



RESOLUTION NO.

OF THE BOARD OF SUPERVISORS OF THE COUNTY OF EL DORADO

CERTIFYING THE FINAL ENVIRONMENTAL IMPACT REPORT FOR TARGETED GENERAL PLAN AMENDMENT AND ZONING ORDINANCE UPDATE; MAKING ENVIRONMENTAL FINDINGS OF FACT; ADOPTING A STATEMENT OF OVERRIDING CONSIDERATIONS; AND APPROVING THE MITIGATION MONITORING AND REPORTING PROGRAM

WHEREAS, the County of El Dorado is mandated by the State of California to maintain an adequate and proper General Plan; and

WHEREAS, because of that mandate, El Dorado County's General Plan and the various elements thereof must be periodically updated with current data, recommendations, and policies; and

WHEREAS, the Board of Supervisors adopted a General Plan on July 19, 2004, which identifies planned land uses and infrastructure for physical development in the unincorporated areas of the County of El Dorado; and

WHEREAS, the purpose of the Targeted General Plan Amendment and Zoning Ordinance Update is to implement specific land use policies in the General Plan to bring differences between the General Plan and other County planning ordinances and manuals into internal consistency to provide a more useful and beneficial framework for future development in the County that takes into account population growth, economic factors, and community needs and wants; and

WHEREAS, on April 4, 2011, staff presented the Board of Supervisors with the first Five-Year Review of the 2004 General Plan with findings that support a need for various revisions to policies related to the development of housing affordable to the moderate-income earner, the creation of jobs, improving sales tax revenues, further supporting the promotion and protection of Agriculture and to address changes in state law; and

WHEREAS, on July 25, 2011, the Board of Supervisors directed staff to prepare a comprehensive Resolution of Intention (ROI) that combines previous ROIs regarding General Plan Amendments and Zoning Ordinance update including: 1) ROI 274-2008 adopted October 7, 2008 to initiate a General Plan amendment to revise Land Use Element policies relating to mandatory open space and planned developments; 2) ROI 110-2009 adopted May 19, 2009 to consider revising the Community Region designation of the Camino-Pollock Pines area; 3) ROI 179-2010 adopted December 7, 2010 to initiate an amendment to the Zoning Map to add a historic design control combining zone district on selected parcels within the El Dorado/Diamond Springs Community Region; to be used as the basis for the Project Description for an Environmental Impact Report (EIR) and the Request for Proposal (RFP) to prepare the EIR; and

WHEREAS, on November 14, 2011, the Board of Supervisors adopted Resolution of Intention 182-2011 to amend targeted (selected) policies of the General Plan and consider adding some new policies; and authorize staff to proceed with the preparation of all necessary documentation and environmental review requirements pursuant to the requirements of the California Environmental Quality Act (CEQA); and

WHEREAS, on November 14, 2011, the Board of Supervisors adopted Resolution of Intention 183-2011 to undertake a comprehensive update of the Zoning Ordinance; and

EXHIBIT A

WHEREAS, on November 14, 2011, the Board of Supervisors adopted Resolution of Intention 184-2011 to include with the preparation of a comprehensive update of the Zoning Ordinance the provision of opportunities for residential and recreational uses on Timber Production Zone land compatible with timber management and harvesting; and

WHEREAS, a Program Environmental Impact Report (EIR) has been prepared pursuant to CEQA to analyze the potential environmental impacts of the proposed Targeted General Plan Amendment and Zoning Ordinance Update (hereafter referred to as the Project); and

WHEREAS, on May 25, 2012, the County commenced the environmental review process with issuance of a CEQA Notice of Preparation (NOP) for a 45-day review period soliciting written comments regarding the scope and content of the EIR for the proposed Project; and

WHEREAS, the County held a series of public scoping meetings to receive oral comments on the NOP at eight community locations: 1) El Dorado on May 30, 2012, 2) El Dorado Hills on June 7, 2012, 3) Greenwood on June 18, 2012, 4) Somerset on June 20, 2012, 5) Camino on June 21, 2012, 6) South Lake Tahoe on June 25, 2012, 7) Cameron Park on June 27, 2012 and 8) Placerville on June 28, 2012; and

WHEREAS, on October 1, 2012, the County released a second NOP for a 30-day review period soliciting written comments regarding the scope and content of the EIR (documents revised based on Board direction and comments received during the initial NOP review period) for the proposed Project; and

WHEREAS, on October 25, 2012, the County Planning Commission held a public scoping meeting to receive oral comments on the NOP; and

WHEREAS, on March 24, 2014, the County issued a Notice of Availability (NOA) of a draft program EIR (SCH# 2012052074) for the Project for a 120-day public review period ending on July 23, 2014; and

WHEREAS, on July 10, 2014, the County Planning Commission held a public hearing to receive testimony on the adequacy of the draft program EIR; and

WHEREAS, on January 29, 2015, the County issued a second Notice of Availability (NOA) of a Partial Recirculated draft program EIR (SCH# 2012052074) for the Project for a 45-day public review period ending on March 16, 2015; and

WHEREAS, said NOAs contained substantially all of the information required by Public Resources Code Section 21092 and CEQA Guidelines Section 15087 and was published in a manner required by law, and was consequently made in full accordance with CEQA, notwithstanding any minor errors, which were not prejudicial; and

WHEREAS, on March 5, 2015, the County held a public open house to receive comments on the Partial Recirculated draft program EIR for the Project; and

WHEREAS, the County received an abundance of public and agency written and oral comments on the draft environmental documents at the public hearings and during the public comment periods; including 123 written comments submitted by 91 independent commenters; and

WHEREAS, in accordance with CEQA, all comments received on the draft program EIR and Partial Recirculated draft program EIR during the public comment periods were responded to and included in a Final EIR; and

WHEREAS, on August 6, 2015, the final EIR was provided to the Planning Commission and was released for public review; and

WHEREAS, on August, 27, 2015, the Planning Commission held a duly noticed public hearing, pursuant to CA Government Code Sections 65090-65096 as applicable, to review and consider and receive testimony on the final EIR; and

WHEREAS, on August __, 2015, the Planning Commission voted to recommend that the Board of Supervisors certify the final EIR and adopt the Targeted General Plan Amendments and Zoning Ordinance Update; and

WHEREAS, on October __, 2015, the Board of Supervisors held a duly noticed public hearing, pursuant to CA Government Code Sections 65090-65096 as applicable, to review and consider and receive testimony on the final EIR; and

WHEREAS, on October __, 2015, the public hearing on the Project and the final EIR was closed, and the Board of Supervisors took the matter under submission and began its deliberations; and

WHEREAS, on October __, 2015, the Board of Supervisors independently reviewed the final EIR, the staff report, written public comments, the Planning Commission's recommendation, the draft CEQA Findings of Fact and draft CEQA Statement of Overriding Considerations; and

WHEREAS, on October __, 2015, the Board of Supervisors directed staff to finalize the draft Findings of Fact and Statement of Overriding Consideration supporting certification of the final EIR for adoption for final Board action no later than November __, 2015; and further directed staff to prepare final printed versions of the final EIR and the proposed General Plan policy amendment and Zoning Ordinance Update documents and maps including all errata; and

WHEREAS, on October __, 2015, the Board of Supervisors completed its deliberations, and now desires to make environmental findings, certify the Final EIR for the Project; adopt a Statement of Overriding Considerations, and approve the Mitigation Monitoring and Reporting Program; and

WHEREAS, on October __, 2015, the Board of Supervisors' deliberations were conducted as part of a public hearing held in accordance with CEQA and the Ralph M. Brown Act; and the Board of Supervisors did not reopen the public hearing, and did not receive further public testimony in the record for the Project and environmental document certification proceeding;

WHEREAS, the final EIR identifies certain significant and unavoidable environmental impacts caused by the Project; and

WHEREAS, the Board of Supervisors desires, in accordance with CEQA, to declare that, despite the occurrence of significant environmental impacts that cannot be substantially lessened or avoided through the adoption of feasible mitigation measures or feasible alternatives, there exist certain overriding economic, social, and other considerations for approving the Project that the Board believes justifies the occurrence of those impacts; and

BE IT RESOLVED, the Board of Supervisors of the County of El Dorado have received, reviewed, and considered the entire record, both written and oral, relating to the Targeted General Plan Amendment and Zoning Ordinance Update, and associated Draft, Partial Recirculated and Final Environmental Impact Report, finds as follows:

1. Pursuant to Section 15090 of the CEQA Guidelines, the Board of Supervisors hereby certifies that: a) the final EIR has been completed in compliance with CEQA; b) the final EIR was presented to the Board of Supervisors, and the Board reviewed and considered the information contained in the final EIR prior to

approving the Project; and c) the final EIR reflects the independent judgment and analysis of the Board of Supervisors of the County of El Dorado; and

2. As set forth in Section 15043 of the CEQA Guidelines, a public agency may approve a project even though the project would cause a significant effect on the environment if the agency makes a fully informed and publicly disclosed decision that: (a) There is no feasible way to lessen or avoid the significant effect (see Section 15091) and (b) Specifically identified expected benefits from the project outweigh the policy of reducing or avoiding significant environmental impacts of the project (see Section 15093). The Board of Supervisors hereby makes the decision to approve the Project with the findings and considerations as set forth more fully in Exhibit A-1 (CEQA Findings of Fact) and Exhibit A-2 (CEQA Statement of Overriding Considerations).
3. Exhibit A-1 of this Resolution provides findings of fact required under Section 15091 of the CEQA Guidelines for significant effects of the project, feasibility of mitigation measures, and feasibility of alternatives. The Board of Supervisors hereby adopts these various Findings of Fact attached hereto as Exhibit A-1.
4. Exhibit A-2 of this Resolution provides the findings required under Section 15093 of the CEQA Guidelines relating to accepting adverse impacts of the project due to overriding considerations. The Board of Supervisors has balanced the economic, legal, social, technological, and other benefits of the project against the unavoidable adverse environmental effects. The Board of Supervisors, therefore, finds the economic, legal, social, technological, and other benefits outweigh the adverse environmental effects of the project; therefore, the adverse environmental effects are deemed to be “acceptable” and the Board of Supervisors hereby adopts the Statement of Overriding Considerations attached hereto as Exhibit A-2.
5. The Board of Supervisors has considered three alternatives for the Project: 1) No Project, 2) Transit Connection Alternative, and 3) Selective Approval of TGPA-ZOU Components, and has concluded based on substantial evidence in the record that the Project that the Board of Supervisors is approving as set forth in Resolution No. _____ and Ordinance No. _____, and as reviewed in the final EIR can be feasibly implemented in light of economic, legal, social, technological, and other reasons, as discussed herein.
6. After considering the EIR and in conjunction with making these findings, the Board of Supervisors hereby finds that pursuant to Section 15092 of the CEQA Guidelines that approval of the Targeted General Plan Amendment and Zoning Ordinance Update, Chapter 130 of the El Dorado County Code of Ordinances, may result in significant effects on the environment. However, the County has determined that any remaining significant effects on the environment, as set forth in Exhibit A-1, are found to be unavoidable under Section 15091 and acceptable under Section 15093.

BE IT FURTHER RESOLVED, the Board of Supervisors hereby adopts the findings made at such time as this Board stated their intention to make the above listed amendment to the County Zoning Ordinance and County General Plan and incorporates said findings herein by reference.

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 _____ 2015, by the following vote of said Board:

Ayes:
Noes:
Absent:

Attest:
James S. Mitrising
Clerk of the Board of Supervisors

By: _____
Deputy Clerk

Chair, Board of Supervisors

DRAFT