



RESOLUTION NO. 244 - 2018

OF THE BOARD OF SUPERVISORS OF THE COUNTY OF EL DORADO

CERTIFYING THE CEQA ADDENDUM TO THE EL DORADO COUNTY TARGETED GENERAL
PLAN AMENDMENT/ZONING ORDINANCE UPDATE FINAL PROGRAM EIR
(State Clearinghouse No. 2012052074)

WHEREAS, on December 15, 2015, the Board of Supervisors adopted Resolution 195-2015, Certifying the Final Program Environmental Impact Report (FEIR), SCH# 2012052074, for the Targeted General Plan Amendment and Zoning Ordinance Update (TGPA/ZOU); and

WHEREAS, Petitioners, Rural Communities United, filed a Petition for Writ of Mandate challenging the adequacy of the EIR, among other things, in the case entitled *Rural Communities United v. El Dorado County Board of Supervisors, County of El Dorado* (Case No. PC-20160024); and

WHEREAS, after preparation and certification of the administrative record and briefing by the parties, the hearing on the petition was scheduled for March 19, 2018; and

WHEREAS, the Superior Court of El Dorado County issued a tentative ruling on the matter which prompted the Petitioner to request a long cause hearing which was scheduled for April 25, 2018; and

WHEREAS, the tentative ruling ordered partial decertification of the TGPA/ZOU Final Program EIR only related to the specific responses to comment numbers O-1-54 to O-1-58 , O-1-62, O-1-70, I-37-14, I-37-16, I-37-23, and I-37-24 (in the FEIR Chapter 9, Responses to Comments) and the portion of the FEIR [Executive Summary Section ES.5 (Potential Areas of Controversy/Issues to be Resolved)] related to the disagreement between the California Board of Forestry and Fire Protection and the County concerning the project and the requirements to comply with Government Code, Sections 65302(G)(1) and 65302(G)(3)(C); and otherwise rejected all of Petitioner's claims; and

WHEREAS, on April 25, 2018, the El Dorado County Superior Court held a hearing in Department 9 on the petition and after extensive oral argument took the matter under submission; and

WHEREAS, on May 16, 2018, the El Dorado County Superior Court signed, filed and served on the parties (by mail) its final Ruling Following Oral Argument that adopted its tentative ruling as the final ruling on the submitted matter with minor modifications and corrections and a few additional comments/rulings on some of the oral arguments made at the hearing; and

WHEREAS, on July 25, 2018, the Court signed and filed a formal judgment that did not change any of the provisions of the final Ruling Following Oral Argument and issued a writ of mandamus that directed the County to partially decertify the FEIR only as it relates to (a) the specific responses to comment numbers O-1-54 to O-1-58, O-1-62, O-1-70, I-37-14, I-37-16, I-37-23, and I-37-24 (in the Final EIR Chapter 9, Responses to Comments), and (b) the portion of the FEIR [Executive Summary Section ES.5 (Potential Areas of Controversy/Issues to be Resolved)] related to the disagreement between the California Board of Forestry and Fire Protection and the County concerning the project and the requirements to comply with Government Code, Sections 65302(g)(1) and 65302(g)(3)(C); and

WHEREAS, as directed by the writ of mandate, the Board of Supervisors adopted Resolution 197-2018 on September 18, 2018 which decertified specific limited components of the TGPA/ZOU Final Program EIR as follows: only as to (a) the specific responses to comments O-1-54 to O-1-58, O-1-62, O-1-70, I-37-14, I-37-16, I-37-23, and I-37-24; and, (b) Executive Summary Section ES.5 (Potential Areas of Controversy/ Issues to be Resolved); and

WHEREAS, all remaining portions of the FEIR remain certified and all TGPA/ZOU project approvals remain valid; and

WHEREAS, the writ of mandate issued by the court further directs the County to provide sufficient responses to the specified comments and to fairly present the disagreement between the County and the California Board of Forestry and Fire Protection within the body of the FEIR;

WHEREAS, to comply with the directions of the writ of mandate, the County drafted a CEQA Addendum to the El Dorado County TGPA/ZOU Final Program EIR which includes clarified and revised responses to comments O-1-54 to O-1-58, O-1-62, O-1-70, I-37-14, I-37-16, I-37-23, and I-37-24 and a revised Executive Summary Section ES.5 (Potential Areas of Controversy/ Issues to be Resolved);

WHEREAS, the Addendum consists of clarifications and minor revisions and additions that do not rise to the level of significance that would require recirculation under CEQA statutes and guidelines; however, in the interest of transparency, on September 27, 2018, the County released a Notice of Availability (NOA) of an Addendum to the El Dorado County TGPA/ZOU Final Program EIR for public and agency review and comment for a 14-day period ending at 5:00 PM on Thursday, October 11, 2018; and

WHEREAS, the County received written comments by the October 11, 2018 deadline submitted by one agency and one organization on the NOA distributed on September 27, 2018; and

WHEREAS, the comments submitted only pertained to the revised Executive Summary Section ES.5 (Potential Areas of Controversy/Issues to be Resolved) of the El Dorado County TGPA/ZOU Final Program EIR; and

WHEREAS, the staff report and the Addendum to the El Dorado County TGPA/ZOU Final Program EIR presented to the Board of Supervisors on December 4, 2018 comprehensively addresses all the comments received; and


NOW, THEREFORE, BE IT RESOLVED

The Board hereby certifies the CEQA Addendum to El Dorado County Targeted General Plan Amendment/Zoning Ordinance Update (TGPA/ZOU) Final Program EIR that (a) revises responses to comments O-1-54 to O-1-58, O-1-62, O-1-70, I-37-14, I-37-16, I-37-23, and I-37-24; and, (b) revises the Executive Summary Section ES.5 (Potential Areas of Controversy/ Issues to be Resolved) to fairly present the disagreement between the County and the California Board of Forestry and Fire Protection.

PASSED AND ADOPTED by the Board of Supervisors of the County of El Dorado at a regular meeting of said Board, held the 4th day of December, 2018, by the following vote of said Board:

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

Ayes: Hidahl, Veerkamp, Ranalli, Novasel
Noes: Frentzen
Absent: None

By: 
Deputy Clerk


Michael Ranalli, Chair, Board of Supervisors

THE FOREGOING INSTRUMENT IS A CORRECT COPY OF THE ORIGINAL ON FILE IN THIS OFFICE.
Attest: James S. Mitrishin, Clerk of the Board of Supervisors of the County of El Dorado, State of California.
By: _____
Date: _____