



RESOLUTION NO.

OF THE BOARD OF SUPERVISORS OF THE COUNTY OF EL DORADO

Resolution Certifying the Final Environmental Impact Report (SCH #2011092017) for the Creekside Plaza Project (El Dorado County Files Nos. Z10-0009/P10-0012/PD10-0005), Adopting CEQA Findings, and Adopting the Mitigation Monitoring and Reporting Program

WHEREAS, pursuant to the California Environmental Quality Act (“CEQA”) (Public Resources Code Section 21000 et seq.), the County of El Dorado (the “County”) has prepared an Environmental Impact Report (“EIR”) (SCH #2011092017) for the Creekside Plaza Project (the “Project”); and

WHEREAS, the Project would be constructed on an approximately 4.39-acre site, located on the northwest corner intersection of Missouri Flat Road and Forni Road in Diamond Springs; and

WHEREAS, the Project proposes the following discretionary approvals: Rezone (Z10-0009), Tentative Parcel Map (P10-0012), and Planned Development (PD10-0005); and

WHEREAS, the Project proposes to construct a commercial center containing three buildings totaling 30,560 square feet with on-site parking, lighting, signage, and landscaping; and

WHEREAS, on January 27, 2017, the County distributed a Notice of Preparation (“NOP”) for the EIR for the Project for a 30-day review period; and

WHEREAS, comments received by the County on the NOP were taken into account during preparation of the Draft Environmental Impact Report (“DEIR”) for the Project; and

WHEREAS, on December 12, 2017, a Notice of Availability (“NOA”) of the DEIR, and the requisite number of copies of the DEIR, were delivered to the State Clearinghouse and mailed to affected public agencies, organizations, and interested parties; and

WHEREAS, copies of the NOA were mailed to all individuals located within one mile of the project boundaries, and the DEIR and the NOA were posted electronically on the County’s website, and hard copies were made available for public review at the Community Development Agency in Placerville, California, and the El Dorado County Main Library and West Slope Branches; and

WHEREAS, the County conducted a 45-day public review and comment period for the DEIR, which ended on February 15, 2018; and

WHEREAS, on January 25, 2018, and therefore during the DEIR comment period, the El Dorado County Planning Commission (“Planning Commission”) held a study session and public hearing on the DEIR, for the purpose of discussing the DEIR and receiving public comments on the document; and

WHEREAS, written comments were submitted during the DEIR comment period by public agencies and members of the public, and after consideration thereof, written responses were prepared for said comments; and

WHEREAS, on or about May 14, 2018, the Final EIR, which included written responses to the public and agency comments, was released to the public and posted on the County's website. Upon request, this document was sent by mail to the commenting public agencies and the member(s) of the public in a manner such that public agencies and members of the public received it at least ten (10) days before action was taken by the County with respect to the Final EIR and the Project; and

WHEREAS, the Final EIR for the Project consists of the DEIR, the appendices thereto, the comments on the DEIR, written Responses to said Comments, and certain revisions to the DEIR, all of which documents constitute and shall be collectively referred to herein as the "Final EIR"; and

WHEREAS, the DEIR identifies potentially significant impacts that may result from implementation of the Project and mitigation measures proposed to mitigate those impacts to less-than-significant levels; and

WHEREAS, on June 14, 2018, the Planning Commission held a public hearing noticed and published in accordance with State law and local ordinance to consider the Project. At that scheduled public hearing, the Planning Commission approved the off-calendar continuance of the Project given its relevant elements was subject to the on-going legal challenge on the certification of El Dorado County's Targeted General Plan Amendment and Zoning Ordinance Update (TGPA/ZOU) Environmental Impact Report (EIR) (Case No. PC 20160024 *Rural Communities United vs. El Dorado County Board of Supervisors*) that was pending at that time; and

WHEREAS, in response to litigation on the County's Targeted General Plan Amendment and Zoning Ordinance Update (TGPA/ZOU) Environmental Impact Report (Case No. PC 20160024 *Rural Communities United vs. El Dorado County Board of Supervisors*), the El Dorado Superior Court issued a writ of mandate in July 2018 directing decertification of the EIR; and

WHEREAS, in response to the issued writ of mandate in July 2018, the El Dorado County Board of Supervisors decertified the EIR. An Addendum to the EIR for the TGPA/ZOU was issued in September 2018 and certified by the Board of Supervisors in December 2018. In March 2019, upon consideration of the certification of the Addendum to the EIR, the El Dorado County Superior Court discharged Case No. PC 20160024 *Rural Communities United vs. El Dorado County Board of Supervisors*; and

WHEREAS, the Final EIR for the Project, which was originally prepared on or about May 14, 2018,, was revised to reflect changed circumstances relevant to the County's TGPA/ZOU and litigation. The revisions involved were related to planning, not environmental issues or impact conclusions. There have been no changes to the proposed project. No "significant new information" as defined by CEQA Guidelines Section 15088.5(a) has been added, there would be no new significant impacts or increase in the severity of an impact requiring mitigation, and no considerably different mitigation measure or alternative has been identified. This Revised Final EIR supersedes the May 2018 Final EIR; and

WHEREAS, the Revised Final EIR for the Project consists of the DEIR, the appendices thereto, the comments on the DEIR, written Responses to said Comments, and certain revisions to the DEIR, all of which documents constitute and shall be collectively referred to herein as the "Revised Final EIR"; and

WHEREAS, on or about September 23, 2019, the Revised Final EIR for the Project, which included written responses to the public and agency comments, was released to the public and posted on the County's website. Upon request, this document was sent by mail to the commenting public agencies and the member(s) of the public in a manner such that public agencies and members of the public received it at least ten (10) days before final action was taken by the County with respect to the Revised Final EIR and the Project; and

WHEREAS, the Revised Final EIR identifies potentially significant impacts that may result from implementation of the Project and mitigation measures proposed to mitigate those impacts to less-than-significant levels; and

WHEREAS, CEQA Findings and a Mitigation Monitoring and Reporting Program (“MMRP”), attached hereto as Exhibits “A” and “B”, respectively, are proposed for adoption; and

WHEREAS, the Planning Commission originally held a noticed and published public hearing on October 24, 2019 and subsequent continuation on November 14, 2019, in accordance with state law and local ordinance to consider the Project. The Planning Commission received and considered verbal presentations and a written Staff Report and Exhibits related to the Project and the Revised Final EIR from County staff and other interested parties, and said documents were independently reviewed and considered by the Planning Commission; and

WHEREAS, the Planning Commission, after considering all of the evidence presented and based upon substantial evidence, and on the basis of the whole record before it, recommended that the Board of Supervisors certify the Revised Final EIR, adopt CEQA Findings, adopt the MMRP, and approve the Project; and

WHEREAS, in accordance with state law and local ordinance, County staff has given due notice of the Board of Supervisors’ public hearing regarding the Project and the Final EIR; and

WHEREAS, on XXXXXX, the Board of Supervisors held its public hearing to consider the Project and received verbal presentations and a written Staff Report and Exhibits from County staff and other interested parties, and said documents were independently reviewed and considered by the Board; and

WHEREAS, the Board reviewed and considered the information presented in the Revised Final EIR and other relevant evidence to determine compliance with CEQA, the State CEQA Guidelines, and the County’s procedures for implementing CEQA, and the Board, prior to taking action on the Project, independently reviewed and considered the information contained in the Revised Final EIR and other relevant evidence; and

WHEREAS, based on the Board’s exercise of its independent judgment when reviewing and considering the information in the Final EIR and other relevant evidence presented to the Board, the Board finds that the Revised Final EIR prepared for the Project is adequate, and said Revised Final EIR has been prepared and completed in compliance with CEQA, the State CEQA Guidelines, and the County’s procedures for implementing CEQA; and

WHEREAS, the Board after considering all of the evidence presented and based on substantial evidence, finds and declares that the foregoing recitals (made a part hereof) are true, and makes further findings concerning the environmental impacts relating to the Project, as described in the Revised Final EIR. These findings are set forth more specifically in attached Exhibit “A,” which is incorporated herein by reference. The CEQA Findings, which are based on substantial evidence, were reviewed by the Board. The CEQA Findings reflect that all potentially significant environmental effects will be reduced to a level of less than significant through the adoption and implementation of feasible mitigation measures identified in the Revised Final EIR and set forth in the MMRP, which is attached hereto as Exhibit “B” and incorporated herein by reference; and

NOW, THEREFORE, IT IS HEREBY RESOLVED that the County of El Dorado Board of Supervisors finds as follows:

1. The Revised Final EIR has been completed and processed in compliance with CEQA.

2. The Board of Supervisors has been presented the Revised Final EIR and has reviewed and considered the information contained in the Revised Final EIR prior to approving the Project.
3. The Board of Supervisors hereby adopts the Mitigation Monitoring and Reporting Program attached as Exhibit "B" and incorporated herein by reference and finds that it is adequate with respect to those mitigation measures imposed on the Project.
4. The Revised Final EIR reflects the independent judgment of the County.
5. The Revised Final EIR is thus certified and the Board of Supervisors makes the related CEQA Findings as attached in Exhibit "A."
6. The Clerk of the El Dorado County Board of Supervisors, located at 330 Fair Lane, Placerville, California, is the custodian of the documents and other materials which constitute the record of proceedings upon which the Board's decision is based.
7. The Board of Supervisors further finds that mitigation measures have been required which feasibly mitigate and substantially lessen all significant effects on the environment.

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:
 Kim Dawson
 Clerk of the Board of Supervisors

Ayes:
 Noes:
 Absent:

By: _____
Deputy Clerk Chair, Board of Supervisors

Exhibits Attached:

- A: CEQA Findings of Fact
- B: Mitigation Monitoring and Reporting Program