

MARIN COUNTY BOARD OF SUPERVISORS

RESOLUTION NO. _____

A RESOLUTION CERTIFYING
THE FINAL ENVIRONMENTAL IMPACT REPORT FOR
THE 2007 MARIN COUNTYWIDE PLAN

- I. WHEREAS, in 2000 the Board of Supervisors approved a work program and public participation program to update the Countywide Plan (“CWP”). The update process included extensive input from the public (including four working groups) as well as from environmental, housing, economic and legal consultants. In accordance with the requirements of the California Environmental Quality Act (CEQA, Public Resources Code Sections 21000-211178.1) a Notice of Preparation of an Environmental Impact Report (EIR) for the CWP Update and program concepts for updating the 2003 Development Code consistent with the CWP Update was circulated on February 16, 2004. A revised NOP was circulated on August 24, 2005 to public agencies and all interested parties for a 30-day review and comment period that was extended to October 31, 2005. Scoping sessions were held on March 4, 2004 and October 26, 2005 to obtain public comment on issues to be considered in the EIR.
- II. WHEREAS, the Draft Environmental Impact Report (DEIR) (State Clearinghouse Number 2004022076) and a Notice Of Completion (NOC) and notice of public hearing on the DEIR were distributed on January 16, 2007, to members of the Planning Commission, Board of Supervisors, State Clearinghouse, state and local agencies and special districts, property owners and others requesting notice of the DEIR, and other interested groups and individuals. The NOC and notice of public hearing were published in a newspaper of general circulation to begin a 60-day public review and comment period on the adequacy of the DEIR.
- III. WHEREAS, in conjunction with the release of the DEIR for the CWP Update the Board of Supervisors and Planning Commission met on January 30, 2007 and adopted a schedule for public hearings to obtain public comment on the CWP Update and the DEIR.
- IV. WHEREAS, beginning on February 12, 2007 a series of public hearings were held by the Planning Commission including public hearings on February 12 and 26, 2007 to receive testimony on the adequacy of the Draft EIR and a hearing on the Final EIR on June 11, 2007. Public hearings to receive testimony on the Countywide Plan Update were held on February 12 and 26, March 5, 12, 19, and 26, April 2, 9, 16, 23 and 30, May 7, June 11, July 9, and July 23, 2007. Public hearings were held by the Board of Supervisors on September 10, 11, and 25, October 16, and November 6, 2007. Oral and written comments were presented and considered at the hearings.
- V. WHEREAS, following the close of the February 26, 2007 public hearing, the Commission directed that a Final EIR Response to Comments be prepared after the close of the comment period on the DEIR. On March 16, 2007 the public review and comment period on the DEIR was closed, and written comments were received on the Draft EIR until 4:00 p.m. on that date.
- VI. WHEREAS, following the close of the May 7, 2007 public hearing, the Commission directed that the August 2005 Draft Countywide Plan Update be revised to reflect the initial recommendations of the Commission at that time. These revisions were presented in the Marin Countywide Plan Revised Draft (May 2007). Following the close of the July 9, 2007 public hearing, the Commission directed that supplementary materials be prepared reflecting the Commission’s initial recommendations based on review of the May 2007 Revised Draft. These revisions were

presented in the Revisions to the May 2007 Marin Countywide Plan Revised Draft (July 18, 2007).

- VII. WHEREAS, on June 4, 2007 the Marin Countywide Plan Update Response to Comments on the Draft Environmental Impact Report (June 2007) (FEIR) and a notice of distribution of the FEIR for review and notice of a public hearing of the Planning Commission to consider comments on the FEIR on June 11, 2007 were distributed to members of the Planning Commission, Board of Supervisors, State Clearinghouse, state and local agencies and special districts, EIR commentors, and other interested groups and individuals. Notice of distribution of the FEIR for review and notice of the public meeting of the Commission to consider recommendation for certification of the FEIR was published in a newspaper of general circulation to begin a two-week public review and comment period on the FEIR, which concluded on June 18, 2007.
- VIII. WHEREAS, the FEIR included responses to comments on the DEIR and an assessment of revisions to the August 2005 Draft Countywide Plan Update in the Marin Countywide Plan Revised Draft (May 2007). The assessment concluded that the revisions do not alter the conclusion of the Draft EIR and do not trigger the thresholds for recirculation set forth in section 15088.5 of the CEQA Guidelines. The revisions to the May 2007 Revised Draft are clarifications and technical changes and similarly do not alter the conclusion of the Draft EIR and do not trigger the thresholds for recirculation.
- IX. WHEREAS, on June 18, 2007, the review and comment period on the FEIR was closed, and written comments were received on the FEIR until 4:00 p.m. on that date. These comments primarily addressed concerns regarding the merits of the Countywide Plan Update. In some instances comments required minor clarification or amplification of information, impact analysis or mitigations in the FEIR. A response by the EIR consultant has been provided for each of these issues. The responses to comments on the FEIR were adopted as an Amendment to the FEIR (July 2007). Following additional public comments provided to the Board of Supervisors during its consideration of the plan and EIR, various changes were made to policies and programs contained in the plan and proposed as mitigation. A response by the EIR consultant has been provided for each of these changes and adopted as Amendment II to the FEIR (October 2007). Since the comments and responses result in only minor clarifications and insignificant changes to the FEIR, they do not trigger CEQA requirements for recirculation of the document for additional public review and do not prevent certification of the EIR as adequate and complete.
- X. WHEREAS, on July 23, 2007, the Marin County Planning Commission conducted a public hearing and voted unanimously to recommend that the Board of Supervisors certify the Final EIR for the Countywide Plan.
- XI. WHEREAS, prior to and at the November 6, 2007 hearing at which this resolution is adopted, the Board of Supervisors was provided with the complete contents of the Final EIR consisting of the following seven documents: (1) Marin Countywide Plan Update Draft Environmental Impact Report (January 2007), (2) Marin Countywide Plan Update Draft Environmental Impact Report – Appendix 1 Background Reports (January 2007); (3) Marin Countywide Plan Update Draft Environmental Impact Report – Appendix 2 (January 2007); (4) Draft EIR for Countywide Plan Errata Sheet (1/23/07); (5) Marin Countywide Plan Update Response to Comments on the Draft Environmental Impact Report (June 2007), (6) Marin Countywide Plan Update Final Environmental Impact Report Response to Comments Amendment (July 2007), and (7) Marin Countywide Plan Update Final Environmental Impact Report Response to Comments Amendment II (October 2007).
- XII. WHEREAS, the Marin County Board of Supervisors has reviewed and considered in light of public comments and testimony the information in the Final EIR, EIR administrative record, and

staff reports for adequacy, completeness and compliance with CEQA, State CEQA Guidelines, and County Environmental Review Procedures.

NOW, THEREFORE, BE IT RESOLVED, that the Marin County Board of Supervisors hereby finds:

1. The recitals above are true and accurate and reflect the independent judgment of the Board of Supervisors.
2. Notice of the Planning Commission and Board of Supervisors hearings on the Countywide Plan environmental review documents was given as required by law and the actions were conducted in accordance with CEQA, and the State CEQA Guidelines.
3. All individuals, groups and agencies desiring to comment were given adequate opportunity to submit oral and written comments on the environmental review documents. These opportunities for comment meet or exceed the requirements of CEQA and the County Environmental Review procedures.
4. All comments submitted during the public review and comment period on the DEIR, the public hearings on the adequacy of the DEIR conducted by the Planning Commission and the public review and comment period and hearing on the Final EIR were responded to adequately.
5. The Board of Supervisors was presented with all of the information described in the recitals and has considered this information in adopting this resolution.
6. The Final EIR (a) has been completed in compliance with the intent and requirements of CEQA and the State CEQA Guidelines, and the County EIR process, (b) reflects the independent judgment and analysis of the County of Marin, and (c) has been presented to and reviewed and considered by the Board of Supervisors in its deliberations regarding adoption of the 2007 Countywide Plan.

PASSED AND ADOPTED at the regular meeting of the Board of Supervisors of the County of Marin, State of California, on the 6th day of November, 2007, by the following vote to-wit:

AYES:

NOES:

ABSENT:

STEVE KINSEY, PRESIDENT
MARIN COUNTY BOARD OF SUPERVISORS

Attest:

Matthew H. Hymel
Clerk of the Board