

**A06-0009** – As recommended by the Planning Commission on May 24, 2007

## **Findings**

### **1.0 CEQA findings**

1.1 Pursuant to Section 15164 of the CEQA Guidelines, the project has been found consistent with the General Plan EIR (SCH 2001-082030) and an Addendum is appropriate to confirm that no new impacts would occur as a result of this set of 95 land use map amendments. The addendum consists of: Table A06-0009 (Exhibit C) and the “2004 General Plan Land Use Map Corrections Sheets 1 through 15” (Exhibit D) and these findings. All changes reflect minor amendments to the General Plan land use map and generally do not create any increase in development potential or intensity.

1.2: Section 15164 of the CEQA Guidelines states:

(a) The lead agency or responsible agency shall prepare an addendum to a previously certified EIR if some changes or additions are necessary but none of the conditions described in Section 15162 calling for preparation of a subsequent EIR have occurred.

(b) An addendum to an adopted negative declaration may be prepared if only minor technical changes or additions are necessary or none of the conditions described in Section 15162 calling for the preparation of a subsequent EIR or negative declaration have occurred.

(c) An addendum need not be circulated for public review but can be included in or attached to the final EIR or adopted negative declaration.

(d) The decision making body shall consider the addendum with the final EIR or adopted negative declaration prior to making a decision on the project.

(e) A brief explanation of the decision not to prepare a subsequent EIR pursuant to Section 15162 should be included in an addendum to an EIR, the lead agency's findings on the project, or elsewhere in the record. The explanation must be supported by substantial evidence.

**Note:** Authority cited: Public Resources Code Section 21083; Reference: Section 21166, Public Resources Code; *Bowman v. City of Petaluma* (1986) 185 Cal.App.3d 1065; and *Benton v. Board of Supervisors* (1991) 226 Cal.App.3d 1467.

**Discussion:** This section is designed to provide clear authority for an addendum as a way of making minor corrections in EIRs and negative declarations without recirculating the EIR or negative declaration.

**ATTACHMENT 1**

- 1.2.1 The addendum is appropriate pursuant to Section 15164(a) because the County certified the Environmental Impact Report (EIR) for the General Plan. The General Plan EIR (SCH 2001-082030) was certified on July 19, 2004, by Resolution 234-2004 and upheld by referendum on March 15, 2005. The final disposition of outstanding litigation regarding the General Plan ended with a settlement agreement dated April 18, 2006. None of the circumstances described in Section 15162 apply, as described in Finding 1.2.2.
- 1.2.2 The addendum is appropriate pursuant to Section 15164(a) and 15164(e) since none of the three situations described in Section 15162 of the CEQA Guidelines applies to this project that would require the preparation of a subsequent EIR. The 95 land use map changes do not represent substantial changes in the General Plan EIR, do not create new significant impacts, and do not represent new information that changes conclusions in the General Plan EIR. The land use map changes do not create potential environmental impacts and represent minor adjustments to the land use map to correct oversights in the preparation of the land use map. The most potential for development intensity is described further in Finding 1.2.5.
- 1.2.3 The addendum is appropriate pursuant to Section 15164(c) and (d) because the addendum is provided for public review in the normal course of processing the General Plan Amendment A06-0009 to the Planning Commission and Board of Supervisors at public hearings.
- 1.2.4 Section 15162(b) does not apply to this addendum since an EIR was certified for the General Plan. Section 15162(b) only applies if a negative declaration was prepared.
- 1.2.5 The only changes that would be considered an increase in development intensity are those six parcels in the Camino area that are being changed to Commercial. In this case, the parcels were intended to remain a Commercial land use designation since they were zoned Commercial. Due to the small size of the six parcels (less than 10 acres total), the increase in commercial acreage would be statistically insignificant in comparison to the total impacts analyzed within the General Plan Environmental Impact Report. However, the parcels are currently zoned Commercial-Design Control (C-DC), meaning that any development would require a discretionary design review permit that would include further CEQA analysis on a project specific basis. Accordingly, the change in land use designation for these six parcels is considered to be consistent with the analysis in the General Plan EIR, and they will be subject to all applicable mitigation measures adopted with the 2004 General Plan and no new substantial impacts would result from the change in land use designation.
- 1.3 The documents and other materials that constitute the record of proceedings on which this decision is based are in the custody of the Development Services Department, Planning Services, 2850 Fairlane Court, Placerville, CA, 95667.

## **2.0 General Plan Consistency Finding**

**2.1 Community Region and Rural Boundary:** Pursuant to Policies 2.1.1.6 and 2.1.2.6 the boundaries of existing Community Regions and Rural Centers may be modified through the General Plan amendment process. The series of amendments to the Community Region and Rural Center boundaries are to correct the adopted land use maps from minor errors in aligning land use designations with the Community Region and Rural Center boundaries. The changes do not represent the ongoing General Plan monitoring, review, and updates identified in Goal 2.9, Objective 2.9.1, or Policy 2.9.1.4. The amendment is not intended to restrict the County from approving future amendments to the Community Region and Rural Center boundaries in accordance with Policy 2.9.1.2, 2.9.1.3, and 2.9.1.4.

**2.2. General Plan Policies:** The amendments to the General Plan land use map are consistent with the policies of the 2004 General Plan, as described in the staff report. The proposed amendments bring the maps into conformance with the policies of the General Plan by correcting drafting errors. In most cases the changes do not affect the intensity of development of the lot. In the few cases where development intensity does increase, those small parcels or groups of parcels were designated in error on the 2004 General Plan maps, based on some of the reasons previously described under “Source of errors” in the staff report.

## **3.0 Administrative Findings:**

**3.1. Official Exhibits:** The 95 lots proposed for land use designation changes are listed in Exhibit C: “A06-0009 General Plan Land Use Map Changes” and are graphically depicted on Exhibit D, a series of 15 large map sheets labeled: “2004 General Plan Land Use Corrections.”

**3.2. Planning Commission Resolution of Intention:** The Planning Commission initiated the General Plan Amendment process by passing Resolution of Intention No. 2007-0002 on February 22, 2007.

**3.3. Planning Commission action:** The General Plan Amendment project file A06-0009 was reviewed at a public hearing by the Planning Commission on May 24, 2007, and a recommendation of approval was forwarded to the Board of Supervisors.

**3.4 Board of Supervisors action:** The General Plan Amendment project file A06-0009 was considered at a public hearing by the Board of Supervisors on \_\_\_\_\_, 2007 where the Board acted to \_\_\_\_\_ the project.