



RESOLUTION NO. _____

**OF THE BOARD OF SUPERVISORS OF THE COUNTY OF EL DORADO
CERTIFYING THE TRAFFIC IMPACT MITIGATION FEE PROGRAM SUPPLEMENT TO
THE 2004 GENERAL PLAN ENVIRONMENTAL IMPACT REPORT; ISSUING A
SUPPLEMENTAL STATEMENT OF OVERRIDING CONSIDERATIONS; AND MAKING
SUPPLEMENTAL FINDINGS OF FACT**

WHEREAS, the El Dorado County Board of Supervisors certified a Final Environmental Impact Report on the El Dorado County General Plan (SCH #2001082030) (the "General Plan EIR") pursuant to the California Environmental Quality Act (CEQA, Public Resources Code, Section 21000 et seq.) and adopted the 2004 El Dorado County General Plan on July 19, 2004;

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, the General Plan requires the adoption of a Traffic Impact Mitigation Fee Program ("TIM Fee Program") to implement Measure TC-B of the General Plan;

WHEREAS, the County Department of Transportation conducted traffic analysis in its preparation of the TIM Fee Program and determined through the TIM Fee Program analysis that an increase in the degree of severity of one significant and unavoidable impact identified in the General Plan EIR is projected to occur;

WHEREAS, the County decided to prepare a Supplement to the General Plan EIR to fully disclose the projected variation in one significant and unavoidable impact identified in the General Plan EIR;

WHEREAS, the County prepared a TIM Fee Program Draft Supplement to the General Plan EIR which identified the projected variation in one significant and unavoidable impact identified in the General Plan EIR;

WHEREAS, the TIM Fee Program Draft Supplement to the General Plan EIR was released for public review on March 17, 2006 for a 45-day review period extending from March 17, 2006 through May 1, 2006;

WHEREAS, a total of 30 written comment letters, including electronic mail messages, were submitted to the County during the review period;

WHEREAS, the County prepared a TIM Fee Program Final Supplement to the General Plan EIR which contains all written comments received during the 45-day review period and contains individual responses to all written comments;

WHEREAS, the Board of Supervisors independently reviewed the TIM Fee Program Final Supplement to the General Plan EIR and related staff reports which are hereby incorporated by reference into this Resolution;

WHEREAS, the TIM Fee Program Final Supplement to the General Plan EIR identified the increase in severity of one significant and unavoidable impact previously identified in the General Plan EIR;

WHEREAS, the Board of Supervisors desires, in accordance with CEQA, to declare that, despite the increase in the severity of this one significant effect 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 Sections 15163 and 15090 of the CEQA Guidelines, the Board of Supervisors hereby certifies that: a) the TIM Fee Program Final Supplement to the General Plan EIR has been completed in compliance with CEQA; b) the TIM Fee Program Final Supplement to the General Plan EIR was presented to the Board, and the Board reviewed and considered the information contained in the TIM Fee Program Final Supplement to the General Plan EIR prior to taking action on the TIM Fee Program; and c) the TIM Fee Program Final Supplement to the General Plan 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 A and B hereto.
3. Exhibit A of this Resolution provides the supplemental findings 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 TIM Fee Program against the unavoidable environmental risks that may result, and finds that the specific economic, legal, social, technological, and other benefits identified in its findings associated with the General Plan CEQA review outweigh the unavoidable adverse environmental effects. The Board of Supervisors, therefore, finds the adverse environmental effects of the TIM Fee Program to be "acceptable". The Board of Supervisors hereby adopts the Supplemental Statement of Overriding Considerations attached hereto as Exhibit A (Supplemental Statement of Overriding Considerations).
4. Exhibit B of this Resolution provides supplemental findings of fact for the variation in one significant effect of the project identified through the TIM Fee Program analysis. The Board of Supervisors hereby adopts these findings of fact attached hereto as Exhibit B.
5. After considering the TIM Fee Program Final Supplement to the General Plan EIR and in conjunction with making these findings, the Board of Supervisors hereby finds, pursuant to Sections 15092 and 15163 of the CEQA Guidelines, that approval of the adopted TIM Fee Program will not substantially change the severity of 39 of the 40 significant and unavoidable impacts identified in the General Plan EIR and that, as set forth in Exhibit B of this Resolution, the Board of Supervisors hereby finds these effects to be unavoidable under Section 15091 and acceptable under Section 15093.

- 6. After considering the TIM Fee Program Final Supplement to the General Plan EIR, the Board of Supervisors hereby finds, pursuant to Sections 15092 and 15163 of the CEQA Guidelines, that approval of the adopted TIM Fee Program will result in an increase in the severity of one significant effect on the environment previously identified in the General Plan EIR (Impact 5.4-2); however, the County eliminated or substantially lessened this significant effect where feasible in its development of the General Plan, and as set forth in Exhibits A and B of this Resolution, the Board of Supervisors has determined that the increase in the severity of this significant effect is unavoidable under Section 15091 and acceptable under Section 15093.
- 7. 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: Absent: Noes:
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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. Supplemental Statement of Overriding Considerations
- B. Supplemental CEQA Findings of Fact