

**Marble Valley Reorganization; LAFCO Project No 05-08  
Significant and Unavoidable Impacts and  
Statement of Overriding Consideration**

The EIR identified the following as significant and unavoidable impacts. This is a partial list and includes only items under LAFCO jurisdiction. While some impacts have mitigation measures, the impacts could not be reduced to a “less than significant” level. Because of this, LAFCO, to fulfill its CEQA requirements of a responsible agency, will adopt the Statement of Overriding Considerations at the end of this attachment.

**Land Use**

- 4.1-3 The proposed project would convert the site’s present undeveloped state to a developed environment. The loss of open space is considered a significant and unavoidable impact.
- *No mitigation measures are available to alleviate this impact.*
- 4.1-4 Cumulative conversion of undeveloped land to more suburban/urban uses would be considered a significant and unavoidable impact.
- *No mitigation measures are available to alleviate this impact.*

**Population/Employment/Housing**

- 4.3-3 The cumulative increase in population as a result of the proposed project would be considered a significant and unavoidable impact.
- *No mitigation measures are available to alleviate this impact.*

**Transportation**

- 4.4-6 Implementation of the proposed project would add traffic to the segments of Highway 50 to the west and east of the project. As these segments (to the east of the project site) are already operating at LOS F, this added traffic would exacerbate this condition. This is considered a significant and unavoidable impact.
- *MM 4.4-6(a) Implement Mitigation Measures 4.4-3(a) and (b).*
    - *4.4-3(a) The project applicant shall construct a bus turnout and transit shelter along the project site frontage on Marble Valley Road.*
    - *4.4-3(b) The project applicant shall provide a new park-and-ride lot and bicycle racks on Marble Valley Road at the western edge of the project site. Preliminary estimates indicate that 20 vehicle spaces and 10 bicycle racks (based on existing facilities at Cambridge Road and estimated usage) would be sufficient. However, the project applicant agrees to work with the County Transit Authority.*
  - *MM 4.4-6(b) The project applicant shall pay an appropriate contribution to the Transportation Impact Fee for the State System’s Capacity and Interchanges (State TIM)*

- 4.4-7 The development of the proposed project, in conjunction with other cumulative development in Western El Dorado County, would create additional demand for local and regional transit service.
- *MM 4.4-7 Implement Mitigation Measures 4.4-3(a) and (b).*
    - *4.4-3(a) The project applicant shall construct a bus turnout and transit shelter along the project site frontage on Marble Valley Road.*
    - *4.4-3(b) The project applicant shall provide a new park-and-ride lot and bicycle racks on Marble Valley Road at the western edge of the project site. Preliminary estimates indicate that 20 vehicle spaces and 10 bicycle racks (based on existing facilities at Cambridge Road and estimated usage) would be sufficient. However, the project applicant agrees to work with the County Transit Authority.*
- 4.4-8 The development of the proposed project, in conjunction with other cumulative development in Western El Dorado County, would create additional demand for bicycle travel.
- *MM 4.4-8 The project applicant shall contribute its fair-share of costs to help fund adequate bicycle facilities, as demand is developed when a funding mechanism is established.*

### **Hydrology and Water Quality**

- 4.10-6 Project construction activities associated with development of the proposed project, in combination with other construction activities in the Marble Creek and Deer Creek Watersheds, could cumulatively increase sediment loading adversely affecting water quality.
- *MM 4.10-6 Implement Mitigation Measures 4.9-3 and 4.10-4(a) and (b)*
    - *4.9-3 During construction activities, construction-related erosion control measures shall be implemented in accordance with the El Dorado Grading, Erosion and Sediment Control Ordinance No. 4071, or the most current version at the time of construction. Erosion control measures shall include the following or equally effective measures:*
      - (a) methods to stabilize soil and prevent wind and water erosion such as use of hydromulching, wood chip mulch, netting, straw mulch and tracking agents;*
      - (b) methods to control sediment in runoff such as straw bale barriers, filter inlets or siltation berms;*
      - (c) implementation of permanent erosion control measures as specified in the Design and Improvement Standards Manual and supplemental Hillside Land Use and Hillside Road Standards such as retaining walls, slop terraces, diversion dikes, infiltration trenches, slotted pipes; and*
      - (d) implementation of maintenance measures as specified in the Design and Improvement Standards Manual and*

*supplemental Hillside Land Use and Hillside Road Standards such as inspections, repair of damaged components, revegetation, and monitoring irrigation systems.*

- *4.10-4(a) Prior to initiation of construction activities, the project applicant shall file a Notice of Intent (NOI) for coverage under the State General Construction Activity Stormwater Permit.*
- *4.10-4(b) Prior to initiation of construction activities, the applicant shall prepare a Stormwater Pollution Prevention Plan (SWPP) and shall ensure that all construction contract specification include a requirement the SWPP be implemented and retained at the construction site. The SWPP shall include, as required by the State General Construction Activity Stormwater Permit, a description of the site, erosion and sediment controls, means of waste disposal, implementation of approved local plans, control of post-construction sediment and erosion control measures and maintenance responsibilities, non-Stormwater management controls, and a requirement that all construction sites be inspected before and after storms to identify Stormwater discharge from construction activity, and to identify and implement controls where necessary.*

4.10-7 Increased impervious surfaces and urbanization associated with development of the proposed project, in combination with other development in the Marble Creek and Deer Creek Watersheds, could cumulatively increase urban contaminant loading adversely affecting water quality.

- *MM 4.10-7 Implement Mitigation Measures 4.10-5(a) and (b)*
  - *4.10-5(a) The Tentative Map shall include a condition requiring the project applicant develop and obtain approval from El Dorado County Department of Transportation of a Stormwater Pollution Prevention Plan (SWPP). The SWPP shall include as a part of final project design appropriate BMPs, consistent with recommendations of the Stormwater Quality Task Force's California Stormwater Best Management Practices Handbook, that could include a combination of the following BMPs, or equally effective measures:*
    - (a) natural swales to convey stormwater runoff shall be used wherever possible in place of drain pipes;*
    - (b) oil and grease separators to control roadway and parking lot contaminants;*
    - (c) cleaning or sweeping parking lots and roadways on a regular basis;*
    - (d) incorporation of peak flow reduction and infiltration practices, such as grass swales, infiltration trenches and grass filter strips;*

- (e) *labeling of storm drain inlets to educate the public of adverse impacts associated with dumping on receiving waters (i.e. "Don't dump! Drains to Creek!")*
- (f) *use of warm-season grasses and drought-tolerant vegetation wherever feasible in landscape areas, including borders to reduce demand for irrigation and thereby reduce irrigation runoff;*
- (g) *installation of efficient irrigation systems in landscaped areas to minimize runoff and evaporation and maximize the water that will reach plant roots. Such irrigation systems include drip irrigation and automatic irrigation systems.*
- *4.10-5(b) The project applicant shall include in the CC&Rs for the project appropriate provisions that ensure the long-term implementations of the SWPP.*

### **Public Safety**

4.12-3 Unidentified mine pits or shafts could present safety hazards for construction workers, residents or visitors.

- *MM 4.12-3(a) Implement Mitigation Measures 4.13-5(a), 4.13-7(a) and 4.13-7(c)*
  - *4.13-5(a) Sites or site features that are especially vulnerable shall be fenced around their perimeter with a six-foot-high gated wrought iron fence:*
    - (a) *CA-ELD-697: One enclosure around the cultural deposit and bedrock mortars with pestles in mortar holes.*
    - (b) *CA-ELD-700H: Two separate enclosures at the historic Hugh B. Taylor homestead. One enclosure around the water-driven mill ruins including the mill site, a short segment of ditch at the mill site and the remnant pile of white quartz. The other enclosure around the house and cellar foundation including the chimney remnant.*
    - (c) *CA-ELD-705/H: Five separate enclosures at the historic Cowell limestone quarry and kiln site. One around the Cowell kiln, enclosing the kiln, stone building walls, freight wagons and remnants of the metal chimney that have fallen to the ground. Another enclosure at the old kiln ruins nearby. A third enclosing the house/cellar foundations. A fourth around three sides of the quarried limestone block building; the fourth side has a precipitous natural barrier. The fifth enclosure would be around three sides of the old quarry where the walls are steep.*
    - (d) *CA-ELD-708H: One enclosure around the old Schwalm double kilns.*
    - (e) *CA-ELD-710H: One enclosure around the old Schwalm single kiln.*

- (f) *MV-34: One enclosure around the mine shafts, tailings dumps, trench prospects, ditch segments, and chimney remnant/cabin area. Mine shafts shall be covered with a small-mesh metal grating to prevent people or animals from advertently or inadvertently entering the shafts.*
- (g) *CA-ELD-783/H: One enclosure around the house foundations, cellar, outdoor oven, any privy pits, and related features around the house site including the bedrock mortars. A second enclosure around the stone ice house or cellar.*

*Decisions on dimensions and placement of the fences shall be done in consultation with a professional meeting the Secretary of Interior's minimum qualification standards in prehistoric and/or historical archaeology, depending on whether the resource is prehistoric or historic. In addition, a qualified Native American shall be consulted on fencing decisions and he or she shall monitor installation of a fence around CA-ELD-697 and at the two historic sites with Native American components CA-ELD-705/H and CA-ELD-710H.*

- *4.13-7(a) If a previously unrecorded cultural resource is discovered during construction, all work shall stop in the immediate vicinity of the find and the site shall be recorded, evaluated and an appropriate means of mitigating any adverse effects shall be recommended by a qualified professional archaeologist. If a Native American site is inadvertently discovered, then the evaluation process shall also include consultation with the Tribal Chairman of the Shingle Springs Band.*
- *4.13-7(c) In the event mine pits or shafts are discovered and require enclosures to prevent both intentional an accidental destruction of important features, small-mesh grating shall be placed over the openings to prevent people and animals from unintentionally or inadvertently entering the pit or shaft.*
- *MM 4.12-3(b) The Marble Valley HOA shall develop a mechanism that would allow Marble Valley occupants and visitors to report findings of inidentified mine pits, shafts or related features that could present a safety hazard. Fences, grates or comparable barriers shall be installed consistent with State requirements for the protection of cultural resources to mitigate potential mine shaft safety hazards.*

4.12-4 Development of the proposed project, in combination with development adjacent to the Marble Valley project site, would increase the risk for wildland fire hazard.

- *No mitigation measures are available to alleviate this impact.*

**Statement of Overriding Considerations**

The El Dorado Local Agency Formation Commission recognizes that the completion of the Marble Valley Reorganization will result in impacts to the environment that will be significant and unavoidable. While mitigation measures may be implemented by the Lead Agency, the impacts could not be reduced to a “less than significant” level. The El Dorado Local Agency Formation Commission hereby finds that, for the reasons set forth below, the economic, social and other considerations of the project outweigh the unavoidable impacts identified above. First, the need for housing is of paramount importance to the County and the Marble Valley project will provide approximately 400 new single family homes to the El Dorado Hills area. Second, the public service aspects of the project (the community center and elementary school) will enhance the amenities available to El Dorado Hills residents by providing additional park, education and recreation areas. Third, the provision of a site for a cultural arts center will allow for various entertainment opportunities and artistic resources for the surrounding community. Fourth, the current Marble Valley development plan would preserve approximately 1,840 acres of the site as permanent open space to be owned and maintained by the Home Owners Association and private landowners, which may not otherwise be preserved under current County zoning in the absence of this project.