



RESOLUTION NO.

OF THE BOARD OF SUPERVISORS OF THE COUNTY OF EL DORADO CERTIFYING THE ENVIRONMENTAL IMPACT REPORT FOR THE EL DORADO COUNTY GENERAL PLAN; ISSUING A STATEMENT OF OVERRIDING CONSIDERATIONS; AND MAKING FINDINGS OF FACT

WHEREAS, the County is adopting a new General Plan pursuant to Government Code Section 65300 et. seq;

WHEREAS, the General Plan establishes County policy, and identifies planned land uses and infrastructure, for physical development in the unincorporated areas of El Dorado County;

WHEREAS, a Final Environmental Impact Report on the El Dorado County General Plan (SCH #2001082030) (the "EIR") has been prepared pursuant to the California Environmental Quality Act (CEQA, Public Resources Code, Section 21000 et seq.) to analyze the environmental impacts of the new General Plan;

WHEREAS, the County commenced the environmental review process on August 6, 2001 with issuance of a CEQA Notice of Preparation (NOP) soliciting written comments regarding the scope of the General Plan EIR;

WHEREAS, on August 20, 2001 the Planning Commission held a hearing to receive oral comments on the NOP;

WHEREAS, on April 22, April 23, April 29, April 30, and May 6, 2002 the County staff held community housing workshops in each Supervisorial District to gather input for preparation of the Housing Element of the General Plan;

WHEREAS, in August of 2002, the County staff held seven noticed community workshops on the draft policies of the other General Plan elements before the following committees and commissions: the Trails Committee of the Parks and Recreation Commission (August 12, 2002), the Parks and Recreation Commission (August 7, 2002), the Cultural Resources Preservation Commission (August 13), the Agricultural Commission (August 13, 2002), the River Management Advisory Committee (August 20, 2002), the Plant and Wildlife Technical Advisory Committee (August 21, continued to August 28, 2002), and the Planning Commission (August 22, continued to August 23 and 29, 2002);

WHEREAS, on January 9, 2003, a community workshop was held before the Planning Commission to discuss and receive comments on the draft Housing Element policies;

WHEREAS, the Draft General Plan was released for public review on April 9, 2003 for a 49-day review period extending from April 9, 2003 through May 27, 2003;

WHEREAS, the Draft Environmental Impact Report (DEIR) was released for public review on April 30, 2003 for a 47-day review period extending from May 1, 2003 through June 16, 2003;

WHEREAS, on April 30th, the comment period for the General Plan was extended an additional 20 days through June 16, 2003 to be coincident with the close of the comment period for the DEIR;

WHEREAS, on June 10, 2003 the Board of Supervisors extended both comment periods an additional 29 days through July 15, 2003;

WHEREAS, the total comment period for the General Plan was 98 days and the total comment period for the DEIR was 76 days;

WHEREAS, after the release of the Draft General Plan, the County held hearings during the comment periods, on June 2 (continued to June 4, 2003) to receive comments on the draft General Plan, and on June 9 to receive comments on the DEIR.

WHEREAS, each of these workshops, meetings, and hearings were publicly posted and/or noticed (including direct mailing and/or advertisement) in compliance with State law and local requirements;

WHEREAS, at all workshops and hearings throughout this process, all individuals wishing to speak have been heard, with many speakers returning to the podium numerous times to make comments;

WHEREAS, the EIR Response to Comments document released January 14, 2004 contains individual responses to all written comments received during the 98-day comment period on the Draft General Plan and 76-day comment period on the Draft EIR;

WHEREAS, on March 15, March 18, March 24, March 25, March 29, and March 31, 2004 the Planning Commission held hearings to deliberate the General Plan and EIR;

WHEREAS, during these hearings and meetings oral and documentary evidence was received by the Planning Commission for use in their deliberations;

WHEREAS, on March 31, 2004 the Planning Commission recommended to the Board of Supervisors certification of the EIR and approval of the Planning Commission Recommended Alternative General Plan;

WHEREAS, on May 3, May 5, May 12 (continued to May 17), June 17, and July 19, 2004 the Board of Supervisors held hearings to deliberate the General Plan, and the EIR, including the recommendation of the Planning Commission;

WHEREAS, during these hearings and meetings oral and documentary evidence was received by the Board of Supervisors for use in their deliberations;

WHEREAS, the Board of Supervisors independently reviewed the EIR, related staff reports, the record of the Planning Commission, and all evidence including testimony and correspondence received at the Planning Commission and Board hearings, all of which documents and evidence are hereby incorporated by reference into this Resolution;

WHEREAS, the Final EIR identified certain significant and potentially significant adverse effects on the environment caused by the Project;

WHEREAS, the Board of Supervisors desires, in accordance with CEQA, to declare that, despite the occurrence of significant environmental effects that can not 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 Council believes justify the occurrence of those impacts; and

WHEREAS, the Board of Supervisors specifically finds that where more than one reason for approving the Project and rejecting alternatives is given in its findings or in the record, where more than one reason for rejecting or modifying mitigation measures is given in the record, and where more than one reason is given for adopting the Statement of Overriding Considerations, the Board would have made its decision on the basis of any one of those reasons.

NOW, THEREFORE, BE IT RESOLVED by the Board of Supervisors of the County of El Dorado 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, and the Board reviewed and considered the information contained in the Final EIR prior to taking action on the General Plan; and c) the Final EIR reflects the independent judgment and analysis of the County of El Dorado.

2. As set forth in section 15403 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 and (b) specifically identified expected benefits from the project outweigh the policy of reducing or avoiding significant environmental impacts of the project.. The Board of Supervisors hereby makes that decision as set forth more fully in Exhibits An and B hereto.
3. Exhibit A of this Resolution provides the findings required under Section 15043 and 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 environmental risks that may result, and finds that the specific economic, legal, social, technological, and other benefits outweigh the unavoidable adverse environmental effects. The Board of Supervisors, therefore, finds the adverse environmental effects of the project to be "acceptable". The Board of Supervisors hereby adopts the Statement of Overriding Considerations attached hereto as Exhibit A (Statement of Overriding Considerations).
4. Exhibit B of this Resolution provides findings of fact required under Section 15043 and 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.
5. 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 adopted General Plan will result in significant effects on the environment, however, the County has eliminated or substantially lessened these significant effects where feasible, and as set forth in Exhibits A and B has determined that remaining significant effects are found to be unavoidable under Section 15091 and acceptable under Section 15093.
6. The Board of Supervisors has considered four "equal-weight" General Plan alternatives, and eight "comparative" General Plan alternatives, and concluded based on substantial evidence in the record that only the adopted General Plan comprised of a combination of 1996 General Plan Alternative and the Environmentally Constrained Alternative (with modifications recommended by the Planning Commission) can be feasibly implemented in light of economic, legal, social, technological, and other reasons, as discussed herein.

- 7. The Board of Supervisors has considered the analysis prepared by the County pursuant to Section 15088.5 of the CEQA Guidelines (EDAW, Environmental Assessment of Policy Modifications, July 12, 2004) assessing the applicability of the EIR to the adopted General Plan and demonstrating that additional CEQA analysis is not necessary. The analysis documents that none of the conditions described in Section 15088.5 of the CEQA Guidelines calling for recirculation of the EIR have occurred.

- 8. These findings made by the Board of Supervisors are supported by substantial evidence in the record.

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 _____, 200__, by the following vote of said Board:

Attest:

Cindy Keck
Clerk of the Board of Supervisors

Ayes:

Noes:

Absent:

By: _____
Deputy Clerk

Chairman, Board of Supervisors

I CERTIFY THAT:

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

DATE: _____

Attest: CINDY KECK, Clerk of the Board of Supervisors of the County of El Dorado, State of California.

By: _____

Exhibits Attached:

- A. Statement of Overriding Considerations
- B. CEQA Findings of Fact