

Amador County Recorder  
 Kimberly L. Grady  
**DOC- 2016-0007863-00**  
 REQD BY BOARD OF SUPERVISORS  
 Wednesday, OCT 05, 2016 11:05  
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 CT1/R1/1-5

Recording requested by:  
 BOARD OF SUPERVISORS  
 When recorded send to:  
 BOARD OF SUPERVISORS

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**BEFORE THE BOARD OF SUPERVISORS OF THE  
 COUNTY OF AMADOR, STATE OF CALIFORNIA**

IN THE MATTER OF:

RESOLUTION CERTIFYING FINAL EIR FOR THE )  
 AMADOR COUNTY GENERAL PLAN (SCH NO. )  
 2009072089), AND ADOPTING CEQA FINDINGS, ) RESOLUTION NO. 16-115  
 A STATEMENT OF OVERRIDING )  
 CONSIDERATIONS, AND A MITIGATION )  
 MONITORING AND REPORTING PROGRAM )

WHEREAS the County of Amador (County) has prepared a Final Environmental Impact Report (EIR) pursuant to the California Environmental Quality Act (Pub. Res. Code § 21000 et seq., “CEQA”) and the CEQA Guidelines (Cal. Code Regs. Title 14, § 15000 et seq.) for the Amador County General Plan (“General Plan” or “project”); and

WHEREAS the EIR for the General Plan is a Program EIR as defined by CEQA Guidelines Section 15168(a); and

WHEREAS the Amador County Planning Commission is the advisory body for EIR certification and project approval, and the Amador County Board of Supervisors (Board) is the lead agency decision-making body for EIR certification and project approval; and

WHEREAS, the County conducted an extensive scoping process for the Draft EIR, including circulation of a Notice of Preparation (NOP) dated July 29, 2009, two public scoping meetings on August 13, 2009 to receive comments on the NOP, and substantial public outreach in various formats and settings to support the Draft General Plan and Draft EIR; and

WHEREAS, the Draft EIR was released on October 31, 2014 for review by public agencies, organizations, and members of the public, and

WHEREAS, pursuant to Public Resources Code § 20192, the County provided a Draft EIR Notice of Availability to all organizations and individuals who previously had requested such notice and published a Notice of Availability for the Draft EIR in a newspaper of general circulation. In addition, the County placed copies of the Draft EIR at County offices and online; and

WHEREAS, during the public comment period, the County consulted with and requested comments from responsible and trustee agencies, other regulatory agencies, and others pursuant to CEQA Guidelines § 15086; and

WHEREAS on December 2, 2014 and January 20, 2015, the Board and Planning Commission held two joint public meetings on the Draft EIR and Draft General Plan; and

WHEREAS the County in July 2016 prepared a Final EIR meeting the requirements of CEQA Guidelines §15132 that includes the Draft EIR, Draft EIR appendices, comments received on the Draft EIR, a list of commenters, written responses to the significant environmental issues raised in those comments, revisions to the text of the Draft EIR reflecting changes made in response to comments and other information, along with other minor changes to the text of the Draft EIR; and

WHEREAS, the Final EIR satisfies all the requirements of CEQA and the CEQA Guidelines; and

WHEREAS the County published the Final EIR and posted it on its website on June 21, 2016, and pursuant to CEQA Guidelines § 15088(b) provided written responses to all public agencies that commented on the Draft EIR on June 22, 2016 at least 10 days prior to Final EIR certification; and

WHEREAS information added to the Draft EIR in the Final EIR, including comments received on the Draft EIR, written responses to the significant environmental issues raised in those comments, and revisions to the text of the Draft EIR, does not constitute “significant new information” that would trigger Draft EIR recirculation under CEQA Guidelines § 15088.5. Rather, information added to the Draft EIR in the Final EIR clarifies, amplifies, and/or makes insignificant modifications to the Final EIR; and

WHEREAS the Planning Commission held a duly noticed public hearing on July 19, 2016 to consider whether to recommend that the Board certify the Final EIR and adopt CEQA Findings, a Statement of Overriding Considerations, and a Mitigation Monitoring and Reporting Program (MMRP). At this hearing the Planning Commission reviewed public comments on the Final EIR, staff responses to those comments, Errata to the Final EIR, and Appendix H to the Final EIR (Energy Impacts); and

WHEREAS the Planning Commission continued the recommendation item described in the previous paragraph to its August 23, 2016 meeting. At this meeting the Planning Commission reviewed additional public comments on the final EIR, staff responses to those comments, revised Errata to the Final EIR and Appendix H to the Final EIR (Energy Impacts); and

WHEREAS the Planning Commission at its August 23, 2016 meeting recommended that the Board certify the Final EIR pursuant to CEQA Guidelines § 15090 and adopt CEQA Findings, a Statement of Overriding Considerations, and the MMRP; and

WHEREAS the Board held a duly noticed public hearing on October 4, 2016 to consider certification of the Final EIR and adoption of CEQA Findings, a Statement of Overriding Considerations, and the MMRP. At this hearing the Board considered the record before the Planning Commission and the Planning Commission's recommendations, and reviewed additional public comments on the Final EIR, staff responses to those comments, revised Errata to the Final EIR and Appendix H to the Final EIR (Energy Impacts); and

WHEREAS information added to the Final EIR--consisting of the Final EIR Errata dated September 21, 2016 and Appendix H (Energy Impacts)--clarifies, amplifies, and/or makes insignificant modifications to the Final EIR; and

WHEREAS public comments made on the Final EIR and staff responses to those comments, Final EIR Errata, and Appendix H to the Final EIR (Energy Impacts) do not constitute "significant new information" that would trigger Draft EIR recirculation under CEQA Guidelines § 15088.5; and

WHEREAS, the County has prepared CEQA Findings in compliance with Public Resources Code §§ 21081 and 21081.5 and CEQA Guidelines Section § 15091 for every significant impact and each alternative evaluated in the Final EIR, including an explanation of the rationale for each finding (attached hereto as Attachment 1); and

WHEREAS, the project will have significant impacts that cannot be mitigated to less than significant levels, and the County has prepared a Statement of Overriding Considerations in compliance with Public Resources Code § 21081 and CEQA Guidelines § 15093 (included in the attached Attachment 1), which concludes that specific economic, legal, social, technological, and other benefits of the project outweigh the significant and unavoidable impacts identified in the Final EIR; and

WHEREAS, the County has prepared an MMRP in compliance with Public Resources Code § 21081.6 and CEQA Guidelines § 15097 (attached hereto as Attachment 2) to ensure compliance with the mitigation measures identified in the Final EIR during project implementation; and

WHEREAS, all of the findings and conclusions made by the County pursuant to this Resolution are based upon the oral and written evidence presented to it as a whole, and are not based solely on the information provided in this Resolution.

NOW THEREFORE BE IT RESOLVED that the above recitals are true and correct, and are incorporated fully by this reference; and

BE IT FURTHER RESOLVED that the Board certifies that pursuant to CEQA Guidelines § 15090:

1. The Final EIR has been completed in compliance with CEQA.
2. The Final EIR has been presented to the Board, and the Board has reviewed and considered the information contained in the Final EIR prior to approving the project.
3. The Final EIR represents the County's independent judgment and analysis.

BE IT FURTHER RESOLVED that the Board makes and adopts the Findings required by CEQA Guidelines § 15091, which are attached hereto as Attachment 1 and incorporated fully by this reference; and

BE IT FURTHER RESOLVED that the Board adopts the Statement of Overriding Considerations as required by CEQA Guidelines § 15093, which is included in the attached Attachment 1 and incorporated fully by this reference; and

BE IT FURTHER RESOLVED that the Board adopts the Mitigation Monitoring and Reporting Program as required by CEQA Guidelines § 15097, which is attached hereto as Attachment 2 and incorporated fully by this reference.

The foregoing resolution was duly passed and adopted by the Board of Supervisors of the County of Amador at a regular meeting thereof, held on the 4<sup>th</sup> day of October 2016, by the following vote:

AYES: John Plasse, Louis D. Boitano, Richard M. Forster, Lynn A. Morgan and Brian Oneto

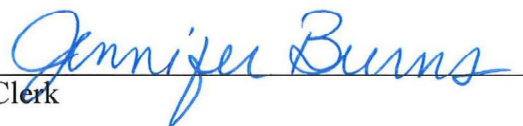
NOES: None

ABSENT: None

  
\_\_\_\_\_  
John Plasse, Chairman, Board of Supervisors

ATTEST:

JENNIFER BURNS, Clerk of the  
Board of Supervisors, Amador County,  
California

  
\_\_\_\_\_  
Clerk

A notary public or other officer completing this certificate verifies only the identity of the individual who signed the document, to which this certificate is attached, and not the truthfulness, accuracy, or validity of that document.

#### ACKNOWLEDGMENT

State of California  
County of Amador)

On October 4, 2016, before me, Jennifer Burns, Clerk of the Board of Supervisors Personally appeared John Plasse, Chairman of the Board of Supervisors, who proved to me on the basis of satisfactory evidence to be the person (s) whose name (s) is/are subscribed to the within instrument and acknowledged to me that he/she/they executed the same in his/he/their authorized capacity (ies), and that by his/her/their signature (s) on the instrument the person (s), or the entity upon behalf of which the person (s) acted, executed the instrument.

I certify under PENALTY OF PERJURY under the laws of the State of California that the foregoing paragraph is true and correct.

WITNESS my hand and official seal.

Signature Jennifer Burns

END OF DOCUMENT

# ATTACHMENT 1

## **Amador County General Plan**

## **California Environmental Quality Act Findings of Fact and Statement of Overriding Considerations**

Attachment 1 referenced in Resolution No. 16-115 which consists of the California Environmental Quality Act Findings of Fact and Statement of Overriding Considerations, as adopted by the Board of Supervisors on October 4, 2016, is on file and publicly available at the Amador County Planning Department.

## **ATTACHMENT 2**

# **MITIGATION MONITORING AND REPORTING PROGRAM**

Attachment 2 referenced in Resolution No. 16-115, which consists of the Mitigation Monitoring and Reporting Program, as adopted by the Board of Supervisors on October 4, 2016, is on file and publicly available at the Amador County Planning Department.

**END OF DOCUMENT**

# Resolution No. 16-115

Attachment 1 – CEQA Findings of Fact  
and

Attachment 2 - MMRP

can be found in the General Plan Update file  
in the General Files  
and in the G:drive  
(G:BOS/WPFILES/General Plan/2016)



**Recording Requested By:**

BOARD OF SUPERVISORS

**Return to:**

BOARD OF SUPERVISORS



Amador County Recorder  
Kimberly L. Grady

**DOC- 2016-0008014-00**

REQD BY BOARD OF SUPERVISORS

Wednesday, OCT 12, 2016 10:18

Ttl Pd \$0.00

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CT2/R1/1-10

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**Document Title(s)**

RESOLUTION

This document is being re-recorded to add the Exhibits that were omitted in the previous recording.