



RESOLUTION NO.

OF THE BOARD OF SUPERVISORS OF THE COUNTY OF EL DORADO

**CERTIFYING THE SUPPLEMENT ENVIRONMENTAL IMPACT REPORT FOR
AN AMENDMENT OF THE EL DORADO COUNTY GENERAL PLAN POLICY
2.2.1.5, TABLE 2-3 BUILDING INTENSITIES; ISSUING A
STATEMENT OF OVERRIDING CONSIDERATIONS;
AND MAKING FINDINGS OF FACT**

WHEREAS, the County of El Dorado is mandated by the State of California to maintain an adequate and proper General Plan; and

WHEREAS, because of that mandate, El Dorado County's General Plan and the various elements thereof must be continually updated with current data, recommendations, and policies; and

WHEREAS, the Board of Supervisors adopted the General Plan on July 19, 2004, which identifies planned land uses and infrastructure for physical development in the unincorporated areas of the County of El Dorado; and

WHEREAS, the El Dorado County Board of Supervisors initiated an amendment to the General Plan on April 18, 2006, with the approval of a Resolution of Intention to amend the General Plan Policy 2.2.1.5 and directed the preparation of a supplemental environmental review of the potential impacts of the proposed change to the policy ("the Project"); and

WHEREAS, a Supplement to the El Dorado County General Plan (SCH #2001082030) (the "SEIR") has been prepared pursuant to the California Environmental Quality Act to analyze the environmental impacts of the amendment to the General Plan, pertaining to Floor Area Ratios (FAR); and

WHEREAS, the County commenced the environmental review process on May 5, 2006, with issuance of a CEQA Notice of Preparation (NOP) soliciting written comments regarding the scope of the Environmental Impact Report for the proposed General Plan Amendment; and

WHEREAS, on May 25, 2006, the Planning Commission held a hearing to receive oral comments on the NOP; and

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WHEREAS, the Draft Supplemental Impact Report (SCH#2001082030)(DSEIR) was released for public review on January 2, 2007 for a 45 day review period ending on February 15, 2007; and

WHEREAS, on February 8, 2007, the Planning Commission held a hearing to receive oral comments on the DSEIR; and

WHEREAS, a Final Supplement Environmental Impact Report (FSEIR) was prepared and released for public review on April 5, 2007; and

WHEREAS, the Planning Commission reviewed the FSEIR, staff report, and public comments on May 10, 2007, and recommended that the Board of Supervisors certify the Supplemental Environmental Impact Report for an amendment of the El Dorado County General Plan, Policy 2.2.1.5, Table 2-3 Building Intensities, and recommended approval of said amendment to Policy 2.2.1.5; and

WHEREAS, the Board of Supervisors independently reviewed the conclusions in the FSEIR, the staff report (dated _____), public comments; and the Planning Commission's recommendation on May 24, 2007; and

WHEREAS, the FSEIR identifies certain significant and potentially significant adverse effects on the environment caused by the Project; and

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 Board believes justifies the occurrence of those impacts; and

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 SEIR has been completed in compliance with CEQA; b) the Final SEIR was presented to the Board, and the Board reviewed and considered the information contained in the Final SEIR prior to taking action on the General Plan; and c) the Final SEIR reflects the independent judgment and analysis of the Board of Supervisors of 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 A 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 B (Supplemental CEQA Findings of FACTS).
5. The Board of Supervisors has considered three alternatives for the General Plan amendment, and has concluded based on substantial evidence in the record that the amendment that the Board of Supervisors is approving as set for in **Resolution No. ____** as reviewed in the SEIR can be feasibly implemented in light of economic, legal, social, technological, and other reasons, as discussed herein.
6. After considering the SEIR 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 amendment to General Plan Policy 2.2.1.5, Table 2-3, Building Intensities, 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.

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BE IT FURTHER RESOLVED, the Board of hereby adopts the findings made at such time as this Board stated their intention to make the above listed amendment (A06-0002) to the General Plan and incorporate said findings herein by reference.

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: _____