



RESOLUTION NO.

OF THE BOARD OF SUPERVISORS OF THE COUNTY OF EL DORADO REGARDING POLICIES RELATED TO THE CALIFORNIA ENVIRONMENTAL QUALITY ACT AND THE DENSITY BONUS PROVISION OF EL DORADO COUNTY GENERAL PLAN POLICY 2.2.4.1

WHEREAS, On February 19, 2010 a Petition for Writ of Mandate was filed in El Dorado County Superior Court challenging a discretionary approval of the Board pursuant to the California Environmental Quality Act (“CEQA”).

WHEREAS, the Petition alleged that the County does not comply with CEQA when processing applications that implicate the Density Bonus Provision of El Dorado County General Plan Policy 2.2.4.1.

WHEREAS, the County vigorously disputes this and other allegations contained in the Petition, while at the same time recognizing that resolution of the dispute may be accomplished through official action formalizing the manner in which the County shall review applications implicating the Density Bonus Provision pursuant to CEQA.

NOW, THEREFORE, BE IT RESOLVED BY THE BOARD OF SUPERVISORS OF THE COUNTY OF EL DORADO AS FOLLOWS:

1. Where a project application for a residential development includes a request that the County apply the Density Bonus provision, the County shall include in the Initial Study for the project analysis of the following with respect to the increased density: (1) impacts associated with the increased number of housing units allowed through the application of the Density Bonus provision; and (2) cumulative impacts of the additional housing units.
2. The Initial Study shall include current data and information regarding the environmental conditions, and will not rely solely on information contained in the County General Plan or its related Environmental Impact Report. Project-specific data and information shall be gathered for each potential area of environmental impact.
3. Within the Initial Study, the impacts associated with the requested increased density shall be evaluated on a project-specific level for the purpose of analyzing cumulative impacts under CEQA Guidelines section 15064(h)(1).
4. Cumulative impacts (as defined by CEQA Guidelines section 15355 refer to two or more individual effects which, when considered together, are considerable or which compound or increase other environmental impacts.
 - (a) The individual effects may be changes resulting from a single project or a number of separate projects.
 - (b) The cumulative impact from several projects is the change in the environment which results from the incremental impact of the project when added to other closely related past, present, and reasonably foreseeable future projects.
5. Under CEQA an EIR must be prepared for a project where, “after examining the entire record, there is substantial evidence to support a fair argument that a project may have a significant effect on the environment.” If the Initial Study for a project seeking increased density under the Density Bonus provision reveals information to support a fair argument, than an EIR will be prepared.

PASSED AND ADOPTED by the Board of Supervisors of the County of El Dorado at a regular meeting of said Board, held the ____ day of _____, 20__, by the following vote of said Board:

Attest:
Suzanne Allen de Sanchez
Clerk of the Board of Supervisors

Ayes:
Noes:
Absent:

By: _____
Deputy Clerk Chairman, Board of Supervisors

I CERTIFY THAT:
THE FOREGOING INSTRUMENT IS A CORRECT COPY OF THE ORIGINAL ON FILE IN THIS OFFICE.

Attest: Suzanne Allen de Sanchez, Clerk of the Board of Supervisors of the County of El Dorado, State of California.

By: _____ Date: _____
Deputy Clerk