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07/19/11



ORDINANCE NO. 4962

**THE BOARD OF SUPERVISORS OF THE COUNTY OF EL DORADO DOES
ORDAIN AS FOLLOWS:**

**APPROVING THE REDEVELOPMENT PLAN FOR THE PLACERVILLE
REDEVELOPMENT PROJECT**

WHEREAS, Section 33213 of the Community Redevelopment Law of the State of California (Health and Safety Code Section 33000 et seq.; "CRL") provides that by ordinance the legislative body of a community may authorize the redevelopment of an area within its territorial limits by another community if such area is contiguous to such other community; and

WHEREAS, the City of Placerville (the "City") has established the Redevelopment Agency of the City of Placerville (the "Agency") and has designated the City Council as the Agency pursuant to CRL Section 33200; and

WHEREAS, the City and Agency are proposing the redevelopment of certain areas within the City's territorial limits (the "City Areas") and desire to also provide for the redevelopment of certain areas within the territorial limits of the County of El Dorado (the "County Areas"); and

WHEREAS, as shown on the map attached hereto as Exhibit A and incorporated herein by this reference, the County Areas are contiguous to the City Areas; the County Areas are also within the City's sphere of influence; and

WHEREAS, by Ordinance No. 4952, adopted on October 26, 2010, which ordinance was repealed and the terms thereof were readopted by Ordinance No. _____ on July 26, 2011, the Board of Supervisors of the County of El Dorado (the "County") determined that it is desirable, appropriate and in the best interest of the County that the City and Agency be authorized to redevelop the County Areas in conjunction with the redevelopment of the City Areas, subject to the limitations of the CRL and this ordinance; and

WHEREAS, the Agency has prepared, completed and submitted to the Board of Supervisors of the County for approval a proposed Redevelopment Plan (the "Redevelopment

Plan”) for the Placerville Redevelopment Project (the “Project”) that includes the County Areas, together with the Agency’s Report to the City Council on the Redevelopment Plan, which Redevelopment Plan was adopted by the City Council on May 10, 2011; and

WHEREAS, the Agency has prepared and certified, on April 12, 2011, a Final Program Environmental Impact Report (the “Final EIR”) for the Project, and the County has reviewed and considered the information set forth in the Final EIR prior to acting on this ordinance;

NOW, THEREFORE, BE IT ORDAINED that:

Section 1. The Board of Supervisors hereby finds that the facts set forth above are true and correct and a substantive part of the ordinance.

Section 2. The Board of Supervisors has duly reviewed and considered the Final EIR prepared and certified by the Agency prior to adopting this ordinance and acting on the proposed Redevelopment Plan.

Section 3. The County hereby makes and adopts the Statement of Findings, Facts and Overriding Considerations set forth in Exhibit B, attached hereto and incorporated herein by reference. Based on such Statement of Findings, Facts and Overriding Considerations, the County finds that mitigation measures that eliminate or reduce all adverse environmental impacts to a less than significant level have been required and incorporated into the Redevelopment Plan except for:

- (a) Cultural Resources, Impact 6.4-4: Redevelopment projects and redevelopment-engendered development could contribute to the cumulative degradation or loss of paleontological, archeological, or historic resources, including human remains: and,
- (b) Noise, Impact 6.7-1: Redevelopment-engendered development and infrastructure projects could result in construction noise at sensitive receptors.

Based on the foregoing, the County finds and determines that as to the two enumerated impacts, the Redevelopment Plan will have a significant effect.

Section 4. As to the significant environmental impacts on Cultural Resources and Noise identified in Section 3 of this ordinance which are not eliminated or substantially lessened, the County hereby adopts the Statement of Overriding Considerations set forth in Exhibit B, and finds that based upon substantial evidence in the record, including the Redevelopment Plan, the Agency’s Report to the City Council and the Final EIR, specific economic, legal, social, technological and other benefits of the Redevelopment Plan outweigh the significant effects on the environment.

Section 5. The County further finds that the alternatives identified in the Final EIR either would not achieve redevelopment objectives as outlined in the Redevelopment Plan or would do so only with unacceptable adverse impacts. Accordingly, and for the reasons set forth herein, including those set forth in Exhibit B and in the Final EIR, those alternatives are infeasible, and none of the alternatives are environmentally superior. Each alternative analyzed, including the “no-project” alternative, reduces redevelopment activities and limits the Agency’s ability to correct existing environmental problems.

Section 6. The County hereby finds and determines that the mitigation measures set forth in Exhibit B and in the Final EIR will mitigate or avoid all significant environmental effects that can feasibly be mitigated or avoided, and hereby approves and adopts the Mitigation Monitoring Plan set forth in the Final EIR, a copy of which Mitigation Monitoring Program is attached as Exhibit C hereto and incorporated by this reference, which Mitigation Monitoring Plan was adopted by the Agency on April 12, 2011, and by the City on April 26, 2011, subject to the following clarifications and amendments as to projects within the County Areas:

- (a) For any redevelopment activities carried out by the Agency or the City, the respective Agency or City officers shall be the monitoring parties as specified in the Mitigation Monitoring Plan;
- (b) For any private development projects which have entered into a participation agreement or is otherwise receiving Agency funding or assistance for said project, upon notification to the County by the Agency, the mitigation measures shall be implemented as specified in the Final EIR, except that County officials shall be substituted for City officials as the monitoring parties. With respect to such projects, the County’s Director of Development Services shall be substituted for the City’s Community Development Director, the County’s Chief Building Official shall be substituted for the City’s Building Official, and the County’s Director of Transportation shall be substituted for the City’s Public Works Director, in the Mitigation Monitoring Plan. Such projects shall be referred to the Agency for a determination as to whether the proposed project is consistent with the Redevelopment Plan and for comment as to whether the project complies with the Final EIR. Nothing shall prevent the County from requiring additional environmental review for such projects.
- (c) For any private development projects not participating in redevelopment activity, the normal County approval processes shall apply, except that such projects shall be referred to the Agency for a finding of consistency with the Redevelopment Plan; provided that such finding shall be made if the project is consistent with the County’s General Plan. The County hereby finds that such projects not participating in redevelopment activity either by means of entering into a participation agreement or otherwise receiving Agency funding or assistance for said project are not encompassed

within the scope of the Final EIR, and such projects shall not be subject to any special review pursuant to the Final EIR.

Section 7. The "Redevelopment Plan for the Placerville Redevelopment Project," attached hereto as Exhibit D, including the maps contained therein and such other reports as are incorporated therein by reference, having been duly reviewed and considered is hereby approved as it pertains to the County Areas. Through its General Plan, the County retains authority over land use and building permit approvals within the County Areas, unless and until those areas are annexed to the City, subject to Section 6, above. Prior to annexation of County Areas to the City, the County retains jurisdiction over its public rights of way and any redevelopment project affecting said rights of way shall be subject to County approval.

Section 8. Upon approval and adoption of this Ordinance by the Board of Supervisors, the Clerk of the Board is hereby authorized and directed to file a Notice of Determination pursuant to Title 14, California Code of Regulations, section 15096.

Section 9. This ordinance shall become effective thirty (30) days following adoption hereof.

PASSED AND ADOPTED by the Board of Supervisors of the County of El Dorado at a regular meeting of said Board, held on the 2 day of August, 2011, by the following vote of said Board:

Ayes: Norma Santiago, John Knight,
Raymond J. Nutting

ATTEST
SUZANNE ALLEN DE SANCHEZ
Clerk of the Board of Supervisors

By 

Deputy Clerk

Noes: none

Absent: n/a

Recused: James R. Sweeney, Ron Briggs


Chairman, Board of Supervisors

John Knight, First Vice Chair

APPROVED AS TO FORM

LOUIS B. GREEN

COUNTY COUNSEL



I CERTIFY THAT:

THE FOREGOING INSTRUMENT IS A CORRECT COPY OF THE ORIGINAL ON FILE IN THIS OFFICE

Date _____

ATTEST: SUZANNE ALLEN DE SANCHEZ, Clerk of the Board of Supervisors
of the County of El Dorado, State of California.

By _____

Deputy Clerk