mitigation for Impacts AES-1 and AES-2 regarding hillside development (Mitigation Measure BIO-1) be changed to forbid hillside development. The suggestion is essentially the same as Alternative 3—Selective Approval of TGPA/ZOU Components. Removal of these components of the TGPA and ZOU would avoid the associated impacts. The Board of Supervisors will consider this alternative during their deliberations on the project.

### I-19-3

The commenter suggests that Mitigation Measure AES-4 (Revise proposed Zoning Ordinance Chapter 17.34 and Section 17.40.170) be revised such that the Zoning Ordinance would forbid development that created a new source of light or glare. The suggestion is essentially the same as Alternative 3—Selective Approval of TGPA/ZOU Components. Removal of these components of the TGPA and ZOU would avoid the associated impacts. The Board of Supervisors will consider this alternative during their deliberations on the project. Note that the project has been revised since release of the DEIR to include lighting design standards. As discussed in the Recirculated Partial DEIR, the County does not currently have standards for lighting design. The proposed standards would limit the levels of allowable lighting for new development and direct lighting away from adjoining properties.

### I-19-4

The commenter requests that Table ES-1 be revised to include mitigation measures to substantially reduce or eliminate identified impacts related to Impacts AQ-1 through AQ-7. As indicated in the DEIR, Impacts AQ-1, AQ-2, AQ-5, and AQ-6 were identified as significant and unavoidable, with Mitigation Measure AQ-1 included to help reduce the severity of Impact AQ-1. However, given the programmatic nature of a General Plan Program EIR, it would be speculative to try to develop specific mitigation measures to reduce Impacts AQ-2, AQ-5, and AQ-6, as the amended General Plan and Zoning Ordinance will allow for development in many different areas of the county. As indicated in the discussion of Impacts AQ-2, AQ-5, and AQ-6, existing General Plan policies, some of which were identified in the 2004 General Plan EIR as mitigation measures, would help to reduce the severity of these impacts.

### I-19-5

The commenter suggests revising Mitigation Measures BIO-1a (limit relaxation of hillside development standards) and BIO-1c (limit music festivals and concerts) to forbid rather than limit the proposed change in hillside development standards and to forbid music festivals and concerts.

The suggestion is essentially the same as Alternative 3—Selective Approval of TGPA/ZOU Components. Removal of these components of the TGPA and ZOU would avoid the associated

impacts. The Board of Supervisors will consider this alternative during their deliberations on the project.

### **I-19-6**

The commenter requests that the significance determinations for Impacts LU-1 (physically divide an established community), LU-2 (conflict with applicable land use plan, policy, or regulation), and LU-3 (conflict with an applicable habitat conservation plan or natural communities conservation plan) be changed from “no impact” and “less than significant” impact to “significant” impact. The commenter also requests that mitigation strategies be included in the EIR for each of these impacts.

The commenter has provided no reasons why these significance determinations should be changed. The reasons for these determinations are explained in Section 3.6, Land Use and Planning, of the DEIR. No changes will be made to these determinations.

CEQA does not require mitigation measures when there would be no significant impact (State CEQA Guidelines Section 15126.4(a)(3)). Because none of these three impacts rise to the level of significance, no mitigation is required.

### **I-19-7**

The DEIR discusses project noise impacts and refers to mitigation measures that were adopted by the County in 2004 as part of the 2004 General Plan Update. There is no requirement to include mitigation strategies that will reduce the noise level to the pre-development level. No additional mitigation measures are required.

### **I-19-8**

The commenter suggests revising the EIR to include mitigation strategies to reduce the impact of population growth, “including a strategy to forbid development that induces substantial population growth.”

As discussed in Section 3.8.2 of the DEIR, the TGPA/ZOU is not expected to substantially increase the amount of population growth that can occur under the existing General Plan. However, CEQA does not allow the significance of an impact to be based on a comparison between the existing General Plan and the proposed project. Instead, the impact must be determined by comparing the proposed project to existing conditions. For that reason, the DEIR takes into account changes in existing levels of population and housing that would occur as a result of continued buildout under the General Plan, plus the incremental change contributed by the TGPA/ZOU.

The existing General Plan envisions substantial growth within El Dorado County over the coming decades. The County estimates, based on building permit activity since adoption of the General Plan in 2004, that there is the potential for up to 35,000 dwelling units to be built in the county without making any changes to the existing General Plan. Assuming a 1.03% growth rate, this would mean that between 2014 and 2035 approximately 17,500 new dwellings could be built even if the TGPA and ZOU are not approved.

There is no mitigation measure or strategy applicable to the project that could forbid development that would result in substantial population growth, because nearly all of the growth associated with the significance determination is the result of buildout of the existing General Plan. Substantial changes to the General Plan, including changes that would substantially reduce the potential for

future population growth, are not a part of the project at hand. Also, it would conflict with four of the five objectives of the TGPA.

- “Encourage and support the development of housing affordable to the moderate income earner.” A strategy that would prevent substantial population growth would necessarily strictly limit new residential construction. Continued demand would drive up property prices, making the construction of affordable housing problematic.
- “Promote and support the creation of jobs.” As discussed in the economic study prepared by BAE Urban Economics in 2013 for the TGPA/ZOU, increased job growth is dependent upon residential development.
- “Increase capture of sales tax revenues.” Sales tax revenues come from commercial development. In general, “retail follows rooftops,” not the other way around. Commercial development will generally not occur unless there is a sufficient residential base to support that development. (National Main Street Center 2011)
- If residential development is strictly constrained, then so will commercial development and sales tax revenues will not grow.
- “Revise existing General Plan policies and land use designations to provide clarity while keeping land use map changes to a minimum.” Amending the General Plan to preclude substantial population growth would require widespread “downzoning” of residential land use designations. This would be inconsistent with the objective of keeping map changes to a minimum.

### **I-19-9**

The commenter recommends that the EIR be revised to include mitigation strategies such that development will “have no impact on the current transportation and circulation system and congestion management.”

The suggestion is infeasible. As explained in the response to comment I-19-8, the TGPA/ZOU would be responsible for a relatively small part of the future growth that will result in increased traffic. Most of the traffic impacts result from the future buildout of land use allocations that are already a part of the existing General Plan. Even if the TGPA/ZOU were not adopted, growth would still occur, resulting in impacts on the current transportation and circulation system. Individual vehicles account for the vast majority of trips on roads within El Dorado County. The Western El Dorado County Short- and Long-Range Transit Plan prepared by the El Dorado County Transportation Commission reports that the American Community Survey (2007–2011 five-year estimates), conducted by the U.S. Census Bureau, indicates that the majority of work trips in Western El Dorado County were by workers driving alone (76.7%). Carpools accounted for 10.4% of the trips to work. In other words, about 90% of the trips to and from work were by individual vehicle. (El Dorado County Transportation Commission 2014.)

### **I-19-10**

As discussed in Section 3.10, Water Supply, EID, GDPUD, and GFCSD have undertaken measures to conserve water. EID is obtaining new supplies to serve future growth under the General Plan to the year 2035. The EDCWA is actively working to obtain additional water. Despite these efforts, according to EDCWA's 2014 Update, there will not be sufficient water to meet county demands beyond 2035.

## Letter I-20—Kathy McCoy



TGPA-ZOU ZOU &lt;tgpa-zou@edcgov.us&gt;

---

**Re: Guidelines vs Standards**

1 message

---

**Shawna Purvines** <shawna.purvines@edcgov.us>  
To: Kathy McCoy <kathy@mccoypartners.com>  
Cc: TGPA-ZOU ZOU <TGPA-ZOU@edcgov.us>

Tue, Jul 1, 2014 at 4:07 PM

Thanks Kathy for following up on our conversation.

Shawna

On Tue, Jul 1, 2014 at 3:35 PM, Kathy McCoy <kathy@mccoypartners.com> wrote:

Shawna,

As I expressed the other day, it is crucial that we clearly define Standards and then guidelines towards meeting them. People seem to think they are interchangeable.

I-20-1

*Kathy*

-

Shawna L. Purvines  
Community Development Agency, Long Range Planning  
County of El Dorado  
2850 Fairlane Court  
Placerville, CA 95667  
Phone:(530) 621-5362  
Fax: (530) 642-0508  
shawna.purvines@edcgov.us  
www.edcgov.us

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## Responses to Letter I-20

### I-20-1

The comment relates to the commenter's opinion on the advisability of one or more of the policies or regulations being proposed as part of the TGPA/ZOU project. It does not address the adequacy of the DEIR or other environmentally related topic. State CEQA Guidelines Section 15132(d) requires the FEIR to contain "[t]he responses of the Lead Agency to significant environmental points raised in the review and consultation process." The comment is not on a significant environmental point, and therefore no response is necessary.



## Letter I-21—Pam Sheil



TGPA-ZOU ZOU <tgpa-zou@edcgov.us>

## Fwd: Zoning Ordinance Update

1 message

**Shawna Purvines** <shawna.purvines@edcgov.us>  
To: TGPA-ZOU ZOU <TGPA-ZOU@edcgov.us>

Mon, Jul 7, 2014 at 12:47 PM

----- Forwarded message -----

From: **Design Coordinator** <design@auburlaketrails.org>  
Date: Wed, Jul 2, 2014 at 10:17 AM  
Subject: Zoning Ordinance Update  
To: shawna.purvines@edcgov.us

Hi Shawna. Tom Dougherty suggested I contact you with my questions on the proposed Zoning Ordinance Update.

Auburn Lake Trails is a property owners association in Cool. We have a Development Plan with the county.

I-21-1

I noticed that some of our common area parcels are proposed to change zoning with the new update. Can you answer some questions for me, or direct me to someone else?

We can use APN 072-173-01 as an example.

Current zoning is R2A. Proposed zoning is RF-L.

I-21-2

Will the new zoning designation restrict us from selling this lot to one of the adjacent lot owners in the future?

If we can sell it, could the new owner combine the two lots under the residential zoning designation?

For APN 072-160-03:

What is the Land Use Overlay: CO (listed on the proposed zoning map when I search for this apn).

I-21-3

What is the Current Land Use: OS?

Also, for APN 072-052-01 (our office building), it shows a zoning overlay of DC. Can you explain what that designation is?

I-21-4

APN 073-494-07 indicates the current zoning is AE. What is that?

I-21-5

I also notice a Zoning Overlay: PL on residential lots. Can you tell me what that is?

I-21-6

On the map, there is also a heavy blue line around Cool and a portion of Auburn Lake Trails. The legend describes it as a "Rural Center". Can you explain that and why ALT is included?

I-21-7

Thank you so much for any help or guidance you can give me.

Regards,

Pam Sheil

Design Committee Coordinator / Compliance Officer

Auburn Lake Trails POA

1400 American River Trail

Cool, CA 95614

530-885-6526 x17

530-885-6739 fax

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—

Shawna L. Purvines  
Community Development Agency, Long Range Planning  
County of El Dorado  
2850 Fairlane Court

7/7/2014

Edcgov.us Mail - Fwd: Zoning Ordinance Update

Placerville, CA 95667  
Phone:(530) 621-5362  
Fax: (530) 642-0508  
shawna.purvines@edcgov.us  
www.edcgov.us

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## Responses to Letter I-21

### I-21-1 through I-21-7

Please see Master Response 13: Availability of Full Text of Proposed Zoning and General Plan Changes for the location of specific information requested by the commenter.

The remainder of the comments in this letter ask specific questions about the allowed uses in zoning districts, or how the decisions were made on how to apply zoning. Please see also Master Response 7: General Plan and Zoning Ordinance Consistency Requirements regarding the need for general plan and zoning consistency and how the zoning districts were applied.

## Letter I-22—Gregory Rezak



TGPA-ZOU ZOU &lt;tgpa-zou@edcgov.us&gt;

---

**Fwd: current changes**

1 message

---

**Shawna Purvines** <shawna.purvines@edcgov.us>  
To: TGPA-ZOU ZOU <TGPA-ZOU@edcgov.us>

Mon, Jul 7, 2014 at 12:49 PM

----- Forwarded message -----

From: <yourfamilytrust@aol.com>  
Date: Tue, Jun 17, 2014 at 8:14 AM  
Subject: current changes  
To: Shawna.purvines@edcgov.us

Shawna and all concerned, The current general plan has my property at 3440 Wedge Hill Rd. (APN 32726027100) to be re-zoned from general commercial to residential. The selling point, at the time of purchase, was the possibility of a future commercial sale. We have been approached by developers in the past and have hopes of benefitting from the current growth in the area. Your decision could mean the difference between \$50,000 and \$500,000. In the last 10 years I have seen my IRA, 401K and home equity dwindle to almost nothing and this property is my last hope. Please re-consider any changes in this matter. Sincerely, Gregory Rezak

I-22-1

—  
Shawna L. Purvines  
Community Development Agency, Long Range Planning  
County of El Dorado  
2850 Fairlane Court  
Placerville, CA 95667  
Phone: (530) 621-5362  
Fax: (530) 642-0508  
shawna.purvines@edcgov.us  
www.edcgov.us

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Thank you.

## Responses to Letter I-22

### I-22-1

The comment requests that the zoning classification currently proposed for a specific parcel be changed to another zone. This does not address the adequacy of the DEIR or other environmentally related project and expresses the commenter's preference for a particular zone. The comment is not on a significant environmental point, and therefore no response is necessary. The County will consider this request in its deliberations prior to adoption of the TGPA and ZOU. Please see also Master Response 7: General Plan and Zoning Ordinance Consistency Requirements regarding the need for general plan and zoning consistency.



## Letter I-23—Larry T. Ring

**LAW OFFICE OF LARRY T. RING**

12150 HERDAL DRIVE  
AUBURN, CA 95603  
PHONE: 530.885.7836/FAX: 530.495.4161  
WWW.LRINGLAW.COM  
LARRY@LRINGLAW.COM

June 12, 2014

14 JUN 13 AM 11:23  
RECEIVED  
PLANNING DEPARTMENT

El Dorado County Planning Department  
2850 Fairlane Court, Bldg. C  
Placerville, CA 95667

Dear Planners,

I am writing with regard to a parcel in Pilot Hill...APN number 104-250-09-10. This parcel lies on the west side of Salmon Falls Road – across the street from the current commercial 'core' in Pilot Hill.

The subject parcel is adjacent to, and surrounded by, nothing but residentially-zoned and developed parcels, yet, somehow, it received a commercial land use designation in the 2004 General Plan. Zoning for the parcel is still residential, although the realtor selling the parcel is advertising that the "...planning department will change the zoning from R1A to commercial..."

How that parcel ever received a commercial land use designation in the first place is baffling to me. It represents the worst in leapfrog land use and zoning, as none of the other parcels on that side of Salmon Falls Road are designated as commercial.

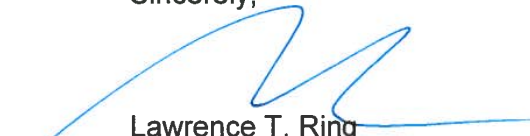
Pilot Hill certainly doesn't 'need' any more commercial development. The current commercial complex on the east side of Salmon Falls Road has sat 66% vacant for YEARS. The other commercial use on the east side of Salmon Falls Road, the Pilot Hill Mobile Home Park, is, thanks to this brilliant planning, a community eyesore due to deferred maintenance and upkeep by its owner.

Please consider this to be a formal request to (1) revisit the land use designation on APN 104-250-09-10 and, most critically, (2) deny any future rezoning of the property to commercial, unless and until a true need for more commercial development in Pilot Hill is identified.

Allowing commercial development to **cross** Salmon Falls Road into the residential parcels is a complete travesty...particularly since there is absolutely NO need for such leapfrog development and its attendant decrease in property values for those residential parcels adversely affected by a leapfrogged commercial use.

I would appreciate a formal written response to this request from your Department.

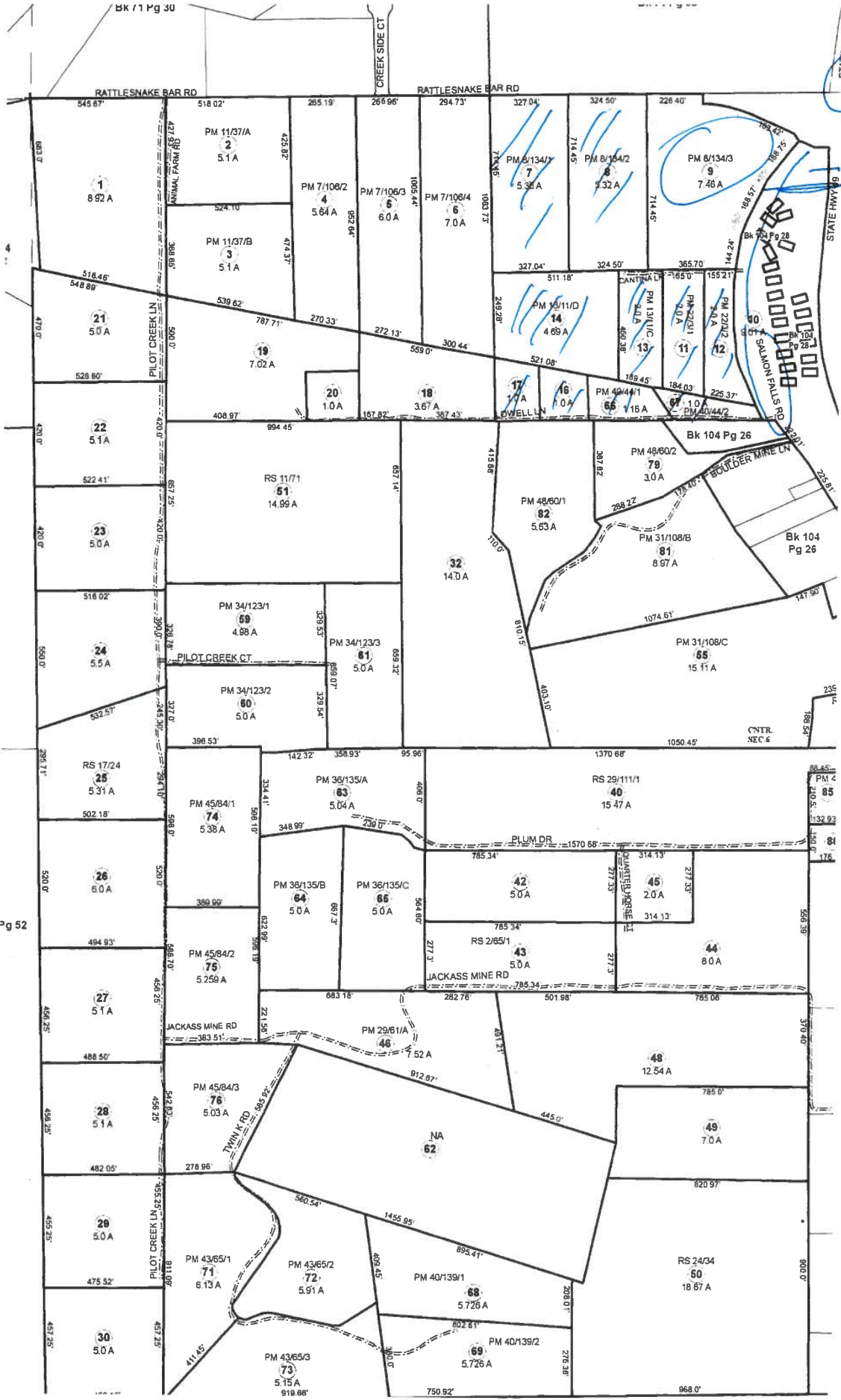
Sincerely,



Lawrence T. Ring  
Attorney at Law

I-23-1  
Cont

*Residor  
Comercial  
Core*



pg 52

## Responses to Letter I-23

### I-23-1

The comment requests that the zoning classification currently proposed for specific parcels be changed to another zone. This does not address the adequacy of the DEIR or other environmentally related project and expresses the commenter's preference for a particular zone. The comment is not on a significant environmental point, and therefore no response is necessary. The County will consider this request in its deliberations prior to adoption of the TGPA and ZOU. Please see also Master Response 7: General Plan and Zoning Ordinance Consistency Requirements regarding the need for general plan and zoning consistency.

## Letter I-24—Gregory Rezak



TGPA-ZOU ZOU &lt;tgpa-zou@edcgov.us&gt;

---

**Fwd: current changes**

1 message

---

**Shawna Purvines** <shawna.purvines@edcgov.us>  
To: TGPA-ZOU ZOU <TGPA-ZOU@edcgov.us>

Mon, Jul 7, 2014 at 12:49 PM

----- Forwarded message -----

From: <yourfamilytrust@aol.com>  
Date: Tue, Jun 17, 2014 at 8:14 AM  
Subject: current changes  
To: [Shawna.purvines@edcgov.us](mailto:Shawna.purvines@edcgov.us)

Shawna and all concerned, The current general plan has my property at 3440 Wedge Hill Rd. (APN 32726027100) to be re-zoned from general commercial to residential. The selling point, at the time of purchase, was the possibility of a future commercial sale. We have been approached by developers in the past and have hopes of benefitting from the current growth in the area. Your decision could mean the difference between \$50,000 and \$500,000. In the last 10 years I have seen my IRA, 401K and home equity dwindle to almost nothing and this property is my last hope. Please re-consider any changes in this matter. Sincerely, Gregory Rezak

I-24-1

-

Shawna L. Purvines  
Community Development Agency, Long Range Planning  
County of El Dorado  
2850 Fairlane Court  
Placerville, CA 95667  
Phone: (530) 621-5362  
Fax: (530) 642-0508  
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[www.edcgov.us](http://www.edcgov.us)

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## **Responses to Letter I-24**

### **I-24-1**

Letter I-24 is the same as Letter I-22, but submitted through a different process. Please see response to comment I-22-1 for a response.



## Letter I-25—Kathy McCoy



TGPA-ZOU ZOU <tgpa-zou@edcgov.us>

## Re: Guidelines vs Standards

1 message

**Shawna Purvines** <shawna.purvines@edcgov.us>

Tue, Jul 1, 2014 at 4:07 PM

To: Kathy McCoy <kathy@mccoypartners.com>

Cc: TGPA-ZOU ZOU <TGPA-ZOU@edcgov.us>

Thanks Kathy for following up on our conversation.

Shawna

On Tue, Jul 1, 2014 at 3:35 PM, Kathy McCoy <kathy@mccoypartners.com> wrote:

Shawna,

As I expressed the other day, it is crucial that we clearly define Standards and then guidelines towards meeting them. People seem to think they are interchangeable.

I-25-1

*Kathy*

Shawna L. Purvines  
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[www.edcgov.us](http://www.edcgov.us)

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## Responses to Letter I-25

### I-25-1

The comment relates to the commenter's opinion on the advisability of one or more of the policies or regulations being proposed as part of the TGPA/ZOU project. It does not address the adequacy of the DEIR or other environmentally related topic. State CEQA Guidelines Section 15132(d) requires the FEIR to contain "[t]he responses of the Lead Agency to significant environmental points raised in the review and consultation process." The comment is not on a significant environmental point, and therefore no response is necessary.

## Letter I-26—Charlene Hensley



TGPA-ZOU ZOU &lt;tgpa-zou@edcgov.us&gt;

---

## TGPA DEIR comments

1 message

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**Charlene Hensley** <hensleycharlene@gmail.com>  
To: tgpa-zou@edcgov.us

Mon, Jul 21, 2014 at 2:19 PM

Following are my comments on the DEIR for the TGPA and ZOU. I have attached a file with my comments, as well as copied and pasted them here, in case one or the other way of emailing does not work. Both the following email copy and the attachment are the same.

Thank you.

Charlene Hensley  
2764 Ponderosa Road  
Shingle Springs, CA 95682  
530-677-2048  
[hensleycharlene@gmail.com](mailto:hensleycharlene@gmail.com)

Comments by

Charlene Hensley

on the Draft Environmental Impact Report  
for the Targeted General Plan Amendment and Zoning Ordinance Updates

### A. ORGANIZATION AND INFORMATION

The Draft Environmental Impact Report (DEIR) is poorly organized and full of jargon, numbers, and initials that are not fully explained. The DEIR goes back and forth between the 2004 plan and its EIR and the TGPA and its DEIR. It is very confusing and hard to follow and keep straight just what one is looking at.

It is equally hard to ferret out and examine the proposed changes and their impacts and mitigations.

At times, mitigations are either stated as current policies in the General Plan, and/or described as, for example, "Mitigation Measure AG-1a" or some other similar designation. This requires checking back and forth to other pages to try to find just what each mitigation entails.

For example:

RE: Proposed Amendment to Policy 7.1.2.1, etc.

I-26-1

"General Plan Policy 7.4.2.2,...would limit the impact. Implementation of Mitigation Measure BIO-1a would reduce this impact to a less-than-significant level."

The DEIR is a failure as an informative document that provides the public and decision-makers a clear understanding of the impacts and mitigations of the proposed changes.

I-26-1  
Cont.

## B. BASELINE DEFINITION

In many places the DEIR compares possible impacts caused by the Targeted General Plan Amendment (TGPA) to those discussed in the EIR for the 2004 General Plan and to the 2004 General Plan itself, instead of assessing the impacts of the Targeted Amendment on the existing environment.

For example:

"This DEIR analyzes whether these proposed changes would result in impacts on biological resources that would not be reasonably foreseeable under the existing General Plan and Zoning Ordinance." It should discuss impacts on the existing environment, period.

"This DEIR analyzes whether these proposed changes, including the changes in residential densities in some commercial/Mixed Use and multi-Family Residential areas, would result in impacts on these existing resources that would not occur under the existing General Plan and Zoning Ordinance." There should be a period after "existing resources," leaving the current General Plan and Zoning Ordinance out of the sentence.

I-26-2

"The Analysis focuses on the proposed changes to the General Plan, differentiating them to the extent possible, from impacts that are attributable to the General Plan as a whole." The impacts of the proposed changes should have nothing to do with the existing General Plan. The impacts of the TGPA and ZOU should be described for the current environment. A "plan-to-plan" evaluation is not what is called for by CEQA.

This is part of the reason that the DEIR is misleading and difficult to follow. The DEIR often assumes that the environmental baseline is what is allowed in

the current general plan, which is not what CEQA requires. You must assess the impacts of the proposed changes to the existing environment. The existing environment is either not discussed at all in the DEIR or described in broad, general, and vague terms. This is excused by explaining that there is no specific project, so the specific environment cannot be know.

The actual existing environments that could be affected, such as rural residential areas, are not described in a way that would truly help estimate the possible impacts of the changes. This is a major failure of this DEIR. The right of the public to be adequately informed about environmental impacts has not been fulfilled.

I-26-2  
Cont.

### C. NO SPECIFIC PROJECT

It is hard to even know what is proposed and what the possible impacts of the proposals would be.

The proposed changes are vague and left open to many different possibilities.

Too often "no specific project" is used as an excuse to defer or disregard mitigation.

"No specific level of future development was forecast during this analysis because there is no reasonable way to know how many of the uses allowable under the project may be approved in the future, and the locations of such uses cannot be known at this time."

I-26-3

The description of possible "mixed uses" is so open as to be useless as a way to evaluate impacts. One cannot assess impacts without knowing the specific environment and the specific sort of project. There is a huge difference between an off-highway vehicle park and some sort of lodging. There is also a huge difference in possible environments--forest, open space, riparian, rural.

Near or far from a road, near or far from residential areas, near or far from streams or wildlife habitat or migration corridors or oak groves. It is impossible to know impacts let alone comment on them, even though the DEIR states that there are many impacts, and some are "substantial and unavoidable."

### D. THRESHOLDS OF SIGNIFICANCE for Biological Resources

The county should use the CEQA Appendix G guidelines.

I-26-4

The county's considerations do not include riparian habitat or wetlands. The Appendix G guidelines are more extensive and inclusive.

The County's thresholds leave out, in particular, two important considerations that should be included. They are:

"Have a substantial adverse effect on any riparian habitat or other sensitive natural community identified in local or regional plans, policies, or regulations, or by the California Department of Fish and Game or U.S. Fish and Wildlife Service."

I-26-4  
Cont.

"Have a substantial adverse effect on federally protected wetlands as defined by Section 404 of the Clean Water Act (including, but not limited to, marshes, vernal pools, coastal wetlands, etc.) through direct removal, filling, hydrological interruption, or other means."

1. Why are these particular considerations left out?

I-26-5

2. What studies have been done to affirm that the County's thresholds of significance are as effective in protecting the environment as the Appendix G guidelines?

I-26-6

Please include the studies and their conclusions in the Appendix of the final EIR.

3. What reason does the County have for using a different set of thresholds of significance?

Even though the reason stated is that the considerations used in the TGPA better "reflect the character of El Dorado County," there is no explanation of how the changed considerations accomplish that.

I-26-7

Please list the information used to determine how the changes made to the CEQA thresholds "reflect the character of El Dorado County" in the Appendix of the final EIR. Please discuss why these changes are important.

Please describe how the changed thresholds accomplish the goals of the CEQA Appendix G.

## D. THE REAL REASONS FOR THE TGPA



The TGPA seems to have only two purposes--to make more land available for development and to ease mitigation measures for environmental impacts caused by development.

I-26-8

If the main reasons for the proposed changes are to provide for more moderate-income housing and create jobs, what assurance is there that the proposed changes can even achieve those goals?

1. What studies were done to prove that the only way to achieve the goals of the TGPA is the proposed changes?

I-26-9

Please include the studies and findings in the appendix of the final EIR.

2. What studies were done to find if there are other, greener, more environmentally-friendly ways to achieve the same goals?

I-26-10

Please include the studies and findings in the appendix of the final EIR.

3. What sort of jobs will be created by the proposed changes to the General Plan? Who will fill them? Will they be for current residents? Will they be permanent or temporary? How well will they pay?

I-26-11

What studies were done to show what sorts of jobs will be created, how they will be created, and how many will be created?

Please describe how each proposed change will help create more jobs.

Please include the studies and findings in the appendix of the final EIR.

4. What assurance is there that the proposed changes will actually supply any moderate-income housing? How will the proposed changes allow for more moderate-income housing? What is the proof that there will be ANY moderate-income housing resulting from the proposed changes? Is it assured by these changes? What do you consider "moderate-income?" How was it determined?

I-26-12

Please describe how each change will help provide for more moderate-income housing.

Please include the studies and findings on this subject in the appendix of the final EIR.

5. What studies were done to determine whether there are other, less environmentally-damaging ways to achieve the goal of more moderate-income housing?

I-26-13

Please include the studies and findings in the appendix of the final EIR.

6. How do the TGPA, Zoning changes, and DEIR assure the achievement of the stated goals of the TGPA?

What studies were done to determine how the proposed changes in the General Plan will meet the goals of the TGPA?

Please include the studies and their findings in the appendix of the final EIR.

I-26-14

7. What other alternatives were studied that would achieve the goals of the TGPA with the equally-important goal of less damage to the environment?

Please list the studies involved in evaluating other ways to meet the stated goals of the TGPA in the appendix of the final EIR.

I-26-15

8. How will the proposed changes help maintain a rural atmosphere, wildlife habitat, water and air quality, scenic beauty?

I-26-16

9. Will they ease traffic congestion?

I-26-17

10. Will they increase the potential for growth--not based on the current general plan, but on the existing environment?

I-26-18

11. Do the citizens of El Dorado County benefit from the proposed changes?

How do they benefit? What studies were done to assess how current residents benefit from the proposed changes?

Please include all studies and findings in the appendix of the final EIR.

I-26-19

12. Why were those goals chosen as the goals that El Dorado County should reach for? Why doesn't the county propose changes that will benefit current residents and the current environment? Things like more open space, safer, less congested roads, less air and light pollution, less water pollution, more scenic vistas, more rural atmosphere, preservation of more wildlife habitat, more riparian corridors, more contiguous and viable migration corridors and habitat, more retention of plant life and tree canopy????? Who is to say that those goals would not create jobs? Have studies been done to see if and how these sorts of goals can help the County and its residents?

Please include any studies in the appendix of the final EIR.

I-26-20

An example of the possible ways that the county could and should be protecting

the environment rather than trampling on it is:

### California Wetlands Conservation Policy

The goals of the California Wetlands Conservation Policy, adopted in 1993 (Executive Order W-59-

93 [August 23, 1993]), are "to ensure no overall net loss, and achieve a long-term net gain in the

quantity, quality, and permanence of wetlands acreage and values in California, in a manner that fosters creativity, stewardship, and respect for private property;" to reduce procedural complexity

in the administration of state and federal wetlands conservation programs; and to make restoration,

landowner incentive programs, and cooperative planning efforts the primary focus of wetlands

Conservation.

I-26-21

This is just one of several State and Federal policies mentioned in the TGPA.

How well has the County followed these policies? In this case, has there been no net loss in wetlands and a plan for long-term GAINS in wetlands quality, quantity and permanence?

Where are those plans and those statistics?

How has the County achieved this goal?

Is this goal considered as important as the changes to the General Plan which will, no doubt, cause loss of wetland acreage?

How is the County working to achieve the goals of the California Wetlands Conservation Policy?

How many acres have been preserved, how many gains have been made?

How are wetlands in the county being protected so there is no net loss and managed or regulated so there is a long-term gain?

Please demonstrate how wetlands in the County are recognized, mapped, and protected.

13. Why isn't the County's goal a better environment? Should not that be a goal at least as important as increased density, more mixed use, and less mitigation for impacts? Those goals of the TGPA may temporarily benefit a few, but how do they permanently benefit the county and it's present citizens?

I-26-22

14. Have you done any study or evaluation of an alternative plan that would save the rural atmosphere and the environment of El Dorado County while at the same time provide jobs and moderate-income housing?

I-26-23

15. Is environmental destruction and increased density, which requires mitigations that never truly mitigate for all that is lost, the only way that can be found to create new jobs and provide moderate-income housing?

You can not know the benefits of preservation unless you make it a goal and study it. I propose that you study an alternative plan to meet your goals. A plan that also has goals to improve the biological resources of the County, improve air quality, scenic vistas, rural atmosphere, wildlife habitat and all the other biological attributes that make life in El Dorado County so special. I propose that you study ways to achieve the goals of the TGPA without so many impacts that are "significant and unavoidable." Or change the goals.

I-26-24

## E. WATER SUPPLY

Why does the Biological Resources section of the DEIR not include a water supply assessment by the local water district? The DEIR offers no information on future water supply for increased densities and mixed uses. It offers no alternative sources for acquiring water. It does not analyze the impact to current water district residents. There is no assurance at all that the current water supply can accommodate the projected increases in population densities. Especially during drought years, which may become the norm due to global warming.

I-26-25

1. How will the water supply of current residents be impacted by the proposed changes to the general plan and zoning ordinance? What studies have been done to assess the impact to current residents?

I-26-26

Please describe the studies and their findings in the appendix of the final EIR.

2. What studies have been done to assess how supplying water for new developments, and processing the discharge, including agricultural discharge, will affect biological resources?

I-26-27

Please include the studies and their findings in the appendix of the final EIR.

## F. GROWTH-INDUCING IMPACTS

The Biological Section of the DEIR does not discuss growth-inducing impacts of

I-26-28

the proposed changes nor possible mitigations for growth-inducing impacts.

1. What studies were done to assess growth-inducing impacts of the TGPA? If none were done, why not?

I-26-28  
Cont

2. How will those impacts affect biological resources?

I-26-29

### G. TRAFFIC AND ROAD IMPACTS TO WILDLIFE

The DEIR does not address the impacts of increases in traffic and roads to wild plant and animal life.

I-26-30

1. How will increased traffic and more roads cutting across migration paths affect wildlife and plants?

2. Are wildlife corridors mapped?

I-26-31

3. How can you know what damage could be done if there has been no mapping of wildlife migration corridors or other important natural habitats?

I-26-32

### H. DEVELOPMENT ON SLOPES GREATER THAN 30 PERCENT

1. What is the reason for the proposal to allow development on slopes greater than 30 per cent?

I-26-33

"Implementation of Mitigation Measure BIO-1a would reduce this impact to a less-than-significant level."

Mitigation Measure BIO-1a says, "Limit the relaxation of hillside development standards."

I-26-34

That does not make sense to me. It sounds like the TGPA proposes allowing development on slopes greater than 30 percent, but, if it is "limited," the impacts will be less than significant.

"Limited" is too vague and broad a word to really judge whether it can accomplish any sort of mitigation.

1. How does this proposed change to the General Plan benefit the citizens of El Dorado County?

I-26-35

2. How does it help create jobs?

I-26-36

3. How does it help supply moderate-income housing?

I-26-37

4. Is this proposed change worth the potential impacts to the environment?

I-26-38

## I. OPEN SPACE REQUIREMENT

"The intent and emphasis of the Open Space land use designation and of the non-disturbance policy is to ensure continued viability of contiguous or interdependent habitat areas and the preservation of all movement corridors between related habitats."

I-26-39

What is the reason for changing the requirement for retaining 30 percent of a project's land as open space?

"Proposed Amendment to Policy 2.2.3.1 (open space in -PD zones)  
General Plan Policy 7.4.1.6 requires discretionary projects to avoid fragmenting habitat when feasible or to mitigate for the loss if avoidance is not feasible. Discretionary projects would also be subject to CEQA review that would specify the necessary mitigation in order to comply with this policy. This would be sufficient to protect habitat from fragmentation. The impact would be less than significant. "

I-26-40

This mitigation is insufficient. The policy is too vague and open to interpretation. How will this be enforced?

1. Why propose changing the definition of open space and the purpose of open space?

I-26-41

2. What is the reason for allowing private yards to be considered as 15 percent of open space?

I think if you polled the citizens of this county, most would not define open space as private yards. I certainly don't. Private yards do not guarantee how "open space" is retained or used. It also puts the costs of providing and maintaining open space on private citizens instead of on a project's developers.

I-26-42

3. What is the reason for allowing developers to pass their costs and obligations on to private citizens?

I-26-43

4. Why are you proposing eliminating "habitat use" as one of the uses of open space?

I-26-44

5. Why change the "requirement" for 30 percent open space to a "discretionary" 15 and 15 "set-aside?" It truly makes no sense.

I-26-45

6. Who does this amendment benefit? Does it help the citizens of El Dorado County? How? Does it ease traffic, retain open space, mitigate for loss of wildlife habitat, water resources, air quality? Does it maintain the rural atmosphere of a rural county?

I-26-46

## J. MIXED USE

What is the reason for proposing to allow, in Agricultural, Rural Lands, and Resource zones, such uses as Off-Highway Vehicle Recreation Areas, lodging, health resorts, golf courses, and public utility service facilities? Or of allowing golf courses, Private Recreation Areas or Public Utility Service Facilities in rural residential areas?

I-26-47

1. Do you consider these uses compatible with a rural atmosphere, clean air, low noise, less pollution, more wildlife habitat, more open space, less traffic or less light pollution?

I-26-48

2. Would you want to live near an Off-Highway Vehicle Recreation Area if you lived in a rural area? People living in a "rural county" do not want these sorts of uses mixed in with the rural countryside.

I-26-49

3. How does this proposal help create well-paying, permanent jobs for EXISTING residents?

I-26-50

4. How does this proposal help create moderate-income, affordable housing? This proposal, like most of those in this project, makes no sense.

I-26-51

## K. AGRICULTURE EXPANSION AND EXEMPTIONS

Why is agriculture exempt from so many of the mitigations proposed?

Agriculture can cause as much or more damage to the environment as any other sort of development. There is no reason why Agricultural projects cannot be required to mitigate for damage to wildlife habitat, streams, air quality, water quality, riparian habitat, tree canopy, migration corridors. An exemption for large sections of land can potentially do damage to contiguous habitat and migration corridors.

I-26-52

For example:

P. 169 "Horticultural and grazing projects on agriculturally designated lands are exempt from the restrictions placed on disturbance of natural areas when

utilizing "BMPs" recommended by the County Agricultural Commission and adopted by the Board of Supervisors when not subject to Policy 7.1.2.7."

P.172 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 percent total canopy cover or (2) are less than an acre and have at least 10 percent 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 Integrated Natural Resources Management Plan (INRMP) conservation fund described in Policy 7.4.2.8."

I-26-52  
Cont

1. How can you maintain wildlife corridors and maintain habitat continuity if large pieces of land are exempt from those mitigations?

The TGPA anticipates adding over 17,000 acres of ag-designated land. That is a lot of land that, if it is used for agricultural purposes, is inexplicably exempt from mitigating for environmental impacts. This makes no sense.

I-26-53

2. What are the impacts to the environment of allowing this much land to be potentially exempt from mitigations?

I-26-54

L. History of failure to follow policies and ordinances

One of the major mitigation measures proposed in the 2004 General Plan, the Integrated Resource Management Plan (INRMP) (discussed in a separate section in these comments), which was supposed to be completed within five years of the approval of the 2004 plan, has never been completed and implemented. That does not bode well for any mitigation measures that the county proposes. Nor does the County's interest in the importance of individual property rights over the policies and codes meant to protect the environment. According to a Grand Jury report, there is a history of the County ignoring or not enforcing its own policies and codes.

I-26-55



**FOR EXAMPLE:**

From Lake Tahoe News, June 20, 2014

"The grand jury received multiple complaints about improper grading on private property that affected other properties. Investigation led the jury to conclude that there "was a pattern and practice of failing to comply with the county Grading Ordinance."

The ultimate finding was, "The county's failure to enforce its Grading, Erosion and Sediment Control Ordinance encourages illegal grading to the detriment of other property owners and residents."

This does not include damage to biological resources caused by "improper" grading. How does the County mitigate for these past failures?

FROM the State Department of Conservation, SMARA (Surface Mining and Reclamation Act) newsletter dated April-June 1998:

"El Dorado County refused to enforce its own mining ordinance."

"We regret that these associations (involved on the side of El Dorado County in a law suit) are defending a serious, long-term SMARA violator, and the county with the worst SMARA compliance record in the state."

This refusal eventually led to El Dorado county being sued:

(The mine owner) "...hastily had 'reclamation plans' prepared, plans that fell far short of meeting SMARA minimum requirements. The El Dorado County Planning Commission approved these documents, in spite of department and local citizen testimony that they were woefully inadequate. (Emphasis added.) Upon appeal to the board of supervisors, that body, faced with the same evidence of failure to meet SMARA requirements, decided to support (the mine owner). Given these actions, the department was faced with either accepting patently inadequate reclamation plans, prepared and approved only to avoid closure, or taking the unprecedented step of suing the county to require preparation of adequate plans. After much thought and consideration, the department sued."

This suit took years and many twists and turns to be resolved, eventually, by the State Supreme Court. The decision was not in favor of the County's

I-26-55  
Cont

position. Here is more on this case:

"El Dorado County decided to process inadequate CEQA documents and a reclamation plan for a mine on which they had yet to make a decision if there was even a right to operate. Six months after approving the reclamation plan questions and complaints from concerned residents on the unauthorized expansion of the Diamond Quarry, and the effect on it's "vested" status, were simply disregarded by the county. Faced with this evidence of the county ignoring the SMARA requirement that mines must have permits before operating, not to mention its own land-use ordinances, it became clear that the county did not take its lead agency responsibilities to the public seriously."

From: <http://caselaw.findlaw.com/ca-supreme-court/1243136.html>

"If the reclamation plan does not require the operator to reclaim the site in accordance with SMARA, accomplishment of SMARA's goal of protecting public health and safety, as well as the environment, is at risk. And if the operator's financial assurances are inadequate to accomplish the reclamation plan, taxpayers are at risk of bearing the burden. "

- See more at: <http://caselaw.findlaw.com/ca-supreme-court/1243136.html#sthash.J5FK3n4d.dpuf>

Supreme Court of California

The PEOPLE ex rel. DEPT. OF CONSERVATION et al., Plaintiffs and Appellants, v. EL DORADO COUNTY et al., Defendants and Respondents; Loring Brunius, Real Party in Interest and Respondent; California Mining Association et al., Interveners and Respondents.

No. S116870.

Decided: August 8, 2005

- See more at: <http://caselaw.findlaw.com/ca-supreme-court/1243136.html#sthash.J5FK3n4d.dpuf>

The above statements about the county refusing to obey its own ordinances as well as not meeting state requirements and goals for protecting the environment (including air quality and asbestos release) and not keeping taxpayers from being burdened with reclamation costs, are truly disturbing.

What are the citizens of El Dorado County to think about the value and validity of any Policies, Ordinances or mitigations?

I-26-55  
Cont

1. Can the public trust any of the mitigations proposed in the DEIR? The DEIR states: (Under "2004 General Plan EIR conclusions")

"Assuming that the County successfully develops and enforces the measures in the implementation program related to habitat protection, impacts could be reduced further through mitigation. However, the degree to which the implementation measures and policies would offset impacts on wildlife habitat is difficult to predict."

I-26-56

"In general, the policies serve more to guide the County in minimizing impacts when feasible methods exist than to ensure protection. Mitigation to ensure no net loss of important habitat would be developed, but there are no current assurances that implementation of such mitigation would be required by the County."

The above statement, together with the above examples, does not give me any confidence in the County's proposed mitigation measures.

2. What kind of assurance can you give that mitigation measures will be developed and strictly followed?

I-26-57

3. Are there proposed means for monitoring and enforcing mitigations?

I-26-58

4. Specify the sort of monitoring and enforcing that will be used. How long will it last?

I-26-59

5. Who will pay for monitoring, maintenance and enforcement of mitigation measures?

I-26-60

6. If a fund is proposed, how will the money be collected and distributed?

I-26-61

7. How will you assure that there is enough money to cover the costs of mitigations?

I-26-62

Mitigation measures must not only sound good on paper, they must be developed, put into use, rigorously practiced, and enforced as if they are the law, not just rules to interpret as one sees fit. If they are only guidelines with no teeth in them, then that should be stated in the DEIR.

8. Are the mitigation measures in the DEIR Just meant as guidelines?

I-26-63

If so, where is that stated? If not, how are the mitigations meant to be used, followed, and enforced? What assurance is there that the mitigations will actually work, let alone be put into action?

The DEIR cannot state that this or that mitigation will reduce impacts to "less than significant" if those mitigations are never put into practice. This should be disclosed in the final EIR.

## M. INTEGRATED RESOURCE MANAGEMENT PLAN

The most important (proposed) document in the 2004 General Plan pertaining to wildlife conservation, environmental impacts, and mitigations is the Integrated Resources Management Plan (INRMP). This plan was to identify "important habitat in the County" and establish "a program for effective habitat preservation and management." It was to be completed within five years of the adoption of the 2004 plan. It has never been completed or implemented.

I-26-64

Have any of the following (proposed) parts of the INRMP been put into action:

A. "Habitat Inventory," to be updated every three years. How can it be updated if it has never been done?

1. Has a "habitat inventory" been done? If not, when will one be completed?

I-26-65

Who will conduct the inventory?

I-26-66

2. How will the areas to inventory be chosen?

I-26-67

3. How will an inventory be paid for?

I-26-68

4. How will an inventory be updated and maintained?

I-26-69

5. How will an inventory be used in future planning and mitigations?

B. "Habitat Protection Strategy"

1. Does a strategy "for protecting important habitats based on coordinated land acquisitions" exist?

I-26-70

2. What are the details of this strategy?

I-26-71

3. How does the strategy identify lands to be acquired?

4. Has any land been acquired?

How much land has been acquired?

Where is the acquired land?

I-26-72

How was the land acquired? Was it purchased? What funds were used to purchase the land?

How is the land being protected?

5. Is there a management strategy for acquired land?

"The goal of the strategy shall be to conserve and restore contiguous blocks of important habitats to offset the effects of increased habitat loss and

I-26-73

fragmentation elsewhere in the county"

6. Have any contiguous blocks of important habitat been conserved or restored? Where? How were they conserved or restored? How was it paid for?

I-26-74

7. Has this management strategy been updated at least every five years, based on the "habitat monitoring program?"

I-26-75

8. How is "important habitat" determined?

I-26-76

### C. "Mitigation Assistance"

1. Has a program been established "to facilitate mitigation of impacts to biological resources resulting from projects approved by the County that are unable to avoid impacts on important habitats?"

I-26-77

2. What are the details of this program?

I-26-78

3. Have "mitigation banks" been developed?

I-26-79

4. Have lists of potential mitigation options been maintained? What options are listed? How are the options determined? Are studies done to determine what options are available and which should be used?

I-26-80

Please include any studies and findings in the appendix of the final EIR.

5. Are there incentives for developer and landowner participation in the habitat acquisition and management components of the INRMP? What are the incentives? How were the incentives developed? When are the incentives used? Have incentives been used for habitat acquisition? Or for managing and maintaining habitat? What habitat?

I-26-81

6. Is there a "mitigation bank?" What does it contain? How was it obtained? Are there criteria to determine when a developer must deposit funds into the mitigation bank? What are they? Are there criteria to determine how much a developer must contribute? What are they?

I-26-82

7. How is the mitigation bank used? Has it been used to mitigate any impacts? If so, what impacts? Were they fully mitigated? How were they mitigated?

I-26-83

### D. "Habitat Acquisition"

1. Is there a program for habitat acquisition as described in the INRMP? Have lands been acquired? How were the lands paid for?

I-26-84

2. Have any lands been acquired in fee or protected through acquisition of a conservation easement? Are there any conservation easements? Where are they? How are they maintained and managed?

I-26-85

3. Is there a program to identify opportunities for partnerships between the County and other organizations for habitat acquisition and management? Where is that program? What does it contain?

I-26-86

#### E. "Habitat Management"

"Each property or easement acquired through the INRMP should be evaluated to determine whether the biological resources would benefit from restoration or management actions."

I-26-87

1. Have any acquired properties or easements been evaluated?
2. Have evaluations determined whether any biological resources would benefit from restoration or management? Who did the evaluations? What were the evaluations based on? What resources have been identified? Where are they located? How are they identified? Have any been restored? How are they restored? Who decides what habitats to restore and how to restore them? How are they managed? Who manages them? Who pays for management?

I-26-88

#### F. "Monitoring"

1. Is there a "habitat monitoring program" in the INRMP?
  2. Has habitat monitoring been incorporated into future County planning efforts "so as to more effectively conserve and restore important habitat?"
  3. Has there been any "special-status species" monitoring? What species have been monitored? Where were they monitored? How were they monitored? Who monitored them? Who paid for monitoring?
  4. Has the monitoring been reported to the CNDDDB?
  5. Have the monitoring results been compiled into an annual report presented to the Board of Supervisors?
- Please include the monitoring results in the appendix of the final EIR.

I-26-89

I-26-90

I-26-91

I-26-92

I-26-93

#### G. "Public Participation"

1. How has the public participated in the development of the INRMP?
2. Have local, state, and federal agencies having jurisdiction over natural resources within the County been consulted?
3. What agencies were consulted? Where are the results of these consultations? What decisions were made?
4. How have the consultations been used or incorporated into the INRMP?

I-26-94

I-26-95

I-26-96

I-26-97

## H. "FUNDING"

- |                                                                                                                                                                                                                                           |          |
|-------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------|----------|
| 1. Has a conservation fund been developed to adequately fund the INRMP?                                                                                                                                                                   | I-26-98  |
| If there is a conservation fund, but no INRMP, what is the fund used for?                                                                                                                                                                 | I-26-99  |
| 2. Does the fund include money for habitat maintenance and restoration?                                                                                                                                                                   | I-26-100 |
| 3. What is the source of the funds?                                                                                                                                                                                                       | I-26-101 |
| 4. Have any mitigation fees been paid into a conservation fund? How much was paid? How was the cost determined? What criteria were used to determine the amount to be paid?                                                               | I-26-102 |
| 5. What were mitigation fees used for?                                                                                                                                                                                                    | I-26-103 |
| 6. What has the Conservation Fund been used for? What criteria are used to determine how the fund is used?                                                                                                                                | I-26-104 |
| 7. Have any grants been applied for or obtained? How much was attained? What was it used for?                                                                                                                                             | I-26-105 |
| 8. Is there any money set aside in the general fund to provide funding for the requirements in the INRMP?                                                                                                                                 | I-26-106 |
| 9. How much money is set aside? If none is set aside, why not?                                                                                                                                                                            | I-26-107 |
| 10. How much money is in the Conservation Fund?                                                                                                                                                                                           | I-26-108 |
| 11. How much of the fund has been used for meeting the requirements of the INRMP?                                                                                                                                                         | I-26-109 |
| 12. How has the fund been used?                                                                                                                                                                                                           | I-26-110 |
| 13. Where have funds been used?                                                                                                                                                                                                           | I-26-111 |
| 14. Have any project developers been required to pay for all mitigations needed because of their project? Which developers have paid? How much has been paid? Which projects were mitigated? Were they fully mitigated?                   | I-26-112 |
| 15. Are funds set aside for continued maintenance, management, and restoration of habitats that are part of the INRMP?                                                                                                                    | I-26-113 |
| 16. Have any INRMP annual reports been created? Where are those reports? How have they been used?                                                                                                                                         | I-26-114 |
| 17. How can development continue without all the promised mitigation measures in place?                                                                                                                                                   | I-26-115 |
| 18. How can one trust a document (and the creators of that document) stating that a mitigation measure will be in place within five years of the General Plan going into effect, then not actually have that mitigation measure in place? | I-26-116 |
| 19. Since development has continued over the years that the INRMP was supposed to be in place, how were impacts that would have been lessened by the INRMP been mitigated?                                                                | I-26-117 |
| 20. How much damage to biological resources has already occurred because                                                                                                                                                                  |          |

the INRMP has not been in place as required? How is that damage quantified? | I-26-118

21. How will you mitigate for biological resource degradation that has occurred because the INRMP has not been in place? | I-26-119

The environmental mitigations should be in place BEFORE development is allowed, not AFTER.

22. Have wildlife corridors and habitat continuity be destroyed during the time that the INRMP was supposed to be in place, but was not? What corridors were interrupted? What habitat continuity was disrupted? | I-26-120

23. Has this disruption caused irreparable harm to these corridors and habitat continuity? | I-26-121

24. How can you mitigate after the fact for loss of or damage to irreplaceable wildlife habitat? | I-26-122

M. MITIGATION MEASURES

Most of the mitigation measures proposed do nothing but leave the impacts in the hands and discretion of future planners and future policies. Mysteriously, future codes and zoning and regulations are supposed to fully mitigate for extreme actions like development on grades steeper than 30 percent. There is absolutely no guarantee that this is a mitigation, let alone an adequate mitigation. Mitigations should be specific and specifically stated so that they can be evaluated on their merit, not left vague and up to nebulous future practices. There is no way to evaluate whether this is adequate or appropriate mitigation. | I-26-123

N. COMMENTS

Overall, this proposal and this DEIR are a flimsy attempt to increase density, allow mixed uses, and lower mitigation requirements to the detriment of the citizens of El Dorado County and its environment and rural character. | I-26-124

 my comments on DEIR.wps  
99K



## Responses to Letter I-26

### I-26-1

Please see Master Response 10: Format of the EIR.

### I-26-2

Please see Master Response 2: Relationship of the TGPA/ZOU EIR to the 2004 General Plan EIR and 2004 Impact Analysis. The baseline for the TGPA/ZOU EIR's analyses is existing conditions, in accordance with State CEQA Guidelines Section 15125 which states that: "[the] environmental setting will normally constitute the baseline physical conditions by which a lead agency determines when an impact is significant." The DEIR examines the potential impacts of the TGPA/ZOU in comparison to existing conditions.

### I-26-3

Please see Master Response 10: Format of the EIR and Master Response 4: Scope of the Project. for a response to this comment.

### I-26-4

The County has applied the same significance criteria used in the 2004 General Plan EIR so that the analyses will remain consistent across both EIRs. The issues of riparian habitat and wetlands were considered under the following significance criterion: "Result in the removal, degradation, and fragmentation of sensitive habitats." This is evidenced by the inclusion of General Plan policies relevant to riparian areas and wetlands in the regulatory setting of Section 3.4, Biological Resources, and discussion of the riparian setbacks proposed as part of the ZOU. In addition, the special-status species listed in the environmental setting include riparian and wetland species (e.g., pondweeds and rushes).

Keep in mind that this is a program EIR. , there are no site-specific projects being proposed, and therefore the analysis will be at a general level. Please see also Master Response 1: Specificity of Environmental Review.

Appendix G of the State CEQA Guidelines is a sample checklist. As State CEQA Guidelines Section 15063(f) states, the checklist "is only suggested, and public agencies are free to devise their own format for an initial study." The County has the discretion to develop its own thresholds of significance. (Rominger v. County of Colusa [2014] 229 Cal.App.4th 690)

### I-26-5

Riparian habitat and wetland were considered under the significance criterion discussed in response to comment I-26-4.

### I-26-6

No studies are necessary in order to determine that the County's significance thresholds are "as effective in protecting the environment" as Appendix G. Appendix G is a sample checklist and there

is no presumption that its significance criteria are particularly effective in protecting the environment in every situation.

**I-26-7**

Please see response to comment I-26-4.

**I-26-8**

The comment relates to the commenter's opinion on the advisability of one or more of the policies or regulations being proposed as part of the TGPA/ZOU project. It does not address the adequacy of the DEIR or other environmentally related topic. State CEQA Guidelines Section 15132(d) requires the FEIR to contain "[t]he responses of the Lead Agency to significant environmental points raised in the review and consultation process." The comment is not on a significant environmental point, and therefore no response is necessary.

**I-26-9**

No studies were done, and none are necessary, to prove that the only way to achieve the goals of the TGPA is the proposed changes. The project objectives are not the subject of environmental analysis. Alternatives that address environmental impacts are evaluated in the EIR.

**I-26-10**

No studies were done, and none are necessary, to determine more environmentally friendly ways to achieve the same goals. The range of alternatives evaluated in the EIR are potentially feasible and meet the project objectives and reduce the impacts of the project.

**I-26-11**

The questions relating to jobs are economic policy issues that are the responsibility of the County's Board of Supervisors to consider. They are not related to a physical change in the environment. Please see also Master Response 4: Scope of the Project regarding the scope of this project. The remainder of the comment relates to the commenter's opinion on the advisability of one or more of the policies or regulations being proposed as part of the TGPA/ZOU project. It does not address the adequacy of the DEIR or other environmentally related topic. State CEQA Guidelines Section 15132(d) requires the FEIR to contain "[t]he responses of the Lead Agency to significant environmental points raised in the review and consultation process." The comment is not on a significant environmental point, and therefore no response is necessary.

**I-26-12**

The proposed changes do not guarantee development of moderate-income housing. Their purpose is to enable such development to occur by providing the necessary zoning. Moderate-income is defined in the General Plan Housing Element as over 80 percent, but not more than 120 percent of the County annual median income. For a moderate-income family of four, the maximum income is \$91,300, as shown on Table HO-12 of the Housing Element.

The requested discussion of "how each change will provide for more moderate income housing" and request for detailed information on how the proposed changes were developed is related to the

selection of the proposed policies. It is not related to the adequacy of the DEIR that is examining the potential impacts of those policies. No response is necessary.

### **I-26-13**

County staff prepared planning evaluations and zoning studies and presented them to the Planning Commission and Board of Supervisors in preparation of the TGPA and ZOU. All of this information was presented in public meetings and hearings before the Planning Commission and Board of Supervisors and, as a matter of public record, is available on the County's website for review. Alternatives and mitigation are considered in the DEIR.

The TGPA/ZOU EIR analyzes and discloses the potential impacts of the project being proposed. It does not and is not required to study the process by which the Board of Supervisors selected the objectives underlying the project or the specific policies and regulations being proposed as part of the project. The remainder of the comment relates to the commenter's opinion on the advisability of one or more of the policies or regulations being proposed as part of the TGPA/ZOU project. It does not address the adequacy of the DEIR or other environmentally related topic. State CEQA Guidelines Section 15132(d) requires the FEIR to contain "[t]he responses of the Lead Agency to significant environmental points raised in the review and consultation process." The comment is not on a significant environmental point, and therefore no response is necessary.

### **I-26-14**

Please see the response to comment I-26-13. The project objectives stated in the TGPA/ZOU EIR are taken from the Notices of Intent adopted by the Board of Supervisors when they formally initiated the TGPA and ZOU process. The Board of Supervisors has selected these on the basis of recommendations by the County Economic Development Advisory Committee, extensive public workshops conducted by County staff, and after public discussions by the Board of Supervisors. The remainder of the comment relates to the commenter's opinion on the advisability of one or more of the policies or regulations being proposed as part of the TGPA/ZOU project. It does not address the adequacy of the DEIR or other environmentally related topic. State CEQA Guidelines Section 15132(d) requires the FEIR to contain "[t]he responses of the Lead Agency to significant environmental points raised in the review and consultation process." The comment is not on a significant environmental point, and therefore no response is necessary.

### **I-26-15**

Please see the responses to comments I-16-14 and I-26-13. The project is the culmination of a long period of development during which many individual components were considered. The selected components comprise the TGPA and ZOU. As required by CEQA, the TGPA/ZOU EIR analyzes the project that is being proposed. It is not required to analyze the many combinations of components that were not selected for inclusion in the project. The remainder of the comment relates to the commenter's opinion on the advisability of one or more of the policies or regulations being proposed as part of the TGPA/ZOU project. It does not address the adequacy of the DEIR or other environmentally related topic. State CEQA Guidelines Section 15132(d) requires the FEIR to contain "[t]he responses of the Lead Agency to significant environmental points raised in the review and consultation process." The comment is not on a significant environmental point, and therefore no response is necessary.

Alternatives are located in Chapter 4 of the DEIR.

**I-26-16**

The proposed Zoning Ordinance updates are evaluated against the CEQA thresholds checklist as adapted in the 2004 General Plan EIR. These thresholds are used in the present DEIR for consistency with the prior environmental analysis. The DEIR evaluates the changes against those thresholds and describes them in Chapter 3, Impact Analysis.

These overall goals of the County General Plan, which address each of the issues identified in this comment, will continue to be pursued should the TGPA and ZOU be adopted. The TGPA and ZOU do not diverge widely from the existing General Plan goals and policies. The TGPA/ZOU EIR evaluates the changes in existing levels of population and housing that would occur as a result of continued buildout under the General Plan, plus the incremental change contributed by the TGPA/ZOU when identifying whether the project would potentially result in a significant effect.

Please see also Master Response 4: Scope of the Project.

**I-26-17**

Traffic congestion is a direct result of residential, commercial, and other development that generates new vehicle trips. The County has adopted a comprehensive approach to mitigating traffic congestion under the existing General Plan's Circulation Element, the Traffic Impact Mitigation fee program, and the related Capital Improvements Program. This comprehensive approach enables the County to require new development to pay its way in the form of road improvements.

The TGPA/ZOU would not ease traffic congestion. However, the project would not amend the General Plan in such a way that the County's comprehensive approach to easing the traffic congestion resulting from new development would suffer a loss of effectiveness.

The TGPA/ZOU EIR evaluates the changes in existing levels of population and housing (i.e., existing conditions) that would occur as a result of continued buildout under the General Plan, plus the incremental change contributed by the TGPA/ZOU when identifying whether the project would potentially result in a significant effect. This approach, required because CEQA does not allow a "plan-to-plan" comparison for purposes of determining project impacts, hides the relatively small role that the TGPA would play in increasing traffic if approved. In any case, the increase in traffic would be subject to the County's comprehensive approach.

**I-26-18**

Please see Master Response 2: Relationship of the TGPA/ZOU EIR to the 2004 General Plan EIR and 2004 Impact Analysis.

**I-26-19**

The proposed Zoning Ordinance updates are evaluated against the CEQA thresholds checklist as adapted in the 2004 General Plan EIR. These thresholds are used in the present DEIR for consistency with the prior environmental analysis. The DEIR evaluates the changes against those thresholds and describes them, and any benefits, in Chapter 3, Impact Analysis. No studies were done and none are necessary for CEQA.

**I-26-20**

The selection of the goals, policies, and programs contained in the General Plan, as well as the content of the Zoning Ordinance, is the responsibility of the County's elected representatives on the Board of Supervisors. They select and adopt these measures after noticed public hearings, considering testimony received during those hearings or through other correspondence from the public, considering the recommendations of the Planning Commission, and considering the EIR prepared for the project. The Board of Supervisors will balance the potential for significant environmental impacts against the economic, legal, social, and other benefits of the project when making their final decision. Please see also the response to comment I-26-15. The remainder of the comment relates to the commenter's opinion on the advisability of one or more of the policies or regulations being proposed as part of the TGPA/ZOU project. It does not address the adequacy of the DEIR or other environmentally related topic. State CEQA Guidelines Section 15132(d) requires the FEIR to contain "[t]he responses of the Lead Agency to significant environmental points raised in the review and consultation process." The comment is not on a significant environmental point, and therefore no response is necessary.

**I-26-21**

The comment asks about the County's compliance with the State's Wetlands Conservation Policy (Executive Order W-59-93). That policy was established by a Governor's Executive Order. As such, it applies to the actions of and regulatory reviews by agencies of the State of California. It does not directly apply to the County of El Dorado, nor is it enforced by the County.

Development within the county has complied with both Federal and State policies to the extent that development projects are subject to Federal and State agency permitting. Development is also required to comply with the policies of the General Plan either through review of discretionary projects or through ministerial projects' compliance with County regulations and standards.

Please see Master Response 1: Specificity of Environmental Review regarding the specificity of environmental review for the project. Please see also Master Response 8: General Plan Policies and Mitigation regarding the County's ongoing efforts to adopt the implementation measures identified in the General Plan. This includes the proposed riparian setbacks included in the ZOU. Adoption of the setback requirements will enhance protections of wetlands and riparian areas already provided under Federal wetlands regulations (Section 404) and State Lake and Streambed Alteration Agreements.

**I-26-22**

The comment relates to the commenter's opinion on the advisability of one or more of the policies or regulations being proposed as part of the TGPA/ZOU project. It does not address the adequacy of the DEIR or other environmentally related topic. State CEQA Guidelines Section 15132(d) requires the FEIR to contain "[t]he responses of the Lead Agency to significant environmental points raised in the review and consultation process." The comment is not on a significant environmental point, and therefore no response is necessary.

**I-26-23**

Alternatives are located in Chapter 4 of the DEIR.

**I-26-24**

The comment relates to the commenter's opinion on the advisability of one or more of the policies or regulations being proposed as part of the TGPA/ZOU project. It does not address the adequacy of the DEIR or other environmentally related topic. State CEQA Guidelines Section 15132(d) requires the FEIR to contain "[t]he responses of the Lead Agency to significant environmental points raised in the review and consultation process." The comment is not on a significant environmental point, and therefore no response is necessary.

**I-26-25**

The information sought by the commenter is found in Section 3.10, Water Supply.

**I-26-26**

Section 3.10, Water Supply, discusses the future water demand and supply within EID, GDPUD, and GFCSD. Although existing residents will continue to be served, GDPUD and GFCSD do not have sufficient supplies to support future development as projected by the General Plan to the year 2035. EID does have sufficient supplies to meet demand to 2035. Based on EDCWA's 2014 Update, demand will exceed available supply in all three districts after 2035. Additional discussion of the 2014 Update was included in the Recirculated Partial DEIR.

**I-26-27**

The Recirculated Partial DEIR includes an expanded discussion of water supply in Section 3.10, Water Supply and Groundwater Use and Supply. Discharge from wastewater treatment plants is subject to strict water quality standards under permits issued to those plants by the Regional Water Quality Control Board. These standards require that the discharge avoid adverse effects on biological resources. Nonpoint discharge is regulated under Chapter 8.79, Stormwater Quality, of the County Code of Ordinances. Please also see Master Response 6: Groundwater Supply and Water Quality regarding agricultural runoff.

**I-26-28**

Growth inducing impacts are discussed in Chapter 5, Other CEQA Considerations, of the DEIR. The impact analysis in Section 3.4, Biological Resources, includes future development consistent with the existing General Plan, as it would be if the TGPA is approved.

**I-26-29**

As discussed in Chapter 5, Other CEQA Considerations, a General Plan is by its nature growth-inducing because it must plan for and accommodate future development. Additional growth will adversely affect biological resources in spite of the various protective policies and regulations. As disclosed in Section 3.4, Biological Resources, this will result in a significant unavoidable impact.

**I-26-30**

Please see Master Response 1: Specificity of Environmental Review regarding the specificity of review. In general, increased development under the General Plan as amended by the project will result in significant and unavoidable impacts on wildlife and plants. One mechanism for those

impacts is road construction; another is collisions between wildlife and vehicles leading to death or injury.

**I-26-31**

Wildlife corridors have not been mapped in detail. This detailed mapping is expected to be a component of the biological resource policies update in which the County is now engaged as a separate activity from the project. Please see Master Response 1: Specificity of Environmental Review regarding the level of specificity expected of this program EIR and Master Response 4: Scope of the Project regarding other planning activities that are being pursued separately from the TGPA/ZOU.

**I-26-32**

Please see Master Response 1: Specificity of Environmental Review regarding the level of specificity expected of this program EIR. Although site-specific impacts cannot be known at this time, sufficient information is available to make general conclusions that will allow an informed decision.

**I-26-33**

The commenter has requested information regarding the TGPA/ZOU project and is not commenting on the adequacy of the DEIR or environmentally related issues. Therefore, no response is necessary.

**I-26-34**

The proposed Mitigation Measure BIO-1a would modify Zoning Ordinance language in order to reduce the impact associated with development on slopes over 30%. The modified language matches the level of detail expected of a general plan policy.

Please see also Master Response 2: Relationship of the TGPA/ZOU EIR to the 2004 General Plan EIR and 2004 Impact Analysis regarding mitigation.

**I-26-35**

The proposed Zoning Ordinance updates are evaluated against the CEQA thresholds checklist as adapted in the 2004 General Plan EIR. These thresholds are used in the present DEIR for consistency with the prior environmental analysis. The DEIR evaluates the changes against those thresholds and describes them, and any benefits, in Chapter 3, Impact Analysis. No studies were done and none are necessary for CEQA.

**I-26-36**

One of the five goals of the TGPA is to “[p]romote and support the creation of jobs.” As discussed in the economic study prepared by BAE Urban Economics in 2013 for the TGPA/ZOU, increased job growth is dependent upon residential development.

The questions relating to jobs are economic policy issues that are the responsibility of the County’s Board of Supervisors to consider. They are not related to a physical change in the environment. Please see also Master Response 4: Scope of the Project regarding the scope of this project. The remainder of the comment relates to the commenter’s opinion on the advisability of one or more of the policies or regulations being proposed as part of the TGPA/ZOU project. It does not address the

adequacy of the DEIR or other environmentally related topic. State CEQA Guidelines Section 15132(d) requires the FEIR to contain “[t]he responses of the Lead Agency to significant environmental points raised in the review and consultation process.” The comment is not on a significant environmental point, and therefore no response is necessary.

**I-26-37**

CEQA is concerned with the potential significant adverse impacts of the project. As a result, the TGPA/ZOU EIR identifies those impacts, not any benefits that might result from the project. The remainder of the comment relates to the commenter’s opinion on the advisability of one or more of the policies or regulations being proposed as part of the TGPA/ZOU project. It does not address the adequacy of the DEIR or other environmentally related topic. State CEQA Guidelines Section 15132(d) requires the FEIR to contain “[t]he responses of the Lead Agency to significant environmental points raised in the review and consultation process.” The comment is not on a significant environmental point, and therefore no response is necessary.

**I-26-38**

The selection of the goals, policies, and programs contained in the General Plan, as well as the content of the Zoning Ordinance, is the responsibility of the County’s elected representatives on the Board of Supervisors. They select and adopt these measures after noticed public hearings, considering testimony received during those hearings or through other correspondence from the public, considering the recommendations of the Planning Commission, and considering the EIR prepared for the project. The Board of Supervisors will balance the potential for significant environmental impacts against the economic, legal, social, and other benefits of the project when making their final decision. The remainder of the comment relates to the commenter’s opinion on the advisability of one or more of the policies or regulations being proposed as part of the TGPA/ZOU project. It does not address the adequacy of the DEIR or other environmentally related topic. State CEQA Guidelines Section 15132(d) requires the FEIR to contain “[t]he responses of the Lead Agency to significant environmental points raised in the review and consultation process.” The comment is not on a significant environmental point, and therefore no response is necessary.

**I-26-39**

Please see Master Response 5: Future Development Levels under the TGPA/ZOU regarding the proposed change to limitations on development on slopes over 30%. The remainder of the comment relates to the commenter’s opinion on the advisability of one or more of the policies or regulations being proposed as part of the TGPA/ZOU project. It does not address the adequacy of the DEIR or other environmentally related topic. State CEQA Guidelines Section 15132(d) requires the FEIR to contain “[t]he responses of the Lead Agency to significant environmental points raised in the review and consultation process.” The comment is not on a significant environmental point, and therefore no response is necessary.

**I-26-40**

No mitigation is being proposed. The DEIR states that applying the General Plan’s own Policy 7.4.1.6 to projects in –PD areas would avoid significant impacts. This is because –PD actions are discretionary projects, discretionary projects are subject to compliance with Policy 7.4.1.6, and the policy will therefore be enforced through conditions of approval on the project.



**I-26-41 through I-26-43**

These comments relate to the commenter's opinion on the advisability of one or more of the policies or regulations being proposed as part of the TGPA/ZOU project. They do not address the adequacy of the DEIR or other environmentally related topic. State CEQA Guidelines Section 15132(d) requires the FEIR to contain "[t]he responses of the Lead Agency to significant environmental points raised in the review and consultation process." The comments are not on a significant environmental point, and therefore no response is necessary.

**I-26-44**

The referenced revision is intended to eliminate redundant language. Retaining the open space "in a natural condition" is essentially the same as retaining it for habitat use because habitat is made up of natural conditions.

**I-26-45**

The comment relates to the commenter's opinion on the advisability of one or more of the policies or regulations being proposed as part of the TGPA/ZOU project. It does not address the adequacy of the DEIR or other environmentally related topic. State CEQA Guidelines Section 15132(d) requires the FEIR to contain "[t]he responses of the Lead Agency to significant environmental points raised in the review and consultation process." The comment is not on a significant environmental point, and therefore no response is necessary.

**I-26-46**

Please see the response to comment I-26-38.

**I-26-47**

The purpose for this amendment is set out in the EIR objectives: "[e]xpand allowed uses in the agricultural and rural land zones to provide opportunities for agricultural support, recreation, and rural commerce." The remainder of the comment relates to the commenter's opinion on the advisability of one or more of the policies or regulations being proposed as part of the TGPA/ZOU project. It does not address the adequacy of the DEIR or other environmentally related topic. State CEQA Guidelines Section 15132(d) requires the FEIR to contain "[t]he responses of the Lead Agency to significant environmental points raised in the review and consultation process." The comment is not on a significant environmental point, and therefore no response is necessary.

**I-26-48 through I-26-51**

These comments relate to the commenter's opinion on the advisability of one or more of the policies or regulations being proposed as part of the TGPA/ZOU project. They do not address the adequacy of the DEIR or other environmentally related topic. State CEQA Guidelines Section 15132(d) requires the FEIR to contain "[t]he responses of the Lead Agency to significant environmental points raised in the review and consultation process." The comments are not on a significant environmental point, and therefore no response is necessary.

**I-26-52**

The commenter is expressing his/her opinion that agriculture “is exempt from so many of the mitigations proposed,” and the commenter provides two examples from the 2004 El Dorado County General Plan (Policies 7.3.3.4 and 7.4.4.4). Policy 7.4.4.4. is not part of the proposed project, and therefore the comment, as it pertains to this policy, is not related to the environmental impacts of the proposed project, and no response is necessary. Further, it is not clear what mitigation the commenter is referring to. The proposed riparian/wetland setback and exemptions (ZOU Section 17.30.030.G) under the proposed project would be more protective of the environment than the current regulatory environment. The ZOU includes a number of exceptions to the setback requirements, including native landscaping, fencing; access roads or driveways, utilities, storm drains, trails and passive recreational activities not requiring a structure, boat ramps and docks, construction and maintenance of bridges and drainage facilities, and agricultural activities that utilize County BMPs ([http://edcgov.us/Government/Ag/Ag\\_Grading\\_Permits\\_and\\_BMP\\_s.aspx](http://edcgov.us/Government/Ag/Ag_Grading_Permits_and_BMP_s.aspx)). These BMPs are intended to prevent and minimize impacts on the environment.

**I-26-53**

The commenter is expressing his/her opinion that agriculture “is exempt from so many of the mitigations proposed”; however, it is not clear what “mitigations” the commenter is referring to, although Policies 7.3.3.4 and 7.4.4.4 were provided. The commenter correctly indicates that over 17,000 acres would be added to Agricultural District boundaries. However, s/he states that if that land is used for agricultural purposes it is “exempt from mitigating for environmental impacts.” This is the commenter’s opinion, and s/he makes no reference to any specific environmental impacts nor the TGPA/ZOU DEIR impact analysis. In Section 3.4, Biological Resources, of the TGPA/ZOU DEIR, the impact analysis indicates that land conversion data from the FMMP for the three most recent reporting periods indicate that the amount of Other land converted to Agricultural was far outweighed by the amount of Agricultural land that converted to Other lands. The Other land category is not limited to wild land habitats as it also includes rural residential uses. Agricultural land that has been converted to Other land most probably became rural residential or other non-wild land land-use type. A certain amount of wild land habitat is being converted to agricultural use, but the amount is small, as shown in Table 3.4-4. Further, the TGPA’s revisions to the Agricultural Districts expand the amount of land identified as being key to the county’s agricultural economy. This does not otherwise change the existing land use designations and would not lead to fragmentation of habitat. The process of identifying the land that was added to the Agricultural Districts focused on land with agricultural value, not wild land habitats. And, inclusion in the Agricultural District boundaries does not require or impel a land owner to begin new agricultural activities on their land.

**I-26-54**

Please see response to comment I-26-53.

**I-26-55**

The comment does not does not raise any issues related to the TGPA/ZOU DEIR. Therefore, no response is necessary.

**I-26-56**

Please see Master Response 2: Relationship of the TGPA/ZOU EIR to the 2004 General Plan EIR and 2004 Impact Analysis and Master Response 8: General Plan Policies and Mitigation regarding mitigation. In general, the comment does not does not raise any issues related to the TGPA/ZOU DEIR. Therefore, no further response is necessary.

**I-26-57**

Please see Master Response 2: Relationship of the TGPA/ZOU EIR to the 2004 General Plan EIR and 2004 Impact Analysis and Master Response 8: General Plan Policies and Mitigation regarding mitigation.

**I-26-58**

Please see Master Response 8: General Plan Policies and Mitigation regarding mitigation.

**I-26-59**

Please see Master Response 8: General Plan Policies and Mitigation regarding mitigation.

**I-26-60**

The mitigation is proposed to be revisions to certain of the proposed amendments and ordinance sections. Those will be implemented and enforced by the County through permit requirements. They are financed through the general fund of the County. The County's code enforcement officers enforce the requirements. Also, please see Master Response 8: General Plan Policies and Mitigation regarding mitigation.

**I-26-61**

The mitigation is proposed to be revisions to certain of the proposed amendments and ordinance sections. Those will be implemented and enforced by the County through permit requirements. They are financed through the general fund of the County. The County's code enforcement officers enforce the requirements. Also, please see Master Response 8: General Plan Policies and Mitigation regarding mitigation.

**I-26-62**

The mitigation measures identified in the DEIR amend or add provisions to the County General Plan or Zoning Ordinance. These will be enforced on individual development projects and do not require additional funding by the County.

**I-26-63**

The mitigation measures identified in the TGPA/ZOU DEIR are intended to reduce or avoid significant impacts on the environment. These mitigation measures are not merely "guidelines." Mitigation measures must be fully enforceable through permit conditions, agreements, or other legally binding instruments. In the case of the adoption of a plan, policy, regulation, or other public project, mitigation measures can be incorporated into the plan, policy, regulation, or project design

(California Code of Regulations Title 14, Section 15126.4). Please see also Master Response 8: General Plan Policies and Mitigation.

**I-26-64**

Please see response to comment I-26-65.

**I-26-65**

Comments I-26-64 through I-26-122 relate to the INRMP that was to be prepared pursuant to General Plan Policy 7.2.4.8. The County began work on the INRMP, including extensive studies of plant and wildlife habitat and movement corridors, but did not complete the plan. The responses to comments I-26-64 through I-26-122 are provided for general information. However, the County is undertaking a biological resources policy update separately from the TGPA/ZOU, and the comments are more pertinent to that effort and its prospective EIR than to the TGPA/ZOU EIR.

In April 2008, the Board of Supervisors adopted the INRMP "Initial Inventory Map" identifying at a county level various habitats including those for special-status species, aquatic environments, wetland and riparian species, deer, California red-legged frog, pine hill rare plants, biological corridors, and valley oak woodlands. In June 2010, the Board accepted the Updated INRMP Initial Inventory and Mapping Report (as well as both the Indicator Species Report and the Wildlife Movement and Corridor Report). However, the INRMP has never been completed, nor has it been adopted by the Board.

The past inventories have been prepared by biological consultants hired by the County. Please see the response to comment I-26-101 for a discussion of current work being undertaken by the Dudek consulting firm.

The County's Design Review process applicable to multifamily, commercial, and industrial projects in Cameron Park, El Dorado Hills, Meyers Community Plan Area, Pollock Pines, projects adjacent to State Highways, and other areas where the Design Control (DC) overlay district has been applied (R2-DC, CP-DC, etc.) requires consideration of biological resources on the site. This includes review of the inventory map.

**I-26-66**

Areas for the inventory are chosen based on their environmental value because the purpose of the inventory is to identify areas of environmental value. Areas for inventory will comply with the policies of the General Plan.

**I-26-67**

The inventory will be paid for from the County's general fund.

**I-26-68**

The inventory is updated by the County through the work of the environmental consultants that it has engaged. Updates occur as budget and staffing allow, with the knowledge that the inventory must be updated on a regular basis.

**I-26-69**

The purpose of the biological resources inventory is to guide future decision making and development. Please see also the response to comment I-26-101.

**I-26-70**

No strategy of this type has been adopted. Therefore, none of the provisions in subdivisions (B), (D), and (E) of Policy 7.4.2.8 have been accomplished, nor has a conservation fund been established pursuant to subdivision (H).

**I-26-71 through I-26-76**

Please see response to comment I-26-70.

**I-26-77**

The County has not established a program of this type, except for the program related to gabbro-dependent plant species.

**I-26-78**

Please see response to comment I-26-77.

**I-26-79**

The County has not established mitigation banks.

**I-26-80**

The County does not maintain a list of potential mitigation options. Projects that are subject to CEQA analysis, Federal or State wetlands permitting, or a State stream and lakebed alteration agreement are required to mitigate their impacts on biological resources. Biological surveys are performed on a project-by-project basis to satisfy those requirements.

**I-26-81**

The INRMP described in General Plan Policy 7.4.2.8 has never been completed, nor has it been adopted by the Board. As a result, no incentives of the type described in the comment have been adopted by the County.

**I-26-82**

The County has not established mitigation banks.

**I-26-83**

The County has not established mitigation banks.

**I-26-84**

The INRMP described in General Plan Policy 7.4.2.8 has never been completed, nor has it been adopted by the Board. As a result, no habitat acquisition program of the type described in the comment has been implemented by the County.

**I-26-85**

Please see response to comment I-26-84.

**I-26-86**

Please see response to comment I-26-84.

**I-26-87**

The INRMP described in General Plan Policy 7.4.2.8 has never been completed, nor has it been adopted by the Board. As a result, no evaluations of the type described in the comment have been prepared by the County.

**I-26-88**

The INRMP described in General Plan Policy 7.4.2.8 has never been completed, nor has it been adopted by the Board. No evaluations of the type described in the comment have been prepared by the County. Therefore, there can be no response to this comment.

**I-26-89**

The INRMP described in General Plan Policy 7.4.2.8 has never been completed, nor has it been adopted by the Board. Since it has not been adopted, it does not contain a habitat monitoring program.

**I-26-90**

Please see the response to comment I-26-89.

**I-26-91**

The County does not monitor special-status species.

**I-26-92**

The California Natural Diversity Database (CNDDDB) is a program of the CDFW. Its primary function is to collect and disseminate data on the status and locations of special-status species, including rare and endangered plants, animals, and vegetation types. Data is collected from biological surveys where a member of a special-status species has been found on the survey site. Because the INRMP has not been adopted, no data is being contributed to the CNDDDB from INRMP monitoring. Other biological surveys contribute to the CNDDDB when special-status species are encountered.

**I-26-93**

No monitoring report has been presented to the Board of Supervisors.

**I-26-94**

Development of the INRMP is not being actively pursued at this time. While it was under development, public input was solicited through the active involvement of the Plant and Wildlife Technical Advisory Committee (PAWTAC) and the INRMP Stakeholders Advisory Committee (ISAC) in the drafting of the INRMP. In addition, the Board of Supervisors held numerous public meetings related to the INRMP from 2006 to 2011.

**I-26-95**

Local, State, and Federal agencies were consulted during the work on the draft INRMP.

**I-26-96**

Agency consultations during work on the INRMP consisted of informal consultations (formal consultation implies consultation for purposes of obtaining an incidental take permit from State or Federal wildlife agencies, and no such permit is part of the INRMP) and participation. The PAWTAC included representatives of the USFWS, California Department of Fish and Game (now CDFW), and U.C. Cooperative Extension. The PAWTAC contributed to the drafting of the reports developed during work on the INRMP. Please see also response to comment I-26-101.

**I-26-97**

Please see response to comment I-26-96.

**I-26-98**

No INRMP has been adopted, and, absent an EIR for the conservation fund, no fund has been established or fees assessed.

**I-26-99**

Please see response to comment I-26-98.

**I-26-100**

This question is not related to the project, which is the TGPA/ZOU. The INRMP or biological resources policies update is a separate project and is not the subject of this EIR.

**I-26-101**

General Plan Policy 7.4.2.8 requires the County to prepare the INRMP within 5 years of General Plan adoption. The intent of the INRMP is to mitigate impacts from General Plan implementation on biological resources. Beginning in September 2006, the County worked to implement Policy 7.4.2.8 by retaining consultants to conduct a public workshop process, preparing a work program for development of the INRMP, retaining consultants to prepare the INRMP, and convening two advisory committees—the ISAC and the PAWTAC. The purpose of the ISAC was to provide recommendations to County staff, the Planning Commission, and the Board of Supervisors in defining the important habitats of the County and in the creation and implementation of the INRMP. The PAWTAC was a committee that advised the Commission and Board on plant and wildlife issues and is formed of local experts in the field. County staff also reviewed and updated the Initial

Inventory based on newer and more accurate geographic information systems (GIS) layers, inventoried existing regulatory constraints related to important habitat, prepared a Protected Lands Map, and compared the Initial Inventory and Protected Lands maps with the County's Land Use designations. In 2008, the Board directed that the boundary of the Study Area for the INRMP was set at the 4,000-foot contour.

In April 2008, the Board adopted the INRMP Initial Inventory and Mapping, satisfying the requirements of General Plan Measure CO-M (the Habitat Inventory). At that time, County staff, the ISAC, and the PAWTAC requested direction from the Board regarding goals and objectives for implementing Phase II of the INRMP (development of a habitat protection strategy and associated CEQA documentation). Phase II has not yet been implemented.

Following months of input from the ISAC and PAWTAC, a consultant was retained by the County in December 2009 to prepare Phase I of the INRMP. Between December 2009 and 2011, the ISAC and PAWTAC discussed several issues that would influence the INRMP, including:

- INRMP goals, purpose, and objectives, including how it could fully mitigate cumulative impacts for future development projects.
- The level of CEQA review that would be necessary to support adoption of the INRMP.
- The degree to which the INRMP should apply to ministerial (building permit) projects.
- The ability of future developers to rely on the INRMP for demonstrating that project-specific impacts on biological resources have been avoided or mitigated, thus minimizing the need for project-specific EIRs.
- Protection of wildlife migration corridors, locations for new wildlife crossings.
- Ordinances, including riparian setbacks sufficient to protect wildlife use of riparian habitat.
- Conformance of the important biological corridor overlay to the INRMP mapping of important habitat and to the habitat preservation and management program.
- How to structure mitigation fees to ensure they are commensurate with the level of impact, they account for indirect and cumulative impacts (in addition to direct impacts), and that they include incentives, dis-incentives, and other provisions for protection of important habitats.
- Ordinances regarding fencing types in areas of important habitat and ordinances regarding limitations on types of activities in areas of important habitat.
- Considerations for prioritizing habitat acquisition and whether to identify priority conservation areas (for habitats other than oak woodlands) in the INRMP.
- Whether to refine the mapping of large expanses of native vegetation by considering species-specific habitat requirements, which would then influence conservation strategies and potential mitigation.
- Which strategies to implement in the Habitat Protection section, including ordinances, land use regulations, payment for ecosystem services (for example, offering conservation payments to agricultural land owners to encourage best management practices), stewardship training and education programs, acquisition of conservation easements or land in fee title, habitat prioritization, Williamson Act, and/or consideration of wildlife movement for road and construction projects.



- Which mitigation options to employ and how to define when each should be used, including avoidance, minimization, restoration, and compensation (such as through fee title acquisition of undeveloped land or conservation easement acquisition, mitigation banks, and in-lieu fees).
- Approaches to and options for habitat acquisition, habitat management, and monitoring.
- Consideration of how fee-title acquisition would function, whether the County would acquire and manage lands or work with other agencies and organizations to hold and manage land; consideration of ways to minimize costs.
- Whether to prepare the INRMP with one of the following emphases: landscape permeability, restoration, corridor network, ecological preserve, or habitat-emphasized.

In 2010, the Board accepted the Updated INRMP Initial Inventory and Mapping and accepted both the Indicator Species Report and the Wildlife Movement and Corridor Report. However, the INRMP has never been completed, nor has it been adopted by the Board. (Dudek 2014.)

On September 24, 2012, the Board expressed its intent to amend General Plan Policies 7.4.4.4, 7.4.4.5, 7.4.5.1, 7.4.5.2, 7.4.2.8, and 7.4.2.9 and their related Implementation Measures. This action would require preparation of a separate EIR.

Per the staff report prepared for the September 2012 Board meeting, this action “would enable the Board to clarify and refine the intent and scope of all of those policies, ensure the consistency of all the related biological policies, consider changes in State law, and finally harmonize the General Plan Policies. The EIR prepared for these amendments to the Policies could provide the analysis necessary to implement the Policies, so that no additional implementation process is necessary. At the conclusion of this EIR’s analysis, the mapping of the County’s important resources would be completed, and the Board could determine what conservation measures are necessary and feasible, and how the conservation should be funded.” Presumably, given the decision in *Voices for Rural Living v. El Dorado County* (2012) 209 Cal.App.4th 1096 that overturned the CEQA document for the Oak Woodlands Management Plan, the EIR would also analyze the potential impacts of the funding program.

The report additionally clarified that “by focusing on only the biological policies and taking other policies and existing land use designations as a given, the Board can decide what resources are important, which important resources are at risk (as opposed to resources that already have protection as federal lands or through some other means), which important resources may be lost due to the land use designations, how to mitigate for those losses, and how to pay for that in a feasible way that does not conflict with other important goals and objectives of the 2004 General Plan.”

In March 2014, the Board approved a 3-year contract with the consulting firm Dudek to undertake this work. The biological resources policies update is currently in progress.

No INRMP has been adopted, and, absent an EIR for the conservation fund, no fund has been established or fees assessed. Please see also the response to comment I-26-100.

## **I-26-102**

Please see the response to comment I-26-101.

**I-26-103**

Please see the response to comment I-26-101.

**I-26-104**

The INRMP or biological policies update has not been completed. No grant funding is involved. Please see also the response to comment I-26-100.

**I-26-105**

General fund money is being used for the ongoing biological policies update. Please see also the response to comment I-26-100.

**I-26-106**

On March 11, 2014, the Board approved a \$377,100, three-year contract with the consulting firm Dudek to proceed with a comprehensive review of several General Plan policies related to biological resources. The scope of work includes a historical review of work completed to date on the INRMP and the Oak Woodlands Management Plan (OWMP).

**I-26-107 through I-26-112**

Please see the response to comment I-26-101.

**I-26-113**

No INRMP has been adopted, so no annual reports have been prepared. Please see the response to comment I-26-100.

**I-26-114**

Please see Master Response 8: General Plan Policies and Mitigation.

**I-26-115**

This is a rhetorical question about trust in the General Plan and County decision makers that cannot be answered in the context of the TGPA/ZOU EIR. Please see also Master Response 8: General Plan Policies and Mitigation.

**I-26-116**

Mitigation has proceeded on a project-by-project basis. Please see also Master Response 8: General Plan Policies and Mitigation.

**I-26-117**

The amount of damage that may have occurred, if any, has not been quantified. Note, however, that in the absence of the INRMP numerous General Plan policy requirements apply to discretionary projects. Discretionary projects are required to be reviewed for consistency with the General Plan under Policy 2.2.5.2. This ensures that policies protective of biological resources that are described under the Regulatory Setting discussion in Section 3.4.1 of the DEIR are imposed on projects. The

policy requirements would have to be met before the development project may be occupied or, in the case of a tentative tract map or proposed parcel map subdivision, before the final subdivision map is filed. Please see also Master Response 8: General Plan Policies and Mitigation.

**I-26-118**

Please see the response to comment I-26-117.

**I-26-119**

This question is not related to the project, which is the TGPA/ZOU. The TGPA/ZOU EIR bases its examination of potential impacts on existing conditions, so past degradation, if any, is considered part of the baseline. Please see the response to comment I-26-117 regarding the implementation of existing General Plan policies and Master Response 1: Specificity of Environmental Review regarding limits on the specificity of the analysis in the TGPA/ZOU EIR. The remainder of the comment relates to the commenter's opinion on the advisability of one or more of the policies or regulations being proposed as part of the TGPA/ZOU project. It does not address the adequacy of the DEIR or other environmentally related topic. State CEQA Guidelines Section 15132(d) requires the FEIR to contain "[t]he responses of the Lead Agency to significant environmental points raised in the review and consultation process." The comment is not on a significant environmental point, and therefore no response is necessary.

**I-26-120**

As discussed in Section 3.4, Biological Resources, of the DEIR, development has disrupted wildlife corridors and habitat continuity. The extent to which that may have occurred will be a subject for the biological resources update now underway. Under the best of circumstances, even with all General Plan implementation measures in place, it is reasonably foreseeable that future development will adversely affect wildlife corridors and habitat continuity.

A Wildlife Movement and Corridors Report prepared as part of developing an INRMP was accepted by the Board of Supervisors on December 7, 2010. However, the INRMP has not been completed, and the County is now reviewing its biological resources policies, as mentioned in the response to comment I-26-106.

The TGPA/ZOU DEIR assumes that this is the case and that it will continue to be the case if the project is approved. For that reason, the DEIR identifies Impacts BIO-1 (loss and fragmentation of habitat) and BIO-3 (adverse effect on wildlife movement) to be significant and unavoidable. Although this is not a parcel-specific analysis, no such analysis is necessary to allow an informed decision on the proposed TGPA policies and policy revisions, and the proposed ZOU regulations, because no site-specific development projects are proposed.

**I-26-121**

The answer to this question is unknown. Please see the response to comment I-26-120.

**I-26-122**

It may not be possible to mitigate for this loss. That is the reason the DEIR finds these impacts to be significant and unavoidable.

**I-26-123**

Please see Master Response 8: General Plan Policies and Mitigation.

**I-26-124**

Please see Master Response 1: Specificity of Environmental Review, Master Response 4: Scope of the Project, and Master Response 8: General Plan Policies and Mitigation.

## Letter I-27—Cheryl Langley



TGPA-ZOU ZOU <tgpa-zou@edcgov.us>

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## Comments on TGPA/ZOU Draft EIR

1 message

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**Langley, Cheryl@CDPR** <Cheryl.Langley@cdpr.ca.gov>  
To: "TGPA-ZOU@edcgov.us" <TGPA-ZOU@edcgov.us>

Mon, Jul 21, 2014 at 5:03 PM

Dear Ms. Purvines--

Attached are my comments on the TGPA/ZOU draft EIR. Please confirm receipt of the file (11 pages) before the July 23, 2014 deadline, if possible.

Thank you!

Cheryl Langley

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 **Biological Resources.July21.2014.docx**  
58K

**Cheryl Langley  
5010 Mother Lode Drive  
Shingle Springs, CA**

**Date:** July 21, 2014

**Subject:** Review of the TGPA/ZOU Draft Environmental Impact Report

I reviewed El Dorado County's (EDC) Targeted General Plan Amendments/Zoning Ordinance Update (TGPA/ZOU) draft Environment Impact Report (dEIR) and have the following comments.

**(1) The basic approach of the dEIR is flawed.**

**Page 3.4-21 states:** *"This DEIR analyzes whether these proposed changes...would not be reasonably foreseeable under the existing General Plan and Zoning Ordinance."*

**AND**

**Page 3.4-25 states:** *"Each of the impact discussions...first discloses the extent to which the current General Plan...has or is expected to have an impact on biological resources. The potential effects of the project on existing biological resources are then analyzed."*

**AND**

**Page 3.4-25 states:** *"The 2004 Final EIR for the General Plan modified these considerations [CEQA thresholds of significance] to reflect the character of El Dorado County. The present DEIR will use the following considerations taken from the 2004 General Plan EIR to evaluate impacts..."*

Because the dEIR takes the 2004 General Plan as a "starting point" from which to evaluate the impacts of the newly proposed TGPA/ZOU policies, the result is an inappropriate assessment of new policy impacts. To be a legally appropriate document, the dEIR must compare the outcome of the proposed policies (the project) with **existing** physical conditions; that is, courts have required that the baseline of an EIR reflect physical conditions at the **start of environmental review** (*EPIC v. County of El Dorado [1982]*).<sup>1</sup> Using conditions that were present when the General Plan (a ten-year old document) was prepared and approved is inappropriate.

**(2) Many of the mitigation programs described in the 2004 General Plan have not been implemented.**

**Page 3.4-5 states:** *"The County 2004 General Plan contains numerous goals and policies intended to conserve biological resources."*

Despite the fact that many of the mitigation measures (including *programs* intended to mitigate adverse effects of development) described in the 2004 General Plan have not been established, **the TGPA/ZOU dEIR is working under the assumption that these mitigations have been implemented and are efficacious**; this is erroneous. The dEIR should "start from scratch." It should clearly identify mitigation programs that are currently in use (and shown to be effective mitigation elements), and reestablish

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<sup>1</sup> **EPIC v County of El Dorado (1982) held:** *"The dispositive issue...is whether the requirements of CEQA are satisfied when the EIRs prepared for use in considering amendments to the county general plan compare the environmental impacts of the proposed amendments to the existing plan rather than to the existing environment. We hold that the EIRs must report on the impact of the proposed plans on the existing environment."* Discussion available at: [http://resources.ca.gov/ceqa/cases/1982/el\\_dorado\\_043082.html](http://resources.ca.gov/ceqa/cases/1982/el_dorado_043082.html)

I-27-1

I-27-2

timelines for yet to be developed programs. Mitigation measures under development need to be well researched and—to the degree possible—their efficacy established through investigation into programs implemented elsewhere in the State, and/or evaluated and recommended by research institutions, including universities and State departments with expertise in the areas of concern. **The efficacy of established and proposed programs needs to be documented and presented in the dEIR.**

I-27-3

These programs/mitigation measures **must be in place** prior to allowing TGPA/ZOU development policies to move forward (e.g., increases in zoning densities, changes to allowable activities in Agricultural Districts, etc.)

**Please provide information on the following programs/studies/ mitigation measures/strategies, databases, etc., in an appendix to the final EIR. Identify: 1) specifically how the programs, etc. function to mitigate the impacts they are designed to reduce; 2) the programs, etc. that have been established and implemented (include efficacy evaluations); 3) the programs, etc. that have not been developed, the progress made toward development, the anticipated completion date, and documentation upon which development will be based; 4) the programs, etc., that include monitoring and reporting components; 5) the timing/duration of monitoring and reporting components, if applicable; and 6) any penalties imposed (and/or project adjustments required) for noncompliance with mitigation responsibilities (short and long-term).**

- a. Integrated Natural Resources Management Plan (INRMP) (CO-M; page 3.4-13)
- b. Important Biological Corridor (-IBC) Overlay (review and update; page 3.4-13)
- c. Oak Tree Preservation Ordinance (page 3.4-11)
- d. Biological Resources Study (CO-U, A; page 3.4-14)
- e. Biological resource evaluation (if different than Biological Resources Study [d]) (page 3.4-28)
- f. Important Habitat Mitigation Program (CO-U, B; page 3.4-14)
- g. *County guidelines for off-site mitigation* of impacts to biological resources (page 3.4-14)
- h. Erosion and Sediment Control Plan (page 3.4-23)
- i. *Development standards* for hillside development (page 3.4-24)
- j. *Conservation fund* to acquire and protect important habitat (CO-U; 3.4-13)
- k. Ecological Preserve Fee Program (Policy 7.4.1.1; page 3.4-14)
- l. Zoning Ordinance's in-lieu fee option (page 3.4-14)
- m. Rare Plant Mitigation Program (page 3.4-15)
- n. Riparian/wetland setbacks and "proposed code,"(page 3.4-6 & 3.4-28)
- o. Conservation easements (page 3.4-6)
- p. Natural Resource Protection Areas (page 3.4-6)
- q. No-Net-Loss Policy (CO-U8; page 3.4-27)
- r. Species, habitat, and natural community preservation/conservation strategies (page 3.4-6)
- s. Natural Resources Management Plan Conservation Fund (If different than [j]) (page 3.4-12)
- t. State Land Conservation Act Program; describe how EDC will "provide for Open Space through local implementation" of this program (page 3.4-13)
- u. Habitat Protection Strategy (if different than [f]) (page 3.4-8)
- v. Ecological Preserve overlay (page 3.4-5)
- w. Database of important surface water features (page 3.4-6)
- x. Important Biological Resources Map (page 3.4-7)
- y. Biological Community Conservation Plans (page 3.4-7)

I-27-4



**For each of the programs that have been implemented, please provide the following documentation in an appendix to the final EIR:**

- Identify specific EDC development projects that have been required to implement mitigation programs, and identify which mitigation measures were implemented.
- Provide monitoring results from follow-up mitigation efficacy investigations, and name the specific development project(s) that were investigated.
- Identify the individual/agency/department/etc. responsible for evaluating the effectiveness of mitigation, and provide their credentials (relative to evaluating mitigation of environmental impacts).
- Provide documentation on specific (named) projects from which mitigation fees have been collected, identify the program under which they were collected, quantify the amounts collected, and what the fees were used for.

I-27-5

**Please explain the following statements (A) and (B):**

**(A)** *“Mitigation to ensure no net loss of important habitat would be developed, but there are no current assurances that implementation of such mitigation would be required by the County.”*  
(page 3.4-26)

I-27-6

**(B)** *“There are no habitat conservation plans or natural community conservation plans in El Dorado County (U.S. Fish and Wildlife Service 2013; California Department of Fish and Wildlife 2013). Therefore, [there would be no] conflict with any such plan and there would be no impact.”*  
(page 3.6-9)

I-27-7

- Is it likely the “lack of mitigation enforcement” eluded to in **(A)** would also apply to any or all of the proposed biological resources mitigation measures listed in **(2)** above? If so, under what circumstances?
- Does the statement “[t]here are no habitat conservation plans...in El Dorado County” **(B)** mean the conservation strategies and plans, conservation easements, etc., identified on page 3.4-6 are null and void?

**(3) The mitigation proposals presented in the dEIR are “hollow.”**

While many of the mitigation proposals presented in the dEIR sound well established, closer inspection yields a different picture. For example, tracing the thread of discussion on development of hillsides  $\geq 30\%$  yields the following information.

**Page 3.4-33: Mitigation Measure BIO-1a: Limit the relaxation of hillside development standards**

*Revise proposed Policy 7.1.2.1 and Section 17.30.060, subsections C and D, as follows.*

*Development or disturbance of slopes over 30% **shall be restricted**. Standards for implementation of this policy, including but not limited to a **prohibition on development or disturbance where special-status species habitat is present and exceptions for access, reasonable use of the parcel, and agricultural uses shall be incorporated into the Zoning Ordinance.***

*Section 17.30.060, subsection C. Development Standards applicable to slopes 30 percent or greater.*

I-27-8

Development shall be **prohibited** where ground disturbance would adversely affect important habitat through conversion or fragmentation and shall comply with the provisions of General Plan Policy 7.4.1.6 regarding **avoidance of important habitats**. In order to demonstrate that adverse effects on important habitat will be avoided, **the development proponent shall submit an independent *Biological Resources Study, to be prepared by a qualified biologist*, which examines the site for important habitat consistent with General Plan Implementation Measure *CO-U*.**

I-27-9

**Reviewer Comments on this portion of the mitigation proposal:**

- Mitigation is described in broad terms, such as “*shall be restricted.*” This does nothing to identify how activities will actually be “restricted.”
- “*Avoidance*” is not quantified or defined.
- “*Important habitats*” is not defined. (According to the 2004 General Plan, “important habitats” will not be defined until the INRMP is developed.)
- The term “*prohibited*”—in this context—is narrowly defined; special-status species is a high bar, and exceptions (“*reasonable use of parcel,*” “*agricultural uses,*” etc.) are included even in the presence of special-status species. (Who decides what “reasonable use” is?)
- The fact that the development proponent is responsible for hiring the biologist that performs the Biological Resources Study is problematic. The question of the potential “bias” of a report prepared by an individual hired by the developer to evaluate the developer’s project will always loom large.
- Biological Resources Studies have not been performed, and the criteria for these studies have not been developed. Furthermore, it is not known *when* study criteria will be developed, or how effective the studies will be in evaluating project impacts. Because the studies will be performed by different biologists who are not required to consult with independent experts or with agencies with expertise in environmental issues (such as riparian/steam protection, wildlife requirements, etc.), the studies are likely to be inconsistent, and highly dependent upon the relative expertise of each biologist.

I-27-10

I-27-11

I-27-12

I-27-13

I-27-14

I-27-15

Again, following the thread to General Plan Policy 7.4.1.6. Page 144 of the 2004 General Plan states:

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*).

I-27-16

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 INRMP**.

**Reviewer Comments on this portion of the mitigation proposal:**

- “*Avoidance*” is once again not defined.
- “*Important habitats*” is not defined.

- The term “reasonably feasible” is a red flag for “wiggle room.” (Who determines what is “reasonably feasible”?) Without pre-determined mitigation standards, “reasonably feasible” is purely subjective. I-27-17
- How do you “fully mitigate” something where “avoidance is not possible”? (How is this accomplished, and who determines how to accomplish mitigation?) “Full mitigation” would require that the site be left undisturbed. I-27-18
- The Integrated Natural Resources Management Plan (INRMP) has not been established. According to the 2004 General Plan, it was to be developed within five years of General Plan approval (page 146, 2004 General Plan). Because the plan has not come to fruition, EDC’s mitigation program for “...effective habitat preservation and management” remains undefined. I-27-19
- The Plant and Wildlife Technical Advisory Committee—to be established under the INRPM—is described as a Committee that “...**should** be formed of local experts, including agricultural, fire protection, and forestry representatives, who will consult with other experts with special expertise on various plant and wildlife issues, including representatives of regulatory agencies.” What assurance is there that the Committee *will* be formed by local “experts,” or that members will consult with experts? Is it realistic to assume someone from fire protection (or agriculture or forestry, for that matter) has expertise in the area of wildlife issues? I-27-20
- Policy 7.4.2.8 and CO-M refer to the non-existent INRMP. I-27-21

Again, following the thread to General Plan mitigation measure CO-U; page 144 of the 2004 General Plan states:

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. 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.* I-27-22

**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.*

**Reviewer Comments on this portion of the mitigation proposal:**

- Because the INRMP, Biological Resources Study, and Important Habitat Mitigation Program have not been established, mitigation measure CO-U is a non-starter.

**(4) Protections for Open Space are inadequate.**

The exemptions and modifications to Open Space protections are numerous. Open space—the element that defines EDC’s rural character—is not protected under the proposed policies. “Rural character” is a finite resource; it is the unique feature that EDC has to offer both current and future residents, and

visitors to the County. The 2004 General Plan identified this attribute as worthy of protection when it states that the goal of its policies is to, “Maintain and protect the County’s natural beauty and environmental quality, vegetation, air and water quality, natural landscape features, cultural resource values, and maintain the rural character and lifestyle...” The policies proposed under this dEIR will erode Open Space protections, and change the character of EDC through the following proposals:

- exempt some development projects from the 30% open space requirement while allowing others to provide 15% in recreational/landscaped buffers and 15% in private yards;
- eliminate the provision that open space may be kept as *wildlife habitat*, instead providing that it may be maintained in a *natural condition*;
- allow development in specific areas (Community Regions and Rural Centers) and allow a lesser area of “*improved open space*;”
- provide open space off-site or by an in-lieu fee option (with actual off-site land acquisition, and acquisitions under fee program unidentified);
- provide “*exemptions and alternatives*” to open space to facilitate and encourage higher density housing developments;
- allow planned developments within Agricultural Districts to set aside open space for agricultural uses such as “*raising and grazing animals, orchards, vineyard, community gardens and crop lands*;” and
- include infrastructure, including roads, water, wastewater, drainage facilities and other utilities within Open Space Zones.

I-27-23  
Cont

**Please include in an appendix to the final EIR the following information:**

- Why—given the obvious magnitude of the Open Space policy changes—the dEIR concludes that, “...the TGPA and the related changes in the ZOU would not result in a significant environmental effect. This impact would be less than significant.”
- Explain how the in-lieu fee option works—if it has been used—and if it has been used, what funds have been collected and what they have been used for.
- Explain what is meant by “*eliminate the provision that open space **may** be kept as wildlife habitat, instead providing that it may be maintained in a natural condition.*”
- Explain how “*natural condition*” differs from “*wildlife habitat*” in the context of this new policy.
- Describe what is meant by “*improved open space.*”
- Identify where open space might be provided “off site.” Identify where this has been done in the past (if it has), where the open space is, and identify and describe what policies protect it from future development.
- Explain why infrastructure and agricultural uses (orchards, etc.) will be classified as open space.

I-27-24

**(5) Riparian/wetland setbacks for ministerial projects are too small; discretionary project setbacks remain undefined, with no minimums.**

**Page 3.4-28 states:** “**Ministerial development** would be required to be set back 25 feet from any intermittent stream, wetland or sensitive riparian habitat, or a distance of 50 feet from any perennial lake, river, or stream. All **discretionary development**... would require a **biological resource evaluation** to establish the area of avoidance and any buffers or setbacks required to reduce the impacts to a **less-than-significant level** (this would be in addition to any required CEQA analysis). Where **all impacts** are not reasonably avoided, the biological resource evaluation would be required to identify mitigation measures that **may** be employed to **reduce the significant effects**. The **proposed code** would also establish greater setbacks from specified major lakes, rivers, and creeks within the county.”

I-27-25

It is not clear from this description exactly what will be accomplished under the biological resource evaluation. The evaluation is described as a tool to identify setbacks that will reduce impacts to a “less-than-significant level,” but where *all impacts* (*less* than “less-than-significant”?) are not reasonably avoided, the evaluation would identify mitigation measures that “may” be employed to “reduce” significant effects. Then a “proposed code” is mentioned. So—what is the mitigation mechanism—the biological resource evaluation, or a yet-to-be-developed “code”?

I-27-25  
Cont

The language in the dEIR does nothing to identify what **real** protection is being established for riparian/wetland habitat under discretionary projects. Where impacts “are not reasonably avoided,” measures **may** be employed to reduce impacts, but clearly, these measures—as implied by the term “*may*”—need *not* be employed. Theoretically, EDC should have more flexibility to enforce setbacks under discretionary projects than under ministerial projects, and yet a standard has been set for ministerial projects (albeit inadequate to protect riparian/stream resources), but no setback has been established for discretionary projects.

I-27-26

Because the biological resource evaluation would be conducted by a biologist hired by the developer (with potentially as little expertise as is acquired with a BA degree in biology), it is doubtful the biologist would have the expertise necessary to effectively evaluate riparian/stream setback requirements. The biologist would need to consult with experts (research institutions, State agency personnel with field experience, etc.) to produce an effective evaluation. Consultation is crucial; effective buffers need to be based on science, not on the wishes of the developer.

I-27-27

**Please provide in an appendix to the final EIR:**

- **The scientific basis upon which riparian/stream setbacks were/will be developed (such as peer-reviewed research documents, studies from universities, reports from State agencies with expertise in riparian/stream protection).**
- **How/why the criteria for ministerial projects will differ from the setback for discretionary projects, given a hypothetically equivalent environment in each case.**
- **The criteria used to determine both the impacts/mitigations for discretionary development projects and the setback size(s) for discretionary projects.**
- **Information on the “biologist” that will perform the evaluations, including who will hire the biologist (the project developer, etc.) Include a discussion about whether an additional environmental review should be conducted post-project approval under contract with a research institution or State agency.**
- **A synopsis of what will be required in the biological resource evaluation, including whether the biologist will be required to consult with agencies with expertise in the field of riparian/stream protection, wildlife protection, etc., and be required to include information from such consultations in the report.**
- **Information on short- and long-term monitoring and reporting requirements for both ministerial and discretionary projects. (If they will be conducted, who will conduct them, and the qualifications of individuals conducting the monitoring.)**
- **Any penalties or corrective actions that will be required for violations to prescriptive mitigations, and the criteria upon which these actions will be based.**
- **Identify actions that will be taken to revise ordinances and policies if mitigation measures established in “code” are found not to be effective.**

I-27-28

**(6) The “Environmental Setting”—beginning on page 3.4-15—is cursory at best and therefore understates the rich plant/animal communities present in EDC; some “special-status species” are not listed.**

The description of EDC’s plant/animal communities woefully understates the rich diversity present in the County. This “omission” could lull some reviewers into believing there is “really not much to lose,” if we edge wildlife/wildlife habitat out as EDC “grows,” and that the multiple environmental mitigation measures cited in the dEIR are more than adequate to protect the few biological resources mentioned. This, of course, would be a serious misperception; but it is one easily deduced from the limited representation of biota in this dEIR.

To complicate matters, the list of “special-status species” is incomplete. (It needs to be clarified—if it is indeed the case—that species to be protected via environmental mitigations include more than endangered, rare, or threatened species; included are *fully protected animals*,<sup>2</sup> *special animals*,<sup>3</sup> and nesting habitat for specific species, etc.) But because this list of “special-status species is incomplete, these animals (and nesting habitats) are probably not protected, and it is doubtful protections will be applied to ensure either their survival or the protection of their habitat if they are not recognized. For instance, Table 3.4-2 does not include some “special-status species” that the reviewer knows occur in EDC:

- The list does not include two *fully protected animals* that are EDC residents, the white-tailed kite (*Elanus leucurus*) and ring-tailed cat (genus *Bassariscus*).
- Nesting colony protection<sup>4</sup> for great blue heron (*Ardea Herodias*), and snowy egret (*Egretta thula*), white-tailed kite (*Elanus leucurus*), great gray owl (*Strix nebulosa*), Nuttall’s woodpecker (*Picoides nuttalli*), and oak titmouse (*Baeolophus inornatus*) is not included.

(NOTE: This is by no means a complete list of animals/habitats that were overlooked; these are simply notes on what was easily recognized as omissions by a non-expert resident that has lived in EDC for a few years.) The fact that “fully protected” and “special animals” and their habitat requirements are not identified in the dEIR is an oversight that speaks volumes about the lack of analysis performed to establish these lists. Because this analysis has bearing on what is protected under mitigation activities, it needs to be amended/corrected by experts with appropriate credentials.

Section 15380 of the California Environmental Quality Act (CEQA) Guidelines clearly indicates that species of special concern (including “*fully protected*” and “*special animals*”) should be included in the analysis of project impacts. Sections 15063 and 15065 are particularly relevant to species of special concern. (In assigning “impact significance” to populations of non-listed species, analysts consider factors such as population-level effects, proportion of the taxon’s range affected by a project, regional effects, and impacts to habitat features.)<sup>5</sup>

<sup>2</sup> California Department of Fish and Wildlife. 2014. *Fully Protected Animals*. Available at: [https://dfg.ca.gov/wildlife/nongame/t\\_e\\_spp/fully\\_pro.html](https://dfg.ca.gov/wildlife/nongame/t_e_spp/fully_pro.html).

<sup>3</sup> Department of Fish and Game. 2011. *Special Animals*. Biogeographic Data Branch, California Natural Diversity Database. January, 2011.

<sup>4</sup> *Ibid.*

<sup>5</sup> California Department of Fish and Wildlife. 2014. *Fully Protected Animals*. Available at: [https://dfg.ca.gov/wildlife/nongame/t\\_e\\_spp/fully\\_pro.html](https://dfg.ca.gov/wildlife/nongame/t_e_spp/fully_pro.html).

**(7) Changes to agricultural zoning are not presented in an understandable manner; biological resources are not adequately protected under proposed policy changes.**

The rationale behind the changes in zoning for Agricultural Districts—including changes to the roll-out zoning of Williamson Act lands—is not described in terms that enable the reviewer to understand what is accomplished as a result of these changes, or how the changes might impact the character of EDC and its natural environment. The discussions that *are* presented are disjointed, and make getting a grasp on the picture of the change—and its associated impact—impossible.

I-27-30

The discussion on impacts to wildlife habitat as a result of agricultural expansion is equally confusing:

**Page 3.4-28 states:** *“The 2004 General Plan EIR raised the concern that “[a]gricultural expansion has the potential for far greater impacts on the extent and connectivity of habitat than residential development, as a greater area of land in larger contiguous patches is generally more greatly disturbed.” However, land conversion data from the FMMP does not support this concern. The conversion data for the three most recent reporting periods indicate that the amount of Other land converted to Agricultural was far outweighed by the amount of Agricultural land that converted to Other lands. The Other land category is not limited to wild land habitats as it also includes rural residential uses. Agricultural land that has been converted to Other land most probably became rural residential or other nonwild land land-use type. A certain amount of wild land habitat is being converted to agricultural use, but the amount is small, as shown in Table 3.4-4.”*

I-27-31

Data from the Farmland Mapping and Monitoring Program (FMMP) neither support nor refute the concern that agricultural expansion has a greater potential to impact habitat connectivity than residential development. In fact—especially in light of the type of expansion proposed in Agricultural Districts under this dEIR—agricultural expansion will have a significant impact on wildlife habitat, especially because many of the mitigation measures that apply to residential development will not apply in Agricultural Districts (e.g., disturbance of natural areas, such as riparian/stream habitats, development on slopes  $\geq 30\%$ , on-site grading, Important Biological Corridor restrictions, etc.). That is not to say the impact on wildlife habitat will be *less* in areas of residential development than in Agricultural Districts, but in truth, this argument is specious; what is the value—and meaning—of such a discussion? Is it intended to persuade the reviewer that letting Agricultural Districts “off the hook” for impacts to wildlife and wildlife habitat is an acceptable trade-off for benefits that might be gained from agricultural expansion?

This discussion is particularly odd because close examination of the data source for Table 3.4-4 makes the reviewer wonder why the author of the table chose to present those specific data. The summary table from the Department of Conservation (DOC) shows that between 2008 – 2010 EDC’s inventory of agricultural land declined by 1,742 acres, and “Other Land” (low-density residential) plus urban gained 1,513 and 75 acres, respectively, or 1,588 acres total from the ledger of agricultural land.<sup>6</sup> It is not clear why the (104 agricultural land/1,808 other land) data was used instead. In any case, it is not at all certain what this discussion (including the table) adds to the dEIR in terms of elucidating the relative impact of the expansion of agricultural land on wildlife and wildlife habitat.

I-27-32

If a discussion of relative impacts *is* to be had, it ought to include a discussion of the “addition” of 17,241 acres to Agricultural Districts, the expansion of new, allowable uses and activities in these Districts, and

I-27-33

<sup>6</sup> California Department of Conservation. *California Farmland Conversion Report*. April, 2014. <http://www.conservation.ca.gov/dlrp/fmmp/Documents/fmmp/pubs/2008-2010/fcr/FCR%200810%20complete.pdf>

exemptions from environmental protections—but it does not. This makes the data presented in the table all the more confounding. It is “information” that serves only to add volume to the report, without adding meaning and clarity.

I-27-33  
Cont

**Please include in an appendix to the final EIR:**

- A description of each of the current agricultural zones, what they will be changed to, and what this means in terms of how the land can or will be used in the future. Compare new uses to “old” uses.
- A description of why these changes are beneficial/necessary.
- Describe what it means, exactly, for Williamson Act lands to roll out into a new zoning classification as opposed to the past zoning roll-out designation for these lands (in terms of impact to agriculture, open space, wildlife habitat, etc.)
- Describe why Agricultural Districts are being allowed exemptions for disturbance of natural areas (riparian/stream habitats, etc.), development on slopes  $\geq 30\%$ , on-site grading, Important Biological Corridor restrictions, etc. Who benefits from these exemptions?
- Identify where the 17,241 acres “came from.” That is, discuss what this land was zoned prior to its inclusion in Agricultural Districts, and how this change will impact EDC’s biological resources and the viability of agriculture in EDC.

I-27-34

**(8) Enforcement of Ordinances called into question.**

A recent article in the Mountain Democrat (July 7, 2014; Chris Daley) cited a Grand Jury report that indicated the following:

...several county departments and individuals failed to protect the public from threats to the environment and to the health of local residents. The report cites the departments of Transportation and Community Development as well as the District Attorney’s Office at best for inattention and perhaps ineptitude or bowing to political pressure regarding the lack of enforcement of several county ordinances, particularly the “Grading, Erosion and Sediment Control Ordinance.”

I-27-35

This is an obvious matter of concern; if ordinances are developed but not enforced, what assurance is there that mitigation measures developed to protect wildlife and wildlife habitat under this dEIR (or in the 2004 General Plan) will be enforced?

**Please provide in an appendix to the final EIR:**

- **The EDC department responsible for overseeing and enforcing the mitigations proposed in this dEIR.**
- **Describe the staffing levels and funding of departments responsible for mitigation oversight, and include an estimate of whether it is likely they can handle their respective workload(s).**
- **Describe whether EDC staff will be responsible for overseeing and reviewing projects post-implementation to make certain they are in compliance with ordinances (including mitigation measures), or if subsequent compliance “monitoring” will be reliant upon complaints from the public (residents).**
- **Describe who will handle public “complaints” regarding mitigation violations, and to what degree EDC staff is obligated to respond to complaints from the public.**

I-27-36



**(9) This dEIR is difficult to review.**

The dEIR is disorganized and difficult to review. It is full of confusing statements, any understanding of which is undermined by the imprecise use of language, the inclusion of undefined terms, and—in too many cases—contradictory statements. It also “asks” the reviewer to take leaps of faith, to rely on claims made in the dEIR; it does not provide information upon which to reasonably evaluate project impacts and impact mitigations.

I-27-37

For instance, meaningful review is complicated by the fact that the reviewer must make an attempt to estimate project impacts to biological resources when “the experts” make no attempt to do so, stating that “[t]here is no specific development project being proposed at this time, and the number, size, and habitat value of sites to which the proposed amendments might be applied cannot be known because this will depend upon the future proposals of individual land owners” and “No specific level of future development was forecast during this analysis because there is no reasonable way to know how many of the uses allowable under the project may be approved in the future, and the locations of such uses cannot be known at this time.”(pages 3.4-29 & 30; 3.4-25)

To exacerbate difficulty of review, these nebulous accounts of development potential are often accompanied by statements of “significant and unavoidable” impacts. **Without concrete information on the magnitude of development, and the viability of mitigation programs, this “conclusion” is unsubstantiated.**

I-27-38

The reviewer is put in a similar situation (required to perform an evaluation in the absence of supporting information) when attempting to estimate the value of mitigations. In this instance, the reviewer is asked to put full faith in the efficacy of not yet developed mitigation programs. **What remains is not an impact analysis at all; it is a series of development proposals whose magnitude cannot be estimated, coupled with “mitigation measures” that—while presented as viable measures—have for the most part not been developed (and may never be developed).**

I-27-39

CEQA intends EIR documents to be easily understood by the public; that is what is prescribed. This document does not accomplish that goal.

## Responses to Letter I-27

### I-27-1

Please see Master Response 2: Relationship of the TGPA/ZOU EIR to the 2004 General Plan EIR and 2004 Impact Analysis. The TGPA/ZOU EIR uses information from the 2004 General Plan EIR to help examine the impacts that will result from development under the project. However, the TGPA/ZOU EIR does not use the land uses identified in the existing General Plan as the baseline for its impact analyses. The baseline for the TGPA/ZOU EIR's analyses is existing conditions, in accordance with State CEQA Guidelines Section 15125 which states that: "[the] environmental setting will normally constitute the baseline physical conditions by which a lead agency determines when an impact is significant." The DEIR examines the potential impacts of the TGPA/ZOU in comparison to existing conditions.

### I-27-2

Please see Master Response 8: General Plan Policies and Mitigation.

### I-27-3

There is no requirement under CEQA that mitigation measures must be scientifically researched and "their efficacy established through investigation into programs implemented elsewhere in the State, and/or evaluated and recommended by research institutions, including universities and State departments with expertise in the areas of concern." CEQA requires that mitigation measures be feasible. It leaves to the lead agency to identify feasible mitigation measures. Please see Master Response 8: General Plan Policies and Mitigation.

### I-27-4

The commenter lists 25 "programs/studies/mitigation measures/strategies, databases, etc." and requests that these make up an appendix to the EIR that would describe how they mitigate the potential impacts of the project, those programs that have been implemented, and other features of each. Most of the programs are components of the County General Plan that are to reduce the environmental impacts of development that may be approved under the General Plan. Please see Master Response 8: General Plan Policies and Mitigation.

Item h refers to the erosion and sediment control plan that is required as a condition of approval of development on steep slopes. It is implemented on a project-by-project basis and each plan is designed to match the specific features of its project. Item i is the proposed standards for hillside development described in Section 17.30.060 of the ZOU. The standards have not been implemented because they are proposed. The existing Zoning Ordinance's rare plant mitigation and in-lieu fee program for rare plants are referenced in items l and m. These requirements for new development are invoked when development is proposed for sites containing the specified rare plants. Item n refers to riparian/wetland setbacks. The County presently has no ordinance provisions requiring setbacks from riparian or wetland areas. These are proposed as part of the ZOU (see Section 17.30.030G). The State Land Conservation Act referenced in item t is the "Williamson Act" that offers agricultural land owners a property tax incentive to retain their land in agricultural or open space use. The County participates in the Williamson Act.

**I-27-5**

The comment does not relate to the project or the TGPA/ZOU EIR. The results of, and application of, plan policies and other programs to individual projects relate to those individual projects and not to the project at hand.

**I-27-6**

This statement is from the 2004 General Plan EIR. It is recognizing that there is a trade-off between allowing future development under the General Plan and undertaking mitigation that would fully avoid any impacts (i.e., no net loss) of such development on habitat. This is the reason that the General Plan's impact was found to be significant and unavoidable. The TGPA/ZOU EIR makes the same finding. The TGPA is a limited revision to the General Plan and retains the General Plan's trade-off between development and habitat conservation. The TGPA/ZOU EIR therefore reaches the same conclusion that Impact BIO-1 would be significant and unavoidable.

**I-27-7**

Habitat conservation plans and natural community conservation plans are terms of art that identify specific types of plans required and prepared under the Federal and State Endangered Species Acts, respectively. No large-scale habitat conservation plans and no natural community conservation plans have been adopted within El Dorado County. These terms do not apply to the policies and programs adopted as part of the El Dorado County General Plan.

**I-27-8**

The proposed mitigation measure would modify a General Plan policy in order to reduce the impact associated with development on slopes over 30%. The modified language matches the level of detail expected of a general plan policy. Please see also Master Response 2: Relationship of the TGPA/ZOU EIR to the 2004 General Plan EIR and 2004 Impact Analysis regarding mitigation.

**I-27-9**

The proposed Mitigation Measure BIO-1a would modify Zoning Ordinance language in order to reduce the impact associated with development on slopes over 30%. The modified language matches the level of detail expected of a general plan policy. Please see also Master Response 2: Relationship of the TGPA/ZOU EIR to the 2004 General Plan EIR and 2004 Impact Analysis regarding mitigation.

**I-27-10**

The comment takes this out of context. Proposed Policy 7.1.2.1 uses the phrase "shall be restricted." The proposed revision to Section 17.30.060, which would implement Policy 7.1.2.1, is specific in its language, employing the phrases "shall be prohibited" and "will be avoided." Moving from a general policy to a specific regulation is a common approach in the relationship between a general plan and zoning ordinance. Taken together, the policy and the code are clear.

**I-27-11**

"Avoid" is a specific directive and need not be separately quantified or defined in order to be understood. Avoid means to stay away from and is not in any way an ambiguous term.

**I-27-12**

The commenter is correct. “Important habitats” will be defined when the General Plan implementation measures related to biological resources are adopted. In the absence of that definition, the proposed Zoning Ordinance requirement would apply to wetlands (General Plan Objective 7.3.3 and related policies); rare, threatened, and endangered species (General Plan Objective 7.4.1 and related policies); and oak woodlands (General Plan Objective 7.4.4 and related policies) by virtue of the general plan consistency review requirement (Policy 2.2.5.2).

**I-27-13**

“Reasonable use” will be determined on a site-specific and project-specific basis by the applicable decision-making body of the County. Ultimately, if there is a question or dispute, the Board of Supervisors as the County’s elected legislative body would make this determination.

**I-27-14**

The use of professionals to determine potential impacts is widespread. For example, professionals hired by the applicant may submit information to the County for consideration as part of CEQA review. In any case, the County bears the responsibility to determine that the biologist is qualified and the information is correct. The County would be able to reject any information that it did not believe to be correct.

**I-27-15**

Biological resources assessment is defined in proposed Article 8 of the ZOU as:

An assessment prepared for a discretionary project by a qualified biologist or other professional to identify potential impacts to biological resources and to identify feasible alternatives or mitigation measures to reduce potentially significant effects.

The particular subjects for assessment depend upon the Zoning Ordinance context. Assessments would be required under proposed Section 17.30.030.G.3.e for riparian areas to establish the area of avoidance and any buffers or setbacks required to reduce the impacts to a less-than-significant level.

**I-27-16**

Please see response to comment I-27-12.

**I-27-17**

Policy 7.4.1.6 is an existing General Plan policy that is not part of the TGPA/ZOU project. When implemented, it will reduce the impacts of future development on natural resources. The phrase “reasonably feasible” is intended to provide flexibility. The instances when the requirement is not reasonably feasible will be further defined by the ordinance or other regulation that is expected to be adopted to implement Policy 7.4.1.6. Please see Master Response 2: Relationship of the TGPA/ZOU EIR to the 2004 General Plan EIR and 2004 Impact Analysis and Master Response 8: General Plan Policies and Mitigation.

**I-27-18**

Policy 7.4.1.6 is an existing General Plan policy that is not part of the TGPA/ZOU project. There are various forms of mitigation available beside avoidance. Mitigation can include rectification, through which degraded habitat would be restored either on or off of the project site, and compensation, through which offsite habitat is purchased to compensate for the loss on the project site. Compensation is commonly done through a privately operated mitigation bank approved for compensation of impacts to a particular species or habitat by the USFWS or CDFW. Rectification or compensation can provide full mitigation.

**I-27-19**

The comment is correct that the INRMP has not been prepared or adopted. Please see Master Response 8: General Plan Policies and Mitigation.

**I-27-20**

The INRMP has not been prepared or adopted. The commenter is implying that the County would not comply with the plain language of the General Plan in selecting the Technical Advisory Committee members. There is no basis for this implication, and the comment is purely speculative. No further response is necessary.

**I-27-21**

Please see Master Response 8: General Plan Policies and Mitigation.

**I-27-22**

Please see Master Response 8: General Plan Policies and Mitigation. Note that the TGPA/ZOU EIR concludes in Section 3.4, Biological Resources, that the County's planning and regulatory provisions cannot guarantee that significant effects can be avoided. This includes short-term avoidance during the period before the General Plan implementation measures are adopted. The EIR duly informs decision makers and the public that the impacts on biological resources will be significant and unavoidable.

**I-27-23**

Please see Master Response 7: General Plan and Zoning Ordinance Consistency Requirements under "determining significance" for the role of the Board of Supervisors in balancing the objectives of the General Plan to achieve internal consistency. Note that the TGPA/ZOU EIR recognizes that certain components of the project will result in impacts on the enjoyment of open space. For example, aesthetics impacts (see Section 3.1, Aesthetics), farmland conversion (see Section 3.2, Agricultural and Forestry Resources), and alteration or degradation of the County's land use character (see Section 3.6, Land Use and Planning) are identified as significant and unavoidable impacts.

**I-27-24**

The commenter takes the finding of less-than-significant impact out of context. As described in response to comment I-27-23, the TGPA/ZOU EIR finds the changes proposed by the project to be significant and unavoidable impacts on numerous resources.

The question about in-lieu fees is unclear regarding to which in-lieu fees it is referring. Assuming that this is the ecological preserve fee program, fees have been collected pursuant to existing Chapter 17.71 of the Zoning Ordinance. The fees are used to fund compensation through the Rare Plant Mitigation Program.

The meaning of the statement in Section 3.4.2 of the TGPA/ZOU EIR describing the proposed change in Policy 2.2.3.1 (i.e., “[i]t would eliminate the provision that open space may be kept as wildlife habitat, instead providing that that it may be retained in a natural condition”) is self-evident. The referenced revision is intended to eliminate redundant language. Retaining the open space “in a natural condition” is essentially the same as retaining it for habitat use because habitat relies upon natural conditions.

“Improved open space” is described in proposed Zoning Ordinance Section 17.28.050.B.2 and relates to an alternative to the common open space requirement for Planned Developments in the R1 and R20K zones. It includes open space that is improved for active recreational uses.

The comment regarding offsite open space does not appear to be pertinent to the project. The project does not include a proposal to allow open space related to planned developments to be provided off site.

Article 8 of the proposed ZOU defines “open space” as “[a]ny lot or area of land or water that is essentially unimproved and devoted to the preservation of natural resources; the managed production of resources; outdoor recreation, and/or public health and safety.” Agricultural uses fit this definition as does infrastructure related to public health and safety.

### **I-27-25**

Please see Master Response 11: Riparian Setbacks. The phrase “proposed code” refers to the ZOU.

### **I-27-26**

A set standard is not necessary to ensure protection of riparian resources. The ZOU proposes to examine setbacks for discretionary projects, and ministerial projects where riparian resources are not avoided by the standard setback, on a site-specific and project-specific basis. This will be based on a biological resources evaluation that will provide site-specific information about the riparian habitat and the area necessary for avoidance. Discretionary projects will also be subject to CEQA, providing public review of the evaluation, its conclusions, and the proposed setbacks as mitigation.

### **I-27-27**

The commenter is speculating about the qualifications of biologists that may be hired to prepare biological resources evaluations and the results of those evaluations. Because this is purely speculative, no response is necessary.

### **I-27-28**

No appendix will be provided. This is not information that is necessary to the understanding of the project impacts, to provide technical information, or as a reference to support conclusions in the TGPA/ZOU EIR.

Please see Master Response 11: Riparian Setbacks.

No monitoring would be required of ministerial permits. Discretionary permits would be subject to CEQA. If a future project requires an EIR or mitigated negative declaration, any mitigation measures would be subject to the mitigation monitoring or reporting program adopted for that project. The contents of those prospective programs would vary by project and cannot be known with any certainty at this time.

Any riparian setback code violations would be handled through the County's code enforcement program.

It is not possible to know at this time what future code changes may be proposed, if any. There are no riparian setbacks currently in the County's Zoning Ordinance and there is no past experience on which to base informed conjecture about any potential changes that may be needed.

### **I-27-29**

The FEIR includes revisions to Table 3.4-2, Special-Status Wildlife Occurring in El Dorado County, to include the cited species. The ringed-tail cat is a resident of coniferous forests in northern California. The white-tailed kite (a hovering bird of prey that are found in areas with open fields with sparse trees such as in wetlands, oak-woodlands, savannas, riparian areas, and in agricultural areas) is already listed on the table. The revision to the table amplifies the information already included in the EIR. The protections cited by the commenter are primarily the responsibility of the CDFW. No "take" of fully protected species is allowed, and no potential project would be issued an incidental take permit by CDFW if that project would result in take of a fully protected species. In addition, when a discretionary development project is considered by the County, a site-specific and project-specific analysis of the potential impact on special-status species will be required pursuant CEQA. The project will also be subject to General Plan policies. The TGPA/ZOU is a planning-level project affecting the western section of the county and cannot reasonably examine site-specific impacts. The TGPA/ZOU is not eliminating any of the policies or programs established in the General Plan for the purpose of protecting species and their habitats. These include policies applicable to wetlands (General Plan Objective 7.3.3 and related policies); rare, threatened, and endangered species (General Plan Objective 7.4.1 and related policies); and oak woodlands (General Plan Objective 7.4.4 and related policies) applied to development projects by virtue of the general plan consistency review requirement (Policy 2.2.5.2). Clearly, the level of development that could occur under the General Plan, including the TGPA and the ZOU that will implement the General Plan, would adversely affect species and habitat. For this reason, the EIR concludes the impact to be significant and unavoidable.

### **I-27-30**

In brief, the changes to the Agricultural District boundaries are intended to ensure that the Districts encompass quality agricultural land. The changes in zoning are intended to bring the Zoning Ordinance into consistency with the General Plan's policies. The County Agricultural Commissioner's office, as discussed in Section 3.2, Agricultural and Forestry Resources, of the DEIR undertook an extensive process of identifying the parcels to be placed within and those to be removed from the Agricultural Districts, pursuant to the County's express standards and subject to a public hearing process. The revisions to the Agricultural Districts were undertaken pursuant to the County's standards for evaluating agricultural parcels pursuant to General Plan Policy 8.1.1.2. Consistent with General Plan Policy 8.1.1.4, the Board adopted the Procedure for Evaluating the Suitability of Land for Agriculture that was used to analyze all proposed parcels. This was separate from the CEQA

process, and there is no requirement in CEQA for the TGPA/ZOU EIR to reiterate that process. Please see the response to comment O-1-219 regarding the changes to agricultural zoning and response to comment O-1-213 regarding the Agricultural Districts.

**I-27-31**

The proposed changes to the Agricultural District boundaries and rezoning of agricultural land consistent with the General Plan does not change actual land uses, nor does it require a landowner to change their existing land uses, either directly or indirectly. The changes simply recognize those lands that are best suited to agriculture. The reference to the FMMP is to illustrate that agricultural land is being converted to other uses. Because the term “agricultural land” includes grazing and other agricultural activities that allow passage of wildlife, this type of land use is generally less impactful on wildlife than urban or suburban development of the type that is converting agricultural land in El Dorado County. This is not to say that certain agricultural uses can have impacts on wildlife.

**I-27-32**

No expansion of agricultural land is being proposed under the TGPA/ZOU. The purpose of the table is to illustrate that the county is losing agricultural land to more intensive land uses and that agricultural land generally has less impact on wildlife than does urban or suburban development. There are changes occurring with regard to the type of crop being grown within agricultural areas. Table 3.10-5, Changes in Irrigated Crop Type 2000–2013, in the FEIR illustrates this point. During the period from 1995 to 2013, an additional 1,526 acres of agricultural land was planted in wine grapes while the net acreage devoted to tree crops decreased by 532 acres. Because viticulture removes habitat and can restrict wildlife movement it will have an impact on wildlife. However, this is considered in the EIR’s conclusion that impacts on wildlife are significant and unavoidable.

**I-27-33**

No expansion of agricultural land is being proposed under the TGPA/ZOU. Please see the response to comment O-1-219 regarding the changes to agricultural zoning and response to comment O-1-213 regarding the Agricultural Districts.

**I-27-34**

No appendix will be provided. This is not information that is necessary to the understanding of the project impacts, to provide technical information, or as a reference to support conclusions in the TGPA/ZOU EIR.

**I-27-35**

The commenter cites an article from the Mountain Democrat (July 7, 2014) and expresses concern that ordinances are not enforced and that mitigation measures intended to protect wildlife and wildlife habitat in the TGPA/ZOU DEIR or in the 2004 General Plan will be enforced. This does not relate to the environmental effects of the proposed project, and thus no response is necessary. Please see Master Response 8: General Plan Policies and Mitigation regarding mitigation measures.



**I-27-36**

No appendix will be provided. This is not information that is necessary to the understanding of the project impacts, to provide technical information, or as a reference to support conclusions in the TGPA/ZOU EIR. Please see Master Response 8: General Plan Policies and Mitigation regarding mitigation.

**I-27-37**

Please see Master Response 10: Format of the EIR.

**I-27-38**

Please see Master Response 12: Significant and Unavoidable Impacts.

**I-27-39**

Please see Master Response 2: Relationship of the TGPA/ZOU EIR to the 2004 General Plan EIR and 2004 Impact Analysis.

## Letter I-28—Cedric Twight



TGPA-ZOU ZOU <tgpa-zou@edcgov.us>

## Fwd: Comments on the Legislative Draft Land Development Code

1 message

**Shawna Purvines** <shawna.purvines@edcgov.us>  
To: TGPA-ZOU ZOU <TGPA-ZOU@edcgov.us>

Tue, Jul 22, 2014 at 8:16 AM

----- Forwarded message -----

From: **Cedric Twight** <CTwight@spi-ind.com>  
Date: Mon, Jul 21, 2014 at 5:41 PM  
Subject: Comments on the Legislative Draft Land Development Code  
To: Shawna Purvines <shawna.purvines@edcgov.us>

Shawna,

Throughout the Legislative Draft Land Development Code, Timber “Preserve” should be changed to Timber “Production.

I-28-1

The highlight below from Part B of the Legislative Draft Land Development Code conflicts with the proposed Zone Ordinance that excludes Public Utilities facilities from TPZ. Has the County reached out to the Utilities that operate in El Dorado regarding the new limitation on Public Utility Facilities? How many Public Utility facilities exist currently? Is there any expectation from the Utilities for a need to build a Public Utilities facility?

I-28-2

Page 695 of 941

**Sec. 130.14.070. Public utility distribution, transmission lines and/or facilities.**

Public utility distribution, transmission lines and/or facilities, both overhead and underground shall be allowed in all except AA zone districts; provided that the routes and site locations of the proposed transmission lines and/or facilities shall be submitted to the Planning

Commission or the Zoning Administrator for site plan review or special use permit during the preliminary planning stages and prior to the adoption of the routes and site location or acquisition of right-of-way therefor.

A. Public utility distribution, transmission lines, and/or facilities shall for the purposes of this section, mean:

1. Public utility towers and/or structures supporting power lines of 50,000 volts potential and over;
2. Trunk telephone lines, supporting structures and saucers;
3. Sewer and water lines 12 inches or more inside diameter;
4. Natural gas pipe six inches or more inside diameter;
5. Sewer and water lift stations, telephone equipment buildings, and natural gas storage and distribution facilities;

B. Public utility distribution, transmission lines and/or facilities as described in Subsection

A of this section are permitted by right without Planning Commission or Zoning Administrator review when said facilities do not exceed 15 feet more than the height limitation of the zone district and setbacks of the zone district, and do not create potential safety and health hazards to adjacent property owners, present or future.

1. Notwithstanding, in all cases where construction is proposed in an AA zone district, site plan review and approval is required.

C. Site plan review required.

1. All cases where the public utility distribution transmission lines and/or facilities exceed height limitations of the zone district as set forth in Subsection B of this section and less than 150 feet in height or do not comply with setback requirements,

# LEGISLATIVE DRAFT

Page 696 of 941

shall be subject to site plan approval before the Planning Commission or Zoning Administrator.

2. Notice of the site plan review hearing shall be provided to all property owners within 500 feet of the proposed location. Said notice shall be provided ten days prior to the scheduled hearing.

D. Special use permit required.

1. All cases where the construction of the public utility distribution transmission lines and/or facilities creates, as determined by the Planning Commission or Zoning Administrator, potential safety or health hazard to adjacent property owners, present or future, shall require a special use permit;

2. All cases where the construction of the public utility distribution, supporting structures and/or facilities exceed 150 feet in height shall require a special use permit;

3. The foregoing shall apply within the limitations of State and Federal law preemption.

-

**Shawna L. Purvines**

Principal Planner

**County of El Dorado**

Community Development Agency

Long Range Planning

2850 Fairlane Court

Placerville, CA 95667

Phone:(530) 621-5362/Fax: (530) 642-0508

[shawna.purvines@edcgov.us](mailto:shawna.purvines@edcgov.us)

[www.edcgov.us](http://www.edcgov.us)

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Thank you.

## Responses to Letter I-28

### I-28-1

The commenter recommends that “Timber Preserve” be changed to “Timber Production.” This is a comment on the proposed zoning code and is not related to the environmental effects of the proposed project, and thus no response is necessary.

### I-28-2

Please refer to Chapter 3, Impact Analysis, page 3-2 of the DEIR regarding public utilities.

## Letter I-29—Kimberly Hatch



TGPA-ZOU ZOU &lt;tgpa-zou@edcgov.us&gt;

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**Fwd: DEIR**

1 message

---

**Shawna Purvines** <shawna.purvines@edcgov.us>  
To: TGPA-ZOU ZOU <TGPA-ZOU@edcgov.us>

Tue, Jul 22, 2014 at 8:14 AM

----- Forwarded message -----

From: **Kim Hatch** <khatch1900@yahoo.com>  
Date: Mon, Jul 21, 2014 at 8:19 PM  
Subject: DEIR  
To: "shawna.purvines@edcgov.us" <shawna.purvines@edcgov.us>

Dear Ms. Purvines,

As a member of the general public in El Dorado County, I expect the Draft Environmental Impact Report (DEIR) on the county's Targeted General Plan Amendments and Zoning Ordinance Update (TGPA-ZOU) be clear and concise. Not only do I expect that from a DEIR, it is required by the California Environmental Quality Act (CEQA) law so that I can make informed decisions about its impact to my quality of life. It is unrealistic for the county to expect that this huge, 1,212-page, vaguely-written document has helped me understand the impacts of the proposed TGPA-ZOU. The DEIR does not clearly identify the tens of thousands of parcels that will be impacted by the TGPA-ZOU.

I-29-1

I am requesting that you ensure that the Final EIR will have clear and concise data and analysis so that I can understand how I will be directly and indirectly affected by the impacts of the TGPA-ZOU.

Thank you,  
Kimberly Hatch  
Shingle Springs, CA

-

**Shawna L. Purvines**  
Principal Planner

**County of El Dorado**  
Community Development Agency  
Long Range Planning  
2850 Fairlane Court  
Placerville, CA 95667  
Phone: (530) 621-5362/Fax: (530) 642-0508  
[shawna.purvines@edcgov.us](mailto:shawna.purvines@edcgov.us)



7/24/2014

Edcgov.us Mail - Fwd: DEIR

[www.edcgov.us](http://www.edcgov.us)

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Thank you.

## **Responses to Letter I-29**

### **I-29-1**

Please see Master Response 10: Format of the EIR for a response to this comment.

## Letter I-30—Greg and Jill Larner



TGPA-ZOU ZOU &lt;tgpa-zou@edcgov.us&gt;

---

**Fwd: Comment on Draft EIR for TGPA-ZOU**

1 message

---

**Shawna Purvines** <shawna.purvines@edcgov.us>  
To: TGPA-ZOU ZOU <TGPA-ZOU@edcgov.us>

Tue, Jul 22, 2014 at 8:17 AM

----- Forwarded message -----

From: **Jill Larner** <jalarn@comcast.net>

Date: Mon, Jul 21, 2014 at 8:50 PM

Subject: Comment on Draft EIR for TGPA-ZOU

To: shawna.purvines@edcgov.us

Cc: bosone@edcgov.us, bostwo@edcgov.us, bosthree@edcgov.us, bosfour@edcgov.us, bosfive@edcgov.us, edc.cob@edcgov.us

Please find the attached file containing comments on the Draft EIR for the TGPA-ZOU.

Thank you,

Greg & Jill Larner

4590 Fawn Street

Shingle Springs

[jalarn@comcast.net](mailto:jalarn@comcast.net)



This email is free from viruses and malware because [avast! Antivirus](#) protection is active.

--

**Shawna L. Purvines**  
Principal Planner

**County of El Dorado**  
Community Development Agency  
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2850 Fairlane Court  
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Phone:(530) 621-5362/Fax: (530) 642-0508

[shawna.purvines@edcgov.us](mailto:shawna.purvines@edcgov.us)

[www.edcgov.us](http://www.edcgov.us)

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Thank you.



**TGPA-ZOU DEIR Comments 7.21.14.pdf**

16K

July 21, 2014

**El Dorado County Community Development Agency, Long Range Planning**  
**Attn: Shawna Purvines**

**Re: Comment on Targeted General Plan Amendment and Zoning Ordinance Update Draft EIR**

Dear Ms. Purvines,

We are writing to provide comment on the Targeted General Plan Amendment and Zoning Ordinance Update (TGPA-ZOU), specifically in regards to how it will impact property located adjacent to our neighborhood. Parcel APN 319-260-01 is a 62 acre parcel located at the northwest corner of Mother Lode and Greenstone Road. This parcel is currently zoned RE-5, but is proposed to be rezoned to Research and Development (R&D).

I-30-1

The 62 Acre Parcel borders our neighborhood, known as Deer Hills, located just west of Greenstone and north of Motherlode Drive (Fawn, Doe and Buck Streets). Deer Hills is zoned Medium Density Residential (MDR) with 45 three acre parcels and a beautiful seven acre private lake.

In response to the Draft Environmental Impact Report, we oppose the rezoning of the 62 Acre Parcel to R & D because it would allow potential land uses that are a huge leap from the zoning of Deer Hills. Also, there are too many allowable uses under the R&D zoning that could have significant negative impacts that have not been fully analyzed in the TGPA-ZOU process for their impact on Deer Hills

If the 62 Acre Parcel adjacent to Deer Hills is rezoned to R&D, many, if not most, of the allowed uses could have significant undesirable consequences for our rural neighborhood. The DEIR does not provide any detailed analysis on the impacts of the following allowed uses on Deer Hills (these are just a few examples):

1. Wholesale Storage and Distribution (R&D Allowed Use). Potential impacts include Noise from delivery trucks at all hours, Light pollution from security systems, Transportation and Traffic from increased traffic at an already dangerous intersection, Aesthetics without clear design guidelines\*, Air Quality from increased truck traffic, and Land Use incompatibility and lack of buffers.
2. Light Manufacturing (R&D Allowed Use): Potential impacts include Noise from delivery trucks, Light pollution from security systems, Transportation and Traffic from increased traffic at an already dangerous intersection, Aesthetics without clear design guidelines\*, Air Quality from emissions, Odor, Water Contamination into our small lake, and Land Use incompatibility and lack of buffers.
3. Restaurant (R&D Allowed Use): Potential impacts include Noise from delivery trucks at all hours, Light pollution from security systems, Transportation and Traffic from increased traffic at an already dangerous intersection, Aesthetics without clear design guidelines\*, Air Quality from the smells that are associated with a restaurant and its waste, and Land Use incompatibility and lack of buffers.
4. Outdoor Sports and Recreation facility (R&D Allowed Use): Potential impacts include Noise from delivery trucks and high occupancy uses, Transportation and Traffic from increased traffic at an already dangerous intersection, Aesthetics without clear design

guidelines, Light Pollution from possible night time activities, and Land Use incompatibility and lack of buffers.

5. Airports, Airstrips and Heliports (R&D allowed use with CUP): Potential impacts include Noise from aircraft, Light pollution from security systems, Transportation and Traffic from increased traffic at an already dangerous intersection, Aesthetics without clear design guidelines, and Land Use incompatibility and lack of buffers.
6. Hazardous Materials Handling Facility (R&D allowed use with CUP): Potential impacts include Noise from delivery trucks, Transportation and Traffic from increased traffic at an already dangerous intersection, Aesthetics without clear design guidelines\*, Air Quality from emissions, Odor, Water Contamination into our small lake, and Land Use incompatibility and lack of buffers.

I-30-1  
cont.

We do not believe that the impacts have been fully analyzed for this particular parcel rezone and that the proposed zoning is incompatible with the adjacent MDR zoning. For these reasons, we oppose the rezoning of the 62 Acre Parcel (APN 319-260-01) to R&D in this ZOU. We suggest the County consider a General Plan Amendment to change the Land Use Designation of the 62 Acre Parcel to RE-5, or other Residential Use which is a *gradual land use change from MDR*.

Sincerely,

Greg and Jill Lerner  
Deer Hills Homeowners

4590 Fawn Street  
Shingle Springs, CA 95682  
[jalerner@comcast.net](mailto:jalerner@comcast.net)

\*Design Guidelines adopted by the County are outdated (adopted in 1981) and cannot be relied upon to provide adequate protection between R&D and Residential Zones.

Cc: Board of Supervisors

## **Responses to Letter I-30**

### **I-30-1**

Please see Master Response 1: Specificity of Environmental Review, Master Response 2: Relationship of the TGPA/ZOU EIR to the 2004 General Plan EIR and 2004 Impact Analysis, Master Response 3: Necessity to Amend the Zoning Ordinance, and Master Response 13: Availability of Full Text of Proposed Zoning and General Plan Changes for a response to this comment.



## **Letter I-31—Karen Warner**



TGPA-ZOU ZOU <tgpa-zou@edcgov.us>

## Fwd: Comment on TCGA-ZOU DEIR

1 message

**Shawna Purvines** <shawna.purvines@edcgov.us>  
To: TGPA-ZOU ZOU <TGPA-ZOU@edcgov.us>

Tue, Jul 22, 2014 at 8:18 AM

----- Forwarded message -----

From: <dvinones@aol.com>  
Date: Mon, Jul 21, 2014 at 10:43 PM  
Subject: Fwd: Comment on TCGA-ZOU DEIR  
To: [shawna.purvines@edcgov.us](mailto:shawna.purvines@edcgov.us)

Dear Ms. Purvines,

As a member of the general public in El Dorado County, I expect the Draft Environmental Impact Report on the county's Targeted General Plan Amendments and Zoning Ordinance Update be CLEAR and CONCISE! Not only do I expect that from a DEIR, it is required by the California Environmental Quality Act law so that I can make informed decisions about its impact to my quality of life. Reading through the 25 page proposed TGPA left me with many questions and concerns!

I am requesting that you ensure that the Final EIR will have clear and concise data and analysis so that I can understand how this will effect my family and me directly and indirectly by this proposed Targeted General Plan Amendments and Zoning Ordinance Update

Thank you,

Karen Warner  
Shingle Springs

-

**Shawna L. Purvines**  
Principal Planner

**County of El Dorado**  
Community Development Agency  
Long Range Planning  
2850 Fairlane Court  
Placerville, CA 95667  
Phone:(530) 621-5362/Fax: (530) 642-0508  
[shawna.purvines@edcgov.us](mailto:shawna.purvines@edcgov.us)  
[www.edcgov.us](http://www.edcgov.us)

I-31-1

7/24/2014

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Thank you.

## **Responses to Letter I-31**

### **I-31-1**

Please see Master Response 10: Format of the EIR for a response to this comment.

## Letter I-32—Ellen Katz



TGPA-ZOU ZOU &lt;tgpa-zou@edcgov.us&gt;

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## Fwd: Comment on TGPA-ZOU DEIR

1 message

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Shawna Purvines <shawna.purvines@edcgov.us>  
To: TGPA-ZOU ZOU <TGPA-ZOU@edcgov.us>

Tue, Jul 22, 2014 at 8:18 AM

----- Forwarded message -----

From: Ellen Katz <ek4575@att.net>

Date: Tue, Jul 22, 2014 at 6:51 AM

Subject: Comment on TGPA-ZOU DEIR

To: shawna.purvines@edcgov.us, Ron Mikulaco <bosone@edcgov.us>, Ray Nutting <bostwo@edcgov.us>, Brian Veerkamp <bosthree@edcgov.us>, Ron Briggs <bosfour@edcgov.us>, Norma Santiago <bosfive@edcgov.us>, edc.cob@edcgov.us

Dear Ms. Purvines and El Dorado County Supervisors,

As a member of the general public in El Dorado County, I expect the Draft Environmental Impact Report (DEIR) on the county's Targeted General Plan Amendments and Zoning Ordinance Update (TGPA-ZOU) be clear and concise. Not only do I expect that from a DEIR, it is required by the California Environmental Quality Act (CEQA) law so that I can make informed decisions about its impact to my quality of life. It is unrealistic for the county to expect that this huge, 1,212-page, vaguely-written document has helped me understand the impacts of the proposed TGPA-ZOU. The DEIR does not clearly identify the tens of thousands of parcels that will be impacted by the TGPA-ZOU.

I-32-1

I join my name to hundreds of others by requesting that you ensure that the Final EIR will have **clear and concise data and analysis** so that I can understand how I will be directly and indirectly affected by the impacts of the TGPA-ZOU.

Thank you,

Ellen Katz  
4575 Hillwood Drive  
Shingle Springs, CA 95682

--

Shawna L. Purvines  
Principal Planner

County of El Dorado  
Community Development Agency

Long Range Planning  
2850 Fairlane Court  
Placerville, CA 95667  
Phone:(530) 621-5362/Fax: (530) 642-0508  
[shawna.purvines@edcgov.us](mailto:shawna.purvines@edcgov.us)  
[www.edcgov.us](http://www.edcgov.us)

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Thank you.

## **Responses to Letter I-32**

### **I-32-1**

Please see Master Response 10: Format of the EIR for a response to this comment.



## **Letter I-33—Ellen Obradovic**



TGPA-ZOU ZOU <tgpa-zou@edcgov.us>

## Fwd: Comment on TGPA-ZOU DEIR

1 message

**Shawna Purvines** <shawna.purvines@edcgov.us>

Tue, Jul 22, 2014 at 8:21 AM

To: TGPA-ZOU ZOU <TGPA-ZOU@edcgov.us>

----- Forwarded message -----

From: **Ellen Obradovic** <ellenobradovic@gmail.com>

Date: Tue, Jul 22, 2014 at 8:11 AM

Subject: Comment on TGPA-ZOU DEIR

To: shawna.purvines@edcgov.us, bosone@edcgov.us, bostwo@edcgov.us, bosthree@edcgov.us, bosfour@edcgov.us, bosfive@edcgov.us, edc.cob@edcgov.us

Dear Ms. Purvines,

As a member of the general public in El Dorado County, I expect the Draft Environmental Impact Report (DEIR) on the county's Targeted General Plan Amendments and Zoning Ordinance Update (TGPA-ZOU) be clear and concise. Not only do I expect that from a DEIR, it is required by the California Environmental Quality Act (CEQA) law so that I can make informed decisions about its impact to my quality of life. It is unrealistic for the county to expect that this huge, 1,212-page, vaguely-written document has helped me understand the impacts of the proposed TGPA-ZOU. The DEIR does not clearly identify the tens of thousands of parcels that will be impacted by the TGPA-ZOU.

I-33-1

I am requesting that you ensure that the Final EIR will have clear and concise data and analysis so that I can understand how I will be directly and indirectly affected by the impacts of the TGPA-ZOU.

Thank you,  
Ellen Obradovic

2636 Gold Trail  
Placerville, CA 95667

--

**Shawna L. Purvines**  
Principal Planner

**County of El Dorado**  
Community Development Agency  
Long Range Planning  
2850 Fairlane Court

Placerville, CA 95667

Phone:(530) 621-5362/Fax: (530) 642-0508

[shawna.purvines@edcgov.us](mailto:shawna.purvines@edcgov.us)

[www.edcgov.us](http://www.edcgov.us)

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Thank you.

## **Responses to Letter I-33**

### **I-33-1**

Please see Master Response 10: Format of the EIR for a response to this comment.

## Letter I-34—Julie Mack



TGPA-ZOU ZOU &lt;tgpa-zou@edcgov.us&gt;

## Fwd: Feedback regarding DEIR

1 message

**Shawna Purvines** <shawna.purvines@edcgov.us>  
 To: TGPA-ZOU ZOU <TGPA-ZOU@edcgov.us>

Tue, Jul 22, 2014 at 8:21 AM

----- Forwarded message -----

From: **Julie Mack** <juliemack@yahoo.com>

Date: Tue, Jul 22, 2014 at 8:10 AM

Subject: Feedback regarding DEIR

To: "To:" <shawna.purvines@edcgov.us>, "bosone@edcgov.us" <bosone@edcgov.us>, "bostwo@edcgov.us" <bostwo@edcgov.us>, "bosthree@edcgov.us" <bosthree@edcgov.us>, "bosfour@edcgov.us" <bosfour@edcgov.us>, "bosfive@edcgov.us" <bosfive@edcgov.us>, "edc.cob@edcgov.us" <edc.cob@edcgov.us>

Dear Ms. Pervines and all EDC Board of Supervisors,

As a resident of Shingle Springs, El Dorado County, I expect the Draft Environmental Impact Report (DEIR) on the County's Targeted General Plan Amendments and Zoning Ordinance Update (TGPA-ZOU) be clear and concise. Yet it is not.

Indeed, a DEIR, as required by the California Environmental Quality Act (CEQA), should be specific and detailed so that I can make informed decisions about its impact to my quality of life here in EDC.

It is unrealistic for County supervisors to expect that this huge, 1,212-page, vaguely-written document could help me (and my neighbors) understand the impacts of the proposed TGPA-ZOU.

As it stands now - the Draft EIR does not clearly identify the tens of thousands of parcels that will be impacted by the TGPA-ZOU.

So, I am requesting that you ensure that the Final EIR will have clear and concise data and analysis so that I can understand how I will be directly and indirectly affected by the impacts of the TGPA-ZOU.

Regards,

Julie Mack

*"The smallest act of kindness is worth more than the grandest intention." - Oscar Wilde*

I-34-1

--

**Shawna L. Purvines**

Principal Planner

**County of El Dorado**

Community Development Agency

Long Range Planning

2850 Fairlane Court

Placerville, CA 95667

Phone:(530) 621-5362/Fax: (530) 642-0508

[shawna.purvines@edcgov.us](mailto:shawna.purvines@edcgov.us)[www.edcgov.us](http://www.edcgov.us)

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## **Responses to Letter I-34**

### **I-34-1**

Please see Master Response 10: Format of the EIR for a response to this comment.



## Letter I-35—Dave Hammond



TGPA-ZOU ZOU &lt;tgpa-zou@edcgov.us&gt;

## Fwd: Comment on TGPA-ZOU DEIR

1 message

**Shawna Purvines** <shawna.purvines@edcgov.us>

Tue, Jul 22, 2014 at 8:20 AM

To: TGPA-ZOU ZOU <TGPA-ZOU@edcgov.us>

----- Forwarded message -----

From: **Dave at Skyline Silversmiths** <daveh@skylinevaquero.com>

Date: Tue, Jul 22, 2014 at 8:00 AM

Subject: Comment on TGPA-ZOU DEIR

To: shawna.purvines@edcgov.us, bosone@edcgov.us, bostwo@edcgov.us, bosthree@edcgov.us, bosfour@edcgov.us, bosfive@edcgov.us, edc.cob@edcgov.us

Dear Ms. Purvines,

As a member of the general public in El Dorado County, I expect the Draft Environmental Impact Report (DEIR) on the county's Targeted General Plan Amendments and Zoning Ordinance Update (TGPA-ZOU) be clear and concise. Not only do I expect that from a DEIR, it is required by the California Environmental Quality Act (CEQA) law so that I can make informed decisions about its impact to my quality of life. It is unrealistic for the county to expect that this huge, 1,212-page, vaguely-written document has helped me understand the impacts of the proposed TGPA-ZOU. The DEIR does not clearly identify the tens of thousands of parcels that will be impacted by the TGPA-ZOU.

I-35-1

I am requesting that you ensure that the Final EIR will have clear and concise data and analysis so that I can understand how I will be directly and indirectly affected by the impacts of the TGPA-ZOU.

Thank you,

Dave Hammond  
3888 Many Oaks Lane  
Shingle Springs, CA 95682



[WWW.SKYLINEVAQUERO.COM](http://WWW.SKYLINEVAQUERO.COM)

Dave Hammond

916 801 9465

--

**Shawna L. Purvines**

Principal Planner

**County of El Dorado**

Community Development Agency

Long Range Planning

2850 Fairlane Court

Placerville, CA 95667

Phone:(530) 621-5362/Fax: (530) 642-0508

[shawna.purvines@edcgov.us](mailto:shawna.purvines@edcgov.us)[www.edcgov.us](http://www.edcgov.us)

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Thank you.

## **Responses to Letter I-35**

### **I-35-1**

Please see Master Response 10: Format of the EIR for a response to this comment.

## **Letter I-36—Richard and Connie Cashdollar**



TGPA-ZOU ZOU &lt;tgpa-zou@edcgov.us&gt;

## Fwd: Comment on TGPA-ZOU DEIR

1 message

**Shawna Purvines** <shawna.purvines@edcgov.us>  
 To: TGPA-ZOU ZOU <TGPA-ZOU@edcgov.us>

Tue, Jul 22, 2014 at 8:19 AM

----- Forwarded message -----

From: **cmcrmc1** . <cmcrmc@gmail.com>

Date: Tue, Jul 22, 2014 at 7:09 AM

Subject: Comment on TGPA-ZOU DEIR

To: shawna.purvines@edcgov.us, bostwo@edcgov.us, bostthree@edcgov.us, The BOSFOUR  
 <bosfour@edcgov.us>, bosfive@edcgov.us, edc.cob@edcgov.us

Dear Ms. Purvines,

As a member of the general public in El Dorado County, I expect the Draft Environmental Impact Report (DEIR) on the county's Targeted General Plan Amendments and Zoning Ordinance Update (TGPA-ZOU) be clear and concise. Not only do I expect that from a DEIR, it is required by the California Environmental Quality Act (CEQA) law so that I can make informed decisions about its impact to my quality of life. It is unrealistic for the county to expect that this huge, 1,212-page, vaguely-written document has helped me understand the impacts of the proposed TGPA-ZOU. The DEIR does not clearly identify the tens of thousands of parcels that will be impacted by the TGPA-ZOU. This report must be very clear in understanding how this report affects the land I own in the country!!!

I-36-1

I am requesting that you ensure that the Final EIR will have clear and concise data and analysis so that I can understand how I will be directly and indirectly affected by the impacts of the TGPA-ZOU. As a land owner you must make sure this report does not effect my existing house and land!!

Thank you,  
 Richard and Connie Cashdollar  
 5314 Old French Town Road  
 Shingle Springs, Calif  
 95682

--

**Shawna L. Purvines**  
 Principal Planner

**County of El Dorado**  
 Community Development Agency

Long Range Planning  
2850 Fairlane Court  
Placerville, CA 95667  
Phone:(530) 621-5362/Fax: (530) 642-0508  
[shawna.purvines@edcgov.us](mailto:shawna.purvines@edcgov.us)  
[www.edcgov.us](http://www.edcgov.us)

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If you receive this e-mail in error please contact the sender by return e-mail and delete the material from your system.

Thank you.

## **Responses to Letter I-36**

### **I-36-1**

Please see Master Response 10: Format of the EIR for a response to this comment.



## Letter I-37—Kathleen M. Prevost

# COMMENT LETTER FOR PROPOSED REZONING OF EID BASS LAKE APN 115-400-12



Bald Eagle, December 2012  
2180 Summer Drive  
Basil Court and Summer Drive – WoodRidge  
El Dorado Hills, CA

**EL DORADO COUNTY  
RECEIVED**

**JUL 22 2014**

**LONG RANGE PLANNING**

July 21, 2014

El Dorado County Development Agency  
 Long Range Planning  
 2850 Fairlane Drive, Bldg. C  
 Placerville, CA 95667

Attn: Shawna Purvines, Senior Planner

RE: LUPPU Proposed Rezoning of APN 115-400-12, 3240 Bass Lake Road  
 From RF – Adopted Plan to RFH – High Use Recreation  
 El Dorado Irrigation District (EID) property containing Bass Lake

EID owned APN 115-400-12 is proposed to be rezoned under the El Dorado County Land Use Policy Programmatic Update (LUPPU – now LRP) from its current status as Recreational Facilities (RF) – Recreation with a land use of Adopted Plan (AP) to Recreational Facilities high-intensity (RFH) – Recreation, High Usage zoning which would allow the property to be used for recreational activities with high concentrations of people, such as sports fields, sports complexes, recreational parks and amusement parks. See attached map. **(Attachment 1)**

I-37-1

We believe this proposed zoning change would be in direct contravention to the El Dorado Hills Specific Plan (EDHSP), which specifically designates the EID Bass Lake parcel as permanently dedicated to open space and low impact recreation. Additionally, this property is in a Rural Region where Recreational Facilities low-intensity (RFL) zoning would be allowed but not RFH according to the El Dorado County TGPA/ZOU Draft EIR Project Description.

I-37-2

According to Chapter 17.25 – Special Purpose Zones 17.25.010, C 1. “Recreational Facilities, Low-Intensity (RFL) is applied to regulate and promote dispersed recreational and tourist accommodating uses and activities primarily in Rural Regions or Rural Centers of the County where such uses are compatible with adjacent or nearby rural residential, agricultural or resource development. Uses include but are not limited to camping, picnicking, equestrian staging and river put-in take-out.”

I-37-3

Designated Village “R” in the EDHSP the lake and surrounding 157 acres of the EID Bass Lake reservoir and water treatment facility were once used as a low impact recreation area for fishing and boating while under private ownership. At one time called the American Reservoir, the lake has been in use since the 1850’s. EID has owned this property since 1969 and it is no longer available for public use.

I-37-4

The US Fish and Wildlife Service National Wetlands Inventory considers this area as wetlands with historic wetlands on the site. It is also part of the Carson Creek watershed with the north

I-37-5

branch of Carson Creek draining the lake. The area supports a wide variety of wildlife including but not limited to Bald Eagles who have inhabited the site for well over 40 years and American White Pelicans who visit all year round.

I-37-5  
Cont

Following are the reasons we believe it would be a mistake to rezone this valuable environmental and historical resource which should be preserved for future generations and will one day be the only open space between Cameron Park and El Dorado Hills.

1. El Dorado Hills Specific Plan and Environmental Impact Report

A. *“Should conflicts arise between the provisions of the planned development overlay zone standards and those standards and policies of the Specific Plan, the latter shall prevail. All subsequent subdivision and development, all public works projects, and all zoning regulations must be consistent with the Specific Plan.”*

I-37-6

EDHSP December 23, 1987 Section 1. Introduction 1.1.1 Implementation of Policies (Attachment 2)

*California Government Code section 65455 states that, “No public works project may be approved, no tentative map or parcel map for which a tentative map was not required may be approved, and no zoning ordinance may be adopted or amended within an area covered by a specific plan unless it is consistent with the adopted specific plan.”*

B. *“Village “R” constitutes 157 acres of El Dorado Irrigations District’s (EID) Bass Lake water reservoir and water treatment facility. Once used as a recreation area, the lake and surroundings properties are no longer available for public use”.*

*“In spite of its restricted access, Bass Lake does offer a visual water amenity to the North Uplands Golf Course Neighborhood and to travelers using Bass Lake Road. The lake and surrounding properties also constitute an additional area of permanent open space which, if feasible, should be returned to public recreational use in the future. No development is proposed for Village “R”.”*

I-37-7

*EDHSP Draft EIR Area Place Designations Map Figure 4-1 refers to Village “R” as open space conservation.*

EDHSP Draft EIR October 1987 - Area Plan Designations Map Figure 4-1

EDHSP Residential Land Use Element, Section 2, Village R, page 35

EDHSP Draft EIR, October 1987-Open Space Map Figure 2.10/Proposed Zoning Map 1a Figure 4-3

**(Attachments 3-6)**

C. *“Natural Open space, as designated in the Specific Plan, will be preserved in perpetuity in an essentially unaltered condition. No development will occur within these areas except for maintenance, fire protection, trails and permitted uses. Use*

I-37-8

|                                                                                                                                                                                                                                                                                                                                                                                                                                                     |                |
|-----------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------|----------------|
| <p><i>will be restricted to such activities as jogging, hiking, and horseback riding, where the impact will be minimal.</i></p> <p>EDHSP Design Guidelines, Appendix B, Section 5.0 Open Space, Parks and Recreation, Trails and Paths, 5.2, Natural Open Space, page B-12 <b>(Attachment 7)</b></p>                                                                                                                                                | I-37-8<br>Cont |
| <p>D. <i>“The north branch of Carson Creek that drains Bass Lake has considerably less riparian dependent vegetation than the main branch.”</i></p> <p>EDHSP Draft EIR, October 1987/Chapter 12, Vegetation, Wildlife and Aquatic Resources, page 12-8 <b>(Attachment 8)</b></p>                                                                                                                                                                    | I-37-9         |
| <p>E. <i>“Village “J” is bounded on the northeast by the exterior of the Specific Plan area and on the south by Country Club Drive. It includes the Bass Lake Road and the Bass Lake water reservoir which is designated as open space.”</i></p> <p>EDHSP, Section 2. Residential Land Use Element, page 33 <b>(Attachment 9)</b></p>                                                                                                               | I-37-10        |
| <p>F. <i>“Bass Lake – (approximately 154 acres) A large year round lake at the east edge of the Plan Area has special value as wildlife habitat.”</i></p> <p>EDHSP Draft EIR, October 1987, page 12-11/Chapter 12, Vegetation, Wildlife and Aquatic <b>(Attachment 10)</b></p>                                                                                                                                                                      | I-37-11        |
| <p>2. 2004 General Plan Conservation and Open Space Element</p>                                                                                                                                                                                                                                                                                                                                                                                     |                |
| <p>A. <i>Preservation of Open Space</i></p> <p><i>“Goal 7.6 Open Space Conservation</i></p> <p><i>Conserve open space land for the continuation of the County’s rural character, commercial agriculture, forestry and other productive uses, the enjoyment of scenic beauty and recreation, the protection of natural resources, for protection from natural hazards, and for wildlife habitat.”</i></p>                                            | I-37-12        |
| <p>a. <i>Policy 7.6.1</i></p> <p><i>“Conserving natural resource areas required for the conservation of plant and animal life including habitat for fish and wildlife species; areas required for ecologic and other scientific study purposes; rivers, streams, banks of rivers and streams and watershed lands;”</i></p> <p>El Dorado County General Plan – Conservation and Open Space Element<br/>July 2004 Page 157 <b>(Attachment 11)</b></p> |                |
| <p>3. General Plan Plan Use Designation and Zone Consistency/Draft TGPA/ZOU EIR</p>                                                                                                                                                                                                                                                                                                                                                                 |                |
| <p>A. <i>El Dorado County Impact Analysis Biological Resources El Dorado County TGPA/ZOU Draft Program EIRSCH# 20120520743.4-24March 2014ICF 00103.12</i></p> <p><i>λ Section 17.25.010 and 17.25.020</i></p> <p><i>“Recreational Facilities, Low-intensity [RFL] and Recreational Facilities, High-intensity [RFH]) RFL zoning would be allowable in Rural Regions and Rural</i></p>                                                               | I-37-13        |

|                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                |                 |
|--------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------|-----------------|
| <i>Centers; RFH zoning would be “primarily located in Community Regions and Rural Centers.”</i>                                                                                                                                                                                                                                                                                                                                                                                                                                | I-37-13<br>Cont |
| <p>B. <i>“Table 2.2 El Dorado County Project Description Draft EIR attached shows RFH in OS Open Space only when located within a Community Region and the Bass Lake parcel is outside the Community Region.”</i><br/>See attached map and table. <b>(Attachment 12)</b></p>                                                                                                                                                                                                                                                   | I-37-14         |
| <p>4. Environmental Background</p>                                                                                                                                                                                                                                                                                                                                                                                                                                                                                             |                 |
| <p>A. <i>The EID Bass Lake property is listed in the US Fish and Wildlife Service National Wetlands Inventory. There are two historic wetlands on the East side of the lake. This area is deemed to be Waters of the United States.</i><br/>See attached map and the decoding documentation for the map.<br/><b>(Attachment 13)</b></p>                                                                                                                                                                                        | I-37-15         |
| <p>B. <i>In a letter dated, June 12, 2003 from Larry L. Eng, PHD, Deputy Regional Manager, the Department of Fish and Game, to Mr. Gary Hyden, EDC Park Department, regarding the May 16, 2003 Notice of Preparation of an EIR for the proposed 41 acre Bass Lake Regional Park property which is adjacent to the EID Bass Lake property, the following comments were made.</i></p>                                                                                                                                            |                 |
| <p>a. <i>“Bass Lake and the surrounding shoreline, including lands within the proposed park site, are valuable habitat areas for resident and migratory bird. At least one bald eagle (<i>haliaeetus leucocephalus</i>) has been a frequently observed winter visitor there in recent years, and has often been observed along the shoreline near or inside of the boundaries of the proposed park. Also, Bass Lake is a valuable feeding and resting area for wintering waterfowl, including ring-necked ducks, etc.”</i></p> | I-37-16         |
| <p>b. <i>“Development of ball fields, a golf course, nature interpretation facilities, a community center, pathways, and other facilities, as well as the human use, can be expected to greatly reduce resident and migratory bird use of the area.</i></p>                                                                                                                                                                                                                                                                    |                 |
| <p>c. <i>Besides the direct permanent removal of habitat from project construction, many of the bird species are very sensitive to human disturbances which can be expected from operation of the park. For example, the development and use of a perimeter trail has the potential to significantly affect foraging areas for birds, such as the bald eagle, great egret, and many species of water fowl.”</i><br/><b>(Attachment 14)</b> Complete Letter attached.</p>                                                       |                 |
| <p>C. <i>Bass Lake Road Realignment Draft EIR, 1992, Appendix B, NOP Comments (now called Silver Springs Parkway) has two comment letters regarding the Bald Eagles at Bass Lake.</i></p>                                                                                                                                                                                                                                                                                                                                      | I-37-17         |

- |                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                   |                 |
|---------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------|-----------------|
| <p>a. <i>From D. Bruce Swinehart, Jr., Biology Professor, American River College to Kris Payne, EDC DOT, stating "I have been aware of the wintering eagles at Bass Lake for the last forty years." "I take my ornithology field classes to Bass Lake at least twice a year to see the eagles, waterfowl and other birds." "I hope your county will realize the tremendous resource a place like Bass Lake is."</i><br/><b>(Attachment 15)</b> Letter dated 12/27/1991.</p>                                                                                                                                                                       | I-37-17<br>Cont |
| <p>b. <i>From Roger E. Johnson, resident of the area to Kris Payne, EDC DOT, stating "My family and I have enjoyed watching the bald eagles at Bass Lake for the past four winters since moving to Rescue."</i><br/><b>(Attachment 16)</b> Letter dated December 30, 1991</p>                                                                                                                                                                                                                                                                                                                                                                     |                 |
| <p>D. <i>SMUD stated the California Natural Diversity Data Base reported eagles have wintered at Bass Lake for over forty years in 2002-2003. Residential development was identified as a major concern to wintering Eagles at Bass Lake.</i></p>                                                                                                                                                                                                                                                                                                                                                                                                 | I-37-18         |
| <p>E. <i>The Audubon Society states during their December 2012 bird count finding waterfowl species including Mallard, American Widgeon, Ring Necked Duck, Bufflehead, Canada Goose, and Greater Whitefronted Goose. Other species seen were Turkey Vultures, Wild Turkey, Great Blue Heron, Great Egret, Double-crested Cormorant, Killdeer, and Lark Sparrow. They also reported eagles at Bass Lake in their December 2011 bird count.</i></p>                                                                                                                                                                                                 | I-37-19         |
| <p>F. <i>Over the years, the residents of the Bass Lake Area have seen Bald Eagles, Ospreys and several different kinds of hawks as well as American White Pelicans who have been arriving for at least ten years. American White Pelicans are experiencing a declining habitat and are protected by the Migratory Bird Treaty Act of 1918. It has the California Department of Fish and Game protective status and the California Species of Special Concern (CSC).</i><br/><b>(Attachment 17)</b> Picture attached.</p>                                                                                                                         | I-37-20         |
| <p><i>A pair of swans remained at Bass Lake over the Summer of 2013 and returned in the Fall. Recently a Golden Eagle was spotted around the EID Bass Lake property sitting on a pole and a Bald Eagle was seen by a nearby Serrano resident. A photo of a Bald Eagle was taken by Joe D'Amico at 2180 Summer Drive (WoodRidge) near the intersection of Basil Court and Summer Drive, December 2012 . The bird had been recently eating a fish in the tree.</i><br/><b>(Attachment 18)</b> A copy of this photo is attached and a document Environmental Impacts, Eagles/Pelicans at EID Bass Lake, Bass Lake Wetlands and Historic Wetlands</p> |                 |
| <p>G. <i>This is a valuable historical site having served the residents of the Bass Lake area with water and the town of Clarksville when it was the Bass Lake predecessor</i></p>                                                                                                                                                                                                                                                                                                                                                                                                                                                                | I-37-21         |

*American Reservoir as early as the 1850's. The attached map is a General Land Office Plat of the Township.*  
**(Attachment 19) Historic Map Attached**

I-37-21  
Cont

In conclusion, we understand from an email from Shawna Purvines (email of September 24, 2013 to Ellen Van Dyke attached), the EDC Long Range Planning staff felt this property should be rezoned because when the EDC Parks and Trails Master Plan was approved it included a previous master plan for the proposed Bass Lake Regional Park (BLRP) including the EID property APN 115-400-12. The proposed BLRP, APN 115-400-02 has a proposed LUPPU zoning of RE-5 and was identified to potentially include intensive uses and amenities such as a community center, ball fields, etc. It is also in a Rural Region and parts of it adjoin Green Springs Ranch. **(Attachment 20 with map of park)**

I-37-22

An Environmental Impact Report was never completed for the proposed BLRP property and previously quoted information in this letter from the Department of Fish and Game to EDC is listed under Number 4, Environmental Background, B, and states there would have been potentially significant environmental impacts if the project had moved forward as proposed.

I-37-23

Additionally, the 2012 EDC Parks and Trails Master Plan states the proposed BLRP plans need "to be revisited taking into consideration new residential developments, local parks and road projects in the area." "More passive uses such as trails and nature may have greater value as the El Dorado Hills and Cameron Park communities are becoming more densely developed." "These types of uses would also have fewer environmental impacts and cost less to develop and maintain." (RP4) **(Attachment 21)**

I-37-24

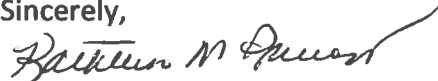
Page 57 of the EDC Parks Master Plan states "The master plan will need to be revisited before improvements for this site are implemented to reflect changes in community needs and recreation trends."

I-37-25

Bass Lake and the surrounding wetlands are much enjoyed by the residents of our area and it is a visual water amenity for us which supports a varied wildlife community as well. The EID Bass Lake property is a significant environmental and historical asset for the Bass Lake and El Dorado Hills area and should be protected with a parcel zoning of Recreational Facilities –Low Intensity (RFL) and an open space (conservation) land usage as shown in the EDHSP. I believe the facts stated in this letter support this conclusion.

I-37-26

Sincerely,



Kathleen M. Prevost  
 1080 Jasmine Circle  
 El Dorado Hills, CA 95762  
 530 672-6836





BASS LAKE EID  
 PROPERTY  
 PROPOSED MLPPU REZONING

# SECTION 1. INTRODUCTION

## 1.1 Purpose and Content of the Specific Plan

The purpose of the El Dorado Hills Specific Plan is to provide for the orderly and systematic development of the Plan Area in a manner consistent with the policies of El Dorado County and with the characteristics of the land. This purpose will be achieved by establishing a master plan for the development of approximately 4,000 acres of property that will contain an orderly, comprehensive program of development controls and implementation measures.

### 1.1.1 Implementation of Policies

The El Dorado Hills Specific Plan is designed to be consistent with, and represent a refinement and expansion of, the broader policies set forth in the El Dorado County Long Range Plan and the El Dorado Hills/Salmon Falls Area Plan. It provides a transition between those policies and the implementation regulations contained in both the zoning and subdivision ordinances. The plan's policies and standards will be implemented through land use entitlements granted subsequent to adoption of the Specific Plan, including zoning consistent with the Specific Plan. In addition, the use of the County's planned development overlay zoning designation will further ensure that development within the Specific Plan area occurs pursuant to the policies and standards of the Specific Plan. Should conflicts arise between the provisions of the planned development overlay zone standards and those standards and policies of the Specific Plan, the latter shall prevail. Similarly, the standards and policies of the planned development district shall prevail over conflicting provisions which may be applicable in the underlying zoning district. All subsequent subdivision and development, all public works projects, and all zoning regulations must be consistent with the Specific Plan.

### 1.1.2 Control of the Quality of Future Development

Goals and policies are established within the text of this Specific Plan in order to guide future development. In addition, Design Guidelines and conceptual Master Covenants, Conditions, and Restrictions (CC&Rs) will serve to provide more definitive controls for development. The Design Guidelines are included in the Specific Plan as Appendix B.

A Development Agreement will ensure compliance with the Design Guidelines, Master CC&Rs, Specific Plan, and applicable County ordinances and regulations.

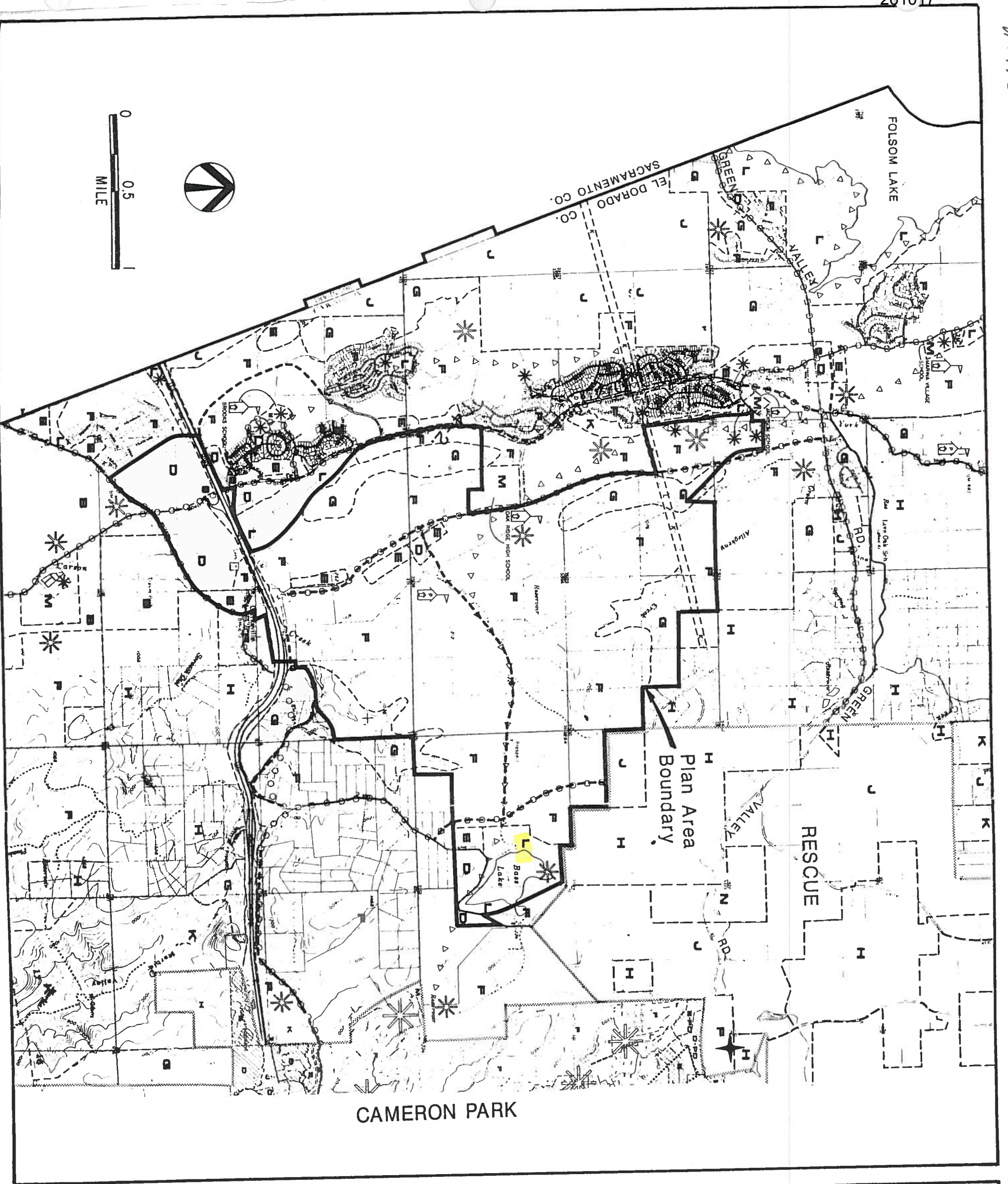
### 1.1.3 Implementation Measures

The Specific Plan sets forth implementation measures to ensure the ultimate fulfillment of the plan concepts. These measures include:

- Goals and Policies
- Master Covenants, Conditions, and Restrictions
- Design Guidelines
- Funding Mechanisms to Provide for Specific Public Improvements
- Development Agreements

Each of these measures is applied individually or in concert with other measures to implement the intent of the Specific Plan. The application of these measures is described in Section 9, "Implementation."





EDHS P December October 1987  
 FEIR  
**FIGURE 4-1.**  
**AREA PLAN DESIGNATIONS**

|                                        |                                                                                      |
|----------------------------------------|--------------------------------------------------------------------------------------|
| El Dorado Hills/Salmon Falls Area Plan |                                                                                      |
| B                                      | Industrial                                                                           |
| D                                      | Commercial                                                                           |
| E                                      | Multi-Family Residential<br>12 du maximum per acre<br>20 du maximum per acre with PD |
| F                                      | High Density Residential 5 du maximum per acre                                       |
| G                                      | Medium Density Residential 1 du/1.0-4.9 acres                                        |
| H                                      | Low Density Residential 1 du/5.0-9.9 acres                                           |
| J                                      | Rural Residential Agriculture 1 du/10-160 acres                                      |
| K                                      | Open Space/Conservation                                                              |
| L                                      | Parks/Recreation                                                                     |
| M                                      | Public Facility                                                                      |
| Rescue Area Plan                       |                                                                                      |
| B                                      | Industrial                                                                           |
| C                                      | Commercial                                                                           |
| M                                      | Public Facilities                                                                    |
| L                                      | Parks                                                                                |
| F                                      | High Density Residential 4 du per acre                                               |
| G                                      | Residential 2 ac. minimum parcel                                                     |
| H                                      | Residential Agriculture 5 ac. minimum parcel                                         |
| J                                      | Residential Agriculture 10 ac. minimum parcel                                        |
| N                                      | Exclusive Agriculture                                                                |
|                                        | Proposed school sites as shown on the 1969 General Plan                              |
| Cameron Park Area Plan                 |                                                                                      |
| B                                      | Industrial                                                                           |
| D                                      | Commercial                                                                           |
| E                                      | Multi-Family Residential 3.1-20 du/ac.                                               |
| F                                      | Single Family Residential<br>High Density 1.1-3 du/ac.<br>F-PD* 4.2 du/ac.           |
| G                                      | Single Family Residential<br>Medium Density 1 du/1.0-4.9 acres                       |
| H                                      | Single Family Residential<br>Low Density 1 du/5.0-9.9 acres                          |
| J                                      | Rural Residential Agricultural<br>1 du/10-60 acres                                   |
| K                                      | Public Facility                                                                      |
| L                                      | Open Space/Conservation                                                              |
| M                                      | Parks/Recreation                                                                     |
| PD                                     | Design Control<br>Requires Planned Unit Development                                  |
| Future Road Extensions                 |                                                                                      |
| Recreation & Bicycle Routes            |                                                                                      |
| Hiking & Equestrian Routes             |                                                                                      |
| Existing Schools                       |                                                                                      |
| Proposed School Sites                  |                                                                                      |
| Existing Parks                         |                                                                                      |
| Proposed Park Sites                    |                                                                                      |
| Park & Ride                            |                                                                                      |

**VILLAGE "M"**

Village "M" constitutes a variation from the mix of housing types found elsewhere in the Specific Plan. This is due to the sensitive character of the village in terms of dense tree cover, wildlife habitat, and rolling-to-steep topography. As a result, this village is reserved for the largest lots within the Specific Plan area, Ranch Estates (RE) of 4-7 acres in size. These rural lots also act as a buffer between the edge of the Plan Area and the large rural lots to the north and the agricultural preserve to the east. The rural character of Village "M" will be maintained by the use of a standard rural road system of aggregate or chip seal surface. Water and sewer lines will be located within the public right-of-way. Road connections to the north are not expected to permit incompatible traffic volumes that would impact the rural setting and natural amenities of the village. Village "M," although large in acreage, is appropriate for approximately 37 dwelling units.

**VILLAGE "R"**

Village "R" constitutes 157 acres of the El Dorado Irrigation District's (EID) Bass Lake water reservoir and water treatment facility. Once used as a recreation area, the lake and surrounding properties are no longer available for public use. The lake is now a potable water storage area for use by EID as a source of gravity-fed domestic water for the El Dorado Hills area. A treatment plant and caretaker's residence are also situated in Village "R."

In spite of its restricted access, Bass Lake does offer a visual water amenity to the North Uplands Golf Course Neighborhood and to travelers using Bass Lake Road. The lake and surrounding properties also constitute an additional area of permanent open space which, if feasible, should be returned to public recreational use in the future. No development is proposed for Village "R."

**2.5.2 Development Neighborhood #2**

The South Uplands Golf Course Neighborhood constitutes an area lying between the North Uplands Golf Course Neighborhood and Highway 50 in the southeastern portion of the Specific Plan area. It is a large area of gentle slopes and less tree cover than exists in the North Uplands Golf Course Neighborhood. This setting leaves less area for preservation as natural open space. However, additional water amenities are provided to increase the riparian habitat and the visual character of this neighborhood. Envisioned as a second golf course community, this neighborhood would also permit construction of an 18-hole golf course through the valleys and drainage course. Overall densities in this neighborhood are slightly higher due to the difference in topography and the need to maximize effective open space.

In addition to the golf course, a country club and related facilities also may be provided south of Country Club Drive, although its location will depend on the final design and plans for golf course development. The South Uplands Golf Course Neighborhood contains four separate villages oriented to the golf course and natural open space areas. Consistent with the Specific Plan, certain housing types are also allocated in this neighborhood based on natural land constraints and proximity to existing or planned amenities.

The villages within the South Uplands Golf Course Neighborhood include the following:

**VILLAGE "C"**

Village "C" is defined by the contiguous natural open space areas to the west and south and the proposed golf course to the east. This village also lies along a north-south ridgeline of gentle to moderate slopes that contain very few trees but excellent views of the Sacramento Valley. View Lots (VL) are designated along the west side of the ridge, with larger Estate Homes (EH) anticipated in the interior of the village and on the east ridgeside. Fairway Estates (FE) are suitable uses fronting the golf course at the east side of the village. An area of Ranch Estate



# EL DORADO HILLS

## OPEN SPACE MAP



PRIVATE SPACE  
 PUBLIC SPACE

FIGURE 2-10. OPEN SPACE MAP

Owner  
 El Dorado Hills Investors, Ltd  
 3864 Park Drive, Suite 204  
 El Dorado Hills, California

Land Planner  
 Anthony M. Guzzardo  
 and Associates, Inc.  
 836 Montgomery Street  
 San Francisco, California

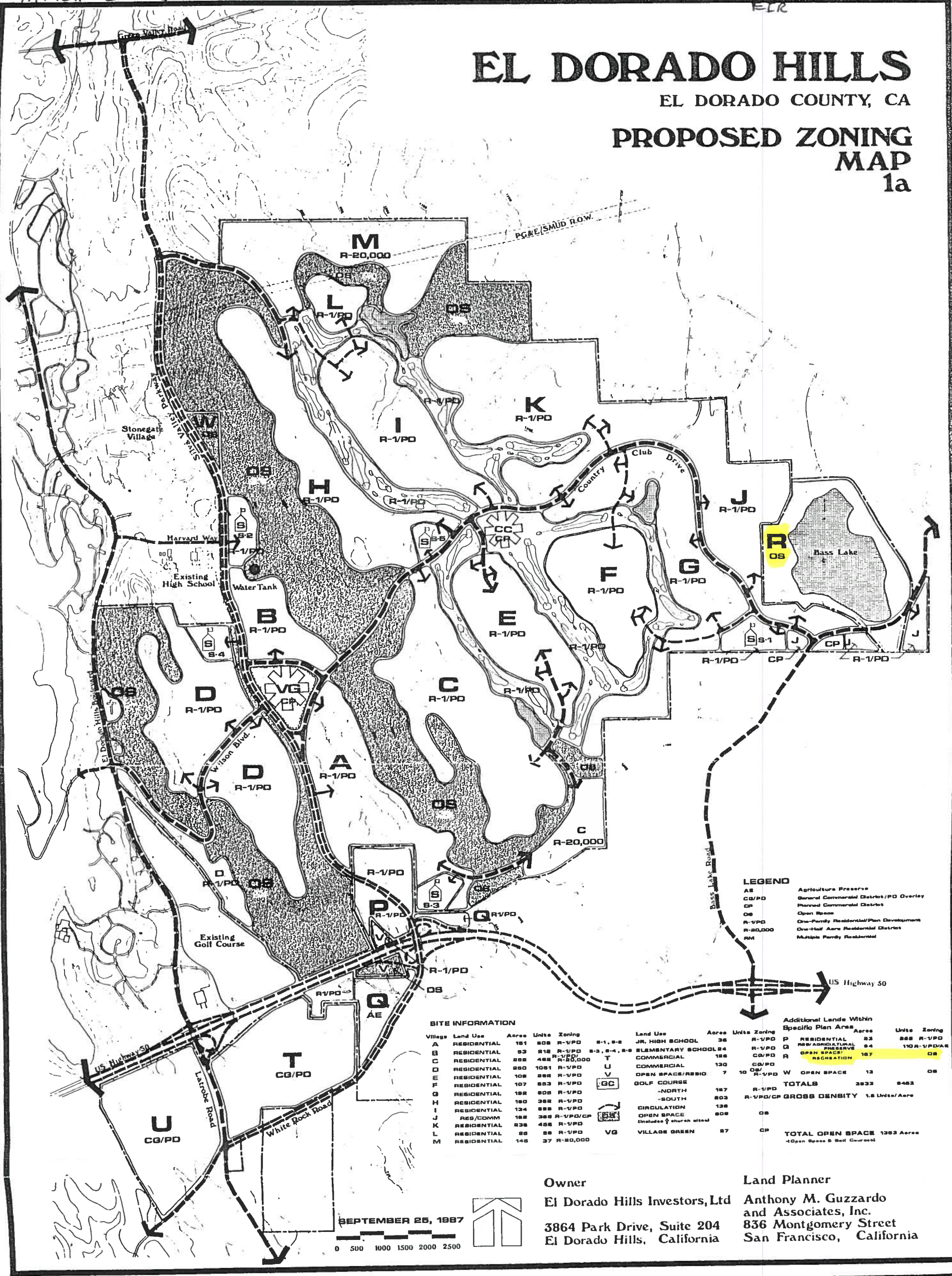
SEPTEMBER 25, 1987  
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# EL DORADO HILLS

EL DORADO COUNTY, CA

## PROPOSED ZONING MAP 1a



**LEGEND**

- AS Agriculture Preserve
- CC/CD General Commercial District/PD Overlay
- CP Planned Commercial District
- OS Open Space
- R-1/PD One-Family Residential/Plan Development
- R-20,000 One-Half Acre Residential District
- RW Multiple Family Residential

| SITE INFORMATION |             |       |               | Additional Lands Within Specific Plan Area |       |              |                              |
|------------------|-------------|-------|---------------|--------------------------------------------|-------|--------------|------------------------------|
| Village          | Land Use    | Acres | Units Zoning  | Land Use                                   | Acres | Units Zoning |                              |
| A                | RESIDENTIAL | 181   | 808 R-1/PD    | JR. HIGH SCHOOL                            | 38    | R-1/PD       | P RESIDENTIAL 83             |
| B                | RESIDENTIAL | 53    | 212 R-1/PD    | ELEMENTARY SCHOOLS                         | 24    | R-1/PD       | Q RES/AGRICULTURAL 84        |
| C                | RESIDENTIAL | 288   | 468 R-1/PD    | COMMERCIAL                                 | 128   | CG/PD        | R OPEN SPACE 167             |
| D                | RESIDENTIAL | 280   | 1081 R-1/PD   | OPEN SPACE/ASBIO                           | 7     | CG/PD        | W OPEN SPACE 13              |
| E                | RESIDENTIAL | 108   | 888 R-1/PD    | GOLF COURSE                                | 187   | R-1/PD       | <b>TOTALS 2822 8462</b>      |
| F                | RESIDENTIAL | 107   | 883 R-1/PD    | -NORTH                                     | 803   | R-1/PD/CP    | GROSS DENSITY 1.8 Units/Acre |
| G                | RESIDENTIAL | 180   | 382 R-1/PD    | -SOUTH                                     | 138   |              |                              |
| H                | RESIDENTIAL | 160   | 382 R-1/PD    | CIRCULATION                                | 808   | OS           |                              |
| I                | RESIDENTIAL | 134   | 888 R-1/PD    | OPEN SPACE (includes 1/2 shoran atter)     |       |              |                              |
| J                | RES/COMM    | 182   | 382 R-1/PD/CP | VG VILLAGE GREEN                           | 87    | CP           |                              |
| K                | RESIDENTIAL | 236   | 456 R-1/PD    |                                            |       |              |                              |
| L                | RESIDENTIAL | 88    | 88 R-1/PD     |                                            |       |              |                              |
| M                | RESIDENTIAL | 148   | 37 R-20,000   |                                            |       |              |                              |

**Owner**  
El Dorado Hills Investors, Ltd  
3864 Park Drive, Suite 204  
El Dorado Hills, California

**Land Planner**  
Anthony M. Guzzardo  
and Associates, Inc.  
836 Montgomery Street  
San Francisco, California

SEPTEMBER 25, 1987

0 500 1000 1500 2000 2500

FIGURE 4-3.  
PROPOSED ZONING  
MAP



- c. All exterior lighting fixtures shall be efficient in terms of design and energy use. Low- and high-pressure sodium (LPS and HPS) lamps are recommended in public areas but prohibited on structures.
- d. Lighting fixtures within the Village Green/Community Center shall be designed to deflect light and glare away from the viewsheds of adjacent residences, parks, and open space. Fixture placements are to be approved by the ACC. Cutoff-type fixtures are recommended to minimize light spillage and glare.
- e. All electrical, telephone, and other cable services shall be installed underground. Transformers, terminal boxes, meter cabinets, pedestals, concealed ducts, and other facilities necessary and appurtenant to underground facilities, street lighting, and the irrigation system may be placed above ground when necessary. Public utilities may be provided in private streets with recorded easements to ensure access as required for their maintenance.

### Section 5.0 Open Space, Parks and Recreation, Trails and Paths

Integral to the concept of the El Dorado Hills Specific Plan is the mixture of open space, residential areas, commercial sites, and circulation. The success of this integration depends primarily on the manner in which the boundaries between these various land uses meet and interconnect. This section establishes guidelines to facilitate these interconnections and especially to protect the natural open space from impacts from adjacent uses.

#### 5.1 Open Space

Five basic types of open space are provided in the Plan Area: natural open space, golf course, residential open space, parkland and school playfields, and drainageways.

#### 5.2 Natural Open Space

- a. Natural open space, as designated in the Specific Plan, will be preserved in perpetuity in an essentially unaltered condition.
- b. No development will occur within these areas except for maintenance, fire protection, trails, and permitted uses.
- c. Use will be restricted to such activities as jogging, hiking, and horseback riding, where the impact on the natural environment will be minimal.

#### 5.3 Golf Course

- a. With the exception of the clubhouse, pro shop facilities, and commercial uses, all of the area designated as the golf course will be landscaped and developed exclusively for golf and country club-related facilities.
- b. Swales and drainageways will be landscaped, where possible, using native planting to enhance the natural habitat.

#### 5.4 Residential Open Space

- a. Open space easement dedications on individual residential parcels may be required in order to reduce fence visibility, reduce open space intrusion, buffer open space from development, and reduce tree loss.
- b. Such easements may be required to prevent development of other than accessory structures and landscaping.
- c. General public access rights will not be permitted within these easements.

canopies dominated by interior live oak, blue oak, and buckeye. Occasional valley oak, cottonwood, California grape, and willow are scattered, but rare, along these creeks. Two small sites along Allegheny Creek have notable stands of cottonwood/willow/Himalaya-berry vegetation (Figure 12-1). The presence of the two stands of riparian-dependent vegetation and the occasional valley oaks, cottonwoods, and willows along the rest of the creek, indicates that Allegheny Creek may be capable of supporting more extensive riparian-dependent vegetation.

Carson Creek supports an intermediate type of creek-side vegetation with the riparian dependent cottonwood, willow, and buttonbush species mixing with interior live oak, blue oak, and buckeye. The canopy is nearly closed and riparian-dependent species contribute about 40 percent of total cover. Because water is present most or all of the year, riparian herbs such as beardgrass, deer grass, and spike rush are also present. The channel is very rocky with numerous large boulders and bedrock outcrops. These features reduce accessibility to livestock and may account for the increased amount of riparian-dependent vegetation.

The north branch of Carson Creek that drains Bass Lake has considerably less riparian-dependent vegetation than the main branch. Willows and buttonbush are only occasionally present with interior live oak and buckeye the most common species along the creek edges; reaches with annual grasslands and no woody vegetation are common. Compared with the main branch, this branch has less water and is more accessible to livestock because the large bedrock exposures and boulders are absent. These characteristics may help to explain the lower amounts of riparian-dependent vegetation.

The creekside habitat with the most highly developed stand of riparian-dependent vegetation is west of the Plan Area along the small unnamed creek flowing through the existing golf course. This creek has a small watershed and no surface flow was observed above the golf course. The creek's vegetation consists of a 40- to 50-foot tall canopy of young cottonwoods, a dense mid-story layer of various willow species and alders, and a dense impenetrable understory of Himalaya berry, wild grape, and poison oak. Golf course irrigation probably augments natural creek discharge. This feature, and the absence of livestock grazing, probably account for the well-developed young stand of riparian vegetation. Presumably, this riparian-dependent vegetation was not present before the golf course increased creek discharge and the livestock grazing was terminated.

### Wildlife

Allegheny Creek has few of the wildlife values usually associated with creekside habitats because of the effects of livestock grazing and past mining activities and because of its intermittent water flow. In general, the corridor along



**VILLAGE "I"**

Village "I" is encircled by the proposed golf course and may include a country club and related facilities. It is an area characterized by lower elevations and gentle slopes, and is located in the center of the development neighborhood. As a result, the outer boundaries of Village "I" are appropriate for Attached Golf Townhomes (AGT) and Fairway Estates (FE). The interior portions of the village, with more level topography, are appropriate locations for Single Family Detached (SFD) homes.

This village is also planned to include a neighborhood park, the location of which will be determined with the filing of a tentative subdivision map for this village. Village "I" would accommodate approximately 699 dwelling units.

**VILLAGE "K"**

Village "K" is defined by the northeast boundaries of the Specific Plan area, the golf course on the west, and the main east-west arterial (Country Club Drive) to the south. The village contains significant tree cover and includes a knoll which offers panoramic views of the Sacramento Valley, Folsom Lake, and the Sierra Nevada. Subdivision design and placement of structures will be subject to design review to preserve as many of the existing live oaks within this village as possible.

The eastern edge of Village "K" abuts the existing rural parcels of Green Springs Estates, and therefore the lower density Ranch Estate (RE) lots act as a transition between those existing rural lots outside of the Plan Area and the Estate Home (EH) lots located toward the interior of the village. Westerly facing slopes fronting on the golf course are appropriate locations for the lower density View Estates (VE). Single Family Detached (SFD) residences are proposed along Country Club Drive and along the golf course frontage where the topography would not accommodate attached dwelling units. This development pattern would permit Village "K" to accommodate approximately 458 dwelling units.

**VILLAGE "J"**

Village "J" is bounded on the northeast by the exterior of the Specific Plan area and on the south by Country Club Drive. It includes Bass Lake Road and the Bass Lake water reservoir, which is designated as open space.

This village is not adjacent to a golf course or Specific Plan open space areas and contains level to gently rolling topography. The latter characteristic lends itself to Single Family Detached (SFD) uses, except at the edges adjacent to rural parcels or Bass Lake where larger Ranch Estate (RE) lots are provided. Specifically, parcels that abut the Plan Area boundary are to be 4-acre minimum. These designations are appropriate as a buffer to the open space of Bass Lake and the rural parcels lying adjacent to, but outside of, the Specific Plan area to the east.

Village "J" also includes 45 acres of neighborhood commercial sites on the west and east sides of Bass Lake Road. These uses are intended to serve the daily shopping needs of future residents in the vicinity. Village "J" would accommodate approximately 342 dwelling units.

**VILLAGE "L"**

Village "L" represents the smallest village in the Specific Plan area, constituting an island of development surrounded by natural open space or a golf course. With its heavy tree cover and location on a prominent knoll, the site is established as a separate, unique village, and the larger Estate Home (EH) lots are appropriate. A low-lying area east of the village is designated for a future water retention pond to accommodate drainage in the area. This lake also provides an accessible water amenity within the North Uplands Golf Course Neighborhood. Village L is appropriate for only 56 dwelling units.

### Wildlife - Stockponds

Stockponds in the Plan Area are similarly degraded by livestock grazing. These turbid ponds may provide resting and foraging grounds for mallards and great blue herons and are also a source of water for mule deer and other mammals and birds. The wildlife value of the stockponds is substantially reduced because they lack riparian or emergent vegetation.

### Bass Lake (approximately 154 acres)

A large year-round lake at the east edge of the Plan Area has special value as wildlife habitat.

### Vegetation

Vegetation at Bass Lake consists of a few scattered cottonwoods and willow trees and herbaceous species listed previously for the freshwater marshes and seep habitats.

### Wildlife

Because of its fluctuating water levels, Bass Lake does not support any important stands of emergent or riparian vegetation, but it does provide foraging and resting grounds for a variety of waterfowl. Common mergansers, ruddy ducks, buffleheads, and American wigeons use Bass Lake in the winter. Great blue herons, great egrets, and killdeer forage along the muddy margins of the lake, and black phoebes, tree and violet-green swallows flycatch for insects above the lake's waters. Bass Lake is also a source of water for mammals like raccoons, striped skunks, and mule deer.

### Serpentine Chaparral (approximately 39 acres)

A small area with serpentine substrates and derived soils is present along the east edge of the Plan Area east and adjacent to Bass Lake. Serpentine substrates are common east and north of the Plan Area (Rogers 1974).

Soils derived from serpentines are nutritionally poor and present a stressful habitat for plant growth due to the presence of toxic metals and thin soils. As a result, the vegetation differs in structure and composition from surrounding non-serpentine substrates.

Serpentine is famous in California because many special-status plant species are restricted to the substrate. In El Dorado County eight special-status species are associated with serpentine and the related gabbro substrates (Wilson 1986, Smith and York 1984). None of these species occur in the Plan Area on

**PRESERVATION OF OPEN SPACE****GOAL 7.6: OPEN SPACE CONSERVATION**

**Conserve open space land for the continuation of the County's rural character, commercial agriculture, forestry and other productive uses, the enjoyment of scenic beauty and recreation, the protection of natural resources, for protection from natural hazards, and for wildlife habitat.**

**OBJECTIVE 7.6.1: IMPORTANCE OF OPEN SPACE**

**Consideration of open space as an important factor in the County's quality of life.**

**Policy 7.6.1.1** The General Plan land use map shall include an Open Space land use designation. The purpose of this designation is to implement the goals and objectives of the Land Use and the Conservation and Open Space Elements by serving one or more of the purposes stated below. In addition, the designations on the land use map for Rural Residential and Natural Resource areas are also intended to implement said goals and objectives. Primary purposes of open space include:

- A. Conserving natural resource areas required for the conservation of plant and animal life including habitat for fish and wildlife species; areas required for ecologic and other scientific study purposes; rivers, streams, banks of rivers and streams and watershed lands;
- B. Conserving natural resource lands for the managed production of resources including forest products, rangeland, agricultural lands important to the production of food and fiber; and areas containing important mineral deposits;
- C. Maintaining areas of importance for outdoor recreation including areas of outstanding scenic, historic and cultural value; areas particularly suited for park and recreation purposes including those providing access to lake shores, beaches and rivers and streams; and areas which serve as links between major recreation and open space reservations including utility easements, banks of rivers and streams, trails and scenic highway corridors;
- D. Delineating open space for public health and safety including, but not limited to, areas which require special management or regulation because of hazardous or special conditions such as earthquake fault zones, unstable soil areas, flood plains, watersheds, areas presenting high fire risks, areas required for the protection of water quality and water reservoirs, and areas required for the protection and enhancement of air quality; and
- E. Providing for open spaces to create buffers which may be landscaped to minimize the adverse impact of one land use on another.

El Dorado County

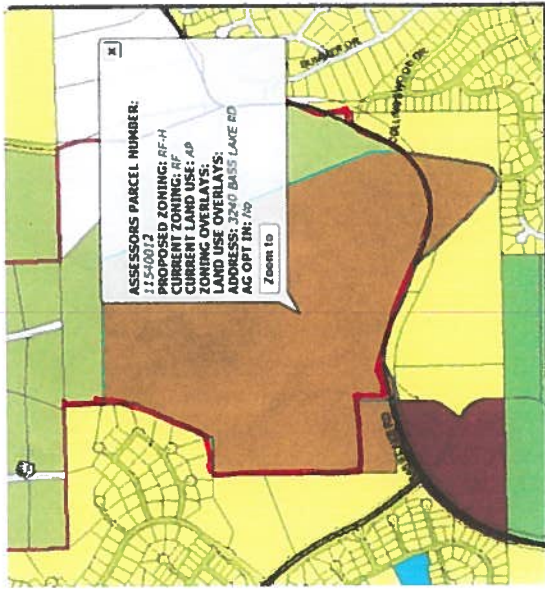
Project Description

Table 2-3. General Plan Land Use Designation and Zone Consistency Matrix

| Zones       | Land Use Designations |     |     |     |    |    |                |                |     |   |    |    |                |
|-------------|-----------------------|-----|-----|-----|----|----|----------------|----------------|-----|---|----|----|----------------|
|             | MFR                   | HDR | MDR | LDR | RR | AL | NR             | C              | R&D | I | OS | TR |                |
| RM          | •                     |     |     |     |    |    |                | • <sup>1</sup> |     |   |    |    |                |
| RI          | •                     | •   | •   | •   |    |    |                |                |     |   |    |    |                |
| R2OK        |                       |     |     |     |    |    |                |                |     |   |    |    |                |
| RLA         |                       |     |     |     |    |    |                |                |     |   |    |    |                |
| R2A         |                       |     |     |     |    |    |                |                |     |   |    |    |                |
| R3A         |                       |     |     |     |    |    |                |                |     |   |    |    |                |
| RE (S-10)   |                       |     |     |     |    |    | • <sup>1</sup> |                |     |   |    |    |                |
| CPO         |                       |     |     |     |    |    |                |                |     |   |    |    |                |
| CL          |                       |     |     |     |    |    |                |                |     |   |    |    |                |
| CH          |                       |     |     |     |    |    |                |                |     |   |    |    |                |
| CC          |                       |     |     |     |    |    |                |                |     |   |    |    |                |
| CR          |                       |     |     |     |    |    |                |                |     |   |    |    |                |
| CG          |                       |     |     |     |    |    |                |                |     |   |    |    |                |
| I           |                       |     |     |     |    |    |                |                |     |   |    |    |                |
| R&D         |                       |     |     |     |    |    |                |                |     |   |    |    |                |
| LA (10-160) |                       |     |     |     |    |    |                |                |     |   |    |    |                |
| PA (10-160) |                       |     |     |     |    |    |                |                |     |   |    |    |                |
| RL (10-160) |                       |     |     |     |    |    |                |                |     |   |    |    |                |
| AG (10-160) |                       |     |     |     |    |    |                |                |     |   |    |    | • <sup>1</sup> |
| FR          |                       |     |     |     |    |    |                |                |     |   |    |    |                |
| TFZ         |                       |     |     |     |    |    |                |                |     |   |    |    |                |
| RFL         | •                     | •   | •   | •   | •  | •  | •              | •              | •   | • | •  | •  | •              |
| RFH         | •                     | •   | •   | •   | •  | •  | •              | •              | •   | • | •  | •  | •              |
| TC          | •                     | •   | •   | •   | •  | •  | •              | •              | •   | • | •  | •  | •              |
| OS          | •                     | •   | •   | •   | •  | •  | •              | •              | •   | • | •  | •  | •              |

NOTES:

- Land Use Designations
- C = Commercial
  - R&D = Research & Development
  - HDR = High-Density Residential
  - I = Industrial
  - LDR = Low-Density Residential
  - MDR = Medium-Density Residential
  - MFR = Multifamily Residential
  - NR = Natural Resource
  - OS = Open Space
  - RR = Rural Residential
  - AL = Agricultural Lands
  - TR = Tourist Recreational



Footnote (5) on the next page. "When Inside a Community Region".



ATTN: HANNANT 13-1

**Wetlands Mapper**

U.S. Fish and Wildlife Service  
**National Wetlands Inventory**

Zoom History

Tools: Print Map, Imagery/Labels, Streets, Topo, USGS Topo, Zoom to: select

base lake el dorado county

**Available Layers**

- Wetlands
- Riparian
- Riparian Mapping Areas
- Data Sources
- Source Type
- Image Scale
- Image Year
- Areas of Interest
- FWS Redmap
- Historic Wetland Data

**Herbaceous**

- Riparian Mapping Areas

**Source Type**

- No Data
- Black and White
- Color Infrared
- Scalable
- True Color

**FWS NWRS Locations**

- 

**Historic wetlands**

- Historic Wetlands
- Historic Wetland Mapping Areas

**Wetland**

Zoom To Feature Opacity:

Classification Code: LIUBHh ( [details](#) )

Wetland Type: Lake

Acres: 70.23

Status: Digital

Image Date(s): 05/87

Source Type: CIR

Image Scale: 65000

24k Quad Name: Clarksville

100k Quad Name: SACRAMENTO

Project Metadata: NONE

Historic Map Info: [click here](#)  
[click here](#)  
[click here](#)  
[click here](#)


FGDC Metadata: [click here](#)

0 km 0 m

400 m 1000 ft

137.227.242.85/Data/interpreters/wetlands.aspx

Latest Headlines Basil - Sonoma AP AP KathleenNewell... MicroFarm Work... Sign in to Yahoo Gm



## National Wetlands Inventory

Branch of Resource and Mapping Support

Enter Classification code:  (Example: L1UB1Hx)

For geographically specific information\* (optional), please enter a State code:  (Example: TX for Texas)

**DECODE**

Description for code **PEMFh** :

**P System PALUSTRINE:** The Palustrine System includes all nontidal wetlands dominated by trees, shrubs, emergents, mosses or lichens, and all such wetlands that occur in tidal areas where salinity due to ocean derived salts is below 0.5 ppt. Wetlands lacking such vegetation are also included if they exhibit all of the following characteristics: 1. are less than 8 hectares ( 20 acres ); 2. do not have an active wave-formed or bedrock shoreline feature; 3. have at low water a depth less than 2 meters (6.6 feet) in the deepest part of the basin; 4. have a salinity due to ocean-derived salts of less than 0.5 ppt.

Subsystem :

**EM Class EMERGENT:** Characterized by erect, rooted, herbaceous hydrophytes, excluding mosses and lichens. This vegetation is present for most of the growing season in most years. These wetlands are usually dominated by perennial plants.

Subclass :

Modifier(s):

**F WATER REGIME Semipermanently Flooded:** Surface water persists throughout the growing season in most years. When surface water is absent, the water table is usually at or very near the land's surface.

**h SPECIAL MODIFIER Diked/Impounded:** These wetlands have been created or modified by a man-made barrier or dam which obstructs the inflow or outflow of water. The descriptors 'diked' and 'impounded' have been combined into a single modifier since the observed effect on wetlands is similar. They have been combined here due to image interpretation limitations. For clarification of the extent of impoundment see discussion of Lacustrine System limits.

**ca Plant Specie(s):**

| Scientific Name | Common Name | Indicator | Reference Info. |
|-----------------|-------------|-----------|-----------------|
|-----------------|-------------|-----------|-----------------|

**ca Soil(s):**

| Series | Subgroup | Soils Fields Ind. | Drainage Class | Flood Frequency | Flood Duration | Flood HWT Latest | HWT Depth | HWT Latest | LRR | Soil-5 Code |
|--------|----------|-------------------|----------------|-----------------|----------------|------------------|-----------|------------|-----|-------------|
|--------|----------|-------------------|----------------|-----------------|----------------|------------------|-----------|------------|-----|-------------|



Enter Classification code:  (Example: L1UB1Hx)

For geographically specific information\* (optional), please enter a State code:  (Example: TX for Texas)

**DECODE**

Description for code L1UBHh :

**L System LACUSTRINE:** The Lacustrine System includes wetlands and deepwater habitats with all of the following characteristics: 1. situated in a topographic depression or a dammed river channel; 2. lacking trees, shrubs, persistent emergents, emergent mosses or lichens with greater than 30% areal coverage; 3. total area exceeds 8 hectares ( 20 acres ).

**1 Subsystem LIMNETIC:** Extends outward from Littoral boundary and includes all deep-water habitats within the Lacustrine System.

**UB Class UNCONSOLIDATED BOTTOM:** Includes all wetlands and deepwater habitats with at least 25% cover of particles smaller than stones (less than 6-7 cm), and a vegetative cover less than 30%.

Subclass :

Modifier(s):

**H WATER REGIME Permanently Flooded:** Water covers the land surface throughout the year in all years.

**h SPECIAL MODIFIER Diked/Impounded:** These wetlands have been created or modified by a man-made barrier or dam which obstructs the inflow or outflow of water. The descriptors 'diked' and 'impounded' have been combined into a single modifier since the observed effect on wetlands is similar. They have been combined here due to image interpretation limitations. For clarification of the extent of impoundment see discussion of Lacustrine System limits.

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| Series | Subgroup | Soils Fields Ind. | Drainage Class | Flood Frequency | Flood Duration | Flood HWT Latest | HWT Depth | HWT Latest | LRR | Soil-5 Code |
|--------|----------|-------------------|----------------|-----------------|----------------|------------------|-----------|------------|-----|-------------|
|--------|----------|-------------------|----------------|-----------------|----------------|------------------|-----------|------------|-----|-------------|

STATE OF CALIFORNIA - THE RESOURCES AGENCY  
DEPARTMENT OF FISH AND GAME  
SACRAMENTO VALLEY AND CENTRAL SIERRA REGION  
1701 NIMBUS ROAD, SUITE A  
RANCHO CORDOVA, CALIFORNIA 95670  
Telephone (916) 358-2800

REVISED  
6/16/03

GRAY DAVIS, Governor



Flex  
YOUR  
POWER

June 12, 2003

Mr. Gary Hyden  
El Dorado County  
2000 Fairlane Court  
Placerville, CA 95667

Dear Mr. Hyden:

The Department of Fish and Game (DFG) has reviewed the May 16, 2003 Notice of Preparation (NOP) of a draft Environmental Impact Report (DEIR) for the Bass Lake Regional Park (SCH 2003052077). Project plans for the 41-acre park site include development of a golf course, baseball diamond, soccer field, and other facilities. The project site is immediately adjacent to Bass Lake, near Bass Lake Road and south of Green Valley Road, in western El Dorado County.

Bass Lake and the surrounding shoreline, including lands within the proposed park site, are valuable habitat areas for resident and migratory bird. At least one bald eagle (*Haliaeetus leucocephalus*) has been a frequently observed winter visitor there in recent years, and has often been observed along the shoreline near or inside of the boundaries of the proposed park. Also, Bass Lake is a valuable feeding and resting area for wintering waterfowl, including ring-necked duck (*Aythya collaris*), mallard (*Anas platyrhynchos*) northern shoveler (*Anas clypeata*) and other species. Other aquatic bird species present at Bass Lake include western grebe (*Aechmophorus occidentalis*) and great egret (*Ardea herodias*). Bird species found in grassland areas near Bass Lake include lark sparrow (*Chondestes grammacus*), western meadowlark (*Stenella neglecta*), and western kingbird (*Tyrannus verticalis*). All of the aforementioned bird species have been documented on or adjacent to Bass Lake by Mr. Frank Gray, Biologist of my staff.

Development of ball fields, a golf course, nature interpretation facilities, a community center, pathways, and other facilities, as well as the associated human use, can be expected to greatly reduce resident and migratory bird use of the area. Besides the direct permanent removal of habitat from project construction, many of the bird species are very sensitive to human disturbances which can be expected from operation of the park. For example, the development and use of a perimeter trail



Mr. Hyden  
June 12, 2003  
Page 2

(NOP Item #16, Figure 2) has the potential to significantly affect foraging areas for birds, such as the bald eagle, great egret, and many species of waterfowl.

The DFG has documented many fish species in Bass Lake. Species include largemouth bass (*Micropterus salmoides*), redear sunfish (*Lepomis microlophus*), channel catfish (*Ictalurus punctatus*), and other species. There is potential for runoff from parking areas and construction sites that contain substances deleterious to aquatic life. The risk for this runoff entering Bass Lake and its effect on fish and other aquatic life should be analyzed in the DEIR. Also, bulrushes, cattails, and submerged portions trees are important habitat and escape cover for these and other fish species and should be retained.

In addition to addressing these issues, the DEIR should address the following:

1. Baseline Habitat Species Inventory/Habitat Mapping – A comprehensive inventory of all bird, mammals and other animals, and plant species known or likely to occur at the 41-acre project site and at Bass Lake should be provided. Full species lists should be included in the Appendices of the DEIR. Habitat types of the subject areas should also be identified and mapped in the DEIR. This should include the acreage and location of the existing pond and associated wetlands on the 41 acre property. All grasslands on the 41-acre site should also be mapped and described, as well as the specific location, area, species composition, and other information of existing large willow trees and other plants bordering that part of Bass Lake nearest to the 41-acre property.

Surveys should be conducted at the time of year when rare, threatened, or endangered species are both evident and identifiable. Field surveys should be scheduled to coincide with the appropriate breeding or other life history stage of animals and when they are likely to be evident. Also, surveys should coincide with peak flowering periods and/or during periods of phenological development that are necessary to identify a plant species of concern. Maps and other relevant information regarding rare or listed species may be obtained from the DFG Natural Diversity database for a nominal fee by calling (916) 324-3812.

2. Project Impacts - Analyze and discuss project impacts on the DEIR and all reasonably foreseeable direct, indirect and cumulative project-related impacts on the 41 acre project site and nearby areas, including Bass Lake. Project impacts to native plants should be included in the analysis. A list of all individual trees to be removed should be provided, or the acreage of trees and shrubs to be removed if such removal involves clumps of small trees. The project should be designed so that impacts to these resources are avoided. The DEIR should address the project's impact on species identified as rare, threatened, or endangered.

Mr. Hyden  
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Page 3

Any activity should be addressed that may result in loss of habitat, decreased reproductive success, or other negative effects on population levels of rare, threatened, or endangered species. Mitigation should be provided which reduces project impacts to a level less than significant, if it is not possible to avoid impacts.

3. Fragmentation – The DEIR should evaluate the project's contribution to habitat fragmentation, population isolation, and decreased habitat connectivity for all plant and animal populations, including state and federal listed species and species of concern.

4. Mitigation/Monitoring - Identify and discuss feasible mitigation measures. This should include a mitigation plan for removal of trees associated with the project, including but not limited to oak trees, foothill pines, willows, and other species. Mitigation should be provided for unavoidable impacts based upon the concept of no-net-loss of habitat values or acreage. A monitoring program should be implemented for all mitigation activities, as consistent with CEQA Guidelines Section 15097. This program should be described in the DEIR.

A timetable for achieving the mitigation should be provided. Priority should be given to mitigation measures designed to avoid project-related impacts, followed by mitigation measures that will substantially lessen such impacts. Specifically, identify mitigation measures that minimize and fully mitigate all project impacts to state and federal listed species. Specific project level analysis should identify both on-site mitigation achieved through project design, take avoidance measures, and any potential off-site mitigation strategies.

5. Consistency - Evaluate the project's consistency with the applicable local and regional land use plans such as General Plans, Watershed Plans, Habitat Conservation Plans and U.S. Fish and Wildlife Service Biological Opinions.

6. Project Alternatives - discuss and include alternatives in development design for the project that will avoid or substantially lessen project-related impacts on biological resources. Alternative designs should include avoidance of all significant habitats and listed species and species of concern and include design concepts that address habitat connectivity, fragmentation and population isolation.

It is likely that a Fish and Game Code 1601 or 1603 agreement will be required for various elements of park construction. This is particularly true with respect to modifications of the shoreline of the existing large pond on the project site. In general, an agreement is applicable whenever a proposed project involves work undertaken in or near a river, stream, or lake that flows at least intermittently through a bed or channel,

Mr. Hyden  
June 12, 2003  
Page 4

including ephemeral streams and water courses. Impacts triggering regulation by the DFG under these provisions of the Fish and Game Code typically result from activities that:

- Divert, obstruct, or change the natural flow or the bed, channel or bank of a river, stream, or lake;
- Use material from a streambed; or
- Result in the disposal or deposition of debris, waste, or other material where it may pass into a river, stream, or lake.

In the event implementation of the proposed project involves such activities, and those activities will result in reasonably foreseeable substantial adverse effects on fish or wildlife, a Lake or Streambed Alteration Agreement (LSAA) will be required by the DFG. The DEIR should analyze whether the potentially feasible mitigation measures set forth below will avoid or substantially reduce impacts requiring a LSAA from the DFG.

1. Protection and maintenance of the riparian, wetland, stream or lake systems to ensure a "no-net-loss" of habitat value and acreage. Plant removal should not exceed the minimum necessary to complete operations.
2. Provisions for the protection of fish and wildlife resources at risk that consider various life stages, maintain migration and dispersal corridors, and protect essential breeding (i.e. spawning, nesting) habitats.
3. Delineation of buffers along streams and wetlands to provide adequate protection of the aquatic resource. No grading or construction activities should be allowed within these buffers.
4. Placements of construction materials, spoil, or fill, so that they cannot be washed into Bass Lake or other waters of the State.
5. Prevention of downstream sedimentation and pollution. Provisions may include but not be limited to oil/grit separators, detention ponds, buffering filter strips, silt barriers, etc., to prevent downstream sedimentation and pollution.

Restoration plans must include performance standards such as the types of vegetation to be used, the timing of implementations, and contingency plans if the replanting is not successful. Restoration plans of disturbed areas should use native plants.

Mr. Hyden  
June 12, 2003  
Page 5

Finally, in the event implementation of the proposed project will involve activities and impacts requiring a LSAA, please contact the Sacramento Valley-Central Sierra Region for a notification packet and fee schedule.

This project will have an impact to fish and/or wildlife habitat. Assessment of fees under Public Resources Code Section 21089 and as defined by Fish and Game Code Section 711.4 is needed. Fees are payable by the project applicant upon filing of the Notice of Determination by the lead agency

Pursuant to Public Resources Code Sections 21092 and 21092.2, the DFG requests written notification of proposed actions and pending decisions regarding this project. Written notifications should be directed to this office.

Thank you for the opportunity to review this project. If the DFG can be of further assistance, please contact Mr. Frank Gray at (916) 358-2883 or Ms. Terry Roscoe, Habitat Conservation Planning Supervisor, at (916) 358-2382.

Sincerely,



Larry L. Eng. Ph.D.  
Deputy Regional Manager

FG:js

cc: Mr. Phil Dunn  
C/o EDAW  
2022 J Street  
Sacramento, CA 95814

Mr. Peter Epanchin  
U.S. Fish and Wildlife Service  
Forest Foothill Branch  
2800 Cottage Way, Room W-2605  
Sacramento, CA 95825

Alice Q. Howard  
Conservation Chair, Maidu Chapter  
Sierra Club  
1487 Crooked Mile Ct.  
Placerville, CA 95667

Mr. Hyden  
June 12, 2003  
Page 6

cc: Ms. Mary Bisharat  
Conservation Chair  
Sacramento Audubon Society  
2110 Boyer Drive  
Carmichael, CA 95608

---

Mr. Dave Witter  
Director of Water Policy Coordination  
El Dorado Irrigation District  
2890 Mosquito Road  
Placerville, CA 95667

Ms. Terry Roscoe  
Mr. Jason Holley  
Mr. Stafford Lehr  
Department of Fish and Game  
Sacramento Valley - Central Sierra Region  
1701 Nimbus Road, Suite A  
Rancho Cordova, CA 95670

14-7

Gray/pg

Draft Approved by

T. Roscoe 6/10/03

S. Wick 6/10/03 out

File: ES Chron, RF

a: gray 2003/Hyden/BassLake RegParkNOP0503/pg

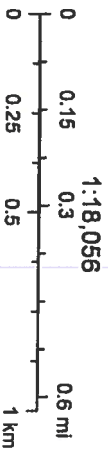
Surname

|                         |                |  |  |  |
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| <p>6-10<br/>S. Wick</p> | <p>6/12/03</p> |  |  |  |
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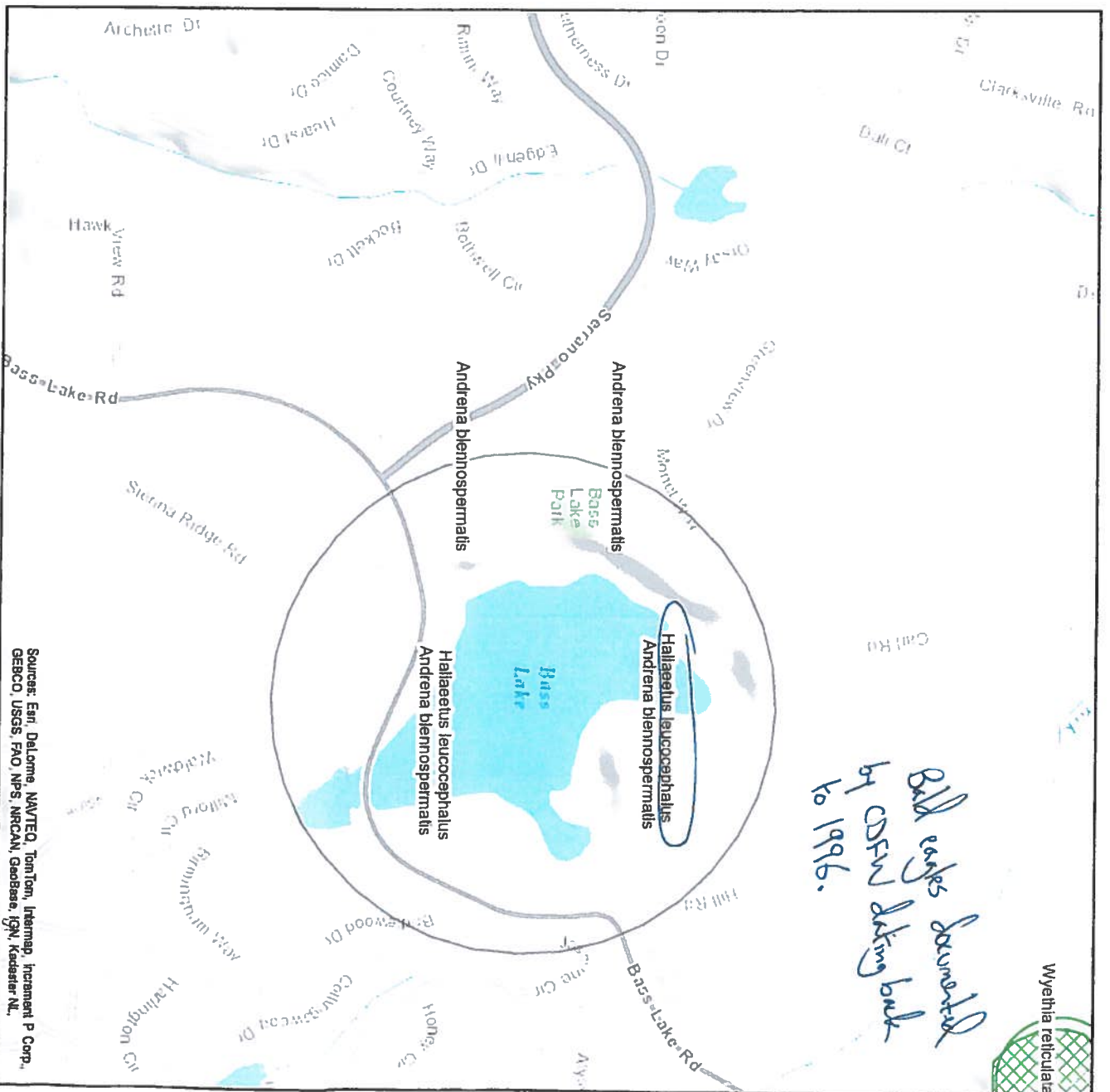
14-8

# Bass Lake CNDDDB report

-  Plant (80m)
-  Plant (specific)
-  Plant (non-specific)
-  Plant (circular)
-  Animal (80m)
-  Animal (specific)
-  Animal (non-specific)
-  Animal (circular)
-  Terrestrial Comm. (80m)
-  Terrestrial Comm. (specific)
-  Terrestrial Comm. (non-specific)
-  Aquatic Comm. (circular)
-  Aquatic Comm. (specific)
-  Aquatic Comm. (non-specific)
-  Multiple (80m)
-  Multiple (specific)
-  Multiple (non-specific)
-  Multiple (circular)



February 18, 2014



Sources: Esri, DeLorme, NAVTEQ, TomTom, Intermap, increment P Corp., GEBCO, USGS, FAO, NPS, NRCAN, Geobase, IGN, Kadaster NL.

ATTACHMENT 15

DRAFT EIR - BASS LAKE <sup>26A017D</sup>  
REALIGNMENT

FEBRUARY 1992  
(NOW CALLED SILVER SPRINGS PARKWAY)

American River College  
4700 College Oak Dr.  
Sacramento, CA. 95841

12-27-1991

El Dorado County of Transportation  
2441 Headington Rd.  
Placerville, CA. 95667  
Attn: Mr. Kris Payne

Dear Sir,

It has come to my attention that a development is planned near Bass Lake in your county. I also understand that it was not clear whether there are wintering Bald Eagles at that Lake.

I have been a professor at American River College for forty-three years and teach natural history, conservation and ornithology. I am also a past president of the Sacramento Audubon Society.

I have been aware of the wintering eagles at Bass Lake for the last 40 years. I even use a picture of a bald eagle taken there in some of my lectures. I take my ornithology field classes to Bass Lake at least twice each year to see the eagles, waterfowl and other birds.

Any development in the area must recognize the presence of these birds or the Endangered Species Act will be violated. I hope your county will realize the tremendous resource a place like Bass Lake is. I implore the planning and administration units of El Dorado County to make wise and far-reaching decisions that will ensure the atmosphere of your county that people enjoy and appreciate will be preserved.

If I can help with any further information about the area in question, please let me know. If further evidence of the eagles' presence is needed, I can put you in contact with many individuals and organizations familiar with the lake.

Very truly yours,

*D. Bruce Swinehart, Jr.*

D. Bruce Swinehart, Jr.  
Biology Professor

cc. Eldorado County Planning Commission  
Sacramento Audubon Society

home # 987-2525



DRAFT EIR BASS LAKE ROAD  
REALIGNMENT  
FEBRUARY 1992  
NOW CALLED SILVER SPRINGS  
PARKWAY

December 30, 1991

Mr. Ken Payne  
El Dorado County D.O.T.  
3441 Headington Road  
Placerville, CA 95667

RECEIVED

DEC 30 1991

EL DORADO CO.  
DEPT. OF TRANSPORTATION

Dear Mr. Payne:

Re: Bass Lake Road Realignment N.O.T.

I have reviewed the Notice of Preparation for the Bass Lake Road realignment and would like to offer some comments that should be addressed in the EIR.

1. Air Quality - there should be a discussion of the potential for creating serpentine dust which can be carcinogenic and any additional mitigation, including avoidance of serpentine outcrops, to eliminate the potential for serpentine dust.
2. Noise - timing of construction should occur to avoid any negative effects on the bald eagles that winter at Bass Lake.
3. Biological Resources - the EIR should thoroughly discuss the potential direct and indirect and cumulative impact, to bald eagles that winter at Bass Lake each year. My family and I have enjoyed watching the bald eagles at Bass Lake for the past few winters since moving to Rescue. We have corresponded with Dr. Bruce Swinhart at American River College in Sacramento and have found that Dr. Swinhart has personally observed the ea. bald eagles at Bass Lake

Mr. Kus Payne  
December 31, 2011  
Page 2

with the students for the past 40 years. Because the bald eagle is a state listed endangered species, any potential loss of habitat is a significant impact that should be thoroughly addressed in the EIR.

Direct impacts such as noise and construction activity during the events should be avoided. Indirect impacts of increased traffic on the realigned road should be evaluated. Cumulative impacts of increase development in the vicinity of Bear Lake should in response to the realigned road should also be addressed.

A study to evaluate the significance of the potential loss of Bear Lake for bald eagle wintering habitat should be undertaken by El Dorado County D.O.T in addition to the other project proponents proposing projects in the Bear Lake area. The California Department of Fish and Game and the U.S. Fish and Wildlife Service should be consulted to determine the appropriate design of such a study.

Please call me at work 653-0325 or home 677-1491 if you would like to discuss these comments further.

Sincerely,  
Roger E. Johnson  
ROGER E JOHNSON  
2703 MELORSE LANE  
RESCUE, CA 95672



ATTACHMENT 17



**Environmental Impacts**  
**Eagles/Pelicans at EID Bass Lake**  
**Bass Lake Wetlands and Historic Wetlands**

**From SMUD:**

The CNDDDB (California Natural Diversity Data Base) reports that eagles have wintered at Bass Lake in western El Dorado County (T. 10 N., R. 9 E., S. 31, NE Qtr.; elevation 1,250 ft.) for over 40 years. Bass Lake is about 1.5 miles south of the UARP transmission line.

Residential development has been identified as a major concern to wintering eagles at Bass Lake. Here's the document:

<http://hydrorelicensing.smud.org/docs/spr/6.1%20%20Bald%20Eagle%20and%20Osprey%20Study%20-%20PG020606.pdf>

**From Bass Lake Regional Park:**

This above information was also reported by the California Dept. of Fish and Game when they commented on the EIR for the proposed Bass Lake Regional Park in 2002 - 2003. Since this was 10 years ago, the eagles would be in residence approximately 50 years at this time.

**Bass Lake – From the Audubon Society:**

Bass Lake is used to store water for the El Dorado Irrigation District. It is located on Bass Lake Rd. between Highway 50 and Green Valley Rd. Access to the lake is restricted but birds can be seen from roadside turnouts with binoculars or a spotting scope. Winter finds many waterfowl species here including Mallard, American Widgeon, Ring-necked Duck, Bufflehead, Canada Goose, and Greater White-fronted Goose. Other species seen here are Turkey Vulture, Wild Turkey, Great Blue Heron, Great Egret, Double-crested Cormorant, Killdeer, and Lark Sparrow.

In 2012 the Audubon Society reported that in 2011, eagles were spotted at Bass Lake when they did their December count.

**Residents Observations:**

Other birds noted at Bass Lake by local residents are several different kinds of hawks, American White Pelicans (for 10 years/see more information about them below) and a pair of swans who remained over the summer of 2013.

Recently a Golden Eagle was spotted around the EID Bass Lake property sitting on a pole and a Bald Eagle was seen by a nearby Serrano resident.

## Page 2 – Eagles at Bass Lake /Wetlands and Historic Wetlands

### American White Pelicans

This species is protected by the [Migratory Bird Treaty Act of 1918](#). It has the [California Department of Fish and Game](#) protective status [California species of special concern](#) (CSC). On a global scale however, the species is common enough to qualify as a Species of [Least Concern](#) according to the [IUCN](#).<sup>[1]</sup>

Habitat loss is the largest known cause of nesting failure, with flooding and drought being recurrent problems. Human-related losses include entanglement in fishing gear, boating disturbance and [poaching](#) as well as additional habitat degradation.<sup>[9]</sup>

There was a pronounced decline in American White Pelican numbers in the mid-20th century, attributable to the excessive spraying of [DDT](#), [endrin](#) and other [organochlorides](#) in agriculture as well as widespread draining and pollution of wetlands. But populations have recovered well after stricter [environmental protection](#) laws came into effect, and are stable or slightly increasing today. By the 1980s, more than 100,000 adult American White Pelicans were estimated to exist in the wild, with 33,000 nests altogether in the 50 colonies in Canada, and 18,500 nests in the 14–17 United States colonies. Shoreline [erosion](#) at breeding colonies remains a problem in some cases, as are the occasional mass poisonings when [pesticides](#) are used near breeding or wintering sites.

### Bass Lake Wetlands/Historic Wetlands

The USGS National Wetlands Inventory map for the US Department of Fish and Wildlife Service has classified Bass Lake as a wetland and there are two historic wetlands on the east side of the lake. The link to this information is below.

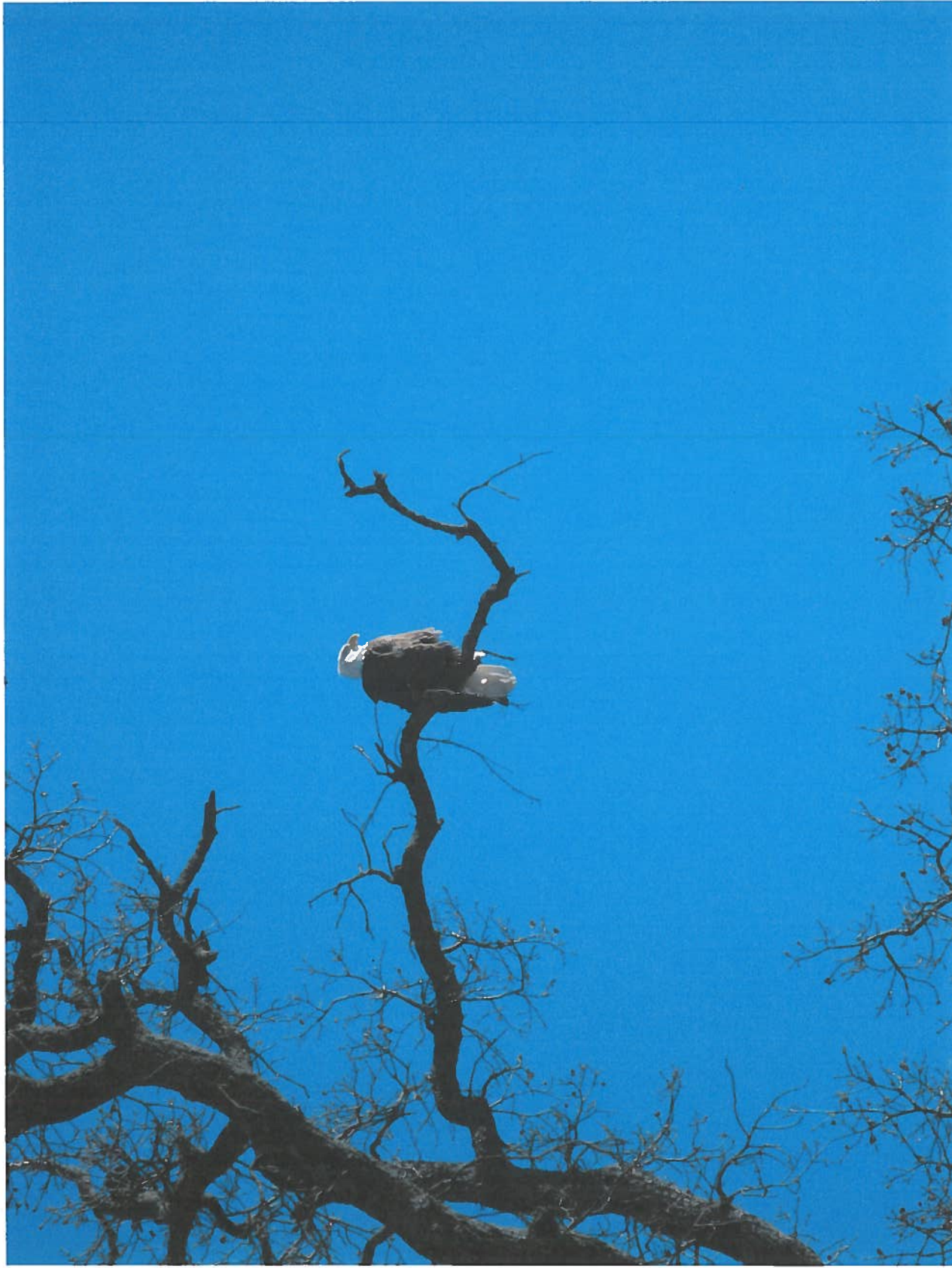
<http://mail.aol.com/38203-112/aol-6/en-us/mail/get-attachment.aspx?uid=29739912&folder=NewMail&partId=3&saveAs=basslake.png>



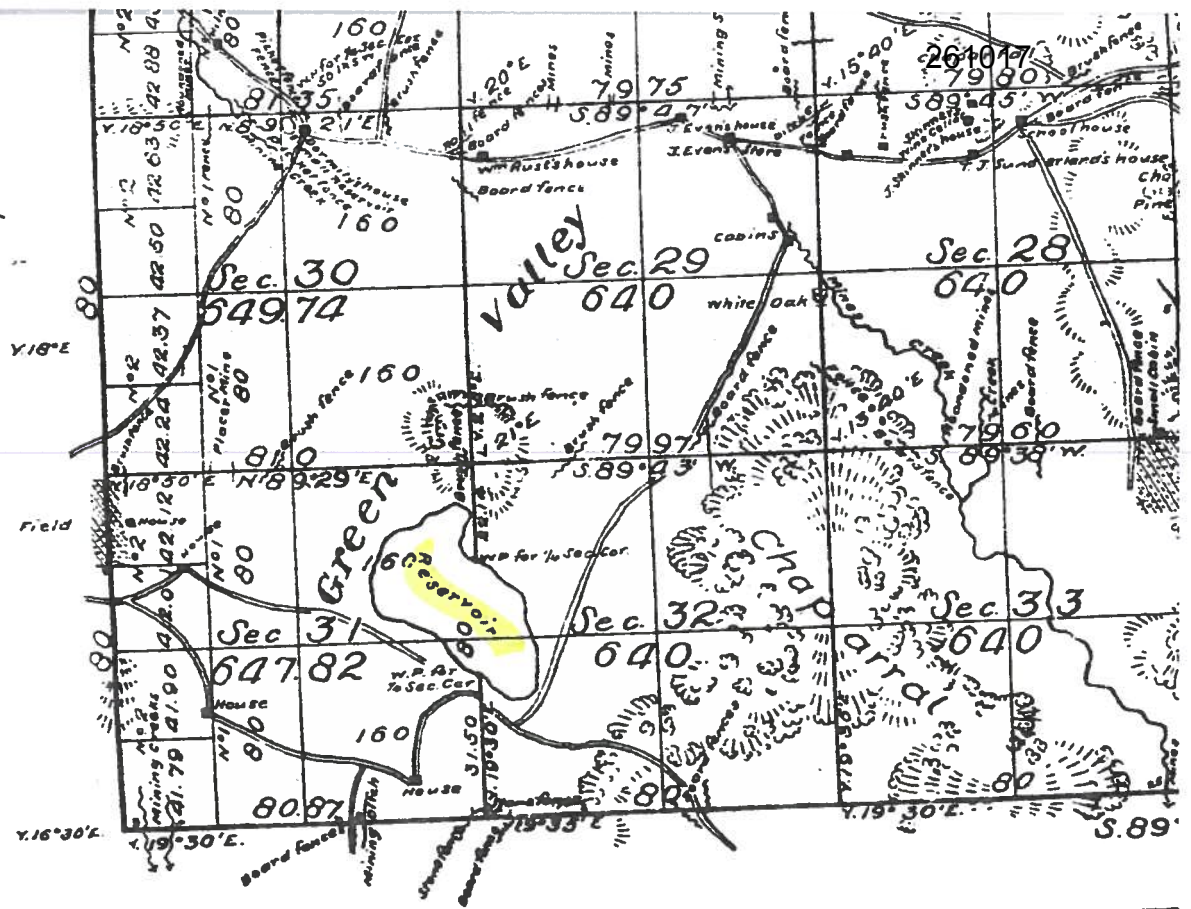
Swans at Bass Lake



ATTACHMENT 18-4



BASIL AND SUMMER DRIVE  
BALD EAGLE  
DECEMBER 2012  
TAKEN BY JOE D'AMICO  
(HAD BEEN EATING A FISH)



| Surveys Designated                            | By whom Surveyed | Date of Contract               |
|-----------------------------------------------|------------------|--------------------------------|
| Part of west boundary of Township colored red | A. H. Jones      | April 17 <sup>th</sup> 1855    |
| North boundary                                | J. E. Freeman    | November 20 <sup>th</sup> 1865 |
| Rest of Township lines                        | " "              | " " "                          |
| Section lines                                 | " "              | " " "                          |

AMERICAN RESERVOIR  
1865



SHAWNA PURVINES  
SEPTEMBER 24, 2013  
EMAIL TO ELLEN VANDYKE

ATTACHMENT 20 - 1  
261017

**Subject:** Re: Bass Lake parcel 115-400-12

The Assessor Parcel Number (APN) 115-400-12 you have listed below is currently General Planned for Recreation within the El Dorado Hills Specific Plan (AP) and zoned Recreational Facilities (RF). Countywide, all currently zoned Recreational Facility (RF) parcels are being proposed for a rezone to either Recreational Facilities High (RFH) or Recreational Facilities low (RFL) consistent with General Plan objectives and based on current site location, uses or future planned site uses.

The El Dorado County Parks and Trails Master Plan was approved by the Board of Supervisors on March 27, 2012. This plan integrated a previous master plan developed for the Bass Lake Regional Park including APN 115-400-12. The Bass Lake Hills Regional Park was identified to potentially include intensive uses and amenities such as a community center, group picnic areas, basketball courts, a baseball field, toddler play area, playground, soccer field, dog park, disc golf, outdoor classroom, nature interpretive area, and parking.

Therefore, this site is proposed to be rezoned to Recreational Facilities High (RFH) consistent with the Board adopted Parks and Trails Master Plan.

Parcels within other Specific Plans may be proposed for revisions depending on the individual Specific Plan policies and requirements.

Shawna



County-Owned Land

Possible School Site

EID Land and Bass Lake

EID Maintenance Yard

Bass Lake

Bass Lake Park (Silwood Field)

Sandhurst Hill Rd

Bass Lake Rd

Bass Lake Rd

Bass Lake Rd

Sierra Ridge Rd

Sienna

Serrano Pkwy

Greenview Dr

Rental Ct

Rialto Ct

San Marco Pl

## 2012 El Dorado County Parks Master Plan Final Approved

### Bass Lake Regional Park

#### RP4. Bass Lake Regional Park

The County undertook a comprehensive planning effort in 2001 to 2003 to develop plans for the Bass Lake Regional Park. The proposed improvements include multiple lighted sports fields, picnic areas, a dog park, play areas, a community center, habitat areas, interpretive features, an outdoor classroom, and trails. During the EIR Notice of Preparation public scoping meeting in 2003 the community expressed concerns about the potential for the park as designed to adversely impact the neighbors and existing natural resource. A phased approach to the project was proposed, but has not moved forward due to budget and staffing issues. The concept plan is now 10 years old, and needs to be revisited taking into consideration new residential developments, local parks, and road projects in the area. On a regional basis, there continues to be a need for both soccer and baseball fields but the relative value of the other proposed improvements should be reexamined to reflect anticipated demographics and recreation preferences. More passive uses such as trails and nature areas may have greater value as the El Dorado Hills and Cameron Park communities are becoming more densely developed. These types of uses would also have fewer environmental impacts and cost less to develop and maintain. As a phased approach, the plan should scale back development of the active use facilities to focus on those for which there is the greatest demand. These are also more likely to be facilities that are revenue generating and may be suitable for a public/private development and operation agreement. (p117)

#### From pg 57:

Bass Lake Park comprises 40 acres of undeveloped county park land located between the communities of Cameron Park and El Dorado Hills. A master plan was developed for the land in 2001 to 2003 that include potential amenities such as a community center, group picnic areas, basketball courts, a baseball field, toddler play area, playground, soccer field, dog park, disc golf, outdoor classroom, nature interpretive area, and parking. However, the environmental review process for this project was not completed and the project has been on hold since 2003. The master plan will need to be revisited before improvements for this site are implemented to reflect changes in community needs and recreation trends.

#### Frm pg 117:

More passive uses such as trails and nature areas may have greater value as the El Dorado Hills and Cameron Park communities are becoming more densely developed. These types of uses would also have fewer environmental impacts and cost less to develop and maintain. As a phased approach, the plan should scale back development of the active use facilities to focus on those for which there is the greatest demand. These are also more likely to be facilities that are revenue generating and may be suitable for a public/private development and operation agreement.





## Responses to Letter I-37

### I-37-1

The comment describes the proposed rezoning of property and does not address any environmental issues. No response is necessary.

### I-37-2 and I-37-3

These comments relate to the commenter's opinion on the advisability of one or more of the policies or regulations being proposed as part of the TGPA/ZOU project. They do not address the adequacy of the DEIR or other environmentally related topic. State CEQA Guidelines Section 15132(d) requires the FEIR to contain "[t]he responses of the Lead Agency to significant environmental points raised in the review and consultation process." The comments are not on a significant environmental point, and therefore no response is necessary.

### I-37-4

The comment describes the parcel that is the focus of the comment. It does not raise environmental issues, and therefore no response is necessary.

### I-37-5

The comment describes natural character of the parcel that is the focus of the comment. It does not raise environmental issues in the context of the TGPA/ZOU EIR, and therefore no response is necessary.

### I-37-6

The comment describes policies of the El Dorado Hills Specific Plan and California Planning Law requirements for consistency of land use decisions with specific plans. It does not raise environmental issues in the context of the TGPA/ZOU EIR, and therefore no response is necessary.

### I-37-7

The comment describes policies of the El Dorado Hills Specific Plan related to the parcel. It does not raise environmental issues in the context of the TGPA/ZOU EIR, and therefore no response is necessary.

### I-37-8 through I-37-11

Please see response to comment I-37-7.

### I-37-12

The comment describes open space policies of the El Dorado County General Plan. It does not raise environmental issues in the context of the TGPA/ZOU EIR, and therefore no response is necessary.

**I-37-13**

The comment recites a summary of the proposed zoning code provisions for RFL and RFH zones from the TGPA/ZOU EIR. However, it does not raise environmental issues, and therefore no response is necessary.

**I-37-14**

The comment references Table 2-2 of the TGPA/ZOU EIR, which is a matrix describing General Plan land use and zoning consistency. The comment relates to the commenter's opinion on the advisability of one or more of the policies or regulations being proposed as part of the TGPA/ZOU project. It does not address the adequacy of the DEIR or other environmentally related topic. State CEQA Guidelines Section 15132(d) requires the FEIR to contain "[t]he responses of the Lead Agency to significant environmental points raised in the review and consultation process." The comment is not on a significant environmental point, and therefore no response is necessary.

**I-37-15**

The comment describes the wetlands on the site. However, it does not raise environmental issues in relation to the TGPA/ZOU EIR, and therefore no response is necessary.

**I-37-16**

The comment describes the site's value as habitat. However, it does not raise environmental issues in relation to the TGPA/ZOU EIR, and therefore no response is necessary.

**I-37-17**

The comment references two comments made in relation to a prior EIR regarding bald eagles. However, it does not raise environmental issues in relation to the TGPA/ZOU EIR, and therefore no response is necessary.

**I-37-18**

The comment notes that bald eagles winter at Bass Lake. However, it does not raise environmental issues in relation to the TGPA/ZOU EIR, and therefore no response is necessary.

**I-37-19**

The comment references the types of birds that frequent the area, based on Audubon Society bird count information. However, it does not raise environmental issues in relation to the TGPA/ZOU EIR, and therefore no response is necessary.

**I-37-20**

The comment describes the site's value as habitat for various types of wildlife. However, it does not raise environmental issues in relation to the TGPA/ZOU EIR, and therefore no response is necessary.

**I-37-21**

The comment claims that the site has historical value. However, it does not raise environmental issues in relation to the TGPA/ZOU EIR, and therefore no response is necessary.

**I-37-22**

The comment describes the results of a conversation with County staff regarding the proposed rezoning. However, it does not raise environmental issues in relation to the TGPA/ZOU EIR, and therefore no response is necessary.

**I-37-23**

The comment references a past proposal for the property (Bass Lake Regional Park) that was not approved. However, it does not raise environmental issues in relation to the TGPA/ZOU EIR, and therefore no response is necessary.

**I-37-24**

The comment describes a statement from the El Dorado County Parks and Trails Master Plan regarding the proposed Bass Lake Regional Park. However, it does not raise environmental issues in relation to the TGPA/ZOU EIR, and therefore no response is necessary.

**I-37-25**

Please see response to comment I-37-24.

**I-37-26**

The comment relates to the commenter's opinion on the advisability of one or more of the policies or regulations being proposed as part of the TGPA/ZOU project. It does not address the adequacy of the DEIR or other environmentally related topic. State CEQA Guidelines Section 15132(d) requires the FEIR to contain "[t]he responses of the Lead Agency to significant environmental points raised in the review and consultation process." The comment is not on a significant environmental point, and therefore no response is necessary.

## Letter I-38—Shelley Wiley





TGPA-ZOU ZOU <tgpa-zou@edcgov.us>

Fwd: Current zoning map

1 message

Shawna Purvines <shawna.purvines@edcgov.us>  
To: TGPA-ZOU ZOU <TGPA-ZOU@edcgov.us>

Wed, Jul 23, 2014 at 5:13 PM

To Shawna Purvines, Senior Planner

Re: Public Comment on LUPPU/ZOU Draft EIR  
7/22/2014  
El Dorado County TGPA/ZOU Draft EIR comments

The draft EIR addressing the changes being proposed to the General Plan and Zoning Ordinance cannot fully address the impact of the Zoning Ordinance changes because the full scope of the zoning change is not identified and/or not reasonably accessible. In my effort to find a mark-up version of our existing zoning map I have met with a county planner and they have agreed to begin the process of creating a mark-up version to facilitate a better understanding of the changes to the zoning map. Everyone agrees this will be valuable information; however it is too late to be of use for the dEIR.

I-38-1

It is my understanding that there are 8,000+ parcels directly affected. I also believe it's a safe assumption that as few as 24,000 parcels are indirectly affected. Many of these parcels are in central portions of the county and will affect surrounding uses and landowners. This is not addressed in the draft EIR. Zoning was unilaterally updated to meet the Land Use Requirements without considering updating Land Use to reflect current Zoning. The current Zoning map more accurately reflects existing conditions which is the appropriate baseline to determine impacts to be addressed in the EIR. Without clearly defining the existing conditions there is no way to analyze the potential impacts.

I-38-2

I attended the July 10<sup>th</sup> 2014, presentation on the Draft Environmental Impact Report for the Targeted General Plan Amendment and Zoning Ordinance Update and was impressed by the broad brush assumptions made within the analysis. This approach along with the lack of detail and access to changes within the zoning map creates the potential for lack of understanding of the scope of changes and potential for mistakes. In addition to the lack of understanding for the purpose of completing an accurate EIR, it also creates a transparency issue with the residents of this county that have been losing confidence in our local governments commitment to have an inclusive process.

I-38-3

Currently there is no other reasonable way to determine the existing vs proposed zoning.

NOP public comments addressed the same issue and the problem still exists. E.g.; comment 100053, 100069, 110007

I-38-4

I feel the county is buying into an EIR that doesn't even define the full scope of the project let alone address all potential impacts.

Recommendation; Create a mark-up Zoning Map that accurately reflects the changes. Quantify this parcel changes in a matrix and address impacts.

Thank you for your hard work,

Sincerely, Shelley Wiley

Shawna L. Purvines

Principal Planner

County of El Dorado

Community Development Agency

Long Range Planning

2850 Fairlane Court

Placerville, CA 95667

Phone:(530) 621-5362/Fax: (530) 642-0508

[shawna.purvines@edcgov.us](mailto:shawna.purvines@edcgov.us)

[www.edcgov.us](http://www.edcgov.us)

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-

Shawna L. Purvines

Principal Planner

County of El Dorado

Community Development Agency

Long Range Planning

2850 Fairlane Court

Placerville, CA 95667

Phone:(530) 621-5362/Fax: (530) 642-0508

[shawna.purvines@edcgov.us](mailto:shawna.purvines@edcgov.us)

[www.edcgov.us](http://www.edcgov.us)

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-

Shawna L. Purvines

Principal Planner

County of El Dorado

Community Development Agency

Long Range Planning

2850 Fairlane Court

Placerville, CA 95667

Phone:(530) 621-5362/Fax: (530) 642-0508

[shawna.purvines@edcgov.us](mailto:shawna.purvines@edcgov.us)

[www.edcgov.us](http://www.edcgov.us)

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Thank you.

## Responses to Letter I-38

### I-38-1

Please see Master Response 1: Specificity of Environmental Review and Master Response 2: Relationship of the TGPA/ZOU EIR to the 2004 General Plan EIR and 2004 Impact Analysis.

### I-38-2

Please see Master Response 1: Specificity of Environmental Review, Master Response 2: Relationship of the TGPA/ZOU EIR to the 2004 General Plan EIR and 2004 Impact Analysis, and Master Response 3: Necessity to Amend the Zoning Ordinance. Please see also Master Response 4: Scope of the Project regarding parcel-specific rezonings for General Plan consistency and Master Response 13: Availability of Full Text of Proposed Zoning and General Plan Changes.

### I-38-3

Please see Master Response 1: Specificity of Environmental Review, Master Response 2: Relationship of the TGPA/ZOU EIR to the 2004 General Plan EIR and 2004 Impact Analysis, Master Response 4: Scope of the Project, and Master Response 10: Format of the EIR.

### I-38-4

Information about the specific proposed rezonings being undertaken for General Plan consistency is available at the County's Parcel Data Inquiry website at: [http://www.edcgov.us/Government/LongRangePlanning/LandUse/TGPA-ZOU\\_Main.aspx](http://www.edcgov.us/Government/LongRangePlanning/LandUse/TGPA-ZOU_Main.aspx). This information was made available before the release of the TGPA/ZOU. The website's search function allows the public to view the change, if any, proposed for any parcel in the county by assessor's parcel number. Please see Master Response 13: Availability of Full Text of Proposed Zoning and General Plan Changes for more detail.

## Letter I-39—David Pava



TGPA-ZOU ZOU <tgpa-zou@edcgov.us>

**Fwd: TGPA-ZOU DEIR**

1 message

**Shawna Purvines** <shawna.purvines@edcgov.us>  
To: TGPA-ZOU ZOU <TGPA-ZOU@edcgov.us>

Tue, Jul 22, 2014 at 9:30 AM

----- Forwarded message -----

From: **David Pava** <david@pava.com>  
Date: Tue, Jul 22, 2014 at 9:22 AM  
Subject: TGPA-ZOU DEIR  
To: shawna.purvines@edcgov.us, "To:" <bosone@edcgov.us>, bostwo@edcgov.us, bosthree@edcgov.us, bosfour@edcgov.us, bosfive@edcgov.us, edc.cob@edcgov.us

Dear Ms. Purvines,

As a member of the general public in El Dorado County, I expect the Draft Environmental Impact Report (DEIR) on the county's Targeted General Plan Amendments and Zoning Ordinance Update (TGPA-ZOU) be clear and concise. Not only do I expect that from a DEIR, it is required by the California Environmental Quality Act (CEQA) law so that I can make informed decisions about its impact to my quality of life. It is unrealistic for the county to expect that this huge, 1,212-page, vaguely-written document has helped me understand the impacts of the proposed TGPA-ZOU. The DEIR does not clearly identify the tens of thousands of parcels that will be impacted by the TGPA-ZOU.

I-39-1

I am requesting that you ensure that the Final EIR will have clear and concise data and analysis so that I can understand how I will be directly and indirectly affected by the impacts of the TGPA-ZOU.

--  
David Pava  
David@Pava.com

--  
**Shawna L. Purvines**  
Principal Planner

**County of El Dorado**  
Community Development Agency  
Long Range Planning  
2850 Fairlane Court  
Placerville, CA 95667  
Phone:(530) 621-5362/Fax: (530) 642-0508  
[shawna.purvines@edcgov.us](mailto:shawna.purvines@edcgov.us)  
[www.edcgov.us](http://www.edcgov.us)

NOTICE: This e-mail and any files transmitted with it may contain confidential information,

7/24/2014

Edcgov.us Mail - Fwd: TGPA-ZOU DEIR

251018

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Thank you.



## **Responses to Letter I-39**

### **I-39-1**

Please see Master Response 10: Format of the EIR for a response to this comment.

## **Letter I-40—Mr. and Mrs. Michael Mueller, RCDD**



EDC COB &lt;edc.cob@edcgov.us&gt;

---

## Comment on TGPA-ZOU DEIR

1 message

---

**Mike** <mikemue2@comcast.net>

Tue, Jul 22, 2014 at 10:45 AM

To: Ron Briggs <bosfour@edcgov.us>, Supervisor Ron Mikulaco <bosone@edcgov.us>, Brian Veerkamp <bosthree@edcgov.us>, Ray Nutting <bostwo@edcgov.us>, edc.cob@edcgov.us, Norma Santiago <bosfive@edcgov.us>

Dear Ms. Purvines,

As a member of the general public in El Dorado County, I expect the Draft Environmental Impact Report (DEIR) on the county's Targeted General Plan Amendments and Zoning Ordinance Update (TGPA-ZOU) be clear and concise. Not only do I expect that from a DEIR, it is required by the California Environmental Quality Act (CEQA) law so that I can make informed decisions about its impact to my quality of life. It is unrealistic for the county to expect that this huge, 1,212-page, vaguely-written document has helped me understand the impacts of the proposed TGPA-ZOU. The DEIR does not clearly identify the tens of thousands of parcels that will be impacted by the TGPA-ZOU.

I-40-1

I am requesting that you ensure that **the Final EIR will have clear and concise data and analysis so that I can understand how I will be directly and indirectly affected by the impacts of the TGPA-ZOU.**

Thank you,

Mr & Mrs. Michael Mueller, RCDD  
6696 Rhodes Ave.  
El Dorado

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## **Responses to Letter I-40**

### **I-40-1**

Please see Master Response 10: Format of the EIR for a response to this comment.

## **Letter I-41—Jennifer Zraick**



EDC COB &lt;edc.cob@edcgov.us&gt;

---

## TGPA-ZOU DEIR Comment

1 message

**Jennifer Zraick** <jgerm64@yahoo.com>

Tue, Jul 22, 2014 at 6:33 AM

Reply-To: Jennifer Zraick <jgerm64@yahoo.com>

To: The BOSONE <bosone@edcgov.us>, "bostwo@edcgov.us" <bostwo@edcgov.us>, "bostthree@edcgov.us" <bostthree@edcgov.us>, The BOSFOUR <bosfour@edcgov.us>, "bosfive@edcgov.us" <bosfive@edcgov.us>, "edc.cob@edcgov.us" <edc.cob@edcgov.us>

Dear Ms. Purvines,

As a member of the general public in El Dorado County, I expect the Draft Environmental Impact Report (DEIR) on the county's Targeted General Plan Amendments and Zoning Ordinance Update (TGPA-ZOU) be clear and concise. Not only do I expect that from a DEIR, it is required by the California Environmental Quality Act (CEQA) law so that I can make informed decisions about its impact to my quality of life. It is unrealistic for the county to expect that this huge, 1,212-page, vaguely-written document has helped me understand the impacts of the proposed TGPA-ZOU. The DEIR does not clearly identify the tens of thousands of parcels that will be impacted by the TGPA-ZOU. | -41-1

I am requesting that you ensure that the Final EIR will have clear and concise data and analysis so that I can understand how I will be directly and indirectly affected by the impacts of the TGPA-ZOU.

Thank you,

Jennie Zraick  
Placerville, CA

## **Responses to Letter I-41**

### **I-41-1**

Please see Master Response 10: Format of the EIR for a response to this comment.

## Letter I-42—Ashley Blinn





TGPA-ZOU ZOU <tgpa-zou@edcgov.us>

# Fwd: Comment on TGPA-ZOU DEIR

1 message

**Shawna Purvines** <shawna.purvines@edcgov.us>  
To: TGPA-ZOU ZOU <TGPA-ZOU@edcgov.us>

Tue, Jul 22, 2014 at 12:05 PM

----- Forwarded message -----

From: **Ashley Blinn** <ashleyblinn@yahoo.com>

Date: Tue, Jul 22, 2014 at 12:03 PM

Subject: Comment on TGPA-ZOU DEIR

To: "shawna.purvines@edcgov.us" <shawna.purvines@edcgov.us>, "bosone@edcgov.us" <bosone@edcgov.us>, "bostwo@edcgov.us" <bostwo@edcgov.us>, "bosthree@edcgov.us" <bosthree@edcgov.us>, "bosfour@edcgov.us" <bosfour@edcgov.us>, "bosfive@edcgov.us" <bosfive@edcgov.us>, "edc.cob@edcgov.us" <edc.cob@edcgov.us>

Dear Ms. Purvines,

As a member of the general public in El Dorado County, I expect the Draft Environmental Impact Report (DEIR) on the county's Targeted General Plan Amendments and Zoning Ordinance Update (TGPA-ZOU) be clear and concise. Not only do I expect that from a DEIR, it is required by the California Environmental Quality Act (CEQA) law so that I can make informed decisions about its impact to my quality of life. It is unrealistic for the county to expect that this huge, 1,212-page, vaguely-written document has helped me understand the impacts of the proposed TGPA-ZOU. The DEIR does not clearly identify the tens of thousands of parcels that will be impacted by the TGPA-ZOU.

I-42-1

I am requesting that you ensure that the Final EIR will have clear and concise data and analysis so that I can understand how I will be directly and indirectly affected by the impacts of the TGPA-ZOU.

Thank you,  
Ashley Blinn  
3335 Sage Dr  
Cameron Park, 95682

--

**Shawna L. Purvines**  
Principal Planner

**County of El Dorado**

Community Development Agency  
Long Range Planning  
2850 Fairlane Court  
Placerville, CA 95667  
Phone:(530) 621-5362/Fax: (530) 642-0508  
[shawna.purvines@edcgov.us](mailto:shawna.purvines@edcgov.us)  
[www.edcgov.us](http://www.edcgov.us)

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Thank you.

## **Responses to Letter I-42**

### **I-42-1**

Please see Master Response 10: Format of the EIR for a response to this comment.

## Letter I-43—Larry Patterson



TGPA-ZOU ZOU <tgpa-zou@edcgov.us>

---

## RE: DS-ED CAC LUPPU letter

1 message

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**Larry Patterson** <larry@pattersondev.com>

Tue, Jul 22, 2014 at 1:05 PM

To: rsmart41@comcast.net, TGPA-ZOU@edcgov.us

Cc: "Johnson, Deanne" <deannej@att.net>, "McCoy, Kathy" <kathymccoy230@att.net>, "Peterson, Erik" <epeterson8101@comcast.net>, "Webb, Greg" <gregswestpalm@aol.com>, "Pierce, Dale" <dpierce@innercite.com>, "D-3, Brian" <bostthree@edcgov.us>, "Purvines, Shawna" <shawna.purvines@edcgov.us>

<dpierce@innercite.com>, "D-3, Brian" <bostthree@edcgov.us>, "Purvines, Shawna" <shawna.purvines@edcgov.us>

Short and to the point. I support it. Larry

I-43-1

---

**From:** [rsmart41@comcast.net](mailto:rsmart41@comcast.net) [mailto:[rsmart41@comcast.net](mailto:rsmart41@comcast.net)]

**Sent:** Tuesday, July 22, 2014 7:45 AM

**To:** [TGPA-ZOU@edcgov.us](mailto:TGPA-ZOU@edcgov.us)

**Cc:** Johnson, Deanne; McCoy, Kathy; Patterson, Larry; Peterson, Erik; Smart, Robert; Webb, Greg; Pierce, Dale; D-3, Brian; Purvines, Shawna

**Subject:** DS-ED CAC LUPPU letter



Committee Members

Deanne Johnson  
Kathy McCoy  
Larry Patterson  
Erik Peterson  
Dale Pierce  
Bob Smart  
Greg Webb

DIAMOND SPRINGS AND EL DORADO  
COMMUNITY ADVISORY COMMITTEE

Diamond Springs Fire Station  
501 Main Street  
Diamond Springs, CA 95916  
July 22, 2014

To: El Dorado County Community Development Agency  
2850 Fairlane Court  
Placerville, CA 95667

Attn: Shawna Purvine:

Subject: **Targeted General Plan Amendment**

The Diamond Springs-El Dorado Community Advisory committee supports the El Dorado County Mixed-use Design Manual (released March 19, 2014), and hopes this is a pathway to developing enforceable standards for local communities. The CAC also notes that this manual is consistent with the historic overlays proposed for the townships of Diamond Springs and El Dorado.

Sincerely,

Robert A. Smart, Jr.  
Chairperson

## Responses to Letter I-43

### I-43-1

The comment offers support for the proposed TGPA or ZOU. It does not address the adequacy of the DEIR or other environmentally related topic. As discussed in Master Response 12: Significant and Unavoidable Impacts, no response is necessary.

## Letter I-44–Steve Cogburn





## Fwd: ACTION ALERT! Please make a comment on the Draft EIR by 7/23/14 at 5:00pm

1 message

**Shawna Purvines** <shawna.purvines@edcgov.us>

Tue, Jul 22, 2014 at 1:19 PM

To: TGPA-ZOU ZOU <TGPA-ZOU@edcgov.us>

----- Forwarded message -----

From: **steve cogburn** <roostercogburn99@gmail.com>

Date: Tue, Jul 22, 2014 at 1:01 PM

Subject: Fwd: ACTION ALERT! Please make a comment on the Draft EIR by 7/23/14 at 5:00pm

To: Shawna Purvines <shawna.purvines@edcgov.us>, bosone@edcgov.us, bostwo@edcgov.us, bosthree@edcgov.us, bosfour@edcgov.us, bosfive@edcgov.us, edc.cob@edcgov.us

Subject: Comment on TGPA-ZOU DEIR

Dear Ms. Purvines,

As a member of the general public in El Dorado County, I expect the Draft Environmental Impact Report (DEIR) on the county's Targeted General Plan Amendments and Zoning Ordinance Update (TGPA-ZOU) be clear and concise. Not only do I expect that from a DEIR, it is required by the California Environmental Quality Act (CEQA) law so that I can make informed decisions about its impact to my quality of life. It is unrealistic for the county to expect that this huge, 1,212-page, vaguely-written document has helped me understand the impacts of the proposed TGPA-ZOU. The DEIR does not clearly identify the tens of thousands of parcels that will be impacted by the TGPA-ZOU.

I-44-1

This is too important to be left unclear. We are directly impacted by all of this as we are directly across the street from the proposed San Stino sight..

I am requesting that you ensure that the Final EIR will have clear and concise data and analysis so that I can understand how I will be directly and indirectly affected by the impacts of the TGPA-ZOU.

Thank you,

Mr./Mrs. Cogburn  
4628 French Creek Rd.  
Shingle Springs ca.95682

On Tue, Jul 22, 2014 at 11:17 AM, Lori at Shingle Springs Community Alliance <info@shinglespringscommunityalliance.com> wrote:

Hi Steve,

Sorry for the confusion. Bottom line is that the comment period is closing and that the DEIR is a poorly written document that does not provide clarity to the public. I was asking people to send in an email to state that because we may end up suing the county in the future, and it helps if people make comment that the DEIR is not clear.

I provided the sample email that can be copied and pasted to help get people started in making a comment.

Hahaha! I guess my email request wasn't any clearer than the DEIR!!! Kidding aside, I hope this is helpful.

Lori

----- Original Message -----

Subject: Re: ACTION ALERT! Please make a comment on the Draft EIR by 7/23/14 at 5:00pm

From: steve cogburn <roostercogburn99@gmail.com>

Date: Tue, July 22, 2014 8:47 am

To: Lori at Shingle Springs Community Alliance <info@shinglespringscommunityalliance.com>

Lori this is a little confusing. I would sign if I could figure out how?

On Mon, Jul 21, 2014 at 8:15 PM, Lori at Shingle Springs Community Alliance <info@shinglespringscommunityalliance.com> wrote:

Dear Shingle Springs residents and El Dorado County rural lifestyle supporters,

The 120-day public comment period for the Draft Environmental Impact Report (DEIR) for the Targeted General Plan Amendments and Zoning Ordinance Update (TGPA/ZOU), [aka LUPPU (Land Use Policy Programmatic Update)], is closing on Wednesday, July 23rd at 5:00pm.

The DEIR is the document that analyzes how the county will be affected by the proposed changes in the TGPA/ZOU. The comments are to be directed toward the analysis of those effects. It has become apparent to many of us that have attempted to read the DEIR that it is a huge (over 1,200 pages), vaguely-written document that does not clearly spell out to the general public how each of us will be impacted. Of the tens of thousands of parcels that will be impacted by the proposed changes, the DEIR does not clearly define where those parcels are in the county and whether or not those property owners or adjacent property owners have been notified of how they will be impacted.

**Please use the sample email below to make comment on the Draft Environmental Impact Report by July 23, 2014, at 5:00pm.** Feel free to customize the sample email as you please.

Click here to download the new Draft Environmental Impact Report (DEIR):

[http://www.edcgov.us/Government/LongRangePlanning/LandUse/SupportingDocuments/DraftEIRMarch2014/TGPA-ZOU\\_Public\\_DEIR\\_March\\_2014.aspx](http://www.edcgov.us/Government/LongRangePlanning/LandUse/SupportingDocuments/DraftEIRMarch2014/TGPA-ZOU_Public_DEIR_March_2014.aspx)

This is a large 105MB file and may take a while to download

Click here to download the proposed Targeted General Plan Amendments (TGPA):

[http://www.edcgov.us/Government/LongRangePlanning/LandUse/SupportingDocuments/DraftEIRMarch2014/Proposed\\_TGPA\\_trackchanges.aspx](http://www.edcgov.us/Government/LongRangePlanning/LandUse/SupportingDocuments/DraftEIRMarch2014/Proposed_TGPA_trackchanges.aspx)

Click here to download the proposed Zoning Ordinance Update (ZOU): <http://www.edcgov.us/Government/LongRangePlanning/LandUse/SupportingDocuments/DraftEIRMarch2014/ZouMar2014Complete.aspx>

There are a lot of other documents and links regarding the TGPA-ZOU on the Long Range Planning webpage: [http://www.edcgov.us/Government/LongRangePlanning/LandUse/TGPA-ZOU\\_Main.aspx](http://www.edcgov.us/Government/LongRangePlanning/LandUse/TGPA-ZOU_Main.aspx)

Testimony from consultants at the July 10, 2014 Planning Commission hearing indicate that the analysis in the DEIR is "subjective" and "mushy." That is not the clear and concise analysis that the public needs to make good decisions. Click here to listen to the testimony: [http://eldorado.granicus.com/MediaPlayer.php?view\\_id=2&clip\\_id=450](http://eldorado.granicus.com/MediaPlayer.php?view_id=2&clip_id=450) (start around 01:51:50 and 01:56:12).

The Board of Supervisors and county staff need to know that the general public is not being clearly informed by this DEIR.

\*\*\*\*\*  
\*\*\*\*\*

**Sample email:**

To: <[shawna.purvines@edcgov.us](mailto:shawna.purvines@edcgov.us)>, <[bosone@edcgov.us](mailto:bosone@edcgov.us)>, <[bostwo@edcgov.us](mailto:bostwo@edcgov.us)>, <[bosthree@edcgov.us](mailto:bosthree@edcgov.us)>, <[bosfour@edcgov.us](mailto:bosfour@edcgov.us)>, <[bosfive@edcgov.us](mailto:bosfive@edcgov.us)>, <[edc.cob@edcgov.us](mailto:edc.cob@edcgov.us)>  
Subject: Comment on TGPA-ZOU DEIR

Dear Ms. Purvines,

As a member of the general public in El Dorado County, I expect the Draft Environmental Impact Report (DEIR) on the county's Targeted General Plan Amendments and Zoning Ordinance Update (TGPA-ZOU) be clear and concise. Not only do I expect that from a DEIR, it is required by the California Environmental Quality Act (CEQA) law so that I can make informed decisions about its impact to my quality of life. It is unrealistic for the county to expect that this huge, 1,212-page, vaguely-written document has helped me understand the impacts of the proposed TGPA-ZOU. The DEIR does not clearly identify the tens of thousands of parcels that will be impacted by the TGPA-ZOU.

I am requesting that you ensure that the Final EIR will have clear and concise data and analysis so that I can understand how I will be directly and indirectly affected by the impacts of the TGPA-ZOU.

Thank you,

[Your Name]  
[Your town or address]

\*\*\*\*\*  
\*\*\*\*\*

Thank you,

Lori Parlin, on behalf of the  
**Shingle Springs Community Alliance, No San Stino, and Stop Tilden Park**  
*Keeping Shingle Springs Rural*



**P.O. Box 1581, Shingle Springs, CA 95682**

**[www.ShingleSpringsCommunityAlliance.com](http://www.ShingleSpringsCommunityAlliance.com)**

[www.ShingleSpringsCommunityAlliance.com](http://www.ShingleSpringsCommunityAlliance.com)

[www.StopTildenPark.com](http://www.StopTildenPark.com)

 [www.NoSanStino.com](http://www.NoSanStino.com)

 [www.facebook.com/ShingleSpringsCommunityAlliance](http://www.facebook.com/ShingleSpringsCommunityAlliance)

--

**Shawna L. Purvines**  
Principal Planner

**County of El Dorado**  
Community Development Agency  
Long Range Planning  
2850 Fairlane Court  
Placerville, CA 95667  
Phone:(530) 621-5362/Fax: (530) 642-0508  
[shawna.purvines@edcgov.us](mailto:shawna.purvines@edcgov.us)  
[www.edcgov.us](http://www.edcgov.us)

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## **Responses to Letter I-44**

### **I-44-1**

Please see Master Response 10: Format of the EIR for a response to this comment.

## Letter I-45—Steve Clark



TGPA-ZOU ZOU <tgpa-zou@edcgov.us>

# Fwd: Comment on TGPA-ZOU DEIR

1 message

**Shawna Purvines** <shawna.purvines@edcgov.us>  
To: TGPA-ZOU ZOU <TGPA-ZOU@edcgov.us>

Tue, Jul 22, 2014 at 7:13 PM

----- Forwarded message -----

From: **steve clark** <jsclark58@gmail.com>  
Date: Tue, Jul 22, 2014 at 6:40 PM  
Subject: Comment on TGPA-ZOU DEIR  
To: shawna.purvines@edcgov.us, bosone@edcgov.us, bostwo@edcgov.us, bosthree@edcgov.us, bosfour@edcgov.us, bosfive@edcgov.us, edc.cob@edcgov.us

Dear Ms. Purvines,

As a member of the general public in El Dorado County, I expect the Draft Environmental Impact Report (DEIR) on the county's Targeted General Plan Amendments and Zoning Ordinance Update (TGPA-ZOU) be clear and concise. Not only do I expect that from a DEIR, it is required by the California Environmental Quality Act (CEQA) law so that I can make informed decisions about its impact to my quality of life. It is unrealistic for the county to expect that this huge, 1,212-page, vaguely-written document has helped me understand the impacts of the proposed TGPA-ZOU. The DEIR does not clearly identify the tens of thousands of parcels that will be impacted by the TGPA-ZOU.

I-45-1

I am requesting that you ensure that the Final EIR will have clear and concise data and analysis so that I can understand how I will be directly and indirectly affected by the impacts of the TGPA-ZOU.

Thank you,  
Steve Clark

Shingle Springs Ca.

--

**Shawna L. Purvines**  
Principal Planner

**County of El Dorado**  
Community Development Agency  
Long Range Planning

2850 Fairlane Court  
Placerville, CA 95667  
Phone:(530) 621-5362/Fax: (530) 642-0508  
[shawna.purvines@edcgov.us](mailto:shawna.purvines@edcgov.us)  
[www.edcgov.us](http://www.edcgov.us)

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Thank you.



## **Responses to Letter I-45**

### **I-45-1**

Please see Master Response 10: Format of the EIR for a response to this comment.

## **Letter I-46—Carole W. and Jeffrey W. Browne**



TGPA-ZOU ZOU &lt;tgpa-zou@edcgov.us&gt;

---

**Fwd: Comment on TGPA-ZOU DEIR**

1 message

**Shawna Purvines** <shawna.purvines@edcgov.us>

Tue, Jul 22, 2014 at 7:36 PM

To: TGPA-ZOU ZOU &lt;TGPA-ZOU@edcgov.us&gt;

----- Forwarded message -----

From: **Carole Browne** <carolebrowne@sbcglobal.net>

Date: Tue, Jul 22, 2014 at 7:22 PM

Subject: Comment on TGPA-ZOU DEIR

To: "shawna.purvines@edcgov.us" &lt;shawna.purvines@edcgov.us&gt;

Dear Ms. Purvines,

As property owners and residents in El Dorado County, we expect the Draft Environmental Impact Report (DEIR) on the county's Targeted General Plan Amendments and Zoning Ordinance Update (TGPA-ZOU) be clear and concise. Not only do we expect that from a DEIR, it is required by the California Environmental Quality Act (CEQA) law so that we can make informed decisions about its impact to our quality of life. It is unrealistic for the county to expect that this huge, 1,212-page, vaguely-written document has helped us understand the impacts of the proposed TGPA-ZOU. The DEIR does not clearly identify the tens of thousands of parcels that will be impacted by the TGPA-ZOU.

This zoning ordinance update is as unrealistic as President Obama's "Affordable Care Act," which appears to be neither affordable nor of the quality care promised most citizens. Your massively worded zoning document seems to have been drafted in a similar manner by bureaucrats with hidden agendas. We seriously ask that you reconsider this questionable piece of work and rewrite it so that even residents with a fifth grade reading intelligence can easily determine the scope of your rezoning proposal and its effect on the lives of El Dorado County citizens.

I-46-1

We are requesting that you ensure that the Final EIR will have clear and concise data and analysis so that we can understand how we will be directly and indirectly affected by the impacts of the TGPA-ZOU.

Thank you,

Carole W. Browne  
Jeffrey W. Browne

--

**Shawna L. Purvines**

Principal Planner

**County of El Dorado**

Community Development Agency

Long Range Planning

2850 Fairlane Court

Placerville, CA 95667

Phone:(530) 621-5362/Fax: (530) 642-0508

[shawna.purvines@edcgov.us](mailto:shawna.purvines@edcgov.us)[www.edcgov.us](http://www.edcgov.us)

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Thank you.

## **Responses to Letter I-46**

### **I-46-1**

Please see Master Response 10: Format of the EIR for a response to this comment.

## Letter I-47—Theresa and Dana David



TGPA-ZOU ZOU <tgpa-zou@edcgov.us>

## Fwd: Comment on TGPA-ZOU DEIR

1 message

**Shawna Purvines** <shawna.purvines@edcgov.us>  
To: TGPA-ZOU ZOU <TGPA-ZOU@edcgov.us>

Wed, Jul 23, 2014 at 8:00 AM

----- Forwarded message -----

From: **Theresa** <wildrose903@verizon.net>  
Date: Tue, Jul 22, 2014 at 10:54 PM  
Subject: Comment on TGPA-ZOU DEIR  
To: shawna.purvines@edcgov.us, bosone@edcgov.us, bostwo@edcgov.us, bosthree@edcgov.us, bosfour@edcgov.us, bosfive@edcgov.us, edc.cob@edcgov.us

Dear Ms. Purvines,

As property owners in El Dorado County, we expect the Draft Environmental Impact Report (DEIR) on the county's Targeted General Plan Amendments and Zoning Ordinance Update (TGPA-ZOU) be clear and concise. Not only do we expect that from a DEIR, it is required by the California Environmental Quality Act (CEQA) law so that we can make informed decisions about its impact to our quality of life. It is unrealistic for the county to expect that this huge, 1,212-page, vaguely-written document will help us understand the impacts of the proposed TGPA-ZOU. The DEIR does not clearly identify the tens of thousands of parcels that will be impacted by the TGPA-ZOU. We are only now hearing about the proposed zoning ordinance update – aren't you required to notify all potentially affected property owners? We are requesting that you ensure that the Final EIR will have clear and concise data and analysis so that we can understand how we will be directly and indirectly affected by the impacts of the TGPA-ZOU.

I-47-1

Thank you,

Theresa and Dana Davis

1386 Muleshoe Pass, Placerville, CA 95667

--

**Shawna L. Purvines**  
Principal Planner

**County of El Dorado**  
Community Development Agency  
Long Range Planning

2850 Fairlane Court  
Placerville, CA 95667  
Phone:(530) 621-5362/Fax: (530) 642-0508  
[shawna.purvines@edcgov.us](mailto:shawna.purvines@edcgov.us)  
[www.edcgov.us](http://www.edcgov.us)

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## **Responses to Letter I-47**

### **I-47-1**

Please see Master Response 10: Format of the EIR for a response to this comment.

## **Letter I-48—Michael Ann and Jerry M. Sizemore**



TGPA-ZOU ZOU &lt;tgpa-zou@edcgov.us&gt;

---

## Fwd: Comment on TGPA-ZOU DEIR

1 message

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Shawna Purvines <shawna.purvines@edcgov.us>  
To: TGPA-ZOU ZOU <TGPA-ZOU@edcgov.us>

Wed, Jul 23, 2014 at 12:29 PM

----- Forwarded message -----

From: Mickey Sizemore <sizemore@hughes.net>

Date: Wed, Jul 23, 2014 at 9:53 AM

Subject: Comment on TGPA-ZOU DEIR

To: shawna.purvines@edcgov.us, bosone@edcgov.us, bostwo@edcgov.us, bosthree@edcgov.us, bosfour@edcgov.us, bosfive@edcgov.us, edc.cob@edcgov.us

Dear Ms. Purvines & Board of Supervisors,

As 35 year residents of El Dorado County, we expect the Draft Environmental Impact Report (DEIR) on the county's Targeted General Plan Amendments and Zoning Ordinance Update (TGPA-ZOU) be clear and concise.

Not only do we expect that from a DEIR, it is required by the California Environmental Quality Act (CEQA) law so that we can make informed decisions about its impact to our quality of life. It is unrealistic for the county to expect that this huge, 1,212-page, vaguely-written document has helped us understand the impacts of the proposed TGPA-ZOU. The DEIR does not clearly identify the tens of thousands of parcels that will be impacted by the TGPA-ZOU.

I-48-1

We are requesting that you ensure that the Final EIR will have clear and concise data and analysis so that we can understand how we will be directly and indirectly affected by the impacts of the TGPA-ZOU.

Thank you,

Michael Ann Sizemore

Jerry M. Sizemore

1700 St. Garth Way

Shingle Springs, CA 95682

—

Shawna L. Purvines

Principal Planner

County of El Dorado  
Community Development Agency  
Long Range Planning  
2850 Fairlane Court  
Placerville, CA 95667  
Phone:(530) 621-5362/Fax: (530) 642-0508  
[shawna.purvines@edcgov.us](mailto:shawna.purvines@edcgov.us)  
[www.edcgov.us](http://www.edcgov.us)

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## **Responses to Letter I-48**

### **I-48-1**

Please see Master Response 10: Format of the EIR for a response to this comment.

## **Letter I-49—Edward and Linda Mattson**



TGPA-ZOU ZOU <tgpa-zou@edcgov.us>

Fwd: Comment on TGPA-ZOU DEIR

1 message

Shawna Purvines <shawna.purvines@edcgov.us>  
To: TGPA-ZOU ZOU <TGPA-ZOU@edcgov.us>

Wed, Jul 23, 2014 at 12:34 PM

----- Forwarded message -----

From: Ed Mattson <emattson95682@gmail.com>  
Date: Wed, Jul 23, 2014 at 12:31 PM  
Subject: Comment on TGPA-ZOU DEIR  
To: shawna.purvines@edcgov.us  
Cc: bosone@edcgov.us, Supervisor Ray Nutting <bostwo@edcgov.us>, bosthree@edcgov.us, Supervisor Briggs <bosfour@edcgov.us>, bosfive@edcgov.us

Dear Ms. Purvines,

As a member of the general public in El Dorado County, we expect the Draft Environmental Impact Report (DEIR) on the county's Targeted General Plan Amendments and Zoning Ordinance Update (TGPA-ZOU) to be clear and concise. Not only do we expect that from a DEIR, it is required by the California Environmental Quality Act (CEQA) law so that we can make informed decisions about its impact to my quality of life. It is unrealistic for the county to expect that this huge, 1,212-page, vaguely-written document - filled with legal jargon - has helped me understand the impacts of the proposed TGPA-ZOU. The DEIR does not clearly identify the tens of thousands of parcels that will be impacted by the TGPA-ZOU.

I-49-1

We also reject the notion that putting all of the "moderate income" high density housing in the Shingle Springs Community Region will solve all of El Dorado County's affordable housing problems and create jobs, jobs, jobs! Why here? It has been proven that building homes, while it may create some temporary construction jobs does not create permanent good paying jobs! Putting in another fast food outlet or a big-box retailer does not create good-paying jobs. We already have a huge vacancy rate in the strip malls around town. We don't need any more. This problem of jobs is not unique to El Dorado County; it is universal since the recession of 2008!. Many of the large developers with their eyes on San Stino, and Marble Valley and all the rest are from outside the county and will bring in construction crews from outside the county. Their lobbyists have taken over our county government and corrupted this entire TGPA-ZOU process. If we need moderate income homes as you say why not develop parcels already available in the county? If the TIM fees are too high for this why not take all of the large development projects out of the CIP to lower them? Look around, we are county full of retirees with short-term life expectancies. Many of their homes, and surely some would qualify as moderate income, will be available soon. I urge you to start over.

I-49-2

If you must continue with the current process, we are requesting that you ensure that the Final EIR will have clear and concise data and analysis so that we can understand how we will be

directly and indirectly affected by the impacts of the TGPA-ZOU. And we demand an<sup>251028</sup> opportunity to comment on any changes! We the citizens of El Dorado County should have the final say, not the developers. I-49-3

Thank you,

Edward & Linda Mattson  
4772 French Creek Road  
Shingle Springs, CA 95682

--

Shawna L. Purvines  
Principal Planner

County of El Dorado  
Community Development Agency  
Long Range Planning  
2850 Fairlane Court  
Placerville, CA 95667  
Phone:(530) 621-5362/Fax: (530) 642-0508  
[shawna.purvines@edcgov.us](mailto:shawna.purvines@edcgov.us)  
[www.edcgov.us](http://www.edcgov.us)

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## Responses to Letter I-49

### I-49-1

Please see Master Response 10: Format of the EIR for a response to this comment.

### I-49-2

The comment relates to the commenter's opinion on the advisability of one or more of the policies or regulations being proposed as part of the TGPA/ZOU project or other projects not a part of the TGPA/ZOU. It does not address the adequacy of the DEIR or other environmentally related topic. State CEQA Guidelines Section 15132(d) requires the FEIR to contain "[t]he responses of the Lead Agency to significant environmental points raised in the review and consultation process." The comment is not on a significant environmental point, and therefore no response is necessary.

### I-49-3

Please see Master Response 10: Format of the EIR for a response to this comment.

## Letter I-50—Lindell Price



TGPA-ZOU ZOU <tgpa-zou@edcgov.us>

# TGPA & DEIR comments

1 message

Lindell Price <lindellprice@gmail.com>  
To: TGPA-ZOU@edcgov.us  
Cc: Stanley Price <2StanleyPrice@gmail.com>

Wed, Jul 23, 2014 at 2:35 PM

## Comments on TGPA/ZOU & DEIR July 23, 2014

### Proposed TGPA trackchanges

Page 12. Error on last line: El Dorado County has a “Division” of Transportation— not a “Department” of Transportation.

I-50-1

County ~~Department~~ **Division**

Page 13. While appropriate to note here and elsewhere that “staff has draft roadway standards which would be affected by changes ...”, roadway standards must comply with the General Plan. The General Plan must lead rather than follow current or draft roadway standards. The roadway standards must be comply with Targeted General Plan Amendment that is adopted.

I-50-2

Pages 19-20. **GOAL: SUPPORT THE ~~DEVELOPMENT~~ DEVELOPMENT OF COMPLETE STREETS**

All decisions about our roads must incorporate the needs of all road users. Our entire road system should be analyzed in regard to the needs of various road users, with needed improvements prioritized and incorporated into our maintenance and capital improvement programs. Note that many techniques can be used to better accommodate a wider variety of road users. Self-enforcing roads and traffic calming can improve the utility and safety of our roads to serve pedestrians, children, bicyclists, older people and disabled people as well as bicyclists, where adding sidewalks or bike lanes to existing roads is not immediately practical.

I-50-3

Note that Complete Streets design is not limited to new higher-density developments, but may be needed to provide access to schools, bus stops, outdoor recreation, etc. in rural as well as higher-density areas.

### TGPA-ZOU Public DEIR March 2014

Cover - This picture does not look like El Dorado County. Where was cover picture taken? What kind of trees are shown?

I-50-4

p. ES-3. • Policies TC-1a, TC-1b, and Table TC-1. Note that the Proposed TGPA trackchanges states “**Consider the removal of Table TC-1 and move to another document (i.e. Standard Plans or Land Development Manual)**” The level of detail included in Table TC-1 does not belong in a General Plan. The Targeted General Plan Amendment considers **the removal of Table TC-1**, rather than merely revising Table TC-1. The DEIR fails to appropriately address the Targeted General Plan amendment that includes removal of Table TC-1 as an option. Thus the Draft EIR fails to appropriately analyze the Targeted General Plan Amendment.

I-50-5

p. 407 (5) 19. Removal of Table TC-1 as suggested in the Targeted General Plan Amendment is not addressed. Table TC-1 contains a level of detail inappropriate for a General Plan. The DEIR fails to appropriately address the removal of Table TC-1, with the details of intersection spacing, road width, etc. moved to another document.

I-50-6


251029 | I-50-7

21. *Yes, table TC-2 should be deleted, and the references appropriately amended.*

26. *Public review of proposed changes to provide more flexibility of when sidewalk are required is important in order to comply with Complete Streets requirements.* | I-50-8

Lindell Price  
3672 Millbrae Road  
Cameron Park, CA 95682  
(916) 804-7316

---

 TGPA:ZOU:DEIR comments.pages.zip  
159K

## Responses to Letter I-50

### I-50-1

The El Dorado County website lists a Department of Transportation. Text is correct; no change is necessary.

### I-50-2

The TGPA ZOU and General Plan will be consistent with one another. State-mandated general plan consistency is a primary purpose of the ZOU and the zoning changes that are part of the ZOU. Please see Master Response 3: Necessity to Amend the Zoning Ordinance.

### I-50-3

The comment relates to the commenter's opinion on the advisability of one or more of the policies or regulations being proposed as part of the TGPA/ZOU project. It does not address the adequacy of the DEIR or other environmentally related topic. State CEQA Guidelines Section 15132(d) requires the FEIR to contain "[t]he responses of the Lead Agency to significant environmental points raised in the review and consultation process." The comment is not on a significant environmental point, and therefore no response is necessary.

### I-50-4

The comment relates to the commenter's opinion on the advisability of one or more of the policies or regulations being proposed as part of the TGPA/ZOU project. It does not address the adequacy of the DEIR or other environmentally related topic. State CEQA Guidelines Section 15132(d) requires the FEIR to contain "[t]he responses of the Lead Agency to significant environmental points raised in the review and consultation process." The comment is not on a significant environmental point, and therefore no response is necessary.

### I-50-5

Table TC-1 is not proposed to be removed from the General Plan at this time.

In any case, removal of Table TC-1 from the General Plan and placing it in the proposed Land Development Manual (LDM) would have no practical impact on the environment. Table TC-1 describes general roadway standards for new development by functional class. The proposed LDM will establish and apply standards to development projects under the County's jurisdiction. Moving Table TC-1 to the LDM would not change the manner in which roadway standards would be applied to development projects.

### I-50-6

Please see response to comment I-50-5.

### I-50-7

Table TC-2, which identifies El Dorado County roads that are allowed to operate at LOS F, is not proposed to be removed from the General Plan.

**I-50-8**

Public review will be provided before any changes to street standards are approved. The standards would be considered by the Planning Commission and Board of Supervisors at noticed public hearings before they could be adopted.

## Letter I-51—Stanley Price



TGPA-ZOU ZOU <tgpa-zou@edcgov.us>

## Comment on Consider Amending the Following Policies

1 message

Stanley Price <2stanleyprice@gmail.com>  
To: TGPA-ZOU@edcgov.us  
Cc: Lindell Price <lindellprice@gmail.com>

Wed, Jul 23, 2014 at 2:55 PM

Regarding Consider Amending the Following Policies:

Number 19, The DEIR does not discuss the removal of Table TC-1. The Table TC-1 is too limiting to serve the diversity in El Dorado County. When new roadway standards are put in place, it will be easy to insure consistency of Policy.

I-51-1

Also, Number 19, in addition, add an additional benefit to "allowing for narrower streets and roadways" "for community health and safety benefits" "and to support..." This addition provides benefits to more of the residents and visitors of the County, to improve our lifestyle and well being.

I-51-2

—  
Stanley Price  
(530) 677-5052



## Responses to Letter I-51

### I-51-1

Please see response to comment I-50-5.

### I-51-2

The commenter suggests an addition to the benefits resulting from more flexible road standards. The comment relates to the commenter's opinion on the advisability of one or more of the policies or regulations being proposed as part of the TGPA/ZOU project. It does not address the adequacy of the DEIR or other environmentally related topic. State CEQA Guidelines Section 15132(d) requires the FEIR to contain "[t]he responses of the Lead Agency to significant environmental points raised in the review and consultation process." The comment is not on a significant environmental point, and therefore no response is necessary.

## **Letters I-52, I-53, I-54 and I-55—Karen Mulvany**



TGPA-ZOU ZOU <tgpa-zou@edcgov.us>

# Karen Mulvany Comments on EIR for TGPA and ZOU - 1

1 message

Karen Mulvany <kmulvany@gmail.com>  
To: TGPA-ZOU@edcgov.us

Wed, Jul 23, 2014 at 3:02 PM

Please see attached comment letter and exhibit 1, out of 6 exhibits total. Due to file size, the other exhibits will follow in separate emails.

I-52/53/  
54/55-1

Thank you,

Karen Mulvany

---

## 2 attachments



Comment letter Final.pdf  
647K



Exhibit 1 2008 Lotus Coloma flood inundation map.pdf  
4127K

PO Box 768  
Lotus, CA 95651  
July 21, 2014

El Dorado County Community Development Agency  
Long Range Planning, Attn: Shawna Purvines  
2850 Fairlane Court, Placerville, CA 95667

Submitted by email to: TGPA-ZOU@edcgov.us

To Whom It May Concern:

I am writing to submit comments with respect to the Draft Program EIR for el Dorado County Targeted General Plan Amendment (TGPA) and Zoning Ordinance Update (ZOU). In particular, my comments will focus on p. ES-4, which states:

- Policy 6.4.1.4 and 6.4.1.5. New Parcels in Flood Hazard Areas. Reference to the flood insurance rate maps would be removed from these policies to address recommendations by the Office of Emergency Services and Homeland Security regarding dam failure inundation.

My husband and I own two riverfront properties on the South Fork of the American; we live in one. We are especially concerned about this proposed revision, and submit five comments which follow below:

- 1. First, the draft EIR errs in stating that the TGPA proposes to delete references to flood insurance rate maps, or FIRMs. In fact, the proposed deletions are to remove Dam Failure Inundation areas, not FIRMs.**

Comment 1

The proposed changes to the General Plan are as follows (see p. 21 of Proposed TGPA track changes document):

**PUBLIC HEALTH, SAFETY, AND NOISE ELEMENT  
OBJECTIVE 6.4.1: [Flood Hazards] DEVELOPMENT REGULATIONS**

Policy 6.4.1.4 Creation of new parcels which lie entirely within the 100-year floodplain as identified on the most current version of the flood insurance rate maps provided by FEMA ~~or dam failure inundation areas as delineated in dam failure emergency response plans maintained by the County~~ shall be prohibited.

Policy 6.4.1.5 New parcels which are partially within the 100-year floodplain ~~or dam failure inundation areas as delineated in dam failure emergency response plans maintained by the County~~ must have sufficient land available outside the FEMA ~~or County~~ designated 100-year floodplain ~~or the dam inundation areas~~ for construction of dwelling units, accessory structures, and septic systems. Discretionary applications shall be required to determine the

location of the designated 100-year floodplain ~~and identified dam failure inundation areas~~ on the subject property.

*What is the difference between dam failure inundation areas and FIRMs?* Dam Failure Inundation areas designate the land inundated by one or more dam failures upstream (more if an upstream dam failure would be expected to cause downstream dams to fail too). FIRMs, used for federal flood insurance purposes, designate a no-build area that is expected to be covered by floodwaters arising from natural rainfall and snowmelt reaching a level so high that the likelihood of occurrence is only 1% in any given year. FEMA publishes FIRMs. In contrast, Dam Failure Inundation maps are published by El Dorado County in order to comply with various state and federal laws.

In El Dorado County, particularly for the Slab Creek/Chili Bar Dam on the South Fork of the American, Dam Failure Inundation areas are far broader than the area covered by FIRMs, as dam failures are man-made catastrophic events of a large magnitude. As part of a community emergency planning team in 2008, my husband and I drafted a Dam Failure Inundation Area map overlaid on local streets and compared it to the FIRM map for the South Fork of the American River, which is attached (see Exhibit 1). The area of inundation would cover highway 49 from Cold Springs Road to Greenwood Creek, with one short span high enough to escape the floodwaters. As can be clearly seen, the dam failure inundation area is dramatically larger than the FIRM area.

This is just one example of many dam failure inundation areas that lie within El Dorado County.

- 2. Secondly, the proposed change does not merely delete references to Dam Failure Inundation Areas; it removes current general plan prohibitions against parcel splitting and additional development within Dam Failure Inundation Areas. The EIR does not address the environmental impact of this proposed change.**

The proposed changes to the General Plan are as follows (see p. 21 of Proposed TGPA track changes document):

**PUBLIC HEALTH, SAFETY, AND NOISE ELEMENT  
OBJECTIVE 6.4.1: [Flood Hazards] DEVELOPMENT REGULATIONS**

Policy 6.4.1.4 Creation of new parcels which lie entirely within the 100-year floodplain as identified on the most current version of the flood insurance rate maps provided by FEMA ~~or dam failure inundation areas as delineated in dam failure emergency response plans maintained by the County~~ shall be prohibited.

Policy 6.4.1.5 New parcels which are partially within the 100-year floodplain ~~or dam failure inundation areas as delineated in dam failure emergency response plans maintained by the County~~ must have sufficient land available outside the FEMA ~~or County~~ designated 100-year floodplain ~~or the dam inundation areas~~ for construction of dwelling units, accessory structures, and septic systems. Discretionary applications shall be required to determine the

Comment 1  
Cont.

location of the designated 100-year floodplain and identified dam failure inundation areas on the subject property.

*Thus, while today owners of parcels that lie entirely within dam failure inundation areas cannot split their parcels, the county is seeking to allow owners of parcels of land within dam failure inundation areas to split their parcels, allowing increased development and building construction along river corridors.*

El Dorado County is home to multiple rivers, many of which include dams along their corridors. The County currently publishes multiple dam failure inundation maps, which are required by law, unless the State Office of Emergency Services has determined that it can ascertain the area of damage without a map. These Dam Failure Inundation maps can be found in Appendix A at:

[http://www.edcgov.us/Government/Planning/Adopted\\_General\\_Plan.aspx](http://www.edcgov.us/Government/Planning/Adopted_General_Plan.aspx)

Dams lie along river corridors and feed into rivers; consequently dam failure inundation areas are comprised of river corridors that lie below dams. River corridors are riparian areas which are supposed to be protected, according to multiple county policies (see various General Plan Goals and Objectives below). Many of these riparian areas also lie within the County's Important Biological Corridor (IBC) overlays. The IBC overlay is included in the current land use map (Figure LU-1) also at:

[http://www.edcgov.us/Government/Planning/Adopted\\_General\\_Plan.aspx](http://www.edcgov.us/Government/Planning/Adopted_General_Plan.aspx)

*We request that the EIR assess the environmental impact of new development that would result from the TGPA's proposed lifting of today's parcel splitting prohibitions in dam failure inundation areas, also taking into account the following county objectives and goals from the current General Plan:*

**1. OBJECTIVE 7.3.1: WATER RESOURCE PROTECTION**

**Preserve and protect the supply and quality of the County's water resources including the protection of critical watersheds, riparian zones, and aquifers.**

**2. OBJECTIVE 7.3.3: WETLANDS**

**Protection of natural and man-made wetlands, vernal pools, wet meadows, and riparian areas from impacts related to development for their importance to wildlife habitat, water purification, scenic values, and unique and sensitive plant life.**

**3. GOAL 7.4: WILDLIFE AND VEGETATION RESOURCES**

**Identify, conserve, and manage wildlife, wildlife habitat, fisheries, and vegetation resources of significant biological, ecological, and recreational value.**

**4. OBJECTIVE 7.4.1: RARE, THREATENED, AND ENDANGERED SPECIES**

Comment 1  
Cont.

**The County shall protect State and Federally recognized rare, threatened, or endangered species and their habitats consistent with Federal and State laws.**

**5. OBJECTIVE 7.4.2: IDENTIFY AND PROTECT RESOURCES**

**Identification and protection, where feasible, of critical fish and wildlife habitat including deer winter, summer, and fawning ranges; deer migration routes; stream and river riparian habitat; lake shore habitat; fish spawning areas; wetlands; wildlife corridors; and diverse wildlife habitat.**

**6. GOAL 7.6: OPEN SPACE CONSERVATION**

**Conserve open space land for the continuation of the County's rural character, commercial agriculture, forestry and other productive uses, the enjoyment of scenic beauty and recreation, the protection of natural resources, for protection from natural hazards, and for wildlife habitat.**

**7. OBJECTIVE 7.6.1: IMPORTANCE OF OPEN SPACE**

**Consideration of open space as an important factor in the County's quality of life.**

We are concerned that additional development in large riparian parcels that would be enabled by the proposed change in the TGPA would drastically alter the county's river corridors.

Comment 1  
Cont.

**3. Environmental Hazards to People in Dam Failure Inundation Areas**

It is human nature to discount the likelihood of severe events such as a dam failure to zero. But there is a growing body of evidence that we should be increasingly concerned with dam failure scenarios, not less concerned. The likelihood of such an event is not so small that we can dismiss the need to prepare for this kind of environmental disaster.

- A. On January 24, 1997, a mudslide in the Mill Creek area along Highway 50 dammed the South Fork of the American at a location above both Slab Creek and Chili Bar Dams (see Exhibit 2 or <http://landslides.usgs.gov/monitoring/hwy50/report.php> ). Due to a concern that this mudslide dam would break and then take out the dams below, some Lotus and Coloma residents were evacuated (see Exhibit 3 or <http://www.coloma.com/flood/index.html> ). The mudslide itself was eventually dug out and removed – some 350,000 cubic yards of dirt on 35,000 truckloads. This additional fill, had it broken loose and been washed downstream, would have added more devastation to the flood inundation zone than is currently mapped. The slide at the Mill Creek site which created the last dam failure evacuation event is now continuously monitored by USGS because it moves regularly with sufficient rainfall. This slide could happen again.

- B. The aging dam infrastructure is a growing environmental problem, not a diminishing one. Most dams in the US are over 50 years old, and the dam at Chili Bar, with storage capacity of 1339 acre feet, will be 50 years old this year. The Slab Creek Dam, with 16,600 acre feet of capacity, was built in 1967.

FEMA’s 2013 “Living with Dams” publication (see Exhibit 4 or [http://www.fema.gov/media-library-data/20130726-1845-25045-7939/fema\\_p\\_956\\_living\\_with\\_dams.pdf](http://www.fema.gov/media-library-data/20130726-1845-25045-7939/fema_p_956_living_with_dams.pdf)) cites common beliefs vs. facts about dams:

**FICTION** “*That dam has been here for years—it’s not going anywhere.*”

**FACT** **Advancing age can make dams more susceptible to failure.**

The average age of dams in the United States is more than 53 years.

As dams get older, deterioration increases and repair costs rise. Some common problems of older dams are:

- Deteriorating metal pipes and structural components; metal rusts over time, and after 50 years it can fail completely.
- Sediment-filled reservoirs. Some sediment may have contaminants from chemicals in runoff from upstream.
- Runoff from subdivisions and businesses built upstream. Roofs and concrete streets and sidewalks increase the volume of runoff to the reservoir.

*(Excerpt from 3<sup>rd</sup> page of FEMA publication)*

- C. Furthermore, in 2011, the USGS published the ARkStorm Scenario (see Exhibit 5 or [http://pubs.usgs.gov/of/2010/1312/of2010-1312\\_text.pdf](http://pubs.usgs.gov/of/2010/1312/of2010-1312_text.pdf)), which surveys the science and historical record of megafloods in California, which have occurred every 150-200 years, turning central California into an inland sea, most recently in 1861-1862. While only a small portion of El Dorado County would be inundated by this inland sea, the high levels of runoff generated by an ARkStorm are likely to overwhelm El Dorado County’s dams. USGS believes the probability of an ARkStorm, which is higher than the likelihood of “the big one” earthquake, demands planning.

Thus, dam failures are not scenarios that we can afford to wishfully ignore. Indeed, state law establishes requirements before dam failure inundation maps can be removed from the public domain:

#### Legal Requirements Regarding Dam Failure Inundation Areas

The legal provisions to escape the *creation* of dam failure inundation maps by dam owners is at <http://www.calema.ca.gov/hazardmitigation/pages/dam-inundation-program.aspx>

#### **§2578. Waiver from Inundation Map Requirement**

Up to 90 days after notice pursuant to section 2576, a dam owner may apply for a waiver from producing an inundation map where:

Comment 1  
Cont.



(a) The effects of potential inundation in terms of death or personal injury can be ascertained without an inundation map; and,

(b) Adequate evacuation procedures can be developed without benefit of an inundation map.

Authority cited: Sections 8567 and 8586, Government Code.

Reference: Section 8589.5, Government Code.

The provisions that enable a county to escape responsibility for *publishing* a dam failure inundation map are cited also at:

<http://www.calema.ca.gov/hazardmitigation/pages/dam-inundation-program.aspx>

per § 8589.5 of the Government Code:

(d) Where both of the following conditions exist, the Office of Emergency Services may waive the requirement for an inundation map:

(1) Where the effects of potential inundation in terms of death or personal injury, as determined through onsite inspection by the Office of Emergency Services in consultation with the affected local jurisdictions, can be ascertained without an inundation map.

(2) Where adequate evacuation procedures can be developed without benefit of an inundation map.

Comment 1  
Cont.

As noted above, in 2008 my husband and I made a map of the Lotus-Coloma area depicting the dam failure inundation area and the FIRM area (or 1% flood risk area). Every local resident who has seen our 2008 map comparing the two has been astounded at the magnitude of dam failure inundation. Not one single person that I have spoken to in the Lotus Coloma area would have known how far they should travel to escape a dam failure inundation area. Thus we are concerned that Section 8589.5(2) requirements have not been met.

The local Office of Emergency Services (OES) has developed a phone notification system to alert river corridor residents of flooding. In the New Years's Eve flood of 2005/2006, this system was employed to warn local residents of rising waters, but it malfunctioned, as calls were placed but the recording failed; there was no message delivered. At the time, we were living elsewhere and we received this call, but my husband's elderly parents who were then living on our riverfront property, did not.

Locally, many if not most residents must use a PO Box to receive US mail (as USPS does not deliver to many local physical addresses) and it is this PO Box that appears on California driver's licenses, making it difficult for law enforcement to identify riverfront residents who are renting. In 2012, according to a National Health Interview Survey (see exhibit 6 or <http://gigaom2.files.wordpress.com/2012/12/wireless201212.pdf>), 36% of households no longer had a land line, and 58% of renters rely solely on wireless phones, making identification of renting residents in a hazard area even more challenging.

Dam Failures are sudden catastrophic events. In such scenarios there is little time to correct bugs in the emergency system without risking profound loss of life. The emergency system must be robust, redundant and thoroughly tested prior to any contemplation of removing vital safety information from the public domain.

#### 4. Laws Regarding Disclosure of Environmental Hazards

California State law requires that property owners and their real estate agents disclose environmental hazards, including a property's location within a dam failure inundation area, prior to completing a sale. Removing dam failure inundation maps from a county's website does not eliminate known information. It does however, place property owners and real estate agents at risk of litigation nightmares, whereby each would have to prove that they did not know that property was located in a dam failure inundation area:

California Civil Code Section 1103. (a) Except as provided in Section 1103.1, this article applies to the transfer by sale, exchange, installment land sale contract, as defined in Section 2985, lease with an option to purchase, any other option to purchase, or ground lease coupled with improvements, of any real property described in subdivision (c), or residential stock cooperative, improved with or consisting of not less than one nor more than four dwelling units.

(b) Except as provided in Section 1103.1, this article shall apply to a resale transaction entered into on or after January 1, 2000, for a manufactured home, as defined in Section 18007 of the Health and Safety Code, that is classified as personal property intended for use as a residence, or a mobilehome, as defined in Section 18008 of the Health and Safety Code, that is classified as personal property intended for use as a residence, if the real property on which the manufactured home or mobilehome is located is real property described in subdivision (c).

(c) This article shall apply to the transactions described in subdivisions (a) and (b) only if the transferor or his or her agent is required by one or more of the following to disclose the property's location within a hazard zone:

(1) A person who is acting as an agent for a transferor of real property that is located within a special flood hazard area (any type Zone "A" or "V") designated by the Federal Emergency Management Agency, or the transferor if he or she is acting without an agent, shall disclose to any prospective transferee the fact that the property is located within a special flood hazard area if either:

(A) The transferor, or the transferor's agent, has actual knowledge that the property is within a special flood hazard area.

(B) The local jurisdiction has compiled a list, by parcel, of properties that are within the special flood hazard area and a notice has been posted at the offices of the county recorder, county assessor, and county planning agency that identifies the location of the parcel list.

(2) A person who is acting as an agent for a transferor of real property that is located within an area of potential flooding designated pursuant to

Comment 1  
Cont.

Section 8589.5 of the Government Code<sup>1</sup>, or the transferor if he or she is acting without an agent, shall disclose to any prospective transferee the fact that the property is located within an area of potential flooding if either:

(A) The transferor, or the transferor's agent, has actual knowledge that the property is within an inundation area.

(B) The local jurisdiction has compiled a list, by parcel, of properties that are within the inundation area and a notice has been posted at the offices of the county recorder, county assessor, and county planning agency that identifies the location of the parcel list.

Given current state disclosure requirements, this is another reason for the county to retain dam failure inundation maps.

## 5. Laws Regarding County Liability for New Development in Flood Areas

New legislation in the 2006 session for the first time in history placed a measure of liability upon local counties and cities for flood damage incurred in new development authorized in areas susceptible to flooding.

California Water Code 8307. (a) A city or county may be required to contribute its fair and reasonable share of the property damage caused by a flood to the extent that the city or county has increased the state's exposure to liability for property damage by unreasonably approving new development in a previously undeveloped area that is protected by a state flood control project. However, a city or county shall not be required to contribute if, after the amendments required by Sections 65302.9 and 65860.1 of the Government Code have become effective, the city or county complies with Sections 65865.5, 65962, and 66474.5 of the Government Code as applicable with respect to that development.

This section shall not be construed to extend or toll the statute of limitations for challenging the approval of any new development.

(b) A city or county is not required to contribute unless an action has been filed against the state asserting liability for property damage caused by a flood and the provisions of subdivision (a) providing for contribution have been satisfied. A city or county is not required to contribute if the state settles the claims against it without providing the city or county with an opportunity to participate in settlement negotiations.

(c) For the purposes of this section:

(1) "State flood control project" means any flood control works within the Sacramento River Flood Control Project described in Section 8350, and of **flood control projects in the Sacramento River and San Joaquin River watersheds** authorized pursuant to Article 2 (commencing with Section 12648) of Chapter 2 of Part 6 of Division 6.

Comment 1  
Cont.

<sup>1</sup> This is the Dam Failure Inundation Area.

(2) "Undeveloped area" means an area devoted to "agricultural use," as defined in Section 51201 of the Government Code, or "open space land," as defined in Section 65560 of the Government Code, that, as of January 1, 2008, is not already designated for development in a general or specific plan or by a local zoning ordinance.

(3) "Unreasonably approving" means approving a new development project without appropriately considering significant risks of flooding made known to the approving agency as of the time of approval and without taking reasonable and feasible action to mitigate the potential property damage to the new development resulting from a flood.

(4) "Feasible" means capable of being accomplished in a successful manner within a reasonable period of time, taking into account economic, environmental, legal, social, and technological factors.

(d) This section shall not apply to any land or projects for which an application for development has been submitted to the city or county prior to January 1, 2008.

At least some of the dams in El Dorado County have a flood control purpose (often in addition to other purposes such as power generation). El Dorado County's dams on the western slope of the Sierras are part of the Sacramento River watershed. We request that the EIR assess the county's environmental and development responsibilities in light of this legislation.

Thank you for considering these comments.

Respectfully,

Karen Mulvany

- Exhibit 1: Dam Failure Inundation Area and 1% FEMA Flood Line for Lotus Coloma Valley, 2008
- Exhibit 2: USGS 1997 Landslide at Mill Creek
- Exhibit 3: Coloma.com 1997 Flood webpage
- Exhibit 4: FEMA's Living With Dams publication, 2013
- Exhibit 5: USGS' ARkStorm Scenario, 2011
- Exhibit 6: Wireless & Wireline Households, National Health Interview Survey, 2012

Comment 1  
Cont.

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Thank you for considering these comments.

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Karen Mulvany

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- Exhibit 4: FEMA's Living With Dams publication, 2013
- Exhibit 5: USGS' ARkStorm Scenario, 2011
- Exhibit 6: Wireless & Wireline Households, National Health Interview Survey, 2012

## **Responses to Letters I-52, I-53, I-54 and I-55**

The County has reconsidered the proposed deletion of policies related to dam failure inundation and will not make any changes relating to this issue. The County had initiated this proposed change in response to a request from the Department of Homeland Security. On further review, the County has found that dam failure inundation is a required general plan component pursuant to the safety element requirements of Government Code Section 65302(g). Therefore, in order to comply with State law, no changes will be made. No further response is necessary.

## Letter I-56—Lindell Price



TGPA-ZOU ZOU <tgpa-zou@edcgov.us>

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## Comment on Policies

1 message

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Stanley Price <2stanleyprice@gmail.com>  
To: TGPA-ZOU@edcgov.us  
Cc: Lindell Price <lindellprice@gmail.com>

Wed, Jul 23, 2014 at 3:22 PM

In the Impact Analysis section:

Policies TC-4a through TC-4i and TC-5a through TC-5c need to include the words "complete streets". This is to inform policy users of the State law requiring the General Plan to accommodate all users.

In TC-4d, I request that bikeways will be included in the funding for the road project. Pursue any funding that can legally be used for bicycling facilities. Facilities for bicycling are not an option under Complete Streets.

I-56-1

Stanley Price  
(530) 677-5052



## Responses to Letter I-56

### I-56-1

The TGPA proposes to add a general objective and policy recognizing State law with regard to “complete streets.” It is not necessary to add references to complete streets to multiple policies. Doing so simply creates redundancies in the plan.

Policy TC-4d, including the proposed amendment, already addresses the need for funding of bicycle facilities. No change is necessary.

The comment relates to the commenter’s opinion on the advisability of one or more of the policies or regulations being proposed as part of the TGPA/ZOU project. It does not address the adequacy of the DEIR or other environmentally related topic. State CEQA Guidelines Section 15132(d) requires the FEIR to contain “[t]he responses of the Lead Agency to significant environmental points raised in the review and consultation process.” The comment is not on a significant environmental point, and therefore no response is necessary.

## Letter I-57—Stanley Price



TGPA-ZOU ZOU <tgpa-zou@edcgov.us>

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## Comment on Policy

1 message

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Stanley Price <2stanleyprice@gmail.com>  
To: TGPA-ZOU@edcgov.us  
Cc: Lindell Price <lindellprice@gmail.com>

Wed, Jul 23, 2014 at 3:25 PM

Policy TC-5c regarding sidewalks adjacent to schools needs to be expanded to "include roads providing access to schools and parks." | 1-57-1

Stanley Price  
(530) 677-5052

## Responses to Letter I-57

### I-57-1

Policy TC-5a is a blanket requirement for the installation of sidewalks and curbs in residential subdivisions where any residential lot or parcel size is 10,000 square feet or less. This will include lands within such subdivisions that are to be developed with parks and schools. No change to the policy will be made in response to this comment.

The remainder of the comment relates to the commenter's opinion on the advisability of one or more of the policies or regulations being proposed as part of the TGPA/ZOU project. It does not address the adequacy of the DEIR or other environmentally related topic. State CEQA Guidelines Section 15132(d) requires the FEIR to contain "[t]he responses of the Lead Agency to significant environmental points raised in the review and consultation process." The comment is not on a significant environmental point, and therefore no response is necessary.

## Letter I-58—Francesca Duchamp



TGPA-ZOU ZOU &lt;tgpa-zou@edcgov.us&gt;

## Fwd: Comment on TGPA-Z OU DEIR

1 message

Shawna Purvines <shawna.purvines@edcgov.us>  
 To: TGPA-ZOU ZOU <TGPA-ZOU@edcgov.us>

Wed, Jul 23, 2014 at 4:56 PM

----- Forwarded message -----

From: francesca duchamp &lt;francescaduchamp@att.net&gt;

Date: Wed, Jul 23, 2014 at 3:50 PM

Subject: Comment on TGPA-ZOU DEIR

To: "shawna.purvines@edcgov.us" <shawna.purvines@edcgov.us>, "bosone@edcgov.us" <bosone@edcgov.us>, "bostwo@edcgov.us" <bostwo@edcgov.us>, "bosthree@edcgov.us" <bosthree@edcgov.us>, "bosfour@edcgov.us" <bosfour@edcgov.us>, "bosfive@edcgov.us" <bosfive@edcgov.us>, "edc.cob@edcgov.us" <edc.cob@edcgov.us>

Dear Ms. Purvines, First of all, I am not no growth--I am for responsible growth. I was here and supported the strip mall when it came, into Pollock. I just recently fought for the Family dollar store (because some of the people , some of the board seem to promote --were against it.) Our town needed this type of store (we did not need another restaurant)...many have no money. So what I am going to say reflects the fact that after this many years...the closing of the mill still affects the economy up here. My own family member worked there once upon a time and was part of the huge lay offs.

I-58-1

### 3.2.2. Environmental Impacts

#### Targeted General Plan Amendments

The project proposes to divide the existing Camino/Pollock Pines Community Region to create three Rural Centers: Camino, Cedar Grove, and Pollock Pines. No changes would be made to the current General Plan designations for parcels within the Community Region. However, the General Plan's non-transportation noise standard applicable within Rural Centers is more stringent (i.e., does not permit as much noise) than within Community Regions. As a result, new development within the 170 acres of industrial land within the Camino/Pollock Pines

I-58-2

Community Region would be subject to the more stringent noise controls applicable to Rural Centers. Future industrial development would therefore be required to comply with the more stringent regulations. **The more stringent noise controls may also apply to any future re-opening of the Sierra Pacific Industries lumber mill in Camino, which would serve timber harvesting.**

I-58-2  
Cont

"The more stringent noise controls may also apply to any future re-opening of the Sierra Pacific Industries lumber mill in Camino, which would serve timber harvesting." I personally find this sentence insulting. We have been told over and over that SPI was not going to bring back a mill <---and we all now drive by the torn down space as a reminder. The people in Camino are already fighting over low income housing, strip malls, and museum with a small working mill <--to show what it was like in the "olden" days to go into that space. Even that aside, since running the 1 2 3 petitions--not telling anyone how to vote...I have been through some unbelievable things...the last having a non profit call the sheriff twice <--because they didnt know their own charter. The chair of CEDAC, along with others--one being SPI put together 70,000+ dollars to stop the petitions. This is an emotionally charged sentence. And it is wrong. I have supported many of the items that the BOS has brought into play...fixing roads, supporting the new cancer center...supporting the fact that you are elected officials. I think I have clearly stated that I dont care for lies and manipulations. If a mill ever comes back--im sure it can be reworked to fit in...since it was there originally.

I-58-3

This document was brought into existence on false numbers--guesses--forecasts. Still people do not know anything about it. Groups contain mostly the same people. Once again, some of the things that have gone on--spilt my space...torn it apart. Using the mill is just going to create more hate than needed. The 1400 + emails quoted... 1400/Registered Voters equals = 0.0130909635 <----doesnt show that many know whats going on.

I-58-4

I am also interested in the words Design and Aesthetics <-----who is addressing these definitions in terms of this document? And what are their qualifications to define these terms? Remember I support the Family Dollar Store...the building is ugly. One could not get mad at the designers--they did what they were told--go out and look at the environment. There are no up to

I-58-5

date design guidelines (this applies to signage as well--what qualified people are working on these issues?)

I do still believe in government--that people do the best they can. I even believe that over time-- some can know more than others. I believe that fresh ideas promote healthy communities. I believe too much power corrupts. And I believe if one lie is caught--it can destory trust for good. But many times--im just shaking my head. Fran

--

Shawna L. Purvines  
Principal Planner

County of El Dorado  
Community Development Agency  
Long Range Planning  
2850 Fairlane Court  
Placerville, CA 95667  
Phone:(530) 621-5362/Fax: (530) 642-0508  
[shawna.purvines@edcgov.us](mailto:shawna.purvines@edcgov.us)  
[www.edcgov.us](http://www.edcgov.us)

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Thank you.



## Responses to Letter I-58

### I-58-1

The comment is an introduction to a set of comments or otherwise advises that comments are being submitted. The comment is not on a significant environmental point, and therefore no response is necessary.

### I-58-2

This comment essentially restates the conclusion in the DEIR that noise standards for non-transportation sources in Community Regions are less strict than the standards for Rural Centers. The DEIR states that this change would reduce the allowable noise levels that are currently applicable to this area, which means, as the commenter has noted, that a more stringent noise standard would be applied to these areas. This change would reduce the potential for adverse noise impacts relative to existing conditions. No change to the DEIR is required.

### I-58-3

Please see response to comment I-58-2. No changes to the DEIR are required.

### I-58-4

This comment does not relate to the adequacy of the DEIR. No changes to the DEIR are required.

### I-58-5

It appears that the commenter is requesting that the words “design” and “aesthetics” be defined in the TGPA/ZOU EIR, and requests that qualifications to do so be provided. This does not relate to the environmental effects of the proposed project, and therefore no response is necessary. The visual impacts on the environment of the proposed project are discussed in Section 3.1, Aesthetics. Similarly, the comment related to the commenter’s concern regarding “up to date design guidelines” does not relate to the environmental effects of the proposed project, and therefore no response is necessary.

### I-58-6

The commenter expresses her general opinions regarding government. The comment is not directed to the EIR or to a significant environmental point, and therefore no response is necessary.

## **Letter I-59—Joel Ellinwood, AICP LEED-AP**



TGPA-ZOU ZOU &lt;tgpa-zou@edcgov.us&gt;

---

**Re: Comment on LUPPU TGPA-Z OU Draft EIR**

1 message

ststailey &lt;ststailey@sbcglobal.net&gt;

Wed, Jul 23, 2014 at 9:55 PM

To: Joel Ellinwood <jellinwood49@gmail.com>, TGPA-ZOU@edcgov.us, Lori Parlin <info@shinglespringscommunityalliance.com>, Frank Verdin! <nosanstino@yahoo.com>

Thanks Joel, great letter.

Sent from my LG Optimus G™, an AT&T 4G LTE smartphone

----- Original message -----

From: Joel Ellinwood

Date: 7/23/2014 15:50

To: [TGPA-ZOU@edcgov.us](mailto:TGPA-ZOU@edcgov.us); Lori Parlin; Frank Verdin!;

Subject: Comment on LUPPU TGPA-ZOU Draft EIR

Please find my letter attached.

Joel Ellinwood, AICP LEED AP  
Attorney at Law

Joel Ellinwood, AICP LEED-AP  
Lawyer-Planner

4054 New York Avenue, #1906  
Fair Oaks, California 95628  
(916) 436-9854  
joel.ellinwood@lawyer-planner.com



California land use & environmental law; urban and regional  
planning policy & advocacy for a more just and sustainable future

July 23, 2014

Shawna Purvines, Senior Planner  
County of El Dorado  
2850 Fairlane Court  
Placerville, CA 95667

Re: Comment on Draft EIR Alternatives Analysis for LUPPU/TGPA/ZOU

Dear Ms. Purvines:

Under the guise of a purported CEQA alternatives analysis, the paid County consultants – under the supervision of County staff – prepared a preemptive and partisan political polemic against the citizen-sponsored initiative measures slated for the ballot in the November 4 general election. The authors appropriate the initiatives sponsored by Rural Communities United, Shingle Springs Community Alliance, Residents for Positive Planning, and Save Our County and put them forward as “project alternatives” under a false premise – that they are intended as alternative means of achieving the same objectives as the Land Use Programmatic Policy Update/Targeted General Plan Amendment/Zoning Ordinance Update Project (“LUPPU/TGPA/ZOU”). This is a highly questionable, if not illegal use of public funds. At the very least, it exposes the pro-development bias of the planning department and CAO office and its inability to provide an objective, fair-minded analysis of the initiative measures.

I-59-1

In fact, the objectives of the initiative measures and LUPPU/TGPA/ZOA are nearly diametrically opposed. The conclusion that the initiatives are not preferred or feasible alternatives because they don’t achieve what LUPPU/TGPA/ZOU is intended to achieve is a tautology, not analysis. This is the rhetorical equivalent of asserting that oranges taste bad because they are not apples.

I-59-2

LUPPU/TGPA/ZOU reinforces and intensifies a policy program of unrestrained and unanalyzed high-density urban and suburban development within the “Community Regions” arrayed along Highway 50 from El Dorado Hills to Pollock Pines. Although defined in the 2004 General Plan as an “urban limit line,” the Community Region designation is in reality an urban sprawl growth zone. The Community Region (CR) designation is an open invitation for developers to propose future General Plan Amendments for “highest intensity of self-

I-59-3

July 23, 2014  
Page 2

sustaining compact urban-type development or suburban type development projects” anywhere in a CR. By definition such projects are inconsistent with existing General Plan land use designations and current zoning in those areas. Because the specific location and scale of these potential high density development projects were not identified in the 2004 General Plan EIR, the environmental impacts were not then and are not now meaningfully evaluated. LUPPU/TGPA/ZOU heightens these potential impacts by increasing the densities allowed in mixed use and residential districts and eliminating policies restricting growth on hillside slopes and requiring set-asides of open space.

I-59-3  
Cont

The CR urban growth zone policy is oddly advanced as a means of protecting El Dorado County’s rural quality of life. Those making this argument apparently favor sacrificing the existing rural character of all the communities within the CRs on the altar of protecting more remote areas for exclusive agricultural and forest production, in part by eliminating ag buffer areas for existing ag uses in the CRs. In this view, development is an uncontrollable force that unless harnessed within the CRs will inevitably disburse throughout the County, degrading its rural character and economy. In fact, development is highly dependent on infrastructure that puts housing within reasonable distance and travel time from employment centers. The notion that people seeking suburban commuter havens will instead choose remote rural corners of the County for their habitations is absurd. The markets for those seeking rural living opportunities (which includes many if not most current residents of CR areas) and for those who desire high density urban and suburban residences are entirely distinct. The fact that the County is giving serious consideration to several large scale urban development project proposals that are outside the CRs (e.g. Marble Valley and Lime Rock) instead of preemptively denying them as it clearly has the power and legal authority to do, should be a clue that CRs are not a credible restraint on development of rural areas in any event.

I-59-4

Instead of intensive high density urban and suburban development all along the Highway 50 corridor, the initiative to re-designate existing rural communities as Rural Centers with surrounding platted-lands overlays under the General Plan classification scheme is in keeping with the expectations of the current residents who chose those communities for their rural quality of life. Medium and low-density residential zones are not allowed in Rural Centers or in Rural Regions under the General Plan – hence the use of platted lands to retain consistency with the General Plan, as was pointed out in a white paper prepared by Roger Trout in June of 2013. Reducing the development potential of these large areas of the County now classified as CRs to that allowed under current land use designations and zoning will preserve the predominantly rural character of the County that will benefit everyone who lives in, travels through or visits El Dorado County. The measure will help protect the scenic quality of the Highway 50 corridor from becoming an uninterrupted vista of urban sprawl akin to Rancho

I-59-5

I-59-6

July 23, 2014  
Page 3

Cordova and Elk Grove. Creating less intensive, more open areas between urbanized areas of El Dorado Hills, Cameron Park, Placerville and South Lake Tahoe, provides breathing room and relief from the stresses of urban life. A continual vista of urban sprawl and the highway congestion that will inevitably accompany it will deter tourism to El Dorado County's wineries and orchard and many mountain recreational opportunities.

I-59-6  
Cont

The objective of the Community Region amendment initiative is to advance an entirely different vision for the future of El Dorado County than is inherent in the 2004 General Plan and LUPPU/TGPA/ZOU. It calls for a change of direction that the voters should be free to choose, without interference from the bureaucrats with a built-in pro-development bias, and the monied special interests that benefit from development.

I-59-7

LUPPU/TGPA/ZOU depends for its implementation on the imposition of Traffic Impact Mitigation (TIM) fees to pay for road improvements needed to mitigate road congestion that would result from large areas of high density development in the Community Regions. The TIM fees are determined by estimating the cost of all road improvements that may be required for full build out of all anticipated projects in the County's Capital Improvement Plan within a 20-year planning period. Full developer funding of the necessary road improvements only occurs if and when all anticipated projects included in the CIP analysis are built out. This predisposes, if not mandates, that all anticipated developments included in the CIP analysis will be approved so that all road improvement in the plan will be funded. In the interim, TIM fees only fund "paper roads," and traffic impacts go unmitigated indefinitely. If additional projects are proposed that haven't been anticipated or planned for as made possible by the Community Region urban growth zone policy, the CIP and TIM fees will be inadequate to mitigate the impacts, and will have to be revised upward. Like other forms of Ponzi schemes, only early actors get a good deal. The rest suffer when the speculative house of cards collapses.

I-59-8

Similarly, the required water and sewer infrastructure to support high density urban development is to be provided by El Dorado Irrigation District (EID). EID is free to finance this infrastructure by rate-payer backed bonds, with repayment of hundreds of millions of dollars of advance construction costs to be made from hook-up fees -- but only when and if all of the anticipated development actually occurs. If, as in the recent Great Recession, development activity stalls or fails to materialize, the existing rate-payers are left holding the bag of massive debt. This method of financing is another way that pro-development bias is built into the County's official political culture. Periods of prolonged drought, such as we are currently experiencing, mean that all of the expensive infrastructure currently being planned by EIR will be unable to deliver water that simply isn't there, regardless of whatever paper

I-59-9

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Page 4

entitlements that EID may hold. Neither EID or the County have ever fully analyzed the effects of the drought on the development potential anticipated in the General Plan. Reducing that development potential seems the most prudent means of protecting the limited supply for current users.

I-59-9  
Cont

Paradoxically, fee-based financing for massive infrastructure needed to support high density urban development makes affordable housing development of existing developable parcels economically infeasible. Small scale low intensity development by locally-based custom builders and craftspersons – once a significant local economic engine and local job generator – has been eviscerated by high fees that aren't justified by the more limited impacts of building out existing parcels that might otherwise be developed as of right. Planning for massive new subdivision development with infrastructure paid for through development impact fees has the unintended consequence of throttling less impactful development that supports locally-based jobs – something a more insightful General Plan would take care to support and encourage.

I-59-10

There are financing options for public infrastructure that don't create incentives for officials to continually approve all development proposals in order to generate sufficient development fees. If developers of major projects are required to build at least the initial phases of major infrastructure projects oversized for other reasonably foreseeable development, they are entitled to be reimbursed through fees charges to subsequent developments. This approach is more likely to result in more-efficient "right-sized" improvements, rather than projects conceived by some engineer operating without prudent fiscal restraint based on speculative projections of future growth. The creation of Mello-Roos financing districts, that spread the cost of infrastructure improvements over much longer periods than fully funding projects through impact fees all due and payable when permits are issued, is another financing option that creates more affordable means and lower initial housing cost of entry to the market. While these financing options are not favored by the development interests, they have been successfully employed throughout California and deserve thorough evaluation for use in El Dorado County.

I-59-11

The two citizen-sponsored initiatives that address road funding and the threshold of traffic-levels of service – effectively prohibiting the reliance upon "paper roads" for the illusion of traffic mitigation are responses to the County staff's continual efforts to undercut the original Measure Y adopted by the voters in 1998. Pausing large scale developments while a more responsible and prudent means of financing large scale road improvements can be worked out

I-59-12

July 23, 2014  
Page 5

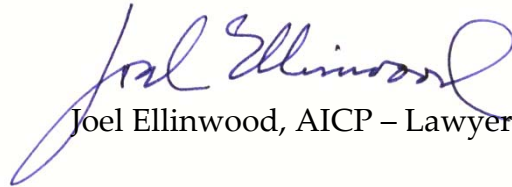
is critical. Not allowing road segments and projects to be exempted from traffic mitigation requirement through the fiat of 4/5 of the Board of Supervisors is necessary if adequate roads are ever to be provided.

I-59-12  
Cont

The Alternatives document reiterates at length a range of alternatives that were considered and rejected in the 2004 General Plan EIR – a document that was neatly insulated from legal scrutiny because adoption of the General Plan was put before the voters by the Board of Supervisors as an initiative. LUPPU/TGPA/ZOU will not be so privileged. The alternatives analysis presented relies primarily upon conclusory rationalizations rather than fact-based analysis. It is unsubstantiated opinion unsupported by substantial evidence in the EIR document and a chain of reasoning that links facts to a supportable conclusion. The selection of alternatives is politically motivated, rather than a good faith effort to independently identify reasonable alternatives that can be more objectively and meaningfully evaluated. These are flaws that warrant a substantial revision and recirculation of the EIR.

I-59-13

Very truly yours,



Joel Ellinwood, AICP – Lawyer-Planner

Cc: Shingle Springs Community Alliance  
No San Stino



## Responses to Letter I-59

### I-59-1

The commenter states his opinions regarding the intentions of the County in developing the alternatives in the EIR. The purpose of the alternatives is described in Chapter 4 of the DEIR.

### I-59-2

The comment relates to the commenter's opinion on the advisability of one or more of the policies or regulations being proposed as part of the TGPA/ZOU project. It does not address the adequacy of the DEIR or other environmentally related topic. State CEQA Guidelines Section 15132(d) requires the FEIR to contain "[t]he responses of the Lead Agency to significant environmental points raised in the review and consultation process." The comment is not on a significant environmental point, and therefore no response is necessary.

### I-59-3

Please see Master Response 1: Specificity of Environmental Review, Master Response 2: Relationship of the TGPA/ZOU EIR to the 2004 General Plan EIR and 2004 Impact Analysis, Master Response 4: Scope of the Project, and Master Response 5: Future Development Levels under the TGPA/ZOU.

### I-59-4

The TGPA/ZOU is separate from the various large projects being proposed by private developers. The proposed changes to the General Plan and Zoning Ordinance embodied in the TGPA/ZOU do not encourage or otherwise support those privately initiated development proposals. The remainder of this comment relates to the commenter's opinion on the advisability of one or more of the policies or regulations being proposed as part of the TGPA/ZOU project. It does not address the adequacy of the DEIR or other environmentally related topic. State CEQA Guidelines Section 15132(d) requires the FEIR to contain "[t]he responses of the Lead Agency to significant environmental points raised in the review and consultation process." The comment is not on a significant environmental point, and therefore no response is necessary.

### I-59-5

The comment appears to be a discussion of the advantages of the proposed "Protect Rural Communities" initiative. The Board of Supervisors on July 29, 2014, placed this initiative on the ballot for the November 2014 general election as Measure O. By this action, the Board chose to put the initiative to popular vote rather than adopt it. The remainder of this comment relates to the commenter's opinion on the advisability of one or more of the policies or regulations being proposed as part of the TGPA/ZOU project. It does not address the adequacy of the DEIR or other environmentally related topic. State CEQA Guidelines Section 15132(d) requires the FEIR to contain "[t]he responses of the Lead Agency to significant environmental points raised in the review and consultation process." The comment is not on a significant environmental point, and therefore no response is necessary.

**I-59-6**

Please see response to comment I-59-5.

**I-59-7**

Please see response to comment I-59-5.

**I-59-8**

Funding of road improvements through impact fees is consistent with the General Plan (see Goal TC-X and the policies that follow it). The Mitigation Fee Act (Government Code Section 66000, et seq.) effectively makes infeasible the collection of impact fees prior to approval of a development project. Further, because impact fees cannot be used to support the issuance of bonded indebtedness, the improvements funded by impact fees cannot be built until sufficient fees have been collected to cover the cost of the improvements. The TIM program is not based on “paper roads.” It properly collects the impact fees imposed on individual development projects until such time as sufficient funding is available to build the road improvements that are identified in the capital improvements program as needed to serve that development, and then devotes the funds to the construction of that infrastructure. Payment of fees under the TIM program is an effective and valid means of constructing the infrastructure necessary to accommodate the impact of the projects subject to TIM fees.

This is not a “Ponzi scheme” as the commenter suggests. In a Ponzi scheme, funds collected from new investors are used to pay back prior investors without any actual investment or growth in funding as a result of investment. In contrast, the TIM program collects fees from developers based on the estimated costs of improvements necessary to serve the increased traffic generated by the development, pools those funds to pay for identified infrastructure improvements, and uses the fees once they are sufficient to actually fund the improvements. This meets all requirements of State law for an impact fee program. Pursuant to the Mitigation Fee Act, the impact fees are kept in a separate account and can only be used for the improvements identified in the TIM program. Further, the TIM fees and capital improvements program are publicly reviewed by the County on a regular basis to ensure that the fees being collected will be sufficient to fund the infrastructure that will be necessitated by new development under the General Plan. The County is prevented by law from collecting fees in excess of the estimated cost of the infrastructure improvements.

The remainder of this comment relates to the commenter’s opinion on the advisability of one or more of the policies or regulations being proposed as part of the TGPA/ZOU project. It does not address the adequacy of the DEIR or other environmentally related topic. State CEQA Guidelines Section 15132(d) requires the FEIR to contain “[t]he responses of the Lead Agency to significant environmental points raised in the review and consultation process.” The comment is not on a significant environmental point, and therefore no response is necessary.

**I-59-9**

The commenter asks about availability of water for development resulting from implementation of the General Plan. This issue is addressed in Impact WS-1 of this EIR.

The commenter also comments on the financing of improvements in water facilities and suggests that changes in the General Plan be made. These comments relate to the commenter’s opinion on the

advisability of one or more of the policies or regulations being proposed as part of the TGPA/ZOU project. They do not address the adequacy of the DEIR or other environmentally related topic. State CEQA Guidelines Section 15132(d) requires the FEIR to contain “[t]he responses of the Lead Agency to significant environmental points raised in the review and consultation process.” The comments are not on a significant environmental point, and therefore no response is necessary.

### **I-59-10 through I-59-11**

These comments relate to the commenter’s opinion on the advisability of one or more of the policies or regulations being proposed as part of the TGPA/ZOU project. They do not address the adequacy of the DEIR or other environmentally related topic. State CEQA Guidelines Section 15132(d) requires the FEIR to contain “[t]he responses of the Lead Agency to significant environmental points raised in the review and consultation process.” The comments are not on a significant environmental point, and therefore no response is necessary.

### **I-59-12**

This comment endorses two voter initiatives proposed within El Dorado County. Please see response to comment I-59-5.

### **I-59-13**

The comment relates to the commenter’s opinion on the advisability of one or more of the policies or regulations being proposed as part of the TGPA/ZOU project. It does not address the adequacy of the DEIR or other environmentally related topic. State CEQA Guidelines Section 15132(d) requires the FEIR to contain “[t]he responses of the Lead Agency to significant environmental points raised in the review and consultation process.” The comment is not on a significant environmental point, and therefore no response is necessary.

## Letter I-60—Sue Taylor



TGPA-ZOU ZOU <tgpa-zou@edcgov.us>

### Fwd: DIER Comments Received (Sue Taylor)

1 message

Anne Novotny <anne.novotny@edcgov.us>  
To: TGPA-ZOU ZOU <TGPA-ZOU@edcgov.us>

Wed, Jul 23, 2014 at 8:31 AM

----- Forwarded message -----

From: <sue-taylor@comcast.net>  
Date: Wed, Jul 23, 2014 at 4:40 AM  
Subject: DIER Comments Received  
To: derek.reddin@edcgov.us, anne.novotny@edcgov.us

Data from form "TGPA-ZOU Draft EIR Public Comment Form" was received on 7/23/2014 4:40:41 AM.

Long Range Planning (LRP) Web Page Feedback

| Field                 | Value                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                            |
|-----------------------|------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------|
| First Name            | Sue                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                              |
| Last Name             | Taylor                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                           |
| Address               | P. O. Box 961                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                    |
| City                  | Camino                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                           |
| State                 | CA                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                               |
| Zip Code              | 95709                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                            |
| Organization / Agency |                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                  |
| Email                 | sue-taylor@comcast.net                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                           |
| Primary Interest      | Both                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                             |
|                       | Major issues of the Land Use Policy Programmatic Update process: The county continues to call this process a 5 year General Plan Update required by the State rather than admit that this a complete overhaul of the County's zoning codes and General Plan. 20 plus General Plan amendments is not a simple General Plan Update. The need for this complete overhaul has never been clearly defined for the public. The entire process has been ill conceived, tainted and improperly handled from the beginning. To begin, the changes to the general plan to be implemented was crafted by individuals that will benefit personally from these changes. Rather than proceeding through the Planning Commission, as would be the proper channels, the Land Use Policy Programmatic Update (LUPPU) was vetted, without notices or agendas through a non-brown act extension of the El Dorado County Economic Development Committee (EDAC), the newly formed regulatory reform so called "ad hoc" committee. The |

I-60-1

presentation and items brought forward originated from a group of developer - lobbyists. Then after they presented to many organizations it was brought through the County "process". Little if any changes were made to the original presentation. The Board of Supervisors has basically stood by the sidelines taking direction from this group of lobbyists, the CAO's office and the Planning Department. If the public complained about the process or what was being put into the agenda, they were ignored, or dismissed or told that they were late to the table and why where were they when this all started? In fact I was told that if I did not come to the table then I needed to get out of the room. One time I was threatened by a member of the Reg Reform committee just for talking to a group of people at a Board Meeting. Another time I was threatened at a candidates meeting by the Director of the El Dorado County Economic Development Committee merely for letting the public know that this high jacking of our General Plan was taking place and being implemented by a group of developers. These so called "Ad Hoc" meetings took place every Friday morning from 8:00 a.m. to noon in a conference room of the county, staffed with at least one Planner and usually an Administrator. These meetings usually were only discussions of decisions that had already been made. While I was at an Agricultural Commission meeting, during the meeting, the Chairwoman of the Economic Development Advisory Committee made an announcement that Reg Reform would be meeting with a group from Pollock Pines to determine the community's desire for their future. No agenda was provided for this meeting. I came at 8:00 a.m. and asked if I could share a short 3 minute power point presentation about what the Board of Supervisors had already decided regarding the community region line in Pollock Pines. I was told that that meeting would not take place until 10:00 a.m. and I was given the impression I could share it at that time. When it came time for this part of the meeting they had us move to the Planning Commission room. More staff showed up along with a large group from Pollock Pines that had been invited along with 2 County Board of Supervisors. It became evident that this was by invitation only. If I had not heard the announcement made at the Agricultural Commission meeting, there would have not been any opportunity for myself or the public to know about the purpose of this future meeting. I was not allowed to share my power point and finally had to stand up in order to make a statement during the meeting. At the next Board of Supervisors meeting I brought this up, but no action was taken to remedy the behind door process the Reg Reform committee had established to vet the implementation of LUPPU. Reg Reform became more of a problem with other members of the public complaining that this long standing committee was not functioning under the brown act. Much discussion was had and it was stated by Reg Reform members, many times, that having direct interaction with staff without interference of the public was a much more efficient way for them to get things done. More people started to complain to the Board of Supervisors regarding Reg Reform and the Brown Act. This issue was finally agenzized by the Board of Supervisors and County Council stated that Reg Reform as organized should be functioning as a Brown Act committee. This was also explained by County Council to EDAC. Members of EDAC disagreed with this and Reg Reform continued to meet without agendas. By this point the resolutions for LUPPU and a quick so called public outreach for implementation had already been completed. The public outreach was confusing, poorly noticed or

Comments

I-60-1  
Cont

attended. Kim Kerr, hired as the Asst. Chief Administrative Officer, who was not qualified to facilitate these meetings, often mislead the public as to the purpose of LUPPU. She stated that the County was implementing LUPPU because it was mandated by the state due to SB375. By the last public meeting in Cameron Park, I challenged Kim Kerr on her lie and she admitted that that statement was not true. Kim Kerr has a Grand jury report from the City of Ione stating that she misled the Ione City Council and was not qualified for her position as City Manager. Her actions caused financial damage to the City of Ione. This misconduct was brought before the Board of Supervisors several times and they continue to ignore the issue. All this is brought to light in order to explain how this entire overhaul of El Dorado County's General Plan has moved through the process from the beginning. At one Board meeting I asked the Board of Supervisors at what time would they be publicly discussing any of the huge issues contained in LUPPU. It was stated by Supervisor Veerkamp that AFTER public comment and AFTER the public hearings, the Board would then engage. So basically AFTER the opportunities for the public to be involved are over, they will then finally let us know their thoughts on the proposed General Plan Amendments and entire rewrite of the Zoning Ordinance. It is still unclear what the purpose is for this major change to the County's General Plan and Zoning Ordinance and what benefit will be had or why those implementing this change wish to impose such an environmental impact to the county. It is also unclear as to who has driven this project in the first place. Obviously not this current Board of Supervisors. This has been anything BUT an open process. The growth pattern changes were made by a developer-lobby group and then the county hired employees that would enforce the changes to be basically shoved through the system. To correctly implement the current 2004 General Plan, each element and policy should have been vetted individually in a matter that was clear and transparent to the public. The implementation process should have proceeded through the Planning Commission. County personal started in this matter, then were stopped in their tracks. The process was high jacked by a special interest group of developer lobbyists. Then rather than simply implementing the 2004 voter approved General Plan, a major overhauling of the General Plan and new zoning ordinance has been written. This is a conflict with the current General Plan's Purpose and Objectives. The only way to fix this is to start over and do it right. Rather than the Board of Supervisors allowing this to have gone through a tainted and corrupted system, they need to bring it back through the proper channels starting with the Planning Commission.

I-60-2

I-60-3

Email "DIER Comments Received" originally sent to [derek.reddin@edcgov.us](mailto:derek.reddin@edcgov.us); [anne.novotny@edcgov.us](mailto:anne.novotny@edcgov.us) from [sue-taylor@comcast.net](mailto:sue-taylor@comcast.net) on 7/23/2014 4:40:41 AM.

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## Responses to Letter I-60

### I-60-1

Please see Master Response 3: Necessity to Amend the Zoning Ordinance regarding the need to update the Zoning Ordinance. The remainder of this comment relates to the commenter's opinion on the advisability of one or more of the policies or regulations being proposed as part of the TGPA/ZOU project. It does not address the adequacy of the DEIR or other environmentally related topic. State CEQA Guidelines Section 15132(d) requires the FEIR to contain "[t]he responses of the Lead Agency to significant environmental points raised in the review and consultation process." The comment is not on a significant environmental point, and therefore no response is necessary.

### I-60-2

The comment relates to the commenter's opinion on the advisability of one or more of the policies or regulations being proposed as part of the TGPA/ZOU project. It does not address the adequacy of the DEIR or other environmentally related topic. State CEQA Guidelines Section 15132(d) requires the FEIR to contain "[t]he responses of the Lead Agency to significant environmental points raised in the review and consultation process." The comment is not on a significant environmental point, and therefore no response is necessary.

### I-60-3

Please see Master Response 3: Necessity to Amend the Zoning Ordinance and Master Response 13: Availability of Full Text of Proposed Zoning and General Plan Changes. The remainder of this comment relates to the commenter's opinion on the advisability of one or more of the policies or regulations being proposed as part of the TGPA/ZOU project. It does not address the adequacy of the DEIR or other environmentally related topic. State CEQA Guidelines Section 15132(d) requires the FEIR to contain "[t]he responses of the Lead Agency to significant environmental points raised in the review and consultation process." The comment is not on a significant environmental point, and therefore no response is necessary.



## Letter I-61—Shelley Wiley



TGPA-ZOU ZOU &lt;tgpa-zou@edcgov.us&gt;

## Fwd: DIER Comments Received (Web Form - Shelley Wiley)

1 message

Anne Novotny <anne.novotny@edcgov.us>  
 To: TGPA-ZOU ZOU <TGPA-ZOU@edcgov.us>

Wed, Jul 23, 2014 at 6:40 PM

Anne Novotny  
 Senior Planner

County of El Dorado  
 Community Development Agency  
 Long Range Planning Division  
 2850 Fairlane Court  
 Placerville, CA 95667  
 (530) 621-5931 / (530) 642-0508  
[anne.novotny@edcgov.us](mailto:anne.novotny@edcgov.us)

----- Forwarded message -----

From: <[swiley@directcon.net](mailto:swiley@directcon.net)>  
 Date: Wed, Jul 23, 2014 at 2:01 PM  
 Subject: DIER Comments Received  
 To: [derek.reddin@edcgov.us](mailto:derek.reddin@edcgov.us), [anne.novotny@edcgov.us](mailto:anne.novotny@edcgov.us)

Data from form "TGPA-ZOU Draft EIR Public Comment Form" was received on 7/23/2014 2:01:14 PM.

Long Range Planning (LRP) Web Page Feedback

| Field                 | Value                                                          |
|-----------------------|----------------------------------------------------------------|
| First Name            | Shelley                                                        |
| Last Name             | Wiley                                                          |
| Address               | PO Box 3859                                                    |
| City                  | Shingle Springs                                                |
| State                 | CA                                                             |
| Zip Code              | 95682                                                          |
| Organization / Agency |                                                                |
| Email                 | <a href="mailto:swiley@directcon.net">swiley@directcon.net</a> |
| Primary Interest      | Both                                                           |
|                       |                                                                |

281041

Comments

To Shawna Purvines, Senior Planner Re: Public Comment on LUPPU/ZOU Draft EIR 7/22/2014 El Dorado County TGPA/ZOU Draft EIR comments The draft EIR addressing the changes being proposed to the General Plan and Zoning Ordinance cannot fully address the impact of the Zoning Ordinance changes because the full scope of the zoning change is not identified and/or not reasonably accessible. In my effort to find a mark-up version of our existing zoning map I have met with a county planner and they have agreed to begin the process of creating a mark-up version to facilitate a better understanding of the changes to the zoning map. Everyone agrees this will be valuable information; however it is too late to be of use for the dEIR. It is my understanding that there are 8,000+ parcels directly affected. I also believe it's a safe assumption that as few as 24,000 parcels are indirectly affected. Many of these parcels are in central portions of the county and will affect surrounding uses and landowners. This is not addressed in the draft EIR. Zoning was unilaterally updated to meet the Land Use Requirements without considering updating Land Use to reflect current Zoning. The current Zoning map more accurately reflects existing conditions which is the appropriate baseline to determine impacts to be addressed in the EIR. Without clearly defining the existing conditions there is no way to analyze the potential impacts. I attended the July 10th 2014, presentation on the Draft Environmental Impact Report for the Targeted General Plan Amendment and Zoning Ordinance Update and was impressed by the broad brush assumptions made within the analysis. This approach along with the lack of detail and access to changes within the zoning map creates the potential for lack of understanding of the scope of changes and potential for mistakes. In addition to the lack of understanding for the purpose of completing an accurate EIR, it also creates a transparency issue with the residents of this county that have been losing confidence in our local governments commitment to have an inclusive process. Currently there is no other reasonable way to determine the existing vs proposed zoning. NOP public comments addressed the same issue and the problem still exists. E.g.; comment 100053, 100069, 110007 I feel the county is buying into an EIR that doesn't even define the full scope of the project let alone address all potential impacts. Recommendation; Create a mark-up Zoning Map that accurately reflects the changes. Quantify this parcel changes in a matrix and address impacts. Thank you for your hard work, Sincerely, Shelley Wiley

I-61-1

I-61-2

I-61-3

I-61-4

Email "DIER Comments Received" originally sent to [derek.reddin@edcgov.us](mailto:derek.reddin@edcgov.us); [anne.novotny@edcgov.us](mailto:anne.novotny@edcgov.us) from [swiley@directcon.net](mailto:swiley@directcon.net) on 7/23/2014 2:01:14 PM.

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## **Responses to Letter I-61**

Letter I-61 is the same as Letter I-38, but received by the County through a different process. Please see responses to comments in Letter I-38 for responses to the comments in this letter.

## Letter I-62—Teddy McGraw



TGPA-ZOU ZOU <tgpa-zou@edcgov.us>

# Fwd: DEIR Comments Received (Teddy McGraw)

1 message

Anne Novotny <anne.novotny@edcgov.us>  
To: TGPA-ZOU ZOU <TGPA-ZOU@edcgov.us>

Thu, Jul 24, 2014 at 8:20 PM

----- Forwarded message -----

From: <tnbmcgraw@msn.com>  
Date: Thu, Jul 24, 2014 at 12:24 PM  
Subject: DIER Comments Received  
To: derek.reddin@edcgov.us, anne.novotny@edcgov.us

Data from form "TGPA-ZOU Draft EIR Public Comment Form" was received on 7/24/2014 12:24:48 PM.

Long Range Planning (LRP) Web Page Feedback

| Field                 | Value                                                                                                                                                                                                                                                                                                                                                                                                                                          |
|-----------------------|------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------|
| First Name            | Teddy                                                                                                                                                                                                                                                                                                                                                                                                                                          |
| Last Name             | McGraw                                                                                                                                                                                                                                                                                                                                                                                                                                         |
| Address               | 1777 E Moonshroud Dr                                                                                                                                                                                                                                                                                                                                                                                                                           |
| City                  | Oro Valley,                                                                                                                                                                                                                                                                                                                                                                                                                                    |
| State                 | AZ                                                                                                                                                                                                                                                                                                                                                                                                                                             |
| Zip Code              | 85737                                                                                                                                                                                                                                                                                                                                                                                                                                          |
| Organization / Agency |                                                                                                                                                                                                                                                                                                                                                                                                                                                |
| Email                 | tnbmcgraw@msn.com                                                                                                                                                                                                                                                                                                                                                                                                                              |
| Primary Interest      | TGPA                                                                                                                                                                                                                                                                                                                                                                                                                                           |
| Comments              | As General Partner of the Detmold LP , I would like to make two requests: (1) that the boundary line for the CR designation for our parcel 07025005 be changed so that the western boundary line of parcel 07028036 be continued North through our property. (2) This would also adjust the property line of 07025015. It seems only fair that if all the properties South of us are designated CR, our property should also be so designated. |

I-62-1

Email "DIER Comments Received" originally sent to derek.reddin@edcgov.us; anne.novotny@edcgov.us from tnbmcgraw @msn.com on 7/24/2014 12:24:48 PM.

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7/25/2014

Edcgov.us Mail - Fwd: DEIR Comments Received (Teddy McGraw)

281042

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## Responses to Letter I-62

### I-62-1

The comment requests that the zoning classification currently proposed for a specific parcel be changed to another zone. This does not address the adequacy of the DEIR or other environmentally related project and expresses the commenter's preference for a particular zone. The comment is not on a significant environmental point, and therefore no response is necessary. The County will consider this request in its deliberations prior to adoption of the TGPA and ZOU.



## Letter I-63—Dejan Obradovic



TGPA-ZOU ZOU <tgpa-zou@edcgov.us>

**Fwd: Subject: Comment on TGPA-ZOU DEIR**

1 message

**Shawna Purvines** <shawna.purvines@edcgov.us>  
To: TGPA-ZOU ZOU <TGPA-ZOU@edcgov.us>

Tue, Jul 22, 2014 at 8:21 AM

----- Forwarded message -----

From: **Dejan Obradovic** <dejan@adriaticbuilders.com>  
Date: Tue, Jul 22, 2014 at 8:12 AM  
Subject: Subject: Comment on TGPA-ZOU DEIR  
To: shawna.purvines@edcgov.us, bosone@edcgov.us, bostwo@edcgov.us, bosthree@edcgov.us, bosfour@edcgov.us, bosfive@edcgov.us, edc.cob@edcgov.us

Dear Ms. Purvines,

As a member of the general public in El Dorado County, I expect the Draft Environmental Impact Report (DEIR) on the county's Targeted General Plan Amendments and Zoning Ordinance Update (TGPA-ZOU) be clear and concise. Not only do I expect that from a DEIR, it is required by the California Environmental Quality Act (CEQA) law so that I can make informed decisions about its impact to my quality of life. It is unrealistic for the county to expect that this huge, 1,212-page, vaguely-written document has helped me understand the impacts of the proposed TGPA-ZOU. The DEIR does not clearly identify the tens of thousands of parcels that will be impacted by the TGPA-ZOU.

I-63-1

I am requesting that you ensure that the Final EIR will have clear and concise data and analysis so that I can understand how I will be directly and indirectly affected by the impacts of the TGPA-ZOU.

Thank you,

Dejan Obradovic

2636 Gold Trail  
Placerville, CA 95667

**ADRIATIC BUILDERS & SOLAR CONTRACTORS**

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Dejan Obradovic (Sacramento & Tahoe Area)

510-384-5536

[dejan@adriaticbuilders.com](mailto:dejan@adriaticbuilders.com)

Zeljko Obradovic (SF Bay Area)

510-332-1377

[zeljko@adriaticbuilders.com](mailto:zeljko@adriaticbuilders.com)

--

**Shawna L. Purvines**

Principal Planner

**County of El Dorado**

Community Development Agency

Long Range Planning

2850 Fairlane Court

Placerville, CA 95667

Phone:(530) 621-5362/Fax: (530) 642-0508

[shawna.purvines@edcgov.us](mailto:shawna.purvines@edcgov.us)

[www.edcgov.us](http://www.edcgov.us)

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Thank you.

## **Responses to Letter I-63**

### **I-63-1**

Please see Master Response 10: Format of the EIR for a response to this comment.

## Letter I-64—Steve Ferry



TGPA-ZOU ZOU &lt;tgpa-zou@edcgov.us&gt;

---

**Fwd: CEDAC-EDH TGPA/ZOU DEIR Inputs**

1 message

**Shawna Purvines** <shawna.purvines@edcgov.us>

Thu, Jul 31, 2014 at 10:09 AM

To: TGPA-ZOU ZOU &lt;TGPA-ZOU@edcgov.us&gt;

----- Forwarded message -----

From: **Steve Ferry** <steve@stevferry.com>

Date: Tue, Jul 29, 2014 at 5:58 PM

Subject: CEDAC-EDH TGPA/ZOU DEIR Inputs

To: Debbie Manning &lt;debbie@eldoradohillschamber.org&gt;

Cc: "Hidahl, John W (IS)" &lt;John.Hidahl@ngc.com&gt;, Shawna Purvines &lt;shawna.purvines@edcgov.us&gt;, Dave Defanti &lt;david.defanti@edcgov.us&gt;, Noelle Mattock &lt;Noelle.Mattock@ch2m.com&gt;, Noah Briel &lt;noahbriel@gmail.com&gt;, Norm Rowett &lt;arowett@pacbell.net&gt;, Betty January &lt;bjjan@sbcglobal.net&gt;, Jeff Haberman &lt;jeff.h@ix.netcom.com&gt;, Mike O'Neill &lt;mikeOnTrails@gmail.com&gt;, "rachel@cawomenlead.org" &lt;rachel@cawomenlead.org&gt;, Hal Erpenbeck &lt;hal.erpenbeck@gmail.com&gt;, Billy Vandegrift &lt;billyv69@sbcglobal.net&gt;, Ron Mikulaco &lt;BOSOne@edcgov.us&gt;

Shawna and Dave,

I agree with Debbie about this. The survey that was conducted by AIM should be the standard for El Dorado Hills and not documents that failed to get a proper vote.

Thank you for your attention to this matter.

Steve Ferry

EL DORADO HILLS

916-468-3300

[Stephen.Ferry@me.com](mailto:Stephen.Ferry@me.com)

On Jul 29, 2014, at 4:02 PM, Debbie Manning &lt;debbie@eldoradohillschamber.org&gt; wrote:

Shawna/Dave,

I respectfully request that my name be taken of the cover letter and any documents sent by CEDAC-EDH regarding TGPA/ZOU DEIR Inputs.

I've attached our agreed upon guidelines.

4.4 The subcommittee coordinator, or designee, will present the recommendation to the CEDAC coordinators at a CEDAC general meeting. Based upon all of the public input received, the CEDAC coordinators shall attempt to reach consensus on the recommendation. If consensus cannot be reached a vote of the coordinators present at the meeting shall define the 'majority opinion.' A quorum of 7 coordinators must be present when taking the vote.

There was no quorum, nor was there a vote at the last meeting, nor time to review prior to sending. I find this extremely disappointing and while I have yet to review all the drafts, I dare to say it is likely not representative of the El Dorado Hills community at large. I hope this information will be shared as you deem necessary.

Best,

*Debbie Manning*

President & CEO

El Dorado Hills Chamber of Commerce

California Welcome Center

2085 Vine Street, Suite 105

El Dorado Hills, CA 95762

916-933-1335 EXT 1#

FAX 916-933-5908

[www.eldoradohillschamber.org](http://www.eldoradohillschamber.org)

"Consumers are **63%** more likely to buy goods and services from a company they believe is a member of the chamber of commerce." *Source: 2010 National Study by the Schapiro Group*

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---

**From:** Hidahl, John W (IS) [<mailto:John.Hidahl@ngc.com>]

**Sent:** Tuesday, July 22, 2014 1:26 PM

**To:** [shawna.purvines@edcgov.us](mailto:shawna.purvines@edcgov.us); [david.defanti@edcgov.us](mailto:david.defanti@edcgov.us)

**Cc:** [Noelle.Mattock@CH2M.com](mailto:Noelle.Mattock@CH2M.com); [noahbriel@gmail.com](mailto:noahbriel@gmail.com); [arowett@pacbell.net](mailto:arowett@pacbell.net); [bjjan@sbcglobal.net](mailto:bjjan@sbcglobal.net); Debbie Manning; [jeff.h@ix.netcom.com](mailto:jeff.h@ix.netcom.com); [mikeOnTrails@gmail.com](mailto:mikeOnTrails@gmail.com); [rachel@cawomenlead.org](mailto:rachel@cawomenlead.org); [steve@steveferry.com](mailto:steve@steveferry.com); [hal.erpenbeck@gmail.com](mailto:hal.erpenbeck@gmail.com); [billyv69@sbcglobal.net](mailto:billyv69@sbcglobal.net)

**Subject:** CEDAC-EDH TGPA/ZOU DEIR Inputs

Shawna/Dave,

Please find attached and confirm receipt of the CEDAC-EDH DEIR inputs. There are four files attached, including the signed cover letter. We look forward to working with you and other County staff (or consultants) on the 'beyond LUPPU' activities to create an EDH Community Plan. Please let Noelle or I know if you have any questions?

Best Regards,

John & Noelle  
<CEDAC-EDH Guidelines R4.docx>

--

**Shawna L. Purvines**  
Principal Planner

**County of El Dorado**  
Community Development Agency  
Long Range Planning  
2850 Fairlane Court  
Placerville, CA 95667  
Phone: (530) 621-5362/Fax: (530) 642-0508  
[shawna.purvines@edcgov.us](mailto:shawna.purvines@edcgov.us)  
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Thank you.



## **Responses to Letter I-64**

### **I-64-1**

The commenter asks that his name be taken off of the cover of the comments from the CEDAC-EDH, which is included in this EIR as Letter L-1. No response is necessary.

## Letter I-65—Debbie Manning



TGPA-ZOU ZOU &lt;tgpa-zou@edcgov.us&gt;

---

**Fwd: CEDAC-EDH TGPA/ZOU DEIR Inputs**

1 message

**Shawna Purvines** <shawna.purvines@edcgov.us>

Thu, Jul 31, 2014 at 10:09 AM

To: TGPA-ZOU ZOU &lt;TGPA-ZOU@edcgov.us&gt;

----- Forwarded message -----

From: **Debbie Manning** <debbie@eldoradohillschamber.org>

Date: Tue, Jul 29, 2014 at 4:02 PM

Subject: RE: CEDAC-EDH TGPA/ZOU DEIR Inputs

To: "Hidahl, John W (IS)" &lt;John.Hidahl@ngc.com&gt;, "shawna.purvines@edcgov.us"

&lt;shawna.purvines@edcgov.us&gt;, "david.defanti@edcgov.us" &lt;david.defanti@edcgov.us&gt;

Cc: "Noelle.Mattock@CH2M.com" &lt;Noelle.Mattock@ch2m.com&gt;, "noahbriel@gmail.com"

&lt;noahbriel@gmail.com&gt;, "arowett@pacbell.net" &lt;arowett@pacbell.net&gt;, "bjjan@sbcglobal.net"

&lt;bjjan@sbcglobal.net&gt;, "jeff.h@ix.netcom.com" &lt;jeff.h@ix.netcom.com&gt;, "mikeOnTrails@gmail.com"

&lt;mikeOnTrails@gmail.com&gt;, "rachel@cawomenlead.org" &lt;rachel@cawomenlead.org&gt;, "steve@stevferry.com"

&lt;steve@stevferry.com&gt;, "hal.erpenbeck@gmail.com" &lt;hal.erpenbeck@gmail.com&gt;, "billyv69@sbcglobal.net"

&lt;billyv69@sbcglobal.net&gt;, "Ron Mikulaco (BOSOne@edcgov.us)" &lt;BOSOne@edcgov.us&gt;, Debbie Manning

&lt;debbie@eldoradohillschamber.org&gt;

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Best,

I-65-1

## Debbie Manning

President & CEO

El Dorado Hills Chamber of Commerce

California Welcome Center

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**Sent:** Tuesday, July 22, 2014 1:26 PM

**To:** [shawna.purvines@edcgov.us](mailto:shawna.purvines@edcgov.us); [david.defanti@edcgov.us](mailto:david.defanti@edcgov.us)

**Cc:** [Noelle.Mattock@CH2M.com](mailto:Noelle.Mattock@CH2M.com); [noahbriel@gmail.com](mailto:noahbriel@gmail.com); [arowett@pacbell.net](mailto:arowett@pacbell.net); [bjjan@sbcglobal.net](mailto:bjjan@sbcglobal.net); Debbie Manning; [jeff.h@ix.netcom.com](mailto:jeff.h@ix.netcom.com); [mikeOnTrails@gmail.com](mailto:mikeOnTrails@gmail.com); [rachel@cawomenlead.org](mailto:rachel@cawomenlead.org); [steve@steveferry.com](mailto:steve@steveferry.com); [hal.erpenbeck@gmail.com](mailto:hal.erpenbeck@gmail.com); [billyv69@sbcglobal.net](mailto:billyv69@sbcglobal.net)

**Subject:** CEDAC-EDH TGPA/ZOU DEIR Inputs

Shawna/Dave,

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Best Regards,

John & Noelle

--

**Shawna L. Purvines**

Principal Planner

**County of El Dorado**

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2850 Fairlane Court

Placerville, CA 95667

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**CEDAC-EDH Guidelines R4.docx**

22K

## Proposed guidelines

### Community and Economic Development Advisory Committee-EDH Operating Guidelines

The CEDAC-EDH Committee is dedicated to improving the Community ID, Community Development and Economic Development of EDH. CEDAC will provide recommendations to the EDCo CEDAC and County Staff on EDH planning changes associated with the County LUPPU and Zoning ordinance update. Its mission is achieved by: (a) consulting with County staff and EDCO CEDAC on how to best effect change for EDH , (b) informing residents of key topics that the subcommittees are addressing, and soliciting their direct participation, (c) using information gained in reviewing the various topics to improve EDH, and (d) relaying information and recommendations to the County Supervisors, applicable County departments, Zoning Administrator, Planning Commission, and local organizations who are stakeholders in EDH.

#### **1.0 CEDAC-EDH General Operating Format**

1.1 CEDAC-EDH Committee shall conduct a general meeting **nominally** every month, at a date/time determined by its eleven Leadership Coordinators. Specific topic Subcommittee meetings shall be held regularly to work with members of the community who have an interest in participating, as scheduled by the subcommittee coordinator. All committee and subcommittee meetings shall be open to the public.

1.2 Agendas of the CEDAC-EDH general meetings shall be posted on the bulletin board at the EDH Community Services District Pavilion, at least 72 hours preceding an CEDAC general meeting. Agenda copies will also be e-mailed to all individuals and organizations who request being noticed. The public newspapers [i.e. Village Life, EDH Telegraph, Mountain Democrat and the Sacramento Bee] shall also be contacted for their consideration of publication of CEDAC meetings and other articles.

1.3 Although not legally bound to do so, it should be the intent of CEDAC-EDH to follow the spirit of the Ralph M. Brown (Gov. Code 54950 et seq.) regarding local boards and commissions.

#### **2.0 CEDAC-EDH Composition**

2.1 CEDAC-EDH shall operate with eleven community coordinators who shall serve as the leadership team.

2.1.1 All residents within the 95762 postal zip code area are eligible to participate on any number of subcommittees in which they have an interest.

2.1.3 Two committee members shall be selected by the committee to be lead co-coordinators and prepare meeting agendas and facilitate the committee meetings. The

co-coordinators will serve at the pleasure of the committee, and may be rotated amongst the eleven coordinators from time to time.

**3.0 Topic Subcommittees** shall be created to review specific subjects, acquire community wide inputs and make recommendations concerning those topics to the CEDAC coordinators.

3.1 The Subcommittees shall be created using the committee's topics priority list unless the committee votes to make an exception.

#### **4.0 Topic Subcommittee Procedures**

4.1 The subcommittee coordinators shall guide the community participants through a series of discussions on the applicable County codes and regulations governing the application of the General Plan to define proposed changes that will improve the EDH community.

4.2 Liaison with County or local agencies or groups, if relevant for the topic discussion, shall include, but not be limited to: (a) County Development Services, (b) County Dept. of Transportation, (c) CSD, and (d) Fire Dept.

4.3 Public subcommittee meetings shall be called to review prioritized key topics . The subcommittee shall ultimately submit a report to the CEDAC coordinators for presentation/discussion at a CEDAC general meeting, and be included in the agenda as an item that the Committee plans to take action on.

4.4 The subcommittee coordinator, or designee, will present the recommendation to the CEDAC coordinators at a CEDAC general meeting. Based upon all of the public input received, the CEDAC coordinators shall attempt to reach consensus on the recommendation. If consensus cannot be reached a vote of the coordinators present at the meeting shall define the 'majority opinion.' A quorum of 7 coordinators must be present when taking the vote.

4.5 After the CEDAC general meeting, the subcommittee coordinator, or designee, shall amend the draft recommendation to include: (a) a majority report; and (b) a minority report (if applicable) that states disagreement with the majority report and the supporting information why there is disagreement.

4.6 After the recommendations are finalized, correspondence shall be sent by mail, fax or e-mail a copy of the recommendations to the EDCo CEDAC and County Development Services. Additional copies are sent to the Supervisors, and Planning Commissioners.

#### **5.0 Committee member responsibilities**

5.1 Committee members shall be required to organize and participate in at least **one** subcommittees during the preparation of the Community ID plan.

5.2 If a member misses **3** consecutive general meetings or fails to participate in two subcommittee activities, they will be subject to removal from the committee by a majority vote of the committee. The vote shall be secret. If a member is removed or resigns their position, the remaining committee members shall consider replacing the member with another individual who has been actively involved with CEDAC-EDH .

5.3 Members primary interest should be representing the community and not special interests.

5.4 The committee is non-partisan volunteers planning the future of El Dorado Hills.



## Responses to Letter I-65

### I-65-1

The commenter asks that her name be taken off of the cover of the comments from the CEDAC-EDH, which is included in this EIR as Letter L-1.

No response is necessary.

## Letter I-Recirc-1—Jeanne Harper

## Letter I-Recirc-1



TGPA-ZOU ZOU &lt;tgpa-zou@edcgov.us&gt;

---

**Re: 'Partial Recirculation RDEIR for the TGPA ZOU'**

1 message

**Jeanne Harper** <jmharper2@comcast.net>

Thu, Jan 29, 2015 at 9:07 PM

To: "&lt;tgpa-zou@edcgov.us&gt;" &lt;tgpa-zou@edcgov.us&gt;

I-R-1-1 | Public comment will be when?

Sent from my iPhone

Jeanne Harper

(530) 613-1332

Living and playing in Pollock Pines!

On Jan 29, 2015, at 3:21 PM, &lt;tgpa-zou@edcgov.us&gt; &lt;tgpa-zou@edcgov.us&gt; wrote:

'To: All Interested Parties

El Dorado County has prepared a Partial Recirculated Draft Environmental Impact Report (RDEIR) for the Targeted General Plan Amendment-Zoning Ordinance Update (TGPA-ZOU) project. The RDEIR was released today, January 29, 2015 for a 45-day public review period.

The TGPA-ZOU project webpage has been updated with the Notice of Availability, RDEIR and applicable draft Community Design Standards. For more information, click on link below:

[http://www.edcgov.us/Government/LongRangePlanning/LandUse/TGPA-ZOU\\_Main.aspx](http://www.edcgov.us/Government/LongRangePlanning/LandUse/TGPA-ZOU_Main.aspx)

If you have any questions, please contact project manager, Shawna Purvines at [shawna.purvines@edcgov.us](mailto:shawna.purvines@edcgov.us) or 621-5362.'

<NOA-RDEIR-TGPA-ZOU-FINAL-01-29-15.pdf>

## **Responses to Letter I-Recirc-1**

### **I-Recirc-1-1**

The public comment period was from January 29, 2015, to March 16, 2015. County staff responded to this question at the time it was posed.

## **Letter I-Recirc-2—Richard Boylan, PhD**

Letter I-Recirc-2



TGPA-ZOU ZOU <tgpa-zou@edcgov.us>

RE: 'Partial Recirculation RDEIR for the TGPA ZOU'

1 message

Richard Boylan PhD <drboylan@outlook.com>

Fri, Jan 30, 2015 at 11:16 AM

To: "tgpa-zou@edcgov.us" <tgpa-zou@edcgov.us>

Cc: PlannerAnne Novotny-EDC <anne.novotny@edcgov.us>, PlannerTom Purciel- EDC <tom.purciel@edcgov.us>, PlannerShawna Purvines -EDC <shawna.purvines@edcgov.us>, Supervisor Brian Veerkamp <bostthree@edcgov.us>, Supervisor Shiva Frentzen <bostwo@edcgov.us>, SupervisorSue Novasel-5/SLT <bosfive@edcgov.us>, Supervisor Ron Mikulaco <bosone@edcgov.us>, Supervisor Michael RanalliDist4 <bosfour@edcgov.us>, "Tom Infusino,JD-Volcano-Amdr" <tomi@volcano.net>

County L-T Planning staff Anne, Tom and Shawna, and Supervisors Veerkamp, Frentzen, Novasel, Mikulaco, and Ranalli,

Upon reviewing the Targeted General Plan Amendment & Zoning Ordinance Update (TGPA-ZOU), (Posted 01-29-2015),

I note with alarm that most of Chapter 4 is missing in the text. Thus it is impossible to make official comment on withheld text.

Chapter 4 is hardly inconsequential. It's about Alternatives. CEQA demands that alternatives be examined.

And yet when the text comes to Chapter 4, it immediately jumps to Section 4.5, leaving out vital information in Sections 4.1 through 4.4.4 (of particular interest to me.) [See below]

**"Chapter 4 Alternatives: ..... 4-1**

4.1 Introduction ..... 4-1

4.2 Preliminary Range of Alternatives ..... 4-2

4.2.1 2004 General Plan EIR Alternatives ..... 4-2

4.3 Alternatives Selection Criteria ..... 4-4

4.3.1 Project Objectives ..... 4-4

4.3.2 Significant Environmental Impacts ..... 4-5

4.4 Alternatives Eliminated from Further Consideration ..... 4-5

4.4.1 Include Changes to General Plan Oak Woodlands Policies in the TGPA/ZOU Alternative ..... 4-5

4.4.2 Identify Additional County Recreational Sites in the General Plan ..... 4-6

4.4.3 Restrict New Development Based on Road Capacity and Limit Funding of Improvements to Road Capacity ..... 4-6

4.4.4 Modify Community Region Boundaries ..... 4-8"

I-R-2-1

I protest this "partial Recirculation" as partial and defective.

And I demand that **this RDEIR be pulled, the missing sections restored**, and then the **RDEIR reissued** with a note that 'Section 4 is now complete.' And the deadline for Comment extended accordingly.

Richard Boylan, Ph.D.

Richard Boylan, Ph.D., LLC  
drboylan@outlook.com  
Diamond Springs, CA 95619

> From: tgpa-zou@edcgov.us  
> To: drboylan@outlook.com  
> Subject: 'Partial Recirculation RDEIR for the TGPA ZOU'  
> Date: Thu, 29 Jan 2015 15:21:52 -0800

- >
- > 'To: All Interested Parties
- >
- > El Dorado County has prepared a Partial Recirculated Draft Environmental Impact Report (RDEIR) for the Targeted General Plan Amendment-Zoning Ordinance Update (TGPA-ZOU) project. The RDEIR was released today, January 29, 2015 for a 45-day public review period.
- >
- > The TGPA-ZOU project webpage has been updated with the Notice of Availability, RDEIR and applicable draft Community Design Standards. For more information, click on link below:
- > [http://www.edcgov.us/Government/LongRangePlanning/LandUse/TGPA-ZOU\\_Main.aspx](http://www.edcgov.us/Government/LongRangePlanning/LandUse/TGPA-ZOU_Main.aspx)
- >
- > If you have any questions, please contact project manager, Shawna Purvines at [shawna.purvines@edcgov.us](mailto:shawna.purvines@edcgov.us) or 621-5362.'

## **Responses to Letter I-Recirc-2**

### **I-Recirc-2-1**

Please see Master Response 13: Availability of Full Text of Proposed Zoning and General Plan Changes.



## Letter I-Recirc-3—Betty Peterson

Letter I-Recirc-3



TGPA-ZOU ZOU <tgpa-zou@edcgov.us>

**Fwd: Changes to the El Dorado County General Plan - Action Alert!**

1 message

**Shawna Purvines** <shawna.purvines@edcgov.us>  
To: TGPA-ZOU ZOU <TGPA-ZOU@edcgov.us>

Fri, Mar 6, 2015 at 12:42 PM

----- Forwarded message -----

From: **Betty** <hogback1@sbcglobal.net>  
Date: Fri, Mar 6, 2015 at 12:42 PM  
Subject: Changes to the El Dorado County General Plan - Action Alert!  
To: "shawna.purvines@edcgov.us" <shawna.purvines@edcgov.us>  
Cc: Rich Stewart <rich.stewart@edcgov.us>, Tom Heflin <tom.heflin@edcgov.us>, Miller <gary.miller@edcgov.us>, Brian Shinault <brian.shinault@edcgov.us>, Pratt <dave.pratt@edcgov.us>, Char Tim <charlene.tim@edcgov.us>, bosfour@edcgov.us, bosthree@edcgov.us, bostwo@edcgov.us, mikulaco <bosone@edcgov.us>, Novasel <bosfive@edcgov.us>, "edc.cob@edcgov.js" <edc.cob@edcgov.js>

Betty

Dear Ms. Purvines:

I would like a comprehensive list of all the changes proposed for both the General Plan and Zoning Ordinance that are being analyzed under this Draft EIR. The list provided to date is too general and I am concerned about the impact of the proposed changes.

I-R-3-1

Please provide the proposed changes in detail with a final ~~strikeout~~ version of the Zoning Ordinance Update and the Targeted General Plan Amendments.

Thank you

Betty Peterson

—

**Shawna L. Purvines**  
Principal Planner

**County of El Dorado**  
Community Development Agency  
Long Range Planning  
2850 Fairlane Court  
Placerville, CA 95667  
Phone:(530) 621-5362/Fax: (530) 642-0508

[shawna.purvines@edcgov.us](mailto:shawna.purvines@edcgov.us)  
[www.edcgov.us](http://www.edcgov.us)

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Thank you.

## **Responses to Letter I-Recirc-3**

### **I-Recirc-3-1**

Please see Master Response 13: Availability of Full Text of Proposed Zoning and General Plan Changes.

## **Letter I-Recirc-4—Charlet N. Burcin**

Letter I-Recirc-4



TGPA-ZOU ZOU <tgpa-zou@edcgov.us>

**Fwd: General Plan and Zoning Ord.**

1 message

**Shawna Purvines** <shawna.purvines@edcgov.us>  
To: TGPA-ZOU ZOU <TGPA-ZOU@edcgov.us>

Fri, Mar 6, 2015 at 1:27 PM

----- Forwarded message -----

From: **charlet burcin** <charlet331@gmail.com>  
Date: Fri, Mar 6, 2015 at 1:13 PM  
Subject: General Plan and Zoning Ord.  
To: shawna.purvines@edcgov.us  
Cc: rich.stewart@edcgov.us, gary.miller@edcgov.us, dave.pratt@edcgov.us, tom.heflin@edcgov.us, brian.shinault@edcgov.us, charlene.tim@edcgov.us, bosone@edcgov.us, bostwo@edcgov.us, bostthree@edcgov.us, bosfour@edcgov.us, bosfive@edcgov.us, edc.cob@edcgov.us

Dear Ms. Purvines:

I would like a comprehensive list of all the changes proposed for both the General Plan and Zoning Ordinance that are being analyzed under this Draft EIR. It would help me understand what is being proposed and as a resident of El Dorado County, I am concerned about the impact of these proposed changes.

I-R-4-1

Please provide the proposed changes in detail with a final strikethrough version of the Zoning Ordinance Update and the Targeted General Plan Amendments.

Thank you for your support in this.

Sincerely,

Charlet N. Burcin  
EDH

—  
**Shawna L. Purvines**  
Principal Planner

**County of El Dorado**  
Community Development Agency  
Long Range Planning  
2850 Fairlane Court  
Placerville, CA 95667  
Phone:(530) 621-5362/Fax: (530) 642-0508  
[shawna.purvines@edcgov.us](mailto:shawna.purvines@edcgov.us)  
[www.edcgov.us](http://www.edcgov.us)

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Thank you.

## **Responses to Letter I-Recirc-4**

### **I-Recirc-4-1**

Please see Master Response 13: Availability of Full Text of Proposed Zoning and General Plan Changes.



## Letter I-Recirc-5—Christine Librach

Letter I-Recirc-5



TGPA-ZOU ZOU <tgpa-zou@edcgov.us>

**Fwd: Want Proposed Changes to General Plan**

1 message

**Shawna Purvines** <shawna.purvines@edcgov.us>  
To: TGPA-ZOU ZOU <TGPA-ZOU@edcgov.us>

Fri, Mar 6, 2015 at 2:50 PM

----- Forwarded message -----

From: <librach4@comcast.net>  
Date: Fri, Mar 6, 2015 at 2:46 PM  
Subject: Want Proposed Changes to General Plan  
To: "shawna.purvines@edcgov.us" <shawna.purvines@edcgov.us>  
Cc: "rich.stewart@edcgov.us" <rich.stewart@edcgov.us>, "gary.miller@edcgov.us" <gary.miller@edcgov.us>, "tom.heflin@edcgov.us" <tom.heflin@edcgov.us>, "dave.pratt@edcgov.us" <dave.pratt@edcgov.us>, "brian.shinault@edcgov.us" <brian.shinault@edcgov.us>, "charlene.tim@edcgov.us" <charlene.tim@edcgov.us>, "bosone@edcgov.us" <bosone@edcgov.us>, "bostwo@edcgov.us" <bostwo@edcgov.us>, "bosthree@edcgov.us" <bosthree@edcgov.us>, "bosfour@edcgov.us" <bosfour@edcgov.us>, "bosfive@edcgov.us" <bosfive@edcgov.us>, "edc.cob@edcgov.us" <edc.cob@edcgov.us>

Dear Ms. Purvines, et el:

My husband and I would like a comprehensive list of all the changes proposed for both the General Plan and Zoning Ordinance that are being analyzed under this Draft EIR. The list provided to date is too general and we are concerned about the impact of the proposed changes.

I-R-5-1

Please provide the proposed changes in detail with a final strikeout version of the Zoning Ordinance Update and the Targeted General Plan Amendments as soon as possible, so we have an opportunity to agree or disagree.

Thank you for your consideration.

Christine Llibrach

Sent from Windows Mail

-

**Shawna L. Purvines**  
Principal Planner

**County of El Dorado**  
Community Development Agency  
Long Range Planning  
2850 Fairlane Court  
Placerville, CA 95667  
Phone:(530) 621-5362/Fax: (530) 642-0508

[shawna.purvines@edcgov.us](mailto:shawna.purvines@edcgov.us)  
[www.edcgov.us](http://www.edcgov.us)

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Thank you.

## **Responses to Letter I-Recirc-5**

### **I-Recirc-5-1**

Please see Master Response 13: Availability of Full Text of Proposed Zoning and General Plan Changes.

## Letter I-Recirc-6—F.A. Librach



## Letter I-Recirc-6

TGPA-ZOU ZOU &lt;tgpa-zou@edcgov.us&gt;

---

**Fwd: General Plan and Zoning Ordinance**

1 message

---

**Shawna Purvines** <shawna.purvines@edcgov.us>  
To: TGPA-ZOU ZOU <TGPA-ZOU@edcgov.us>

Fri, Mar 6, 2015 at 3:01 PM

----- Forwarded message -----

From: **Fred Librach** <gottalovewood@gmail.com>  
Date: Fri, Mar 6, 2015 at 2:51 PM  
Subject: General Plan and Zoning Ordinance  
To: [shawna.purvines@edcgov.us](mailto:shawna.purvines@edcgov.us)

Dear Ms. Purvines:

I would like a comprehensive list of all the changes proposed for both the General Plan and Zoning Ordinance that are being analyzed under this Draft EIR. The list provided to date is too general and I am concerned about the impact of the proposed changes.

I-R-6-1

Please provide the proposed changes in detail with a final strikeout version of the Zoning Ordinance Update and the Targeted General Plan Amendments.

Thank you for your consideration.

F. A. Librach

—  
**Shawna L. Purvines**  
Principal Planner**County of El Dorado**  
Community Development Agency  
Long Range Planning  
2850 Fairlane Court  
Placerville, CA 95667

Phone:(530) 621-5362/Fax: (530) 642-0508

[shawna.purvines@edcgov.us](mailto:shawna.purvines@edcgov.us)

[www.edcgov.us](http://www.edcgov.us)

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## **Responses to Letter I-Recirc-6**

### **I-Recirc-6-1**

Please see Master Response 13: Availability of Full Text of Proposed Zoning and General Plan Changes.



## **Letter I-Recirc-7—Karen Adams and Souza Drive**

## Letter I-Recirc-7



TGPA-ZOU ZOU &lt;tgpa-zou@edcgov.us&gt;

---

**Fwd: General Plan and Zoning Ordinance Details**

1 message

**Shawna Purvines** <shawna.purvines@edcgov.us>  
 To: TGPA-ZOU ZOU <TGPA-ZOU@edcgov.us>

Fri, Mar 6, 2015 at 4:09 PM

----- Forwarded message -----

From: **Karen Adams** <kadams96@gmail.com>

Date: Fri, Mar 6, 2015 at 4:09 PM

Subject: General Plan and Zoning Ordinance Details

To: shawna.purvines@edcgov.us, rich.stewart@edcgov.us, gary.miller@edcgov.us, tom.heflin@edcgov.us, dave.pratt@edcgov.us, brian.shinault@edcgov.us, charlene.tim@edcgov.us, bosone@edcgov.us, bostwo@edcgov.us, bosthree@edcgov.us, bosfour@edcgov.us, bosfive@edcgov.us, edc.cob@edcgov.us

Dear Ms. Purvines:

I would like a comprehensive list of all the changes proposed for both the General Plan and Zoning Ordinance that are being analyzed under this Draft EIR. The list provided to date is too general and I am concerned about the impact of the proposed changes.

Please provide the proposed changes in detail with a final strikeout version of the Zoning Ordinance Update and the Targeted General Plan Amendments.

Thank you for your consideration.

Karen Adams  
 Souza Drive  
 E.D.H.

—  
**Shawna L. Purvines**  
 Principal Planner

**County of El Dorado**  
 Community Development Agency  
 Long Range Planning  
 2850 Fairlane Court  
 Placerville, CA 95667  
 Phone: (530) 621-5362/Fax: (530) 642-0508  
[shawna.purvines@edcgov.us](mailto:shawna.purvines@edcgov.us)  
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Thank you.

## **Responses to Letter I-Recirc-7**

### **I-Recirc-7-1**

Please see Master Response 13: Availability of Full Text of Proposed Zoning and General Plan Changes.

## Letter I-Recirc-8—Lisa Tomaino



**Fwd: General Plan**

1 message

**Shawna Purvines** <shawna.purvines@edcgov.us>  
To: TGPA-ZOU ZOU <TGPA-ZOU@edcgov.us>

Fri, Mar 6, 2015 at 12:45 PM

----- Forwarded message -----

From: **Lisa Tomaino** <ltomaino@sbcglobal.net>  
Date: Fri, Mar 6, 2015 at 12:21 PM  
Subject: General Plan  
To: "shawna.purvines@edcgov.us" <shawna.purvines@edcgov.us>

Dear Ms. Purvines:

We would like a comprehensive list of all the changes proposed for both the General Plan and Zoning Ordinance that are being analyzed under this Draft EIR. The list provided to date is too general and I am concerned about the impact of the proposed changes.

I-R-8-1

Please provide the proposed changes in detail with a final ~~strikeout~~ version of the Zoning Ordinance Update and the Targeted General Plan Amendments.

Thank you for your consideration.

~Lisa and Jim Tomaino

-

**Shawna L. Purvines**  
Principal Planner

**County of El Dorado**  
Community Development Agency  
Long Range Planning  
2850 Fairlane Court  
Placerville, CA 95667  
Phone:(530) 621-5362/Fax: (530) 642-0508  
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Thank you.

## **Responses to Letter I-Recirc-8**

### **I-Recirc-8-1**

Please see Master Response 13: Availability of Full Text of Proposed Zoning and General Plan Changes.

## Letter I-Recirc-9—Mike Freire



Letter I-Recirc-9



TGPA-ZOU ZOU <tgpa-zou@edcgov.us>

**Fwd: Proposed changes to General Plan & Zoning Ordinances**

1 message

**Shawna Purvines** <shawna.purvines@edcgov.us>  
To: TGPA-ZOU ZOU <TGPA-ZOU@edcgov.us>

Fri, Mar 6, 2015 at 3:37 PM

----- Forwarded message -----

From: **Mike Freire** <mikefreire@msn.com>  
Date: Fri, Mar 6, 2015 at 3:34 PM  
Subject: Proposed changes to General Plan & Zoning Ordinances  
To: "shawna.purvines@edcgov.us" <shawna.purvines@edcgov.us>  
Cc: "rich.stewart@edcgov.us" <rich.stewart@edcgov.us>, "gary.miller@edcgov.us" <gary.miller@edcgov.us>, "tom.heflin@edcgov.us" <tom.heflin@edcgov.us>, "dave.pratt@edcgov.us" <dave.pratt@edcgov.us>, "brian.shinault@edcgov.us" <brian.shinault@edcgov.us>, "bosone@edcgov.us" <bosone@edcgov.us>, "bostwo@edcgov.us" <bostwo@edcgov.us>, "bosthree@edcgov.us" <bosthree@edcgov.us>, "bosfour@edcgov.us" <bosfour@edcgov.us>, "bosfive@edcgov.us" <bosfive@edcgov.us>

Dear Ms. Purvines:

I-R-9-1

We would like a comprehensive list of all the changes proposed for both the General Plan and Zoning Ordinance that are being analyzed under this Draft EIR. the list provided to date is too general and we are concerned about the impact of the proposed changes.

Please provide the proposed changes in detail with a final strikeout version of the Zoning Ordinance Update and the Targeted General Plan Amendments.

Thank you for your consideration.

*Mike Freire*  
El Dorado Hills

**Shawna L. Purvines**  
Principal Planner

**County of El Dorado**  
Community Development Agency  
Long Range Planning  
2850 Fairlane Court  
Placerville, CA 95667  
Phone:(530) 621-5362/Fax: (530) 642-0508  
[shawna.purvines@edcgov.us](mailto:shawna.purvines@edcgov.us)  
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Thank you.

## **Responses to Letter I-Recirc-9**

### **I-Recirc-9-1**

Please see Master Response 13: Availability of Full Text of Proposed Zoning and General Plan Changes.

## Letter I-Recirc-10—Michelle Lane



**Fwd: General Plan Changes**

1 message

**Shawna Purvines** <shawna.purvines@edcgov.us>  
To: TGPA-ZOU ZOU <TGPA-ZOU@edcgov.us>

Fri, Mar 6, 2015 at 12:43 PM

----- Forwarded message -----

From: **Lane, Michelle M** <michelle.lane@hp.com>

Date: Fri, Mar 6, 2015 at 11:37 AM

Subject: General Plan Changes

To: "shawna.purvines@edcgov.us" <shawna.purvines@edcgov.us>

Cc: "rich.stewart@edcgov.us" <rich.stewart@edcgov.us>, "gary.miller@edcgov.us" <gary.miller@edcgov.us>, "tom.heflin@edcgov.us" <tom.heflin@edcgov.us>, "dave.pratt@edcgov.us" <dave.pratt@edcgov.us>, "brian.shinault@edcgov.us" <brian.shinault@edcgov.us>, "charlene.tim@edcgov.us" <charlene.tim@edcgov.us>, "bosone@edcgov.us" <bosone@edcgov.us>, "bostwo@edcgov.us" <bostwo@edcgov.us>, "bosthree@edcgov.us" <bosthree@edcgov.us>, "bosfour@edcgov.us" <bosfour@edcgov.us>, "bosfive@edcgov.us" <bosfive@edcgov.us>, "edc.cob@edcgov.us" <edc.cob@edcgov.us>

Dear Ms. Purvines:

I would like a comprehensive list of all the changes proposed for both the General Plan and Zoning Ordinance that are being analyzed under this Draft EIR. The list provided to date is too general and I am concerned about the impact of the proposed changes.

Please provide the proposed changes in detail with *a final strikeout version of the Zoning Ordinance Update and the Targeted General Plan Amendments.*

Thank you for your consideration.

Michelle Lane  
530 Alta Vista Court  
El Dorado Hills, CA 95762

**Shawna L. Purvines**  
Principal Planner

**County of El Dorado**  
Community Development Agency  
Long Range Planning  
2850 Fairlane Court  
Placerville, CA 95667

Phone:(530) 621-5362/Fax: (530) 642-0508

[shawna.purvines@edcgov.us](mailto:shawna.purvines@edcgov.us)

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Thank you.

## **Responses to Letter I-Recirc-10**

### **I-Recirc-10-1**

Please see Master Response 13: Availability of Full Text of Proposed Zoning and General Plan Changes.

## Letter I-Recirc-11—Craig Campbell





TGPA-ZOU ZOU <tgpa-zou@edcgov.us>

## Fwd: Changes to General Plan

1 message

**Shawna Purvines** <shawna.purvines@edcgov.us>  
To: TGPA-ZOU ZOU <TGPA-ZOU@edcgov.us>

Mon, Mar 9, 2015 at 10:19 AM

----- Forwarded message -----

From: **Craig Campbell** <ccampbell@campbellkeller.com>

Date: Fri, Mar 6, 2015 at 4:59 PM

Subject: Changes to General Plan

To: shawna.purvines@edcgov.us

Cc: rich.stewart@edcgov.us, gary.miller@edcgov.us, tom.heflin@edcgov.us, dave.pratt@edcgov.us, brian.shinault@edcgov.us, charlene.tim@edcgov.us, bosone@edcgov.us, bostwo@edcgov.us, bostthree@edcgov.us, bosfour@edcgov.us, Bosfive@edcgov.us, edc.cob@edcgov.us

Dear Ms. Purvines and All others:

I-R-11-1

I would like a comprehensive list of all the changes proposed for both the General Plan and Zoning Ordinance that are being analyzed under this Draft EIR. The list provided to date is too general and I am concerned about the impact of the proposed changes.

Please provide the proposed changes in detail with a final ~~strikeout~~ version of the Zoning Ordinance Update and the Targeted General Plan Amendments.

I-R-11-2

Where I live is directly affected by a large project under consideration, most specifically Dixon Ranch.

Thank you for your consideration.

Respectfully,

**Craig Campbell** | President | **Campbell Keller**

3041 65<sup>th</sup> Street, Suite 3 | Sacramento, CA 95820

Direct (916) 231-9236 | [Web](#)

--

**Shawna L. Purvines**  
Principal Planner

**County of El Dorado**  
Community Development Agency  
Long Range Planning  
2850 Fairlane Court  
Placerville, CA 95667  
Phone: (530) 621-5362/Fax: (530) 642-0508

[shawna.purvines@edcgov.us](mailto:shawna.purvines@edcgov.us)  
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Thank you.

## **Responses to Letter I-Recirc-11**

### **I-Recirc-11-1**

Please see Master Response 13: Availability of Full Text of Proposed Zoning and General Plan Changes.

### **I-Recirc-11-2**

Please see Master Response 4: Scope of the Project.

## Letter I-Recirc-12—Tami Teshima



TGPA-ZOU ZOU <tgpa-zou@edcgov.us>

**Fwd: General Plan and Zoning ordinance**

1 message

**Shawna Purvines** <shawna.purvines@edcgov.us>  
To: TGPA-ZOU ZOU <TGPA-ZOU@edcgov.us>

Mon, Mar 9, 2015 at 9:15 AM

----- Forwarded message -----

From: **Tami Teshima** <[soldbytami@gmail.com](mailto:soldbytami@gmail.com)>  
Date: Sat, Mar 7, 2015 at 1:27 AM  
Subject: General Plan and Zoning ordinance  
To: [shawna.purvines@edcgov.us](mailto:shawna.purvines@edcgov.us)

Dear Ms. Purvines:

I[We] would like a comprehensive list of all the changes proposed for both the General Plan and Zoning Ordinance that are being analyzed under this Draft EIR. The list provided to date is too general and I am concerned about the impact of the proposed changes.

I-R-12-1

Please provide the proposed changes in detail with a final ~~strikeout~~ version of the Zoning Ordinance Update and the Targeted General Plan Amendments.

Thank you for your consideration

Brian Black and Tami Teshima



**Tami Teshima**  
Office [916-933-7784](tel:916-933-7784)  
Cell [916-712-0781](tel:916-712-0781)  
Fax [916-583-7676](tel:916-583-7676)  
[soldbytami@gmail.com](mailto:soldbytami@gmail.com)  
4359 Town Center Blvd #311  
El Dorado Hills CA 95762  
LIC# 01031406



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**Tami Teshima** - LIC# 01031406  
**Office:** (916) 933-7784 - **Cell:** (916) 712-0781 - **Fax:** (916) 583-7676  
4359 Town Center Blvd #311  
El Dorado Hills, CA 95762

**Shawna L. Purvines**  
Principal Planner

**County of El Dorado**  
Community Development Agency

Long Range Planning  
2850 Fairlane Court  
Placerville, CA 95667  
Phone:(530) 621-5362/Fax: (530) 642-0508  
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## **Responses to Letter I-Recirc-12**

### **I-Recirc-12-1**

Please see Master Response 13: Availability of Full Text of Proposed Zoning and General Plan Changes.

## Letter I-Recirc-13—Don Larson



Letter I-Recirc-13



TGPA-ZOU ZOU <tgpa-zou@edcgov.us>

**Fwd: Zoning Ordinance Update and the Targeted General Plan Amendments.**

1 message

**Shawna Purvines** <shawna.purvines@edcgov.us>  
To: TGPA-ZOU ZOU <TGPA-ZOU@edcgov.us>

Mon, Mar 9, 2015 at 9:08 AM

----- Forwarded message -----

From: **Don Larson** <ridgelinescouter@gmail.com>

Date: Mon, Mar 9, 2015 at 8:32 AM

Subject: Zoning Ordinance Update and the Targeted General Plan Amendments.

To: shawna.purvines@edcgov.us, rich.stewart@edcgov.us, gary.miller@edcgov.us, tom.heflin@edcgov.us, dave.pratt@edcgov.us, brian.shinault@edcgov.us, charlene.tim@edcgov.us, bosone@edcgov.us, bostwo@edcgov.us, bosthree@edcgov.us, bosfour@edcgov.us, bosfive@edcgov.us, edc.cob@edcgov.us

Dear Ms. Purvines:

I would like a comprehensive list of all the changes proposed for both the General Plan and Zoning Ordinance that are being analyzed under this Draft EIR. The list provided to date is too general and I am concerned about the impact of the proposed changes.

I-R-13-1

Please provide the proposed changes in detail with a final strikeout version of the Zoning Ordinance Update and the Targeted General Plan Amendments.

Thank you for your consideration.

Don Larson

**Shawna L. Purvines**  
Principal Planner

**County of El Dorado**  
Community Development Agency  
Long Range Planning  
2850 Fairlane Court  
Placerville, CA 95667  
Phone:(530) 621-5362/Fax: (530) 642-0508  
[shawna.purvines@edcgov.us](mailto:shawna.purvines@edcgov.us)  
[www.edcgov.us](http://www.edcgov.us)

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Thank you.



## **Responses to Letter I-Recirc-13**

### **I-Recirc-13-1**

Please see Master Response 13: Availability of Full Text of Proposed Zoning and General Plan Changes.

## Letter I-Recirc-14—Dan and Corrine Taylor



## Fwd: General Plan and Zoning Ordinances

1 message

**Shawna Purvines** <shawna.purvines@edcgov.us>  
 To: TGPA-ZOU ZOU <TGPA-ZOU@edcgov.us>

Wed, Mar 11, 2015 at 8:17 AM

----- Forwarded message -----

From: <taylorshack@sbcglobal.net>

Date: Tuesday, March 10, 2015

Subject: General Plan and Zoning Ordinances

To: shawna.purvines@edcgov.us

Cc: rich.stewart@edcgov.us, gary.miller@edcgov.us, tom.heflin@edcgov.us, dave.pratt@edcgov.us, brian.shinault@edcgov.us, charlene.tim@edcgov.us, bosone@edcgov.us, bostwo@edcgov.us, bostthree@edcgov.us, bosfour@edcgov.us, bosfive@edcgov.us, edc.cob@edcgov.us

Dear Ms. Purvines:

We would like a comprehensive list of all the changes proposed for both the General Plan and Zoning Ordinance that are being analyzed under this Draft EIR. The list provided to date is too general and I am concerned about the impact of the proposed changes.

I-R-14-1

Please provide the proposed changes in detail with a final strikeout version of the Zoning Ordinance Update and the Targeted General Plan Amendments.

Thank you for your consideration.

Dan and Corrine Taylor

El Dorado Hills Residents

—

**Shawna L. Purvines**  
 Principal Planner

**County of El Dorado**  
 Community Development Agency  
 Long Range Planning  
 2850 Fairlane Court  
 Placerville, CA 95667  
 Phone: (530) 621-5362/Fax: (530) 642-0508

[shawna.purvines@edcgov.us](mailto:shawna.purvines@edcgov.us)  
[www.edcgov.us](http://www.edcgov.us)

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Thank you.

## **Responses to Letter I-Recirc-14**

### **I-Recirc-14-1**

Please see Master Response 13: Availability of Full Text of Proposed Zoning and General Plan Changes.

## Letter I-Recirc-15—Mary Lou Giles





TGPA-ZOU ZOU <tgpa-zou@edcgov.us>

**Fwd: Draft Eir for TGPA and ZOU**

1 message

**Shawna Purvines** <shawna.purvines@edcgov.us>  
To: TGPA-ZOU ZOU <TGPA-ZOU@edcgov.us>

Tue, Mar 10, 2015 at 11:32 AM

----- Forwarded message -----

From: **Mary Lou Giles** <mlgiles18@yahoo.com>  
Date: Tue, Mar 10, 2015 at 11:10 AM  
Subject: Draft Eir for TGPA and ZOU  
To: Shawna Purvines <shawna.purvines@edcgov.us>  
Cc: The BOSONE <bosone@edcgov.us>, The BOSTHREE <bosthree@edcgov.us>, The BOSFOUR <bosfour@edcgov.us>, The BOSFIVE <bosfive@edcgov.us>, The BOSTWO <bostwo@edcgov.us>, EDC COB <edc.cob@edcgov.us>, "rich.stewart@edcgov.us" <rich.stewart@edcgov.us>, Char Tim <charlene.tim@edcgov.us>, "brian.shinault@edcgov.us" <brian.shinault@edcgov.us>, "dave.pratt@edcgov.us" <dave.pratt@edcgov.us>, "tom.heflin@edcgov.us" <tom.heflin@edcgov.us>

Dear Ms. Purvines,

I would like a comprehensive list of all the changes proposed for both the General Plan and Zoning Ordinance which are being analyzed under this Draft EIR. The list provided to date is too general. I am concerned about the breadth and impact of the proposed changes. I am also concerned about what appears to me to be an effort to minimize opportunities for the public to become informed, and to have input into this process.

I-R-15-1

Please provide the proposed changes in detail with **a final strikeout version of the Zoning Ordinance Update and the Targeted General Plan Amendment.**

Thank you,  
Mary Lou Giles  
Cameron Park

—  
**Shawna L. Purvines**  
Principal Planner

**County of El Dorado**  
Community Development Agency  
Long Range Planning  
2850 Fairlane Court  
Placerville, CA 95667  
Phone:(530) 621-5362/Fax: (530) 642-0508  
[shawna.purvines@edcgov.us](mailto:shawna.purvines@edcgov.us)  
[www.edcgov.us](http://www.edcgov.us)

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3/17/2015

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Thank you.

## **Responses to Letter I-Recirc-15**

### **I-Recirc-15-1**

Please see Master Response 13: Availability of Full Text of Proposed Zoning and General Plan Changes.

## Letter I-Recirc-16—Janna Buwalda



TGPA-ZOU ZOU <tgpa-zou@edcgov.us>

# Fwd: General Plan and Zoning Ordinance Changes

1 message

**Shawna Purvines** <shawna.purvines@edcgov.us>  
To: TGPA-ZOU ZOU <TGPA-ZOU@edcgov.us>

Thu, Mar 12, 2015 at 4:52 PM

----- Forwarded message -----

From: **Garden Lady** <gardenlady02@gmail.com>  
Date: Thu, Mar 12, 2015 at 4:47 PM  
Subject: General Plan and Zoning Ordinance Changes  
To: [shawna.purvines@edcgov.us](mailto:shawna.purvines@edcgov.us)

Dear Ms. Purvines:

We, the 65 parcel owners of Hickok Road Community Service District, would like a comprehensive list of all the changes proposed for both the General Plan and Zoning Ordinance that are being analyzed under this Draft EIR. The list provided to date is too general, We are concerned about the impact of the proposed changes.

I-R-16-1

Please make available the proposed changes in detail with [a final strikeout version of the Zoning Ordinance Update and the Targeted General Plan Amendments.](#)

Thank you for your consideration.

Janna Buwalda  
General Manager Hickok Road Community Service District

—  
**Shawna L. Purvines**  
Principal Planner

**County of El Dorado**  
Community Development Agency  
Long Range Planning  
2850 Fairlane Court  
Placerville, CA 95667  
Phone:(530) 621-5362/Fax: (530) 642-0508  
[shawna.purvines@edcgov.us](mailto:shawna.purvines@edcgov.us)  
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Thank you.

## **Responses to Letter I-Recirc-16**

### **I-Recirc-16-1**

Please see Master Response 13: Availability of Full Text of Proposed Zoning and General Plan Changes.

## Letter I-Recirc-17—Karen Schiro



TGPA-ZOU ZOU <tgpa-zou@edcgov.us>

---

## Fwd: General Plan and Zoning Ordinance

1 message

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**Shawna Purvines** <shawna.purvines@edcgov.us>  
To: TGPA-ZOU ZOU <TGPA-ZOU@edcgov.us>

Sun, Mar 15, 2015 at 9:40 AM

----- Forwarded message -----

From: **Karen Schiro** <knschiro@sbcglobal.net>

Date: Sat, Mar 14, 2015 at 6:48 AM

Subject: General Plan and Zoning Ordinance

To: shawna.purvines@edcgov.us, rich.stewart@edcgov.us, gary.miller@edcgov.us, tom.heflin@edcgov.us, dave.pratt@edcgov.us, brian.shinault@edcgov.us, charlene.tim@edcgov.us, bosone@edcgov.us, bostwo@edcgov.us, bostthree@edcgov.us, bosfour@edcgov.us, bosfive@edcgov.us, edc.cob@edcgov.us

Dear Ms. Purvines and All Concerned Parties,

I would like a comprehensive list of all the changes proposed for both the General Plan and Zoning Ordinance that are being analyzed under this Draft EIR. The list provided to date is too general and I am concerned about the impact of the proposed changes.

I-R-17-1

Please provide the proposed changes in detail with *a final strikeout version of the Zoning Ordinance Update and the Targeted General Plan Amendments.*

Thank you for your consideration.

Karen Schiro

Green Springs Ranch Resident since 1985

Rescue

-

**Shawna L. Purvines**  
Principal Planner

**County of El Dorado**  
Community Development Agency



Long Range Planning  
2850 Fairlane Court  
Placerville, CA 95667  
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[shawna.purvines@edcgov.us](mailto:shawna.purvines@edcgov.us)  
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Thank you.

## **Responses to Letter I-Recirc-17**

### **I-Recirc-17-1**

Please see Master Response 13: Availability of Full Text of Proposed Zoning and General Plan Changes.

## Letter I-Recirc-18—Barbara Jensen



TGPA-ZOU ZOU <tgpa-zou@edcgov.us>

**Fwd: General Plan and Zoning Ordinances**

1 message

**Shawna Purvines** <shawna.purvines@edcgov.us>  
To: TGPA-ZOU ZOU <TGPA-ZOU@edcgov.us>

Mon, Mar 16, 2015 at 10:07 AM

----- Forwarded message -----

From: **Barbara Jensen** <[nick.jensen.edh@gmail.com](mailto:nick.jensen.edh@gmail.com)>  
Date: Sun, Mar 15, 2015 at 8:19 PM  
Subject: General Plan and Zoning Ordinances  
To: [shawna.purvines@edcgov.us](mailto:shawna.purvines@edcgov.us), [gary.miler@edcgov.us](mailto:gary.miler@edcgov.us), [tom.heflin@edcgov.us](mailto:tom.heflin@edcgov.us), [davepratt@edcgov.us](mailto:davepratt@edcgov.us),  
[brian.shinault@edcgov.us](mailto:brian.shinault@edcgov.us), [charlene.tim@edcgov.us](mailto:charlene.tim@edcgov.us), [bosone@edcgov.us](mailto:bosone@edcgov.us), [bostwo@edcgov.us](mailto:bostwo@edcgov.us),  
[bostthree@edcgov.us](mailto:bostthree@edcgov.us), [bosfour@edcgov.us](mailto:bosfour@edcgov.us), [bosfive@edcgov.us](mailto:bosfive@edcgov.us)

I-R-18-1

I have concerns regarding the changes in the General Plan and the Zoning Ordinances. Since changes are being proposed to these documents, I would like a complete list of the ones being changed. I moved here in 1977 and voted in every election. I want to be informed in particular in these areas as they will directly impact my property and my situation.

In order to fully understand the changes I need a detailed version of the Zoning Ordinance Update and the Targeted General Plan Amendments.

Thank you for your time and consideration.

Barbara Jensen  
3163 Verde Valle  
El Dorado Hills, CA 95762

—  
Barbara Jensen  
[nick.jensen.edh@gmail.com](mailto:nick.jensen.edh@gmail.com)

—  
**Shawna L. Purvines**  
Principal Planner

**County of El Dorado**  
Community Development Agency  
Long Range Planning  
2850 Fairlane Court  
Placerville, CA 95667  
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Thank you.

## **Responses to Letter I-Recirc-18**

### **I-Recirc-18-1**

Please see Master Response 13: Availability of Full Text of Proposed Zoning and General Plan Changes.

## Letter I-Recirc-19—Bernard Carlson



## Letter I-Recirc-19

TGPA-ZOU ZOU &lt;tgpa-zou@edcgov.us&gt;

---

**Fwd: Comments to Purvine 3 15 15 (3)**

1 message

---

**Shawna Purvines** <shawna.purvines@edcgov.us>  
To: TGPA-ZOU ZOU <TGPA-ZOU@edcgov.us>

Mon, Mar 16, 2015 at 4:09 PM

----- Forwarded message -----

From: **Bernard Carlson** <1bcc@comcast.net>  
Date: Mon, Mar 16, 2015 at 4:04 PM  
Subject: Comments to Purvine 3 15 15 (3)  
To: Shawna Purvines <shawna.purvines@edcgov.us>

--

**Shawna L. Purvines**  
Principal Planner

**County of El Dorado**  
Community Development Agency  
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2850 Fairlane Court  
Placerville, CA 95667  
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[shawna.purvines@edcgov.us](mailto:shawna.purvines@edcgov.us)  
[www.edcgov.us](http://www.edcgov.us)

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Thank you.

**Comments to Purvine 3 15 15 (3).pdf**

559K



March 15, 2015

Shawna Purvines,  
El Dorado County Community Development Agency  
Long Range Planning,  
2850 Fairlane Court, Building C, Placerville, CA 95667

Re: Public Comment -**Targeted General Plan Amendment & Zoning Ordinance Update (TGPA-ZOU)**

Dear Shauna Purvines,

These comments are made on behalf of Friends of El Dorado County a non-profit public benefit corporation actively monitoring El Dorado County transportation issues.

ITEM 1

The El Dorado County Planning and Transportation Departments have failed to implement as required by the El Dorado County General Plan Measure TC-F. As a result, the county has failed to monitor local impacts to HWY 50 as required by General Plan Measure TC-F.

The measure relates -“***Develop and implement a countywide program to annually monitor county road and state highway segment and intersection conditions to ensure that acceptable Levels of Service are maintained.***”

The implementation time frame according to the General Plan is one year from General Plan adoption. According to both long range

planning and the transportation departments no monitoring of local impacts is done on HWY 50.

This measure is legally required and purposed to quantify transportation impacts (TRIPS) to the local and state highways. As a result of the failure to monitor local impacts to the state highway the county has arbitrarily charged impact fees to mitigate impacts (TRIPS) to local and state highways.

Ramp counts which most accurately identify local impacts to HWY 50 have been done every three years by Cal Trans. The Cal Trans ramp counts located on their web site indicate that our local impacts to Hwy 50 are significantly down. From Missouri Flat to the Sacramento County line the total trip counts are **down below 2003 levels** – down 12,000 per day or down 4.38 million trips per year. The original Historical Cal Trans ramp counts are copied to [refundfees.com](http://refundfees.com) as Cal Trans has recently removed their historical counts from their site.

Failure to quantify local impacts to the state highway system allows for arbitrary mitigation and arbitrary impact fee collections and subjects the county to CEQA and Gov. Code 66000 lawsuits.

If the county wishes to mitigate local impacts to the state highway system we recommend the immediate implementation of Measure TC-F and preserve rather than remove the measure in this revision process.

## ITEM 2

The county has failed to implement Measure TC-E which protects right-of-way for future road improvements – Policy TC-1a. This Measure

must be implemented and maintained. Specifically, protecting the right-of way at Saratoga Road has been compromised as an effective parallel capacity connector to the 4 lane Iron Point connection, and as a result, impacted air quality, safety, bicycle navigation, and congestion around the El Dorado Hills Interchange. As early as 1995 the importance of a 4 lane parallel capacity connection to Iron Point was established - by numerous general plan and transportation studies.

Preserving Saratoga as a 4 lane connector to Iron Point for safety to hospitals, accident reduction, air quality, and congestion on El Dorado Hills Blvd and HWY 50 is paramount. An additional park and ride is needed at the ½ mile segment to be completed as the park and ride south of HWY 50 is usually filled to capacity.

Additionally, the cost benefit to completing Saratoga and connecting to Iron Point is a substantial benefit to the public. The failure to complete Saratoga as planned prior to 1995 allows for substantial impacts to remain at El Dorado Hills Blvd, the EDH Interchange, and mainline HWY 50.

Respectfully,

Bernard Carlson  
Henry Batsel  
Dennis Jordan

Friends of El Dorado County  
5864 Dolomite  
El Dorado, Ca  
530-626-6263



TGPA-ZOU ZOU <tgpa-zou@edcgov.us>

**Fwd:**

1 message

**Shawna Purvines** <shawna.purvines@edcgov.us>  
To: TGPA-ZOU ZOU <TGPA-ZOU@edcgov.us>

Mon, Mar 16, 2015 at 4:09 PM

----- Forwarded message -----

From: **Bernard Carlson** <1bcc@comcast.net>  
Date: Mon, Mar 16, 2015 at 4:05 PM  
Subject:  
To: Shawna Purvines <shawna.purvines@edcgov.us>

--

**Shawna L. Purvines**  
Principal Planner

**County of El Dorado**  
Community Development Agency  
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 **2003 2012 HWY 50 Ramp cnts (2).pdf**  
1080K

**MEASURE**  
**BOTTLENECK "Y" OFFENDER**  
 Los F

| P | POST MILE | P | S DESCRIPTION               | 2003 ADT | 2004 ADT | 2005 ADT | 2006 ADT | 2007 ADT | 2008 ADT | 2009 ADT | 2010 ADT | 2011 ADT | 2012 ADT |
|---|-----------|---|-----------------------------|----------|----------|----------|----------|----------|----------|----------|----------|----------|----------|
|   | 000.598   |   | EB OFF TO SB LATROBE RD     | 6440     |          |          | 9300     |          |          | 9500     | +        |          |          |
|   | 000.686   |   | WB ON FROM LATROBE RD       | 15000    |          |          | 18700    |          |          | 16300    |          |          | 16000    |
|   | 000.832   |   | EB OFF TO LATROBE           | 6180     |          |          | 9700     |          |          | 8700     | .        |          |          |
|   | 001.041   |   | EB ON FR LATROBE            | 7260     |          |          | 5800     |          |          | 6500     | .        |          |          |
|   | 001.048   |   | WB OFF TO LATROBE RD        |          |          |          | 7100     |          |          | 5500     |          |          | 6600     |
| R | 003.082   | L | WB ON FROM BASS LAKE RD     | 5000     |          |          | 4500     |          |          | 7100     |          |          | 4750     |
| R | 003.149   | R | EB OFF TO BASS LAKE RD      | 4370     |          |          | 4800     |          |          | 4650     |          |          | 4900     |
| R | 003.411   |   | EB ON FROM BASS LAKE RD     | 670      |          |          | 1200     |          |          | 1150     |          |          | 1250     |
| R | 003.412   |   | WB OFF TO BASS LAKE RD      | 690      |          |          | 1150     |          |          | 1250     |          |          | 1250     |
|   | 004.733   |   | EB OFF TO CAMBRIDGE RD      | 3870     |          |          | 3750     |          |          | 4050     |          |          | 3850     |
|   | 004.922   |   | EB ON FROM CAMBRIDGE        | 3230     |          |          | 3150     |          |          |          |          |          | 3750     |
|   | 005.003   |   | WB ON FROM CAMBRIDGE        | 4340     |          |          | 3750     |          |          | 4500     |          |          | 4300     |
|   | 005.152   |   | WB OFF CAMBRIDGE RD         | 3500     |          |          | 3250     |          |          | 4100     |          |          | 4100     |
|   | 006.440   |   | WB ON FR SB CAMERON PRK     | 3910     |          |          | 4150     |          |          | 3950     |          |          | 3550     |
|   | 006.464   |   | EB OFF TO CAMERON PARK      | 7460     |          |          | 8200     |          |          | 7200     |          |          | 7000     |
|   | 006.618   |   | WB ON FR NB CAMERON PRK     | 3040     |          |          | 4250     |          |          | 3050     |          |          | 3200     |
|   | 006.715   |   | EB ON FROM CAMERON PARK     | 7840     |          |          | 8700     |          |          | 7100     |          |          | 7500     |
|   | 006.748   |   | WB OFF TO CAMERON PARK      | 8420     |          |          | 8100     |          |          | 6700     |          |          | 7200     |
| R | 008.378   |   | EB OFF TO SHINGLE SPRINGS   | 10100    |          |          | 10700    |          |          | 9300     | .        |          |          |
| R | 008.416   |   | WB ON FROM SB SHINGLE SPRIN | 4430     |          |          | 4700     |          |          | 4150     | .        |          |          |
| R | 008.533   |   | EB ON FROM SHINGLE SPRINGS  | 2570     |          |          | 2250     |          |          | 2400     | .        |          |          |
| R | 008.598   |   | WB ON FROM NB SHINGLE SPRIN |          |          |          | 5000     |          |          | 5000     |          |          |          |

TREND DOWN 14% (7 yrs)

+600 EAST

CP to Shingle Down Volume  
 4900 +  
 1250 +  
 1250 +  
 3850 .  
 3750 +  
 4300 .  
 4100 +  
 3550 .  
 7000 .  
 3200 .  
 7500 - 5%  
 7200 - 15%

County line EDH counts UP 1850 Down 14,000

to Missouri Flat on/off Ramp  
 Total Ramp counts to M Flat Down 12,150

Volume This Page + 1500 trips - 9200 trips SOURCE: CALTRANS WEB SITE

06/20/2013

13:27:05

CALTRANS TRAFFIC VOLUMES

PRINT FILE FOR RAMP ADT

03-ED-050

| P | POST    | P                           | 2003  | 2004 | 2005 | 2006 | 2007 | 2008 | 2009 | 2010 | 2011 | 2012 |
|---|---------|-----------------------------|-------|------|------|------|------|------|------|------|------|------|
| P | MILE    | S                           | ADT   | ADT  | ADT  | ADT  | ADT  | ADT  | ADT  | ADT  | ADT  | ADT  |
|   |         | DESCRIPTION                 |       |      |      |      |      |      |      |      |      |      |
| R | 008.763 | WB OFF TO PONDEROSA RD      | 2980  |      |      | 2400 |      |      | 2500 |      |      |      |
| R | 010.096 | EB OFF TO SHINGLE SPR       | 990   |      |      | 1100 |      |      | 900  |      |      |      |
| R | 010.152 | WB ON FROM SHINGLE SPR      | 960   |      |      | 820  |      |      | 920  |      |      |      |
| R | 010.449 | EB ON FROM SHINGLE SPR      | 640   |      |      | 480  |      |      | 660  |      |      |      |
| R | 010.505 | WB OFF TO SHINGLE SPR       | 730   |      |      | 550  |      |      | 720  |      |      |      |
| R | 011.007 | EB OFF TO RED HAWK PKWY     |       |      |      |      |      | 1001 |      |      |      |      |
| R | 011.130 | WB ON FR KOTO RD            |       |      |      |      |      | 1001 |      |      |      |      |
| R | 011.131 | SEG RTE 50 ON FR KOTO RD    |       |      |      |      |      | 1001 |      |      |      |      |
| R | 011.379 | EB ON FR KOTO RD            |       |      |      |      |      | 1001 |      |      |      |      |
| R | 011.395 | SEG RTE 50 OFF TO RED HAWK  |       |      |      |      |      | 1001 |      |      |      |      |
| R | 011.396 | WB OFF TO RED HAWK PKWY     |       |      |      |      |      | 1001 |      |      |      |      |
| R | 011.990 | WB ON FROM GREENSTONE       | 1250  |      |      | 1350 |      |      | 1350 |      |      | 1500 |
| R | 012.297 | EB OFF TO GREENSTONE        | 1140  |      |      | 1350 |      |      | 1250 |      |      |      |
| R | 012.361 | WB OFF TO GREENSTONE        | 1000  |      |      | 1000 |      |      | 880  |      |      |      |
| R | 012.481 | EB ON FROM GREENSTONE       | 710   |      |      | 890  |      |      | 870  |      |      |      |
| R | 013.865 | EB OFF TO EL DORADO RD      | 1600  |      |      | 1700 |      |      |      |      |      | 1750 |
| R | 013.866 | WB ON FROM EL DORADO RD     | 1500  |      |      | 1650 |      |      | 1700 |      |      | 1750 |
| R | 014.142 | WB OFF TO EL DORADO RD      | 1800  |      |      | 1450 |      |      | 1300 |      |      | 1350 |
| R | 014.161 | EB ON FROM EL DORADO RD     | 1140  |      |      | 920  |      |      | 990  |      |      | 1100 |
| R | 014.854 | WB ON FROM MISSOURI FLAT RD |       |      |      | 7800 |      |      | 5700 |      |      |      |
| R | 014.897 | EB OFF TO MISSOURI FLAT RD  | 2780  |      |      | 7700 |      |      | 6800 |      |      |      |
| R | 015.078 | WB OFF TO MISSOURI FLAT RD  | 10330 |      |      | 9600 |      |      | 9200 |      |      |      |

This Page  
+ 300 trips  
- 4800 trips



|   |         |                         | 03-ED-050 |       |      |       |       |      |      |      |      |            |
|---|---------|-------------------------|-----------|-------|------|-------|-------|------|------|------|------|------------|
| P | POST    | P                       | 2003      | 2004  | 2005 | 2006  | 2007  | 2008 | 2009 | 2010 | 2011 | 2012       |
| P | MILE    | S                       | ADT       | ADT   | ADT  | ADT   | ADT   | ADT  | ADT  | ADT  | ADT  | ADT        |
| R | 015.211 | EB ON FROM MO FLAT RD   |           |       |      | 9600  |       |      |      |      |      |            |
|   | 015.658 | WB ON FROM FAIRGROUNDS  | 9970      | -1170 |      | 11000 |       |      | 8800 |      |      |            |
|   | 015.889 | EB OFF TO FAIRGROUNDS   |           |       |      | 9700  | -1100 |      | 8600 |      |      |            |
|   | 015.943 | WB OFF TO FAIRGROUNDS   | 3190      | -490  |      | 2850  |       |      | 2700 |      |      |            |
|   | 015.990 | EB ON FROM FAIRGROUNDS  | 2600      | -450  |      | 2350  |       |      | 2150 |      |      |            |
|   | 017.116 | WB OFF TO W PLACER      | 5510      | -610  |      | 4900  |       |      |      |      |      |            |
|   | 017.164 | EB ON FROM W PLACER     | 5560      | -610  |      | 4950  |       |      |      |      |      |            |
|   | 017.420 | EB OFF TO MAIN STREET   | 2820      | -320  |      | 2500  |       |      |      |      |      |            |
|   | 017.892 | WB OFF TO COLOMA ST     | 810       | -250  |      | 580   |       |      | 660  |      |      |            |
|   | 018.574 | WB ON FR MOSQUITO RD    |           |       |      | 6800  |       |      |      |      |      |            |
|   | 018.586 | EB OFF TO BROADWAY      |           |       |      | 5100  |       |      |      |      |      |            |
|   | 018.630 | WB OFF TO MOSQUITO RD   | 1750      | -750  |      | 1250  |       |      | 1000 |      |      |            |
|   | 018.641 | EB ON FR BROADWAY       |           |       |      | 3550  |       |      |      |      |      |            |
|   | 018.982 | SCHNELL SCHOOL RD-EBOFF | 3150      |       |      | 4050  |       |      | 3550 |      |      | 4350 + 300 |
|   | 019.000 | SCHNELL SCHOOL RD-WB ON | 2580      |       |      | 4500  | -50   |      | 4000 |      |      | 4450       |
|   | 019.338 | SCHNELL SCHOOL RD-EB ON | 2160      |       |      | 1550  |       |      | 1600 |      |      | 1750       |
|   | 019.353 | SCHNELL SCHOOL RD-WBOFF | 1200      |       |      | 740   |       |      | 1050 |      |      | 1000       |
|   | 020.152 | POINT VIEW DR-EB OFF    | 1450      |       |      | 2050  | -150  |      | 1800 |      |      | 1900       |
|   | 020.195 | POINT VIEW DR-WB ON     | 1610      |       |      | 2100  |       |      | 2250 |      |      | 2250 + 150 |
|   | 020.486 | POINT VIEW DR-WB OFF    | 270       | -100  |      | 210   |       |      | 280  |      |      | 170        |
|   | 020.526 | POINT VIEW DR-EB ON     | 480       | -180  |      | 360   |       |      | 380  |      |      | 300        |
|   | 020.838 | WB OFF TO NEWTOWN RD    | 260       | -100  |      | 250   |       |      | 180  |      |      | 160        |

Totals  
 UPS 450  
 Downs 6330

## 03-ED-050

| P<br>P | POST<br>MILE | P<br>S DESCRIPTION      | 2001<br>ADT | 2002<br>ADT | 2003<br>ADT | 2004<br>ADT | 2005<br>ADT | 2006<br>ADT | 2007<br>ADT | 2008<br>ADT | 2009<br>ADT | 2010<br>ADT |
|--------|--------------|-------------------------|-------------|-------------|-------------|-------------|-------------|-------------|-------------|-------------|-------------|-------------|
|        | 017.164      | EB ON FROM W PLACER     |             |             | 5560        |             |             | 4950        |             |             |             |             |
|        | 017.420      | EB OFF TO MAIN STREET   |             |             | 2820        |             |             | 2500        |             |             |             |             |
|        | 017.892      | WB OFF TO COLOMA ST     |             |             | 810         |             |             | 580         |             |             | 660         |             |
|        | 018.574      | WB ON FR MOSQUITO RD    |             |             |             |             |             | 6800        |             |             |             |             |
|        | 018.586      | EB OFF TO BROADWAY      |             |             |             |             |             | 5100        |             |             |             |             |
|        | 018.630      | WB OFF TO MOSQUITO RD   |             |             | 1750        |             |             | 1250        |             |             | 1000        |             |
|        | 018.641      | EB ON FR BROADWAY       |             |             |             |             |             | 3550        |             |             |             |             |
|        | 018.982      | SCHNELL SCHOOL RD-EBOFF |             |             | 3150        |             |             | 4050        |             |             | 3550        |             |
|        | 019.000      | SCHNELL SCHOOL RD-WB ON |             |             | 2580        |             |             | 4500        |             |             | 4000        |             |
|        | 019.338      | SCHNELL SCHOOL RD-EB ON |             |             | 2160        |             |             | 1550        |             |             | 1600        |             |
|        | 019.353      | SCHNELL SCHOOL RD-WBOFF |             |             | 1200        |             |             | 740         |             |             | 1050        |             |
|        | 020.152      | POINT VIEW DR-EB OFF    |             |             | 1450        |             |             | 2050        |             |             | 1800        |             |
|        | 020.195      | POINT VIEW DR-WB ON     |             |             | 1610        |             |             | 2100        |             |             | 2250        |             |
|        | 020.486      | POINT VIEW DR-WB OFF    |             |             | 270         |             |             | 210         |             |             | 280         |             |
|        | 020.526      | POINT VIEW DR-EB ON     |             |             | 480         |             |             | 360         |             |             | 380         |             |
|        | 020.838      | WB OFF TO NEWTOWN RD    |             |             | 260         |             |             | 250         |             |             | 180         |             |
|        | 020.866      | EB ON FROM NEWTOWN RD   |             |             | 340         |             |             | 210         |             |             | 190         |             |
| R      | 025.832      | WB ON FROM E CAMINO     |             |             | 1250        |             |             | 1250        |             |             | 1550        |             |
| R      | 025.854      | EB OFF TO E CAMINO      |             |             | 1210        |             |             | 760         |             |             | 1550        |             |
| R      | 026.101      | WB OFF TO E CAMINO      |             |             | 530         |             |             | 640         |             |             | 510         |             |
| R      | 026.104      | EB ON FROM E CAMINO     |             |             | 660         |             |             | 770         |             |             | 550         |             |
| R      | 028.704      | EB OFF TO SAWMILL RD    |             |             | 2000        |             |             | 2000        |             |             | 2100        |             |



11/07/2011

CALTRANS TRAFFIC VOLUMES

09:21:23

PRINT FILE FOR RAMP AADT

03-ED-050

| P<br>P | POST<br>MILE | P<br>S DESCRIPTION     | 2001<br>ADT | 2002<br>ADT | 2003<br>ADT | 2004<br>ADT | 2005<br>ADT | 2006<br>ADT | 2007<br>ADT | 2008<br>ADT | 2009<br>ADT | 2010<br>ADT |
|--------|--------------|------------------------|-------------|-------------|-------------|-------------|-------------|-------------|-------------|-------------|-------------|-------------|
| R      | 028.733      | WB ON FROM SAWMILL RD  |             |             | 2100        |             |             | 2100        |             |             | 1950        |             |
| R      | 028.978      | EB ON FROM SAWMILL RD  |             |             | 310         |             |             | 260         |             |             | 190         |             |
| R      | 028.987      | WB OFF TO SAWMILL RD   |             |             | 300         |             |             | 310         |             |             | 230         |             |
| R      | 031.184      | EB OFF TO SLY PARK RD  |             |             | 3450        |             |             | 3420        |             |             |             |             |
| R      | 031.202      | WB ON FROM SLY PARK RD |             |             | 3460        |             |             | 3460        |             |             | 3500        |             |
| R      | 031.486      | WB OFF TO SLY PARK RD  |             |             | 860         |             |             | 690         |             |             | 430         |             |
| R      | 031.512      | EB ON FROM SLY PARK RD |             |             | 870         |             |             | 720         |             |             | 500         |             |



## Responses to Letter I-Recirc-19

### I-Recirc-19-1

As mandated by General Plan Implementation Measure TC-F, the County does have an annual monitoring program for local county roads. As part of this program, the County annually collects traffic volumes on the major county roadways. Data is collected twice a year on some of the larger roadways. This information can be found at: <http://edcapps.edcgov.us/dot/trafficcounts.asp>.

The County uses the traffic count information for the intersection needs process. The intersection needs process evaluates the potential locations for a traffic signal installation or other intersection capacity improvements. The County also utilizes an integrated pavement management system to evaluate and manage the condition of its roadways. This includes a thorough inspection of each roadway at a minimum of every three years. This information is stored and analyzed in a GIS based computer system. The "Street Saver" software implements modern industry standard technology to evaluate the condition of the roadways, predict their future wear and tear, and models various alternative maintenance strategies. Multiple maintenance methods and costs can be modeled to predict the most cost effective alternatives. This information will be used to develop each year's maintenance program and budget, and then can be tracked in following years. The information from these analyses is used in the annual update to the Capital Improvement Program (CIP) and the five-year major updates to the CIP and Traffic Impact Mitigation (TIM) Fee program.

For the state highway system, the County relies on Caltrans data via the Caltrans Performance Measurement System (PeMS) plus volumes that Caltrans provides. This data is available for public use at: <http://pems.dot.ca.gov>.

Additionally, the TGPA/ZOU process and the five-year major update to the CIP and TIM fee program have updated the existing and future deficiency analysis for local roadways and the state highway system within the County. This information will be used to monitor the local roadways and state highway system until the next five-year major updates for the CIP and TIM fee program.

Collection of TIM Fees is not based on the fluctuation of daily counts. It is based on a 20-year growth projection within the County.

### I-Recirc-19-2

When discretionary projects are submitted for consideration by the County, the County does apply General Plan Policy TC-Xg, which requires the dedication of right-of-way, construction or funding of projects to mitigate the effects of traffic from the project. The County will ask that a project dedicate right-of-way via an Irrevocable Offer of Dedication (IOD), when there is a route adoption or a road has been identified as contributing to regional circulation and is included on Figure TC-1 Circulation Map for the El Dorado County General Plan.

The Saratoga Way connection is being planned by El Dorado County. It is currently in the 2014 Capital Improvement Program (CIP) and Traffic Impact Mitigation (TIM) fee programs, and will be included in the major update to the CIP and TIM fee programs.

El Dorado County is in the process of a major Capital Improvement Program and Traffic Impact Mitigation Fee update. As part of the update El Dorado County has updated its base year traffic model to 2015 (with data through December 2014) which uses the most current information

obtained from Caltrans PeMS data and from Caltrans staff for Highway 50, and from the most current traffic counts obtained through the County Traffic Count Program for its local roads.

## Letter I-Recirc-20—Cheryl Langley

Letter I-Recirc-20



TGPA-ZOU ZOU <tgpa-zou@edcgov.us>

**Fwd: Comments on the RDEIR for the TGPA/ZOU**

1 message

**Shawna Purvines** <shawna.purvines@edcgov.us>  
To: TGPA-ZOU ZOU <TGPA-ZOU@edcgov.us>

Mon, Mar 16, 2015 at 4:11 PM

----- Forwarded message -----

From: **Langley, Cheryl@CDPR** <Cheryl.Langley@cdpr.ca.gov>  
Date: Mon, Mar 16, 2015 at 4:06 PM  
Subject: Comments on the RDEIR for the TGPA/ZOU  
To: "Shawna.purvines@edcgov.us" <Shawna.purvines@edcgov.us>

Ms. Shawna Purvines, Long Range Planning

March 16, 2015

El Dorado County Community Development Agency

2850 Fairlane Ct, Building C

Placerville, Ca 95667

**RE: Partial Recirculated Draft EIR for the TGPA/ZOU - Public Comment**

Dear Ms. Purvines:

I-R-20-1

The attached documents are submitted as public comment on the TGPA/ZOU Partial Recirculated Draft EIR (RDEIR) released January 29, 2015. Please include these comments in the administrative record.

Please acknowledge receipt of these documents; when replying to this submittal (and for any further correspondence), please use the email address [rlangley40@gmail.com](mailto:rlangley40@gmail.com). Thank you.

Sincerely,

Cheryl Langley

5010 Mother Lode Drive

Shingle Springs, CA 95682

cc: Ellen Van Dyke

Tom Infusino

—

**Shawna L. Purvines**

Principal Planner

**County of El Dorado**

Community Development Agency

Long Range Planning

2850 Fairlane Court

Placerville, CA 95667

Phone:(530) 621-5362/Fax: (530) 642-0508

[shawna.purvines@edcgov.us](mailto:shawna.purvines@edcgov.us)

[www.edcgov.us](http://www.edcgov.us)

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**11 attachments**

-  **RDEIR Comments.March16.2015.pdf**  
339K
-  **Biological Resources.July21.2014.Highlighted.pdf**  
358K
-  **DFG Special Animals.pdf**  
385K
-  **EPIC vs. County of El Dorado.pdf**  
46K
-  **Farmland Conversion Report.pdf**  
3222K
-  **Fully Protected Animals.pdf**  
514K
-  **Jones&Stokes Riparian Setback Guidance.pdf**  
1792K
-  **Marble Valley SB 610 WSA.pdf**  
2248K
-  **Sacramento Bee\_Water is way below allotments.pdf**

394K



**Sacramento Bee\_Water Restrictions.pdf**

46K



**Sawyers Primer on Water Rights.pdf**

32K

Cheryl Langley  
5010 Mother Lode Drive  
Shingle Springs, CA 95682

Ms. Shawna Purvines, Long Range Planning  
El Dorado County Community Development Agency  
2850 Fairlane Ct, Building C  
Placerville, Ca 95667

March 16, 2015

**RE: Partial Recirculated Draft EIR for the TGPA/ZOU – Biological Resources**

I reviewed El Dorado County's (EDC) Targeted General Plan Amendments/Zoning Ordinance Update (TGPA/ZOU) recirculated draft Environment Impact Report (RDEIR) and have the following comments.

**Biological Resources**

**RDEIR, page 2-22:**

**2.8 Related Projects**

The County is initiating a number of other projects related to implementing its General Plan. Although related to the General Plan, these County projects are being undertaken separately from the TGPA, ZOU, and design guidelines being considered here. The 2013 Housing Element Update was adopted October 29, 2013. The other projects will also be considered for approval separately.

- **Biological Resources General Plan Policies Amendments and EIR. The County is reinitiating the process of considering changes to the biological resources policies. At such time as draft policies are developed, an EIR will be prepared to analyze their potential impacts before the County takes action to approve, modify, or reject the proposed changes.**

I-R-20-2

Why was this statement *not* included in the March 2014 **draft EIR** (dEIR) for the TGPA/ZOU. In other words, why wasn't it stated in the draft EIR that the biological policies were separated from the TGPA/ZOU project and undergoing a separate/concurrent revision? Why were the "old" policies (mitigation measures) left in the dEIR, without comment, as if they were mitigations for impacts of the TGPA/ZOU project? Because of this omission, public comments submitted in response to the dEIR evaluated those mitigations (from the 2004 General Plan) relative to the TGPA/ZOU project. **EDC staff knew the mitigation measures were no longer relevant—that the biological policies were wholly under revision—so why wasn't that stated in the draft EIR?** How would the public know differently?

Likewise, why isn't the current status of these policies described in the **RDEIR**? **Or better yet, why not include the revised policies (when completed) in a recirculated draft of the EIR?** (They are on a "fast-track," correct?) After all, **how do you separate impacts from their mitigations, and still believe you've produced a viable planning document?**

To some degree, this lack of acknowledgment of the separation of biological policies (mitigations) from the TGPA/ZOU project impacts continues in the RDEIR:



RDEIR, page 5-6:

### Project Impacts

Many of the project's impacts contributing to the loss, removal, and fragmentation of wildlife habitat and associated impacts on special-status species and wildlife movement, including impacts associated with the allowance of hillside development, infill development, and agricultural and timber lodging, could be reduced to a less-than-significant level by mitigation measures proposed in this DEIR. However, other uses, including potential ski areas, public utility service facilities and amusement areas would result in significant and unavoidable impacts on biological resources. The project would increase the General Plan's and Zoning Ordinance's prospective impact on biological resources compared to the current General Plan and Zoning Ordinance.

Since none of the biological policy revisions are described in the RDEIR, it is impossible to know what this statement really means when it says the mitigation measures proposed in the DEIR could reduce many of the project's significant and unavoidable impacts to wildlife to a less-than-significant level. The RDEIR is almost wholly *without* biological resources mitigation measures; it includes *none* of the proposals under development under the Dudek contract. But because the project's impacts have been determined to be "*significant and unavoidable*," (RDEIR, page 5-6) the RDEIR *must* evaluate those impacts—and evaluate the efficacy of mitigation measures proposed for the reduction/elimination of those impacts—*within* the EIR.

Because the topic of biological resources is identified in the RDEIR as "*Environmental Issues Not Discussed Further*," the reviewer is referred back to the March 2014 dEIR that contains the 2004 General Plan defunct mitigation policies. This is wholly unacceptable. To appropriately weigh the environmental consequences of a project, the reader must know the impacts and their mitigations.

The purposes served by the EIR have been variously explained. The principal purpose...is "to provide public agencies and the public in general with detailed information about the effect which a proposed project is likely to have on the environment; ..." (Pub.Res.Code, s 21061.) The court in *Karlson v. City of Camarillo* (1980) 100 Cal.App.3d 789, 804, 161 Cal.Rptr. 260, put it this way: "In reviewing an EIR a paramount consideration is **the right of the public to be informed in such a way that it can intelligently weigh the environmental consequences of any contemplated action and have an appropriate voice in the formulation of any decision.**" But public decision makers, too, need the information. EIR's are "... **to provide decision makers with information which enables them to make a decision which intelligently takes account of environmental consequences.**" (Cal.Admin.Code, tit. 14, s 15150). The EIR serves both the public officials and the public: they are "to inform other governmental agencies, and the public generally, **of the environmental impact of a proposed project ... and to demonstrate to an apprehensive citizenry that the agency has in fact analyzed and considered the ecological implications of its action.**" (*No Oil, Inc. v. City of Los Angeles* [1974] 13 Cal.3d 68, 86, 118 Cal.Rptr. 34, 529 P.2d 66.)<sup>1</sup>

<sup>1</sup> CEQA. *Environmental Planning and Information Council of Western El Dorado County, Inc., Plaintiff and Appellant. v. County of El Dorado*. April 30, 1982. Available at: [http://resources.ca.gov/ceqa/cases/1982/el\\_dorado\\_043082.html](http://resources.ca.gov/ceqa/cases/1982/el_dorado_043082.html)

I-R-20-2  
continued

Separating a discussion of project impacts from impact mitigations does not enable the reviewer to **“intelligently weigh the environmental consequences.”** Mitigation measures **must** be fashioned in concert with defined impacts, and **mitigation must be in place prior to implementation of TGPA/ZOU policies.**

### **Water Supply**

Both surface and groundwater supply are topics that deserve careful scrutiny. It is well known that groundwater supplies from the fractured rock aquifers of El Dorado County are not a reliable source of water for residential, or any other kind of development (as acknowledged on pages 3.10-18 and 3.10-29 of the RDIER). But similarly, the adequacy of surface water supply to support development under the TGPA/ZOU—or for build-out under the 2004 General Plan, for that matter—is questionable.

While it is clear the County is seeking additional sources of surface water supply, a recent article in the Sacramento Bee casts doubt that such an endeavor will be successful. The article stated:

*“The state of California has handed out five times more water rights than nature can deliver... California’s total freshwater runoff in an average year is about 70 million acre-feet...but the state has handed out junior water rights totaling 370 million acre-feet.”<sup>2</sup>*

I-R-20-3

Aside from the fact that the water supply section of the draft TGPA/ZOU EIR presented an “optimistic” view of the County’s water supply (the calculation of which was questioned by Commissioner Stewart in a Planning Commission meeting), it is possible—even likely—that El Dorado Irrigation District (EID) will **not** be able to acquire water rights to support additional growth in the County because of need elsewhere in the State (especially in light of drought conditions that may persist, and the likelihood of over-allocation).

An example of the need for additional water rights to support growth in the County is presented in the Village of Marble Valley water assessment. The consultant on this project indicated EID “*should*” have sufficient water available to meet its needs—in addition to the other demands in its service area through 2035—**but only if**:

*“EID, the El Dorado County Water Agency and the El Dorado Water and Power successfully execute the contracts and obtain the water right permit approvals for currently unsecured water supplies discussed in **Section 4**. Absent these steps, **the water supplies currently held by EID and recognized to be diverted under existing contracts and agreements would be insufficient in 2035 to meet the Proposed Project demands along with all other existing and planned future uses.**”<sup>3</sup>*

**Section 4** descriptions of these unsecured water rights include pre-1914 water rights. However, pre-1914 appropriative rights—while relatively common—are also difficult to establish, and require evidence of *original use* prior to 1914 and *continued use* thereafter.<sup>4</sup> The appropriative right is lost by non-use; continuity of use is as important as the origin of the right.

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<sup>2</sup> Weiser, M. 2014. *Water is Way Below Allotments*. Sacramento Bee, August 20, 2014, pages B1 & B3.

<sup>3</sup> Tully & Young. 2013. *SB 610 Water Supply Assessment for the Village of Marble Valley Specific Plan*, Final Report. August, 2014, Page 5.5.

<sup>4</sup> Sawyers, G.W. XXXX. *A Primer on California Water Rights*. Available at: [http://aic.ucdavis.edu/events/outlook05/Sawyer\\_primer.pdf](http://aic.ucdavis.edu/events/outlook05/Sawyer_primer.pdf)

The matter of the recent drought will also weigh heavily on EID's ability to acquire additional surface water supplies. A recent article in the Sacramento Bee indicates California is now poised to tighten water restrictions (statewide) in response to the continuing drought.<sup>5</sup> What is the likelihood EID will be successful in its bid to acquire additional water rights in the face of competing interests within the State, in light of the drought and over-allocation identified in the Sacramento Bee news articles?

To complicate matters, there are other obvious problems with the availability of surface water supplies:

**RDEIR, page 3.10-15:** ***"The basic question is whether the projected future level of demand under the project can be met by future water supplies. [T]he 2004 General Plan EIR concluded that the General Plan would have a significant and unavoidable impact on water supply, with total water demand from planned development under the General Plan exceeding projected total water supply by 2025."***

The RDEIR concedes "... **additional water... will be needed to meet future demand**" (RDEIR, page 3.10-15). The document then identifies surface water sources that EID has **yet to acquire** (including the supplemental water rights project; Alder Creek Dam and Reservoir, etc.)

**BUT:**

**RDEIR, pages 3.10-22 and 23:** ***"None of these projects has been planned or designed** by EID at this point in time." **"...the projects have not been designed beyond a conceptual level** at most..."*

Thus, these projects are **purely speculative sources of water supply**. Few—or none—may come to fruition, but all are necessary to support the growth scenarios under the 2004 General Plan and the TGPA/ZOU. But the RDEIR downplays the need for additional surface water supplies:

**RDEIR, page 3.10-20:** ***"EID's low-growth scenario is more reflective of demand related to the TGPA than its high-growth scenario, and El Dorado County will use the low-growth scenario for purposes of determining the sufficiency of EID's water supply to accommodate future development."***

**AND:**

**RDEIR, page 3.10-20:** ***"The project's impact on water supply within EID is less than significant."***

**Comments and Requests for Information:**

**Include in a recirculated draft of the EIR the following:**

- Include a complete and accurate description of the County's environmental setting (plant and animal communities). (See comment in attached July 21, 2014 submission for the TGPA/ZOU dEIR.)
- Include a complete list of all plants/animals/habitats requiring protection through State and Federal mandate and other pertinent lists. (See comments on omitted animals in the attached July 21, 2014 submission for the TGPA/ZOU dEIR.)

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<sup>5</sup> Weiser, Matt. 2015. California poised to tighten water restrictions. Sacramento Bee, March 14, 2015.

- I-R-20-5 | • Include a compilation of important habitats in the County for each plant/animal community present (include maps).
- I-R-20-6 | • Include a compilation of anticipated (specific) impacts to wildlife/wildlife habitats, including habitat types most likely to be impacted, and locations within the County where development is most likely to impact specific habitats. (For instance, identify specific areas where oak woodlands, riparian areas, etc. are likely to be impacted based on zoning/development potential; for example, identify habitats within Community Regions, and so forth.)
- I-R-20-7 | • Describe what mitigations were examined for impacts to biological resources, the rationale behind the choices, and provide evidence of the efficacy for proposed mitigations, based on peer-reviewed scientific studies, and other studies from universities and State departments that support claims of efficacy. Include all supporting information, studies, and other documentation in an appendix to the recirculated draft EIR.
- I-R-20-8 | • Discuss why development activity in Agricultural Districts is “excused” from many environmental mitigation measures (grading, development on  $\geq 30\%$  slopes, Important Biological Corridor restrictions, etc.), and include a cost/benefit analysis of agricultural development that *is*—and development that *is not*—excluded from mitigation requirements. (Include all supporting documentation in an appendix to the recirculated draft EIR).
- I-R-20-9 | • Include a comprehensive discussion of changes to Open Space, including acreage data and maps (“before” and “after” implementation of proposed policies). Include justifications/ anticipated benefits of changing Open Space designations; include documentation supporting claims of benefit. Include assessments of the wildlife habitat value of currently zoned Open Space land (prepared by wildlife experts, such as those from the California Department of Fish and Wildlife). Include a discussion of the impact changes to Open Space will have on wildlife and wildlife habitats. Discuss the specific types of habitats that will be impacted (e.g., oak woodland, riparian, etc.) Identify the wildlife species most likely to be impacted as a result, including rare and endangered, and others requiring protection through State and Federal mandate and other pertinent lists.
- I-R-20-10 | • Discuss the basis for the riparian/stream setback distances for ministerial projects (25/50 feet) and discretionary projects (50/100 feet) in terms of their efficacy. Discuss why the setbacks for ministerial/discretionary projects differ, given a hypothetically equivalent environment in each case. Describe which scientific studies these setbacks were based upon. For instance, recent research on riparian setbacks and buffers indicates development and encroachment setbacks should include the entire *active floodplain*<sup>6</sup> of a creek or river to adequately preserve stream banks and associated riparian vegetation.<sup>7</sup> And, it is well known that most riparian functions would be seriously affected if setbacks included a buffer of less than **66 feet beyond the active floodplain**. For first and second order stream segments<sup>8</sup> **a minimum riparian setback that includes the entire active floodplain plus a buffer of 98 feet of adjacent land (on each side of**

<sup>6</sup> *Active floodplain* means the geomorphic surface adjacent to the stream channel that is typically inundated on a regular basis (i.e., a recurrence interval of about 2–10 years or less). It is the most extensive low depositional surface, typically covered with fine over-bank deposits, although gravel bar deposits may occur along some streams.

<sup>7</sup> Jones & Stokes. *Setback recommendations to conserve riparian areas and streams in western Placer County*. 2005. February, 2005.

<sup>8</sup> *First order* stream segments are upstream segments that have no tributaries, and *second order* segments are formed by the junction of first order segments.

- I-R-20-10 continued
- the active floodplain)** is required; along higher order stream segments (i.e., third order and greater), and along those in or adjacent to conservation lands, **a setback of at least 328 feet—and preferably 656 feet from the active floodplain** is necessary to conserve stream and riparian ecosystem functions, including most wildlife habitat functions. Although these setbacks may seem large, even these setback distances are not sufficient for the conservation of many wildlife species with large area requirements. (For instance, some species that live in riparian areas must move to other areas to reproduce, as is the case with pond turtles.) **Discuss whether information such as this (presented above) was evaluated prior to developing riparian/stream setbacks, and if not, discuss why not.**
- I-R-20-11
- Include the revised biological resources policies that are being developed under the Dudek contract. Include a discussion of TGPA/ZOU impacts to biological resources and the measures developed under the Dudek contract that mitigate those impacts. Provide information that supports the efficacy of those mitigation measures.
- I-R-20-12
- Discuss impacts to plant communities, and the impacts developed to protect those communities from the impacts of the TGPA/ZOU.
- I-R-20-13
- Provide documentation supporting determinations of “significant and unavoidable.” Describe precisely why the impacts—in each case—are **unavoidable**.
- I-R-20-14
- **Include responses to comments and requests for information in my July 21, 2014 review of the TGPA/ZOU Draft Environmental Impact Report which is hereby incorporated by reference.** While it covers mainly biological resources issues, the areas **highlighted in yellow** are still relevant, and should therefore receive responses. **(Document attached.)**
- I-R-20-15
- Include a **Groundwater Management Plan** in a recirculated draft of the EIR.
- I-R-20-16
- Discuss the likelihood that EID will be successful in its bid to acquire additional water rights in the face of competing interests within the State, especially in light of the drought and over-allocation identified in the Sacramento Bee news articles. Discuss the likelihood that EID is likely to win its bid to support rooftops over other needs/interests—especially during times of drought.
- I-R-20-17
- Provide a **realistic assessment** of water supply before implementing the development-inducing policies presented in the TGPA/ZOU. For the sake of this assessment, eliminate the **speculative sources of surface water supply**, and examine only those that are **currently** available. Evaluate the sufficiency of the water supply relative to EID’s high-growth scenario.
- I-R-20-18
- Once all relevant components of the EIR have been collected into a single, comprehensive document, **recirculate the EIR for public review**. This must be done to give the public the opportunity to comment on a well-defined, complete project description.

**Attachments:**

- July 21, 2014 Comments on TGPA/ZOU
- References

cc: Ellen Van Dyke  
Tom Infusino

## Responses to Letter I-Recirc-20

### I-Recirc-20-1

This comment is an introductory statement. No response is necessary.

### I-Recirc-20-2

The referenced statement was added to the Partial Recirculated DEIR for the purpose of advising of the status of the biological resources update. The biological resources policies of the General Plan have not been changed as a result of the preliminary work being done. The General Plan's policies, as they relate to mitigation of biological impacts, are still in effect—they are not “old” policies; they are existing policies. As the Partial Recirculated DEIR notes, any amendments will be taken up separately from the TGPA. That is because they are on a separate timeline for consideration and adoption, and are not ready at this time.

Future policies resulting from the biological resources update now underway are not included in the TGPA/ZOU because they do not exist at this time. Accordingly, they cannot be analyzed in the TGPA/ZOU EIR, nor can they be relied upon in the EIR as mitigation. At such time as the biological resources update is completed and draft policies are developed, the County will prepare the applicable CEQA document to examine the potential impacts of those policies and duly hold hearings to consider their adoption.

Please see the response to comment I-26-101 for a discussion of current work being undertaken by the Dudek consulting firm.

### I-Recirc-20-3

The purpose of an EIR is to identify the significance of the potential impacts from the project being studied. Section 3.10, Water Supply and Groundwater Use and Supply examines the county's water supply and groundwater at a program level, as is suitable for the EIR prepared for a general plan. The TGPA/ZOU EIR relies on the adopted water management plans of the three major water districts of the county's west side. The anticipated water supplies described in the EID and EDCWA plans and reports are not speculative, nor are the reports of these agencies particularly “optimistic.” EID, in particular, is responsible for acquiring water to meet future demands and is undertaking what it considers to be realistic approaches to acquire additional water supplies. The water supplies identified in the EID and EDCWA plans and reports have been duly applied for and form the basis for assessments of future water demand and water supply availability prepared by those agencies.

Assessing the impacts of the proposed TGPA/ZOU project relying solely on currently available water supplies ignores the efforts planned by EID to provide water to meet demand within its service area to 2035. Such an approach would be contrary to established approaches to CEQA water supply assessment, as represented in Water Code Section 10910 and in the California Supreme Court's decision in *Vineyard Area Citizens for Responsible Growth, Inc. v. City of Rancho Cordova* (2007) 40 Cal.4th 412. As disclosed in the Partial Recirculated DEIR, beyond 2035, water supplies are not expected to be sufficient to meet demand in any of the three major water districts on the county's west side.

**I-Recirc-20-4**

The FEIR includes an updated list of animals and plants, including all special-status species. At the program EIR level, this does not change the significance determination. Please see the response to comment I-27-29.

**I-Recirc-20-5**

The requested information is incorporated by reference in the DEIR. As a result, it was not necessary to include it in the Partial Recirculated DEIR. Please see Master Response 2: Relationship of the TGPA/ZOU EIR to the 2004 General Plan EIR and 2004 Impact Analysis.

**I-Recirc-20-6**

The level of detail requested by the commenter is not necessary in order to determine the level of significance and identify mitigation measures at the program EIR level. Site-specific impacts on habitat cannot be known at this time because the design, location, mitigating features, and intensity of future development is not known on a parcel-specific level. Even if it were known, providing a site-specific analysis would be beyond the scope of the program-level EIR analyzing policy and ordinance level changes. Please see Master Response 1: Specificity of Environmental Review and Master Response 2: Relationship of the TGPA/ZOU EIR to the 2004 General Plan EIR and 2004 Impact Analysis.

**I-Recirc-20-7**

The 2004 General Plan EIR identified mitigation measures that were adopted as General Plan policies; the TGPA/ZOU EIR identifies those prior mitigation measures and the extent to which they reduce the impact of future development that is consistent with the General Plan. Where additional mitigation is possible at a program level, the EIR includes revisions to the project to act as that mitigation. There is no requirement under CEQA that mitigation measures be peer reviewed or subject to the other forms of review suggested by the commenter. Please see Master Response 2: Relationship of the TGPA/ZOU EIR to the 2004 General Plan EIR and 2004 Impact Analysis regarding mitigation measures and response to comment I-27-29.

**I-Recirc-20-8**

The commenter appears to be questioning the language in Policy 7.1.2.1, which is proposed to be amended as shown below and in the DEIR:

Policy 7.1.2.1 Development or disturbance of slopes over 30% shall be restricted. Standards for implementation of this policy, including but not limited to a prohibition on development or disturbance where special-status species habitat is present and exceptions for access, reasonable use of the parcel, and agricultural uses shall be incorporated into the Zoning Ordinance.

As can be seen in the above presentation, the language “exceptions for access, reasonable use of the parcel, and agricultural uses shall be incorporated into the Zoning Ordinance” are already in the adopted policy and are not proposed to be changed.

**I-Recirc-20-9**

No change is proposed to existing Open Space district designations on the General Plan map, nor are changes proposed to the policies of the Open Space district. The TGPA/ZOU proposes to amend the means of calculating the required open space within planned developments in select land use designations and zones. Please see the response to comment R-4-4.

**I-Recirc-20-10**

The comment relates to the commenter's opinion on the advisability of one or more of the policies or regulations being proposed as part of the TGPA/ZOU project. Please see Master Response 11: Riparian Setbacks and Master Response 1: Specificity of Environmental Review regarding the level of specificity required in a program EIR.

**I-Recirc-20-11**

No revised policies have been developed under the Dudek contract relative to biological resources. Any such policies would be required to be considered as part of the future biological resources-related General Plan update. They are not available for consideration in the TGPA/ZOU EIR.

**I-Recirc-20-12**

Please see the response to comment I-Recirc-20-7.

**I-Recirc-20-13**

The TGPA/ZOU EIR has taken a conservative approach to determining significance. As discussed in Master Response 2: Relationship of the TGPA/ZOU EIR to the 2004 General Plan EIR and 2004 Impact Analysis, the TGPA/ZOU EIR examined potential impacts beginning with the findings of the 2004 General Plan EIR. The 2004 General Plan EIR continues to be pertinent as a program-level examination of the potential impacts of development under the General Plan, and its significance findings remain pertinent. The TGPA does not propose substantial changes to the General Plan. Nonetheless, the TGPA/ZOU EIR examined the additional impacts that would result from the TGPA, and discloses whether those impacts are significant.

An impact was considered unavoidable if there is no feasible mitigation measure that would reduce its impact below a level of significance. In the context of biological impacts, the level of development that may result from the existing General Plan cannot be mitigated below a level of significance. Add to that the incremental additional development represented by the TGPA and the change in allowable land uses under the ZOU—both of which are described and analyzed in the TGPA/ZOU EIR—and the impact clearly remains significant and unavoidable. In some cases, it is unclear how future development will impact resources, such as water supplies, and the impact can only be determined once a CEQA analyses is done for each potential project. Accordingly, a conservative assumption is made in the TGPA/ZOU EIR that the impact is significant and unavoidable due to the nature of size and location of the potential future projects that could occur during implementation of the General Plan.

Please see Master Response 2: Relationship of the TGPA/ZOU EIR to the 2004 General Plan EIR and 2004 Impact Analysis regarding mitigation measures. The existing, adopted General Plan already contains substantial policies that are protective of biological resources. Additional mitigation is



proposed in the TGPA/ZOU EIR aimed at revising the project to reduce its potential impacts on biological resources.

### **I-Recirc-20-14**

All comments received on the DEIR have been responded to in the Final TGPA/ZOU EIR.

### **I-Recirc-20-15**

No groundwater management plan has been developed for El Dorado County. Using the TGPA/ZOU process as an example, and considering the complex nature of El Dorado County's fractured groundwater aquifers, such a plan would take years to draft through the public review process before it could be ready for consideration. That is outside the timeframe for the TGPA/ZOU.

In addition, preparation of a groundwater management plan is outside the scope of the Project. Groundwater Management Plans (GWMPs) are typically done by local water purveyors for which groundwater is a large water supply source, not as part of a County General Plan Amendment or associated EIR. However, General Plan Objective 5.2.3 (Groundwater Systems) and policies 5.2.3.1 through 5.2.3.7 provide for overview of individual development proposals to demonstrate that there is sufficient groundwater supply available for the development, if the project is to depend on groundwater. When a development project application is received, it must include evidence that there is sufficient groundwater available to meet the demand generated by the project. This is reviewed by the County Environmental Management Department and considered by the decision makers when deciding whether to approve the project.

The issue of groundwater supply was analyzed in more detail in the Partial Recirculated DEIR (new Section 3.10, Water Supply and Groundwater Use and Supply), which concludes that the impact of future development under the General Plan, amended by the TGPA and implemented by the Zoning Ordinance, on groundwater will be significant and unavoidable.

### **I-Recirc-20-16**

Please see the responses to comments O-1-421 through O-1-425. As clearly stated in the EIR, the County is properly relying upon EID's adopted water resources plans for the conclusions in the FEIR (e.g., Urban Regional Water Management Plan last updated in 2011; Integrated Water Resources Master Plan last updated in 2013) for the conclusions in the Final EIR. In addition, the General Plan Objective 5.2.1 (County-Wide Water Resources Program) Policy 5.2.1.5 requires water districts in Rural Regions seeking annexation for development projects to demonstrate that there is a need and that sufficient water is available to serve the annexed area. Beyond that, the TGPA/ZOU EIR is not required to speculate about future policy choices that may be made by EID.

### **I-Recirc-20-17**

Please see response to comment I-Recirc-20-3.

### **I-Recirc-20-18**

Recirculation of an EIR is required when "significant new information is added to the EIR" (State CEQA Guidelines Section 15088.5). No significant information about the project description needs to be added to the EIR. Therefore, there is no ground for recirculation on that issue. Please see also

**Master Response 13: Availability of Full Text of Proposed Zoning and General Plan Changes regarding availability of project description information.**

## Letter I-Recirc-21—Eva Robertson

Letter I-Recirc-21



TGPA-ZOU ZOU <tgpa-zou@edcgov.us>

Fwd: Comments on R-DEIR for TGPA/ZOU

1 message

Shawna Purvines <shawna.purvines@edcgov.us>  
To: TGPA-ZOU ZOU <TGPA-ZOU@edcgov.us>

Mon, Mar 16, 2015 at 4:04 PM

----- Forwarded message -----

From: **Eva Robertson** <evagrobertson@gmail.com>  
Date: Mon, Mar 16, 2015 at 3:59 PM  
Subject: Comments on R-DEIR for TGPA/ZOU  
To: [shawna.purvines@edcgov.us](mailto:shawna.purvines@edcgov.us)

Shawna:

Thank you for what must amount to a lot of hard work that you and your staff must have put into this project. I imagine that there is a lot to consider in proposing the many changes under consideration.

While working with Rural Communities United to prepare comments on these proposed changes, the following questions came to mind:

I-R-21-1

1. Most of these changes do not improve the quality of life for existing county residents. Largely, they make it easier to intensify new home developments and thereby increase profits for developers. Why is the county proposing these changes? I know that "legitimate reasons" have been given for the changes but when you look at the overall effect of the proposal, it is hard to see how they advance any legitimate public interest. Certainly I can assure you that there is no present need for more housing in this county (except perhaps in the Tahoe area) as the values have not recovered from the great 2008 decline.

I-R-21-2

2. Given that California is now entering it's fourth year of an historic drought, wouldn't it be prudent to hold off on most of these changes until a comprehensive water management system is implemented statewide? Or is there a legitimate reason why all of these changes have to be done now?

I-R-21-3

3. A quick look at several legal research websites indicate that the county has been sued numerous times for CEQA violations in attempting to push through general plan and zoning changes. It appears that the county is taking CEQA shortcuts in this proposal as well. Does the county have expert CEQA counsel looking over the EIR and other CEQA-required documents to ensure that they are adequate? Given what I estimate the county has spent for its planning consultants, I would think that an expert legal opinion could be obtained for a modest fraction of the cost already expended. The county might want to consider that such legal fees spent now will be much cheaper than defending itself should a citizen-led lawsuit follow the adoption of these radical changes.

I-R-21-4

4. If some of these changes result in verifiable damage to the rights of adjacent landowners -- ground water contamination or erosion -- the county could face a significant exposure to litigation. Has the county sought a legal opinion on this?

Sincerely,

Eva Robertson  
4990 Flying C Rd  
Cameron Park, CA 95682

—

**Shawna L. Purvines**

Principal Planner

**County of El Dorado**

Community Development Agency

Long Range Planning

2850 Fairlane Court

Placerville, CA 95667

Phone:(530) 621-5362/Fax: (530) 642-0508

[shawna.purvines@edcgov.us](mailto:shawna.purvines@edcgov.us)

[www.edcgov.us](http://www.edcgov.us)

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Thank you.

## Responses to Letter I-Recirc-21

### I-Recirc-21-1

The comment relates to the commenter's opinion on the advisability of one or more of the policies or regulations being proposed as part of the TGPA/ZOU project. It does not address the adequacy of the DEIR or other environmentally related topic. State CEQA Guidelines Section 15132(d) requires the FEIR to contain "[t]he responses of the Lead Agency to significant environmental points raised in the review and consultation process." The comment is not on a significant environmental point, and therefore no response is necessary.

### I-Recirc-21-2

The comment relates to the commenter's opinion on the advisability of the timing of the TGPA/ZOU project. It does not address the adequacy of the DEIR or other environmentally related topic. State CEQA Guidelines Section 15132(d) requires the FEIR to contain "[t]he responses of the Lead Agency to significant environmental points raised in the review and consultation process." The comment is not on a significant environmental point, and therefore no response is necessary.

### I-Recirc-21-3

The County has engaged the services of outside counsel for the TGPA/ZOU EIR. The firm of Abbott and Kindermann, LLP specializes in land use law, including CEQA. CEQA enables participants in the CEQA process to bring suit against the County. Hiring distinguished outside counsel and following their considered advice does not prevent a CEQA lawsuit.

### I-Recirc-21-4

The commenter relates their opinion regarding the potential for a land use decision to result in lawsuits seeking "damages to the rights of adjacent landowners." It does not address the adequacy of the DEIR or other environmentally related topic. State CEQA Guidelines Section 15132(d) requires the FEIR to contain "[t]he responses of the Lead Agency to significant environmental points raised in the review and consultation process." The comment is not on a significant environmental point, and therefore no response is necessary.

## Letter I-Recirc-22—Henry Batsel



TGPA-ZOU ZOU <tgpa-zou@edcgov.us>

**Fwd: comments to TGPA-ZOA**

1 message

**Shawna Purvines** <shawna.purvines@edcgov.us>  
To: TGPA-ZOU ZOU <TGPA-ZOU@edcgov.us>

Mon, Mar 16, 2015 at 1:38 PM

----- Forwarded message -----  
From: **Henry Batsel** <hbatsel@gmail.com>  
Date: Mon, Mar 16, 2015 at 12:40 PM  
Subject: comments to TGPA-ZOA  
To: [shawna.purvines@edcgov.us](mailto:shawna.purvines@edcgov.us)  
Cc: The BOSFOUR <[bosfour@edcgov.us](mailto:bosfour@edcgov.us)>

Dear Mrs. Purvines,

Thank you for the opportunity to comment!

Respectfully,

Henry Batsel

-

**Shawna L. Purvines**  
Principal Planner

**County of El Dorado**  
Community Development Agency  
Long Range Planning  
2850 Fairlane Court  
Placerville, CA 95667  
Phone:(530) 621-5362/Fax: (530) 642-0508  
[shawna.purvines@edcgov.us](mailto:shawna.purvines@edcgov.us)  
[www.edcgov.us](http://www.edcgov.us)

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 **Comments to Purvine 3 15 15.docx**  
14K



March 15, 2015

Shawna Purvines,  
El Dorado County Community Development Agency  
Long Range Planning,  
2850 Fairlane Court, Building C, Placerville, CA 95667

Re: Public Comment -**Targeted General Plan Amendment & Zoning Ordinance Update (TGPA-ZOU)**

Dear Shauna Purvines,

These comments are made on behalf of Friends of El Dorado County a non-profit public benefit corporation actively monitoring El Dorado County transportation issues.

ITEM 1

The El Dorado County Planning and Transportation Departments have failed to implement as required by the El Dorado County General Plan Measure TC-F. As a result, the county has failed to monitor local impacts to HWY 50 as required by General Plan Measure TC-F.

The measure relates -“***Develop and implement a countywide program to annually monitor county road and state highway segment and intersection conditions to ensure that acceptable Levels of Service are maintained.***”

The implementation time frame according to the General Plan is one year from General Plan adoption. According to both long range

planning and the transportation departments no monitoring of local impacts is done on HWY 50.

This measure is legally required and purposed to quantify transportation impacts (TRIPS) to the local and state highways. As a result of the failure to monitor local impacts to the state highway the county has arbitrarily charged impact fees to mitigate impacts (TRIPS) to local and state highways.

Ramp counts which most accurately identify local impacts to HWY 50 have been done every three years by Cal Trans. The Cal Trans ramp counts located on their web site indicate that our local impacts to Hwy 50 are significantly down. From Missouri Flat to the Sacramento County line the total trip counts are **down below 2003 levels** – down 12,000 per day or down 4.38 million trips per year. The original Historical Cal Trans ramp counts are copied to [refundees.com](http://refundees.com) as Cal Trans has recently removed their historical counts from their site.

Failure to quantify local impacts to the state highway system allows for arbitrary mitigation and arbitrary impact fee collections and subjects the county to CEQA and Gov. Code 66000 lawsuits.

If the county wishes to mitigate local impacts to the state highway system we recommend the immediate implementation of Measure TC-F and preserve rather than remove the measure in this revision process.

## ITEM 2

The county has failed to implement Measure TC-E which protects right-of-way for future road improvements – Policy TC-1a. This Measure

must be implemented and maintained. Specifically, protecting the right-of way at Saratoga Road has been compromised as an effective parallel capacity connector to the 4 lane Iron Point connection, and as a result, impacted air quality, safety, bicycle navigation, and congestion around the El Dorado Hills Interchange. As early as 1995 the importance of a 4 lane parallel capacity connection to Iron Point was established - by numerous general plan and transportation studies.

Preserving Saratoga as a 4 lane connector to Iron Point for safety to hospitals, accident reduction, air quality, and congestion on El Dorado Hills Blvd and HWY 50 is paramount. An additional park and ride is needed at the ½ mile segment to be completed as the park and ride south of HWY 50 is usually filled to capacity.

Additionally, the cost benefit to completing Saratoga and connecting to Iron Point is a substantial benefit to the public. The failure to complete Saratoga as planned prior to 1995 allows for substantial impacts to remain at El Dorado Hills Blvd, the EDH Interchange, and mainline HWY 50.

Respectfully,

Henry Batsel  
Dennis Jordan

For - Friends of El Dorado County  
5864 Dolomite  
El Dorado, Ca  
530-626-6263



## **Response to Letter I-Recirc-22**

### **I-Recirc-22-1**

Please see response to comment I-Recirc-19-1, which is the same comment as this one, but in a letter with different signatures.

### **I-Recirc-22-2**

Please see response to comment I-Recirc-19-2, which is the same comment as this one, but in a letter with different signatures.

## Letter I-Recirc-23—Sue Taylor



TGPA-ZOU ZOU <tgpa-zou@edcgov.us>

**Fwd: Comments on R-DEIR for TGPA/ZOU**

1 message

**Shawna Purvines** <shawna.purvines@edcgov.us>  
To: TGPA-ZOU ZOU <TGPA-ZOU@edcgov.us>

Mon, Mar 16, 2015 at 5:35 PM

----- Forwarded message -----

From: [sue-taylor@comcast.net](mailto:sue-taylor@comcast.net) <[sue-taylor@comcast.net](mailto:sue-taylor@comcast.net)>  
Date: Monday, March 16, 2015  
Subject: Comments on R-DEIR for TGPA/ZOU  
To: Shawna Purvines <[shawna.purvines@edcgov.us](mailto:shawna.purvines@edcgov.us)>

Attached are comments for the R-DEIR for TGPA/ZOU. Sorry this is a bit rough due to the time crunch.

Thanks,  
Sue Taylor

--

**Shawna L. Purvines**  
Principal Planner

**County of El Dorado**  
Community Development Agency  
Long Range Planning  
2850 Fairlane Court  
Placerville, CA 95667  
Phone:(530) 621-5362/Fax: (530) 642-0508  
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 **LUPPU Comments 3-16-15.pdf**  
92K

## Comments on the Recirculated EIR:

The following is from an excerpt from the Business Alliance's Position Papers & Addendums in regards to the 2004 General Plan after the plan was barely adopted by popular vote:

(REVISED NOVEMBER 17, 2004~ CONTAINS ONLY 2004)

### **WE URGE YOU –**

### **FIGHT SPRAWL AND TRAFFIC CONGESTION DO NOT SIGN**

After years of hard work and community input, our County Board of Supervisors on July 19th, adopted the 2004 Smart Growth & Open Roads General Plan - A Plan for Quality Neighborhoods and Traffic Relief." This General Plan is good for business and good for El Dorado County. Regrettably, a small radical group of is trying to block the general plan by referendum and untruths. The Referendum, if it passes, would overturn the general plan therefore putting the Board of Supervisors back at square one, virtually starting over again costing millions of dollars to the county. Signing the petition will NOT reduce traffic or widen Highway 50. It WILL stop funding for transportation improvements and derail the county's plan for quality neighborhoods and traffic relief. Here's what the 2004 El Dorado County General Plan does. It requires developers, not taxpayers, to pay for new roads. It imposes tough new development restrictions to prevent traffic congestion and applies ALL of Measure Y's traffic control policies adopted by the voters in 1998. The General Plan allows the county to plan for clean and abundant supplies of fresh water while protecting our county's vital agricultural lands. It recognizes the need to preserve our county's historic communities and carefully balances environmental protection and private property rights with the need for jobs and economic development. Scenic corridors, wildlife habitats and ridgelines are protected and protection against exposure to naturally occurring asbestos is strengthened. It protects our rural character by keeping home sites at a one-acre minimum and provides new measures to protect against wildfires. If you unknowingly signed this referendum you can have your signature revoked by contacting the County Elections Department at 530-621-7480.

I-Recirc-23-1

**This propaganda is came from a body of people that have been very active in the Target General Plan Amendments and Zoning Ordinance rewrite.**

**I am using this information to show how the current General Plan was mitigated based on many of the promises in the propaganda but have been sense been ignored, reinterpreted, or amended by the very people that negotiated the mitigation. I will break the information down into sections:**

I-Recirc-23-2

"Here's what the 2004 El Dorado County General Plan does."

*"It requires developers, not taxpayers, to pay for new roads. It imposes tough new development restrictions to prevent traffic congestion and applies ALL of Measure Y's traffic control policies adopted by the voters in 1998."*



In 2008 Measure Y was rewritten and put before the people without their knowing that the Measure had been rewritten taking away the protections mentioned in the quote such as allowing tax funds to be used to mitigate traffic and allowing the Board of Supervisors with a 4/5 vote to override restrictions that prevent traffic congestion and other the traffic control policies.

I-Recirc-23-2  
Cont.

*“The General Plan allows the county to plan for clean and abundant supplies of fresh water while protecting our county’s vital agricultural lands.”*

**Objective 8.2.1 of the General Plan covers Agricultural Water which is to “Provide for an adequate, long-term supply of water to support sustainable agricultural uses within the County.”**

**Policy 8.2.1.1 states that “The County shall support the development of water supplies and the use of reclaimed and untreated water for the irrigation of agricultural lands.”**

The County has an enormous amount of ditches that were built by the miners during the gold rush and when abandoned, were utilized and added to by farmers for irrigation. Not only has the county not protected those ditches from destruction, they have allowed the easements for the ditches to be turned over to property owners. These ditches could have been used for continuing to transport non-potable water for agriculture. So not only has Policy 8.2.1.1 been ignored and not implemented it has been lost from the mitigation it was promised to provide in the 2004 General Plan.

**Policy 8.2.1.2 states that “Current agricultural water, excluding well water, shall be protected from allocation to residential uses and discretionary projects establishing new residential uses. Water from increased irrigation efficiencies shall be allocated to expanding agricultural or employment based uses.”**

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**Policy 8.2.1.3 states that “The County shall actively pursue the acquisition of long-term agricultural water supplies.”**

**Policy 8.2.1.4 states that “When reviewing projects, the County shall consider a project’s impacts on availability of water for existing agricultural uses.”**

**Policy 8.2.1.5 states that “The County will work with water purveyors and the Agricultural Commission to establish plans to ensure the provision of adequate water supplies to existing and future agricultural uses.”**

Neither the County of El Dorado (County) nor the El Dorado County Irrigation District (EID, the local purveyor) have worked to implement policies 8.2.1.2., 8.2.1.3, 8.2.1.4 or 8.2.1.5 of the El Dorado County General Plan. These policies were critical for mitigation given the great loss of farm lands with choice soils that would be loss due to the implementation of the General Plan.

The County and EID continue to work on acquiring more water for development without much in the way of policies being put in place that will guarantee future water being allocated strictly for agriculture. In fact EID has extended water service into Folsom in order to help the City of Folsom move forward with urban development. At the same time citizens are being told to conserve as we are facing our 4th year of drought.

Since the TGPA/ZOU targets on the creation of Agricultural Districts for implementation, it leads to the question of the Board of Supervisors intent. Looking at Figure 3.2-1, the El Dorado county Important Farmland of 2010, from the Farmland Mapping & Monitoring Program, it shows Prime Farmland (661 acres), Farmland of Statewide Importance (827 acres), Unique Farmland (3,206 acres), Farmland of Local Importance (59,565 acres), and Grazing Land (193,883 acres) distributed throughout the entire mass of El Dorado County. The 2004 General Plan EIR concluded that the adoption of that plan created the potential for 63,307 acres of these particular acres listed to be converted to other uses. The discussion in the TGPA/ZOU EIR explains the amount of acreage being added into Agricultural Districts, but does not explain what the overall affect will be to Agricultural Zoned Lands throughout the County. Will Agricultural Zoned Lands outside of these Districts have the same protections as within? or once these Districts are established, will Agricultural Lands outside these Districts face more pressure to convert to non-agricultural uses. The Study agrees that the impact to the conversion of Agriculture will still be significant and unavoidable. To date, the measures to mitigate that impact, within the current plan, has been mostly ignored, amended or not implemented. Two new mitigation measures added with this project will not change this impact. Therefore by not having implemented the policies and goals of the El Dorado County General Plan Agricultural and Forestry Element and given the TGPA/ZOU will further cause added conversion of our choice Agricultural and Forest lands the County cannot move forward with this TGPA/ZOU given that it continues to violate the mitigation that was promised in the 2004 voter approved General Plan.

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“It recognizes the need to preserve our county’s historic communities and carefully balances environmental protection and private property rights with the need for jobs and economic development.”

The County has yet to implement this section of the 2004 General Plan. In fact the County has not has a Cultural Resources Commission since 2003. These policies have yet to be implemented:

Policy 7.5.2.1 Create Historic Design Control Districts for areas, places, sites, structures, or uses which have special historic significance.

Policy 7.5.2.2 The County shall define Historic Design Control Districts (HDCDs). HDCD inclusions and boundaries shall be determined in a manner consistent with National Historic Preservation Act (NHPA) Historic District standards.

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The County shall develop design guidelines for each HDCD. These guidelines shall be compatible with NHPA standards.

Under Goal 2.4 to protect the Existing Community Identity by identifying, maintaining and enhancing the unique identity of each existing community has been ignored and disregarded. To protect our Historical Resources, the County was to implement policy 2.4.1.2, in which the County shall develop community design guidelines in concert with members of each community which will detail specific qualities and features unique to the community as Planning staff and funds are available. Each plan shall contain design guidelines to be used in project site review of all discretionary project permits. Such

plans may be developed for Rural Centers to the extent possible. The guidelines shall include, but not be limited to, the following criteria:

**A. Historic preservation**

**E. Compatible architectural design**

The public has spent over 8 years attempting to get County Administration and Staff to implement these policies which were promised as mitigation as lands were to be developed. Instead, lands are continuing to be developed with yet no policies in place to protect existing community identifies and character.

We are behind in our jobs to housing balance, by 42,000 jobs, as stated by the information given to the Board when starting the TGPA/ZOU process. It does not appear that the TGPA/ZOU will solve this problem, especially since the types of projects that the County has been incentivizing are actually competitive with the County's historic rural resource economic base. Such as allowing future housing rights within Timber Plan Zones and Commercial in Industrial zones. So not only has the County not protected the the County's Customs, Culture and Economic Stability factors within the General Plan they have continued to move forward with policies and approvals of projects that have undermined that which was promised as mitigation for the 2004 General Plan.

Scenic corridors, wildlife habitats and ridgelines are protected and protection against exposure to naturally occurring asbestos is strengthened. It protects our rural character by keeping home sites at a one-acre minimum and provides new measures to protect against wildfires.

In the 2004 General Plan there is a requirement to identify scenic and historical roads and corridors. This has yet to be done. In 2003 a survey was done that identified approximately 20 scenic views or resources within the county. Due to lack of action by the Board of Supervisors the County allowed a large billboard to be placed in scenic resource #1b, blocking the significant view of the County's Crystal Range. A developer in El Dorado Hills was allowed to move his housing project onto the ridgetops of the hills as you drive into El Dorado County. Not much mitigation has been put in place to protect the public from naturally occurring asbestos aside from hosing off of tire and watering down the area during construction.

The Board of Supervisors have been approached by the public for years to implement policies to help protect our County against catastrophic wildfires. The Sand Fire and King Fire are results of the Board of Supervisors continuing disregard to the urgency of developing such policies.

The TGPA and ZOU must not be adopted. The policies being pushed forward is a violation to the very purpose of the 2004 General Plan. I've included the background of one petition coming forward in 2016 that shows a pattern of disregard for the 2004 General Plan that was adopted and a basis as to why the Board of Supervisors must not move forward with the EIR as positioned. This petition will require the Board of Supervisors to implement many of these mitigating policies prior to moving forward with discretionary project that continue to violate the intent of the General Plan:

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For over 30 years developers, real estate brokers, agriculturalists and politicians have wrangled over El Dorado County's General Plan. In 1999, the court invalidated the 1996 General Plan. After 5 years, based on the promise to control growth, preserve rural and agricultural lands, fix transportation problems, protect jobs, encourage healthy economic growth, and to require developers - not taxpayers - to pay for needed road improvements, the public voted to pass the 2004 General Plan. The 2004 General Plan was then sued based on lack of an adequate Oak Woodland management plan. That issue was settled out of court in 2006 with the promise of future mitigation. The mitigation was written by special interests and again sued due to lack of a realistic connection between the loss of oak woodlands and adequate replacement. In 2012 the mitigation measures were invalidated by the courts.

I-Recirc-23-9  
Cont.

The wrangling continues. The Board of Supervisors and Planning Commission have continued to ignore, change, re-interpret or "amend" the parts of the General Plan that were promised to the public as protections. Agricultural Buffers for Agricultural Parcels in Community Regions have been removed. The county is presently in the process of amendments that will increase densities within land use designations, remove the 30% open space rule in dense developments, remove grading restrictions for slopes over 30%, and eliminate many other protections that will forever change the rural nature of El Dorado County.

Many of the changes being processed are to conform to Federal and State incentives to promote mass transit, bicycle and pedestrian transportation and to force high density residential and commercial development along major corridors without taking into account the differences in the established land use patterns or character of each of our different communities.

In order to implement this type of forced growth pattern, land overlays were created such as Community Region Lines (Urban boundary lines in which to hold the most intense densities), Rural Centers (Urban boundary lines in which to hold intense densities to serve the Rural Regions) and Rural Regions in which Agriculture and other rural uses would be allowed.

This forced growth pattern has faced much resistance over the last 7 years from residents, and yet the Board of Supervisors continue to spend millions on consultants and county staff to implement this land use pattern that is incompatible with the existing rural nature of El Dorado County.

The 2004 El Dorado County General Plan is hereby amended or policies listed shall be implemented, prior to any future discretionary project being allowed, approved or adopted, as follows and shall remain in effect indefinitely unless amended by voter approval: (deletions are shown as strikeouts, additions are shown as underlined)

Discretionary Project means that the project is not allowed by right and would either need the Planning Commission or Board of Supervisors to pass legislation in order to allow the project.

This petition does nothing to remove a property owner's right to request a rezone or change.

**1. Where a Land use designation is inconsistent with current zoning, the Land use designation shall be amended to match existing zoning.**

**2. Future decisions for land use changes shall be based on the land use compatibility matrix attached.**

Right now developers are saying that the El Dorado County General Plan is not compliant because on some parcels the zoning is different than the General Plan land use designations which they say trump zoning. The County is spending millions to change all zoning in the county to match the land designations which may end up not being compatible with surrounding neighbors. So instead the proposed policy will require the County to change the land use designation to match the existing zoning. This would stop the wasteful spending and when changes are made, the county must use the new compatibility chart to make sure that the zone change would not create a conflict with the neighbor.

**3. The General Plan Policy Interpretations for Policies 8.1.3.2 and 8.4.1.2 (resolution No. 079-2007) and criteria for 8.1.3.1 shall be deleted. Policies 8.1.3.1 and 8.4.1.2 shall be restored to the original language in the 2004 General Plan and Policy 8.1.3.2 shall be amended as follows:**

**Agriculturally incompatible uses adjacent to agricultural zoned lands shall provide a minimum setback of 200 feet from the boundary of 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 implementing ordinance shall contain provisions for Administrative relief, which shall only be given through the Agricultural Commission, to these setbacks, where appropriate, and may impose larger setbacks where needed to protect agricultural resources.**

**Incompatible uses and fees for administrative relief shall be defined in the zoning ordinance.**

In the past, in order to protect our Agricultural uses from urban intrusion, buffers and setbacks were established that have been successful in protecting Agricultural Communities such as Apple Hill. In 2007, in order to allow more intense development in Community Regions, the Board of Supervisors decided that rather than amending the General Plan policies regarding Agricultural Buffers they would just reinterpret them. In the original language if two large Agricultural zoned parcels are adjacent to each other and one changes its use to a more intense use, that parcel must retain a 10 acre buffer next to the existing Ag use. The reinterpretation exempted that requirement under certain conditions and gave the Director of Planning Services the power to exempt the buffer or setbacks. In the past the Planning and/or the Board of Supervisors have allowed applicants to reduce these buffers or setbacks on residential parcels which has caused constant conflict between existing farms and new residents. In order to protect our remaining farm operations it is important to restore the language in these policies and put the variance issues back in the hands of the Agricultural Commission. (The

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**Agricultural Commission is appointed by industry rather than by the Board of Supervisors.)**

**4.The Mixed Use Policies 2.1.1.3, 2.1.2.5, 2.2.1.2 and Table 2-2 of Policy 2.2.1.3 shall be restored to the original language in the 2004 El Dorado County General Plan.**

**In 2009, the Board of Supervisors increased the density of mixed use on Commercial properties to go from 10 residential units per acre to 16. The County is now working to increase those densities to 20 residential units per acre to qualify for State incentives. Also the language was changed, no longer requiring commercial to remain the primary use of the property, along with allowing zero lot line setback and reduction in open space. Restoring the language protects existing commercial uses and retains the density originally intended for Mixed Use in the 2004 General Plan.**

**5.Cultural and Historical Resource Policies 2.4.1.2 (A) and (E), 7.5.1.1, 7.5.1.4, 7.5.1.5, 7.5.2.1, 7.5.2.2 (A), and 7.5.2.6 (as modified) shall be implemented prior to any new discretionary projects or demolition of buildings over 100 years old shall be allowed. Policy 7.5.2.6 shall be modified as follows: The County, in cooperation with the State, shall identify the viewshed of Coloma State Park and establish guidelines to be used for development within the viewshed. In addition, the County shall continue to support the relocation of State Route 49 to bypass the Park in order to protect its visual and physical integrity.**

**In the 2004 General Plan there is the requirement to establish a Cultural Resources Ordinance, a register of Historic Places, and Historic Design Standards in order to protect our few remaining Cultural and Historic Resources. The county has yet to do this. Implementing these policies prior to future land use changes will help to retain and enhance these resources. Highway 49 is also called the Golden Chain, linking California's Historic Mining Towns. It makes no sense to take Coloma, where gold was discovered, out of the Heart of the Golden Chain.**

**6.In order to ensure an ongoing balance between water supply and demand in El Dorado County the following water policies shall be implemented prior to any new discretionary projects shall be allowed: 5.2.1.1, 5.2.1.14 (as modified), 5.2.3.3 and 5.2.3.6.**

**The following water supply policies shall be modified as follows:**

**Policy 5.2.1.3 - All medium-density residential, high-density residential, multifamily residential, commercial, industrial and research and development projects shall be required to connect to public water systems when located within Community Regions and to either a public water system or to an approved private water systems in Rural Centers.**

**Policy 5.2.1.4 - Rezoning, discretionary development and subdivision approvals in Community Regions or other areas dependent on public water supply shall be subject to the availability of a permanent and reliable water supply necessary for all uses including fire prevention.**

**Policy 5.2.1.14 - The County, in cooperation with the Water Agency and water purveyors, shall collect and make available information on water supply and demand, which includes recognizing the water needs of existing unimproved parcels.**

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Cont.

And the following water supply policies shall be deleted, 5.2.1.6 and 5.2.1.7.

In the 2004 General Plan there is a requirement to establish a County-wide water resources development and management program to include the activities necessary to ensure adequate future water supplies consistent with the General Plan. This has yet to be done. In giving will service notices for future development, El Dorado Irrigation District does not consider existing by right developable parcels. Implementing these policies prior to future land use changes will help to retain and enhance El Dorado County's water resources.

7.Policy 2.6.1.1, to establish scenic corridor and vista point regulations based on local community participation, shall be implemented prior to any future discretionary projects being allowed in the scenic vistas or resource points listed in Table 5.3-1 and Exhibit 5.3-1 of the El Dorado County General Plan Draft Environmental Impact Report.

In the 2004 General Plan there is a requirement to identify scenic and historical roads and corridors. This has yet to be done. In 2003 a survey was done that identified approximately 20 scenic views or resources within the county. Due to lack of action by the Board of Supervisors the County allowed a large billboard to be placed in scenic resource #1b, blocking the significant view of the County's Crystal Range. Implementing these policies prior to future land use changes will help to retain and enhance El Dorado County's Scenic views and improve the economic possibilities for the county.

Background information:

Agricultural Policies:

Policy 8.1.3.1 Agriculturally zoned lands including Williamson Act Contract properties shall be buffered from increases in density on adjacent lands by requiring a minimum of 10 acres for any parcel created adjacent to such lands. Those parcels used to buffer agriculturally zoned lands shall have the same width to length ratio of other parcels.

Policy 8.4.1.2 A permanent setback of at least 200 feet shall be provided on parcels located adjacent to lands identified as timber production lands designated Natural Resource and/or lands zoned Timberland Production Zone (TPZ). These setback areas shall be included in the zoning ordinance and shall be delineated on newly recorded parcel or subdivision maps. The Agricultural Commission may recommend a lesser setback to a minimum of 100 feet.

Projects located within a Community Region or Rural Center planning concept area shall maintain a minimum setback of 50 feet. The 50-foot setback shall only apply to incompatible uses including residential structures.

All setbacks are measured from the property line.

Mixed Use Policies:

Original to be restored:

Policy 2.1.1.3 Mixed use developments which combine commercial, research and development, and residential uses on a single parcel are permissible and encouraged

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Cont.

within Community Regions provided the commercial use is the primary and dominant use of the land. Within Community Regions, the mixed uses may occur vertically. In mixed use projects, the maximum residential density shall be 10 dwelling units per acre within Community Regions.

Revised by prior Board of Supervisors action:

Policy 2.1.1.3 Mixed use developments which combine commercial and residential uses in a single project are permissible and encouraged within Community Regions. Within Community Regions, the mixed-uses may occur vertically and/or horizontally. In mixed use projects, the maximum residential density shall be 16 dwelling units per acre within Community Regions. The residential component of a mixed use project may include a full range of single and/or multi-family design concepts.

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Original to be restored:

Policy 2.1.2.5 Mixed use developments which combine commercial and residential uses in a single project are permissible and encouraged within Rural Centers provided the commercial use is the primary and dominant use of the land. Within Rural Centers, the mixed uses may occur either vertically and/or horizontally. The maximum residential density shall be four dwelling units per acre in Rural Centers in mixed use areas.

Revised by prior Board of Supervisors action:

Policy 2.1.2.5 Mixed use developments which combine commercial and residential uses in a single project are permissible and encouraged within Rural Centers. Within Rural Centers, the mixed uses may occur either vertically and/or horizontally. The maximum residential density shall be four dwelling units per acre in Rural Centers in mixed use areas. The residential component of a mixed use project may include a full range of single and/or multi family design concepts.

Original to be restored:

Policy 2.2.1.2 Commercial (C): The purpose of this land use category is to provide a full range of commercial retail, office, and service uses to serve the residents, businesses, and visitors of El Dorado County. Mixed use development of commercial lands within Community Regions and Rural Centers, which combine commercial and residential uses, shall be permitted provided the commercial activity is the primary and dominant use of the parcel. The residential component of the project shall only be implemented following or concurrent with the commercial component. Except for Community Care Facilities described in Objective 4.1.2, developments in which residential usage is the sole or primary use shall be prohibited on commercially designated lands. Numerous zone districts shall be utilized to direct specific categories of commercial uses to the appropriate areas of the County. Except as provided in Policy 2.2.2.3, this designation is considered appropriate only within Community Regions and Rural Centers.

Revised by prior Board of Supervisors action:

Policy 2.2.1.2 Commercial (C): The purpose of this land use category is to provide a full range of commercial retail, office, and service uses to serve the residents, businesses, and visitors of El Dorado County. Mixed use development of commercial lands within



Community Regions and Rural Centers which combine commercial and residential uses shall be permitted. The residential component of the project shall only be implemented following or concurrent with the commercial component. Commercially designated parcels shall not be developed with a residential use as the sole use of the parcel unless the residential use is either (1) a community care facility as described in goal HO-4 or (2) part of an approved mixed use development as allowed by Policy 2.1.1.3 and 2.1.2.5. Numerous zone districts shall be utilized to direct specific categories of commercial uses to the appropriate areas of the County. Except as provided in Policy 2.2.2.3, this designation is considered appropriate only within Community Regions and Rural Centers.

Original to be restored:

Policy 2.2.1.3 The General Plan shall provide for the following range of population densities in the respective land use designation based upon the permitted range of dwelling units per acre and number of persons per acre as shown in Table 2-2 below.

**TABLE 2-2 LAND USE DENSITIES AND RESIDENTIAL POPULATION RANGES**

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| TABLE 2-2 LAND USE DENSITIES AND RESIDENTIAL POPULATION RANGES                                               |                   |                                       |                  |
|--------------------------------------------------------------------------------------------------------------|-------------------|---------------------------------------|------------------|
| Land Use Designation                                                                                         | Units Per Acre    | Persons Per Housing Unit <sup>1</sup> | Persons Per Acre |
| Multifamily Residential                                                                                      | 5 – 24            | 2.3                                   | 11.5 - 55.2      |
| High-Density Residential                                                                                     | 1 – 5             | 2.8                                   | 2.8 - 19.6       |
| Medium-Density Residential                                                                                   | 1 – 0.2           | 2.8                                   | 2.8              |
| Low-Density Residential                                                                                      | 0.20 - 0.1        | 2.8                                   | 0.56 - 0.28      |
| Rural Residential                                                                                            | 0.1 – 0.025       | 2.8                                   | 0.28 - 0.07      |
| Agricultural Lands                                                                                           | 0.05              | 2.8                                   | 0.14             |
| Natural Resource                                                                                             | 0.025 – 0.00625   | 2.8                                   | 0.07 - 0.0175    |
| Commercial                                                                                                   | 10/4 <sup>2</sup> | 2.8                                   | 28/ 11.2         |
| Research & Development                                                                                       | 10/4 <sup>2</sup> | 2.8                                   | 28/ 11.2         |
| Industrial                                                                                                   | –                 | –                                     | –                |
| Open Space                                                                                                   | –                 | –                                     | –                |
| Public Facilities                                                                                            | –                 | –                                     | –                |
| Tourist Recreational                                                                                         | –                 | –                                     | –                |
| <b>Notes:</b>                                                                                                |                   |                                       |                  |
| <sup>1</sup> 1990 U.S. Census                                                                                |                   |                                       |                  |
| <sup>2</sup> Maximum of 10 units per acre in Community Regions; maximum of 4 units per acre in Rural Centers |                   |                                       |                  |

Revised by prior Board of Supervisors action:

Policy 2.2.1.3 The General Plan shall provide for the following range of population densities in the respective land use designation based upon the permitted range of dwelling units per acre and number of persons per acre as shown in Table 2-2 below.



**TABLE 2-2 LAND USE DENSITIES AND RESIDENTIAL POPULATION RANGES**

| Land Use Designation       | Units Per Acre          | Persons Per Housing Unit <sup>1</sup> | Persons Per Acre    |
|----------------------------|-------------------------|---------------------------------------|---------------------|
| Multifamily Residential    | 5 – 24                  | 2.3                                   | 11.5 - 55.2         |
| High-Density Residential   | 1 – 5                   | 2.8                                   | 2.8 - 19.6          |
| Medium-Density Residential | 1 – 0.2                 | 2.8                                   | 2.8                 |
| Low-Density Residential    | 0.20 - 0.1 <sub>3</sub> | 2.8                                   | 0.56 - 0.28         |
| Rural Residential          | 0.1 – 0.025             | 2.8                                   | 0.28 - 0.07         |
| Agricultural Lands         | 0.05                    | 2.8                                   | 0.14                |
| Natural Resource           | 0.025 – 0.00625         | 2.8                                   | 0.07 - 0.0175       |
| Commercial                 | 16/4 <sub>2</sub>       | 2.3/2.8                               | 36.8-44.8/ 9.2-11.2 |
| Research & Development     | –                       | –                                     | –                   |
| Industrial                 | –                       | –                                     | –                   |
| Open Space                 | –                       | –                                     | –                   |
| Public Facilities          | –                       | –                                     | –                   |
| Tourist Recreational       | –                       | –                                     | –                   |

**Notes:**

<sup>1</sup> 1990 U.S. Census

<sup>2</sup> Maximum of 16 units per acre in Community Regions; maximum of 4 units per acre in Rural Centers

<sup>3</sup> Policy 5.2.3.5 requires an average of 5-acre minimum parcels if ground water dependent. Parcel may be subdivided to create one new parcel not less than 4.5 acres in size under this policy as allowed by Title 16.44.120(L) and implemented by Title 17.14.120.

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**Cultural and Historical Resources:**

**Policy 2.4.1.2** The County shall develop community design guidelines in concert with members of each community which will detail specific qualities and features unique to the community as Planning staff and funds are available. Each plan shall contain design guidelines to be used in project site review of all discretionary project permits. Such plans may be developed for Rural Centers to the extent possible. The guidelines shall include, but not be limited to, the following criteria:

**A. Historic preservation**

**E. Compatible architectural design**

**Policy 7.5.1.1** The County shall establish a Cultural Resources Ordinance. This ordinance shall provide a broad regulatory framework for the mitigation of impacts on cultural resources (including historic, prehistoric and paleontological resources) by discretionary projects. This Ordinance should include (but not be limited to) and provide for the following:

**A. Appropriate (as per guidance from the Native American Heritage Commission) Native American monitors to be notified regarding projects involving significant ground-disturbing activities that could affect significant resources.**

**B. A 100-foot development setback in sensitive areas as a study threshold when deemed appropriate.**

**C. Identification of appropriate buffers, given the nature of the resources within which ground-disturbing activities should be limited.**

**D. A definition of cultural resources that are significant to the County. This definition shall conform to (but not necessarily be limited to) the significance criteria used for the National Register of Historic Places (NRHP) and the California Register of Historical Resources (CRHR) and Society of Vertebrate Paleontology.**

**E. Formulation of project review guidelines for all development projects.**

**F. Development of a cultural resources sensitivity map of the County.**

**Policy 7.5.1.4 Promote the registration of historic districts, sites, buildings, structures, and objects in the National Register of Historic Places and inclusion in the California State Office of Historic Preservation's California Points of Historic Interest and California Inventory of Historic Resources.**

**Policy 7.5.1.5 A Cultural Resources Preservation Commission shall be formed to aid in the protection and preservation of the County's important cultural resources. The Commission's duties shall include, but are not limited to:**

**A. Assisting in the formulation of policies for the identification, treatment, and protection of cultural resources (including historic cemeteries) and the curation of any artifacts collected during field collection/excavation;**

**B. Assisting in preparation of a cultural resources inventory (to include prehistoric sites and historic sites and structures of local importance);**

**C. Reviewing all projects with identified cultural resources and making recommendations on appropriate forms of protection and mitigation; and**

**D. Reviewing sites for possible inclusion in the National Register of Historic Places, California Register, and other State and local lists of cultural properties.**

**The County shall request to become a Certified Local Government (CLG) through the State Office of Historic Preservation. Certification would qualify the County for grants to aid in historic preservation projects. The Cultural Resources Preservation Commission could serve as the Commission required for the CLG program.**

**Policy 7.5.2.1 Create Historic Design Control Districts for areas, places, sites, structures, or uses which have special historic significance.**

**Policy 7.5.2.2 The County shall define Historic Design Control Districts (HDCDs). HDCD inclusions and boundaries shall be determined in a manner consistent with National Historic Preservation Act (NHPA) Historic District standards.**

**A. The County shall develop design guidelines for each HDCD. These guidelines shall be compatible with NHPA standards.**

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**Water Resources:**

**Policy 5.2.1.1** The El Dorado County Water Agency shall support a County-wide water resources development and management program which is coordinated with water purveyors and is consistent with the demands generated by the General Plan land use map.

**Policy 5.2.3.3** The County shall develop and maintain a map and database of private well water production and other appropriate information.

**Policy 5.2.3.5** The average residential density shall not be greater than one dwelling unit per five acres in proposed groundwater dependent developments except in areas known to have groundwater supply limitations. In those areas, a minimum parcel size of ten acres or larger may be required if it is demonstrated such larger parcels are necessary to limit the impact on groundwater supply in the area.

**Policy 5.2.1.6** Priority shall be given to discretionary developments that are infill or where there is an efficient expansion of the water supply delivery system.

**Policy 5.2.1.7** In times of declared water shortages, the Board of Supervisors shall give priority within the affected water district to approving affordable housing and non-residential development projects.

**Scenic Resources:**

**Policy 2.6.1.1** A Scenic Corridor Ordinance shall be prepared and adopted for the purpose of establishing standards for the protection of identified scenic local roads and State highways. The ordinance shall incorporate standards that address at a minimum the following:

- A. Mapped inventory of sensitive views and viewsheds within the entire County;**
- B. Criteria for designation of scenic corridors;**
- C. State Scenic Highway criteria;**
- D. Limitations on incompatible land uses;**
- E. Design guidelines for project site review, with the exception of single family residential and agricultural uses;**
- F. Identification of foreground and background;**
- G. Long distance viewsheds within the built environment;**
- H. Placement of public utility distribution and transmission facilities and wireless communication structures;**
- I. A program for visual resource management for various landscape types, including guidelines for and restrictions on ridgeline development;**
- J. Residential setbacks established at the 60 CNEL noise contour line along State highways, the local County scenic roads, and along the roads within the Gold Rush Parkway and Action Program;**

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- K. Restrict sound walls within the foreground area of a scenic corridor; and**
- L. Grading and earthmoving standards for the foreground area.**

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**In conclusion past Land Uses that were put in place were never analyzed for overall impact. The matching of land use and zoning were to be done individually under careful consideration to the overall County's General Plan. The zoning should not be made to match existing Land Uses with one full sweep, due to the lack of review that would take place and the enormous future impact it would create to the County of El Dorado. Policy 2.2.5.3 requires that the County evaluate future zoning based on 18 major principles. This policy is being disregard by the TPGA and ZOU.**

I-Recirc-23-10  
|

**Sue Taylor**

## Response to Letter I-Recirc-23

Preface: the commenter's submission includes substantial excerpts from position papers regarding the adoption of the 2004 General Plan. As it is not easy to determine which portions of the submission are excerpts from the position papers regarding the adopted General Plan and which are to be taken as comments on the TGPA/ZOU Partial Recirculated DEIR, the following responses represent the County's good faith effort to respond to the points contained in that letter that relate to the Partial Recirculated DEIR.

### I-Recirc-23-1

The commenter includes an excerpt from a position paper regarding the 2004 referendum on the General Plan and the subsequent voter-approved amendment of the plan by Measure Y of 2008. This is not related to and does not address the adequacy of the DEIR or other environmentally related topic. State CEQA Guidelines Section 15132(d) requires the FEIR to contain "[t]he responses of the Lead Agency to significant environmental points raised in the review and consultation process." The comment is not on a significant environmental point, and therefore no response is necessary.

Please see Master Response 8: General Plan Policies and Mitigation.

### I-Recirc-23-2

The commenter states an opinion regarding Measure Y. This comment does not address the adequacy of the DEIR or other environmentally related topic. State CEQA Guidelines Section 15132(d) requires the FEIR to contain "[t]he responses of the Lead Agency to significant environmental points raised in the review and consultation process." The comment is not on a significant environmental point, and therefore no response is necessary.

### I-Recirc-23-3

The commenter is concerned that certain General Plan policies of the current Agriculture and Forestry Element are not being implemented such that water will not be available to meet agricultural demand. The commenter states that these policies are "critical for mitigation given the great loss of farm lands with choice soils that would be loss (sic) due to the implementation of the General Plan." The TGPA does not propose changes to these policies, and therefore would not contribute to any such impact. Please also see Master Response 8: General Plan Policies and Mitigation.

### I-Recirc-23-4

Please see the responses to comments O-1-149 and O-1-150 regarding the relationship between the proposed expansion of the Agricultural Districts, agricultural zoning, and lands subject to Williamson Act contracts. Please see response to comment O-1-266 regarding the process for selecting the lands to be placed into the Agricultural Districts and how that process implements the 2004 General Plan EIR mitigation. Please also see Master Response 8: General Plan Policies and Mitigation.

**I-Recirc-23-5**

The commenter opines that the County has not implemented the General Plan policies protecting existing community identity and historic communities. The TGPA is not making any substantive changes to those policies. In fact, the TGPA/ZOU project includes proposed new mixed use development standards that include provisions to harmonize new development with existing communities to reflect the identity of those communities. Please see Master Response 8: General Plan Policies and Mitigation.

**I-Recirc-23-6**

The commenter opines that the County is “behind in our jobs to housing balance” and that “[i]t does not appear that the TGPA/ZOU will solve this problem, especially since the types of projects that the County has been incentivizing are actually competitive with the County’s historic rural resource economic base.” The comment relates to the commenter’s opinion on the advisability of one or more of the policies or regulations being proposed as part of the TGPA/ZOU project. It does not address the adequacy of the DEIR or other environmentally related topic. State CEQA Guidelines Section 15132(d) requires the FEIR to contain “[t]he responses of the Lead Agency to significant environmental points raised in the review and consultation process.” The comment is not on a significant environmental point, and therefore no response is necessary.

**I-Recirc-23-7**

The commenter notes that the 2004 General Plan requirement to identify scenic and historical roads and corridors has not yet been done and that this led to a large billboard being installed that blocked a view. They further note in this comment that “not much mitigation has been put in place to protect the public from naturally occurring asbestos.”

Implementation of the 2004 General Plan and past actions related to billboards are not part of the TGPA/ZOU project. The effects of development along scenic corridors as a result of the TGPA/ZOU are disclosed in Section 3.1, Aesthetics, under Impacts AES-1 and AES-3 as significant and unavoidable.

With regard to naturally occurring asbestos, El Dorado County has substantial existing requirements addressing hazards. They include the following:

- Chapter 8.44 of the County Code, including Sections 8.44.030 (General Requirements for Grading, Excavation and Construction Activities), 8.44.050 (General Procedures for Abatement and Penalties), and 8.44.060 (Real Estate Transfer Disclosure).
- El Dorado Air Quality Management District Rule 223-2 (Fugitive Dust – Asbestos Hazard Mitigation), which imposes specific avoidance requirements on any project occurring in areas of serpentine or ultramafic rock or within a designated Naturally Occurring Asbestos Review Area involving in excess of 20 cubic yards of graded material, or if required by the Air Pollution Control Officer.

These comments are on implementation of the existing adopted General Plan and do not address the adequacy of the DEIR or other environmentally related topic. State CEQA Guidelines Section 15132(d) requires the FEIR to contain “[t]he responses of the Lead Agency to significant environmental points raised in the review and consultation process.” The comments are not on a significant environmental point, and therefore no response is necessary.

**I-Recirc-23-8**

The commenter states that the “Board of Supervisors have been approached by the public for years to implement policies to help protect our County against catastrophic wildfires” and cite recent wildfires for the premise that the Board has “disregard[ed]... the urgency of developing such policies.” This comment states the commenter’s opinion regarding policy actions unrelated to the TGPA/ZOU and does not address the adequacy of the DEIR or other environmentally related topic. State CEQA Guidelines Section 15132(d) requires the FEIR to contain “[t]he responses of the Lead Agency to significant environmental points raised in the review and consultation process.” The comment is not on a significant environmental point, and therefore no response is necessary.

**I-Recirc-23-9**

The commenter states her opposition to the proposed project and states that she is including the background of an upcoming petition including the stated reasoning behind the proposed “Retain Current Zoning” initiative that is scheduled to be presented to county voters in the June 2016 election, and including a summary of that proposed measure, including identifying existing General Plan policies that have not, in the opinion of the writer, been implemented.

The comment relates to the commenter’s opinion on the advisability of various specific policies that have been amended in the past or, in the case of increasing the density for mixed use development, that are being proposed as part of the TGPA/ZOU project. It does not address the adequacy of the DEIR or other environmentally related topic. State CEQA Guidelines Section 15132(d) requires the FEIR to contain “[t]he responses of the Lead Agency to significant environmental points raised in the review and consultation process.” The comment is not on a significant environmental point, and therefore no response is necessary.

**I-Recirc-23-10**

The commenter closes with another statement of opposition to, it appears, the rezoning component of the project, including stating her opinion that “Policy 2.2.5.3 requires that the County evaluate future zoning based on 18 major principles. This policy is being disregard (sic) by the TGPA and ZOU.”

As discussed in Master Response 7: General Plan and Zoning Ordinance Consistency Requirements, zoning consistency is required by State law, and the County is meeting that requirement in the ZOU.

The comment relates in part to the commenter’s opinion on past actions of the County not a part of the proposed project analyzed in the EIR, as well as her opposition to the proposed project. It does not address the adequacy of the DEIR or other environmentally related topic. State CEQA Guidelines Section 15132(d) requires the FEIR to contain “[t]he responses of the Lead Agency to significant environmental points raised in the review and consultation process.” The comment is not on a significant environmental point, and therefore no response is necessary.



## Letter I-Recirc-24—Kathy Prevost



TGPA-ZOU ZOU <tgpa-zou@edcgov.us>

# Fwd: Comment Letter to El Dorado County regarding proposed rezoning of the EID Bass Lake property/recirculated DEIR

1 message

Shawna Purvines <shawna.purvines@edcgov.us>  
To: TGPA-ZOU ZOU <TGPA-ZOU@edcgov.us>

Mon, Mar 16, 2015 at 5:36 PM

----- Forwarded message -----

From: <blacinfo@aol.com>  
Date: Monday, March 16, 2015  
Subject: re: Comment Letter to El Dorado County regarding proposed rezoning of the EID Bass Lake property/recirculated DEIR  
To: rich.stewart@edcgov.us, dave.pratt@edcgov.us, tom.heflin@edcgov.us, walter.mathews@edcgov.us, brian.shinault@edcgov.us, bosone@edcgov.us, bostwo@edcgov.us, bostthree@edcgov.us, bosfour@edcgov.us, bosfive@edcgov.us, shawna.purvines@edcgov.us, jim.mitrising@edcgov.us, david.defanti@edcgov.u

To: The El Dorado County Planning Commission and the El Dorado County Board of Supervisors

RE: LUPPU Proposed rezoning of APN 115-400-12, 3240 Bass Lake Road  
From RF - Adopted Plan Land Use - Open Space (EDH Specific Plan) to RFH - High Use Recreational  
El Dorado Irrigation District (EID) property containing Bass Lake/Recirculated DEIR  
I have attached a copy of my comment letter to the Planning Commission and the Board of Supervisors from July 21, 2014 regarding the proposed rezoning of the previously EID owned Bass Lake Property. The only subject I did not touch upon in my earlier letter was the fact the Recirculated DEIR and the DEIR stated the El Dorado Hills Specific Plan is not planned for amendment as part of this project. Since the previously owned by EID APN 115-400-12 Bass Lake property is in the EDHSP then there is a conflict between the proposed changes to the zoning of this project and the statements made in the proposed amendments to the General Plan.

I-Recirc-24-1

from pg 2-2 (pdf version 24 of 204):

The project would take effect county-wide in those areas that are under County jurisdiction (Figure 2-2), including communities such as El Dorado Hills, Cameron Park, Shingle Springs, El Dorado, Diamond Springs, greater Placerville, Camino, Pollock Pines, and north and south county rural communities. A number of the unincorporated communities within the county are covered by the adopted specific plans listed below, in addition to the County General Plan. None of these plans are proposed for amendment as part of the project.

- Meyers Area Community Plan
- Carson Creek Specific Plan Promontory Specific Plan
- Valley View Specific Plan
- El Dorado Hills Specific Plan
- Bass Lake Hills Specific Plan
- North West El Dorado Hills Specific Plan

Thank you for your consideration and I hope you will review the documents from this letter and past letters I have sent you.

Kathy Prevost  
1080 Jasmine Circle

El Dorado Hills, CA 95762  
530 672-6836

Following is a letter I sent following the Planning Commission meeting regarding the DEIR on August 29, 2014.

To the El Dorado County Planning Commission and the Board of Supervisors:

RE: LUPPU Proposed rezoning of APN 115-400-12, 3240 Bass Lake Road  
From RF - Adopted Plan Land Use - Open Space (EDH Specific Plan) to RFH - High Use Recreational  
El Dorado Irrigation District (EID) property containing Bass Lake

Many thanks to the Planning Commission members for listening to my concerns about the EID Bass Lake property proposed rezoning on Wednesday, August 27, and for their thoughtful discussion which followed.

One point I wish to reiterate is the EID Bass Lake property (as well as the proposed Bass Lake Regional Park) is in a Rural Region and immediately adjoining rural Green Springs Ranch.

During your discussions, the fact there was little difference between Recreation Facility - Low (RFL) and and Recreational Facility - High (RFH) zoning according to the Draft El Dorado County Code was discussed. I reviewed my notes and the draft zoning code 17.25.020 Special Purpose Zones which is attached above and while at first glance this seems to be true, the detail in the footnotes proves this to be partially incorrect. If you review the attached document, I have high lighted items in the Special Purpose Zones Use Matrix which are footnoted as only applying to specific situations.

I will spell out the footnoted items under RFL zoning as follows:

- Golf Course (CUP 1) - As part of an approved development plan or subdivision.
- Parks: Nighttime Use (A2)- In Rural Centers, only.
- Swimming Pool (A3) - In Community Regions, only.
- Tennis Court, public (A3) In Community Region, only.

I-Recirc-24-1  
Cont.

- Commercial Recreation,
- Indoor entertainment (A2) In Rural Centers, only.
- Outdoor entertainment (CUP2) In Rural Centers, only.
- Outdoor Sports and Recreation (A/CUP2) In Rural Centers, only.

- Civic
- Community Services (CUP2) In Rural Centers, only.

- Communication Facilities
- Public Utility Service Facilities, Minor (P2) In Rural Centers, only.

In my letter of comment to the Long Range Planning Division I included the following information:

- A. El Dorado County Impact Analysis Biological Resources El Dorado County TGPA/ZOU Draft Program EIRSCH# 20120520743.4-24March 2014ICF 00103.12  
I Section 17.25.010 and 17.25.020  
"Recreational Facilities, Low-intensity [RFL] and Recreational Facilities, High-intensity [RFH]) RFL zoning would be allowable in Rural Regions and Rural Centers; RFH zoning would be "primarily located in Community Regions and Rural Centers."
- B. Table 2.2 El Dorado County Project Description Draft EIR General Plan Land Use Designation and Zone Consistency Matrix shows RFH zoning in OS - Open Space only when "within a Community Region" and the EID Bass Lake parcel is outside the Community Region.

In conclusion, since this property is in a Rural Region, the zoning for the EID Bass Lake property should not be changed from its current RF zoning with a land use of open space/conservation as shown in the EDHSP DEIR Area Place Designations Map to RFH based on the Draft El Dorado County Code and the TGPA/ZOU Draft EIR.

Thank you again for your time and consideration.

Kathy Prevost  
Vice President  
Bass Lake Action Committee  
[www.basslakeaction.org](http://www.basslakeaction.org)


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Shawna L. Purvines  
Principal Planner

County of El Dorado  
Community Development Agency  
Long Range Planning  
2850 Fairlane Court  
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Phone:(530) 621-5362/Fax: (530) 642-0508  
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 [Comments\\_To\\_El\\_Dorado\\_Country\\_Supervisors\\_on\\_Bass\\_Lake\\_Redevelopment\\_fromBLAC\\_Count\\_Doc\\_261017\\_g\\_minimum\\_size.pdf](#)  
3136K

## Response to Letter I-Recirc-24

### I-Recirc-24-1

Please see the response to comment O-1-294. The comment relates to the proposed rezoning of a specific property previously owned by EID. The comment relates to the commenter's opinion on the advisability of the rezoning being proposed as part of the TGPA/ZOU project. It does not address the adequacy of the DEIR or other environmentally related topic because, in fact, the program-level impacts of the proposed TGPA/ZOU have been examined and their significance disclosed in the DEIR, Partial Recirculated DEIR, and FEIR for this project. State CEQA Guidelines Section 15132(d) requires the FEIR to contain "[t]he responses of the Lead Agency to significant environmental points raised in the review and consultation process." The comment is not on a significant environmental point, and therefore no response is necessary.

## Letter I-Recirc-25—Gerald W. Lillpop



TGPA-ZOU ZOU <tgpa-zou@edcgov.us>

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## Fwd: Gerald Lillpop - ZOU Comment Letter

1 message

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**Shawna Purvines** <shawna.purvines@edcgov.us>  
To: TGPA-ZOU ZOU <TGPA-ZOU@edcgov.us>

Wed, Mar 18, 2015 at 12:53 PM

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 **Gerald Lillpop - ZOU Comment Letter.pdf**  
419K

# Gerald W. Lillpop

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3444 La Canada Dr

Cameron Park, CA 95682

530-672-9828

August 26, 2014

Dear Supervisor Briggs:

I am writing in response to the proposed changes to the R1 zoning ordinance the El Dorado County Long Range Planning group is suggesting. I am against any change to the R1 zoning ordinance. I don't know anyone who moves in to a residential neighborhood in order to be surrounded by farm animals. Having chickens, ducks, and other fowl is not compatible with living in a suburban style neighborhood.

Having read the proposed change in the language to the R1 zoning ordinance the changes concerns me a great deal. I feel that the descriptions provided in sections 17.24.010 and the tables in 1740.08.010 are too vague. There is no specific size on the lot that chickens, duck, other fowl will be allowed on. There is no specific number of chickens, ducks and other fowl that will be allowed per residence. There is no language specifying what "other fowl" are. I am going to assume it includes geese and turkeys. There is no language that specifies if the chickens, duck or other fowl will have to be kept in a coop or some other type of containment or if they will be allowed to be kept in a manner where they are free to roam in the neighborhood.

I live in an area that is comprised of lots that are one quarter of an acre. Under the proposed changes I could keep as many chickens, ducks, turkeys and geese as I wanted to so long as I observe the county set back guidelines in providing them a coop and maintaining them in a clean manner. I know this might seem extreme but I serve on the Cameron Park CC&R committee and I have seen firsthand how inconsiderate people can be in regard to what is appropriate for their neighborhoods and the disregard they can have for their neighbors.

The proposed changes to the R1 zoning ordinance are a recipe for chaos. Please vote against them. Help us keep farming and suburban living separate.

Sincerely,

Gerald W. Lillpop





## Response to Letter I-Recirc-25

### I-Recirc-25-1

The comment relates to the commenter's opinion on the advisability of regulations being proposed as part of the TGPA/ZOU project. It does not address the adequacy of the DEIR or other environmentally related topic. State CEQA Guidelines Section 15132(d) requires the FEIR to contain "[t]he responses of the Lead Agency to significant environmental points raised in the review and consultation process." The comment is not on a significant environmental point, and therefore no response is necessary.