

**DRAFT RESOLUTION NO. Z-14-XX OF**  
**THE EAST COUNTY BOARD OF ZONING ADJUSTMENTS**  
**ADOPTED AT THE HEARING OF MARCH 27, 2014**  
**CONCERNING PLN2013-00013**

**CERTIFYING ENVIRONMENTAL IMPACT REPORT, ADOPTING FINDINGS,  
ADOPTING MITIGATION MONITORING AND REPORTING PROGRAM, AND  
ADOPTING STATEMENT OF OVERRIDING CONSIDERATIONS, ALL IN  
COMPLIANCE WITH THE CALIFORNIA ENVIRONMENTAL QUALITY ACT.**

**WHEREAS**, SAND HILL WIND, LLC filed an application for CONDITIONAL USE PERMIT, PLN2013-00013, to allow replacement of 73 existing wind turbines with 40 shrouded wind turbines, on seven parcels in the Altamont Pass Wind Resources Area (APWRA) of Alameda County; and

**WHEREAS**, the Alameda County Planning Department as the lead agency for consideration of said application to approve conditional use permits, determined that the proposed project would result in potentially significant adverse environmental impacts, and that the preparation of an EIR was required, and therefore required the applicant to fund the preparation of an EIR to evaluate the proposed project (the Initial Repower), including a potential subsequent phase to install up to 300 additional shrouded turbines (the Full Repower); and

**WHEREAS**, a Notice of Preparation (NOP) of a Draft Environmental Impact Report (DEIR) was issued on March 6, 2013, soliciting public input regarding the environmental analysis of the project (both the Initial and Full Repower), and a public scoping meeting was held on March 13, 2013; and

**WHEREAS**, the DEIR was completed on November 8, 2013 and identified specific significant and unavoidable adverse impacts, and potentially significant adverse impacts which could be reduced to less than significant levels with the implementation of mitigation measures identified in the DEIR, as summarized in the Executive Summary of the DEIR; and

**WHEREAS**, a Notice of Availability (NOA) of the DEIR was issued on November 8, 2013 and copies of the DEIR provided to the state Office of Planning and Research – State Clearinghouse (SCH) for distribution to state Responsible Agencies, and was also provided to other interested agencies, organizations and area property owners and residents to solicit comment on the DEIR during a 45-day comment period ending on December 23, 2013 at 5:00 p.m., and the DEIR was made available at the offices of the Alameda County Planning Department at 224 West Winton Avenue, Hayward, California, 94544, at a Planning Department branch office at 3585 Greenville Road (Martinelli Center) Livermore, California, 94550, made available on the Planning Department’s public website on November 10, 2013, and at the Livermore Public Library, 1188 South Livermore Ave, Livermore, California, 94550; and

**WHEREAS**, a public hearing to take verbal comment on the DEIR was held on Thursday, December 19, 2013, at the hour of 1:30 p.m. at a meeting of the East County Board of

Zoning Adjustments in the City of Pleasanton Council Chambers, 200 Old Bernal Avenue, Pleasanton, California, 94566; and

**WHEREAS**, in accordance with the CEQA Guidelines Section 15132 a Final EIR (FEIR) document was prepared which incorporates the DEIR by reference with limited changes to the DEIR (Errata Chapter), all comments received on the DEIR, a list of persons, organizations and agencies commenting on the DEIR, and responses to each comment, and said FEIR was provided on March 14, 2014 to the Office of Planning and Research – State Clearinghouse for distribution to state Responsible Agencies, and the FEIR was provided by the Planning Department to other interested agencies, organizations and persons who commented on the DEIR, and made available on the County’s public website on March 17, 2014; and

**WHEREAS**, it satisfactorily appears from affidavits on file that proper notice of said public hearing was given in all respects as required by law; and

**WHEREAS**, this East County Board of Zoning Adjustments (“Board”), as the decision making-body for the proposed conditional use permit, did hold a public hearing regarding the FEIR and the proposed project at the hour of 1:30 p.m. on Thursday, the twenty-seventh day of March, 2014 in the City of Pleasanton Council Chambers, 200 Old Bernal Avenue, Pleasanton, California; and

**WHEREAS**, the FEIR did not identify any new significant environmental effects or significant new information as defined in CEQA Guidelines 15088.5 requiring recirculation of the EIR; and

**WHEREAS**, the Planning Department submitted a Staff Report to the Board summarizing the facts and circumstances of the proposed Sand Hill Wind Project, and the preparation of the DEIR and FEIR in compliance with Sections 15089 and 15132 of the CEQA Guidelines, and asserts that the FEIR has been completed in compliance with CEQA, and that although mitigation measures are identified in the FEIR that are reasonably expected to avoid, minimize or reduce some adverse environmental impacts of the project to a less than significant level, certain other impacts of the project will remain significant and unavoidable; and

**WHEREAS**, in compliance with Section 15091 of the CEQA Guidelines the Planning Department has prepared Written Findings of Significant Effects, attached herein as Exhibit A, which makes written findings for each of the significant effects of the project, accompanied by a brief explanation of the rationale for each finding, supported by substantial evidence in the record, that changes or alterations have been required in or incorporated into the project, including by identified mitigation measures which would avoid or substantially lessen some but not all identified significant environmental effects, and furthermore that certain mitigation measures or project alternatives identified in the final EIR are infeasible due to specified economic, legal, social, technological, or other considerations; and

**WHEREAS**, further in compliance with Section 15091 of the CEQA Guidelines the Planning Department has prepared a Mitigation Monitoring and Reporting Program, attached herein as Exhibit B, which is required to be implemented by the Permittee and by the County as a condition of approval of the project and that are fully enforceable through permit conditions, agreements, or other measures; and

**WHEREAS**, in compliance with Section 15093 of the CEQA Guidelines the Planning Department has prepared a Statement of Overriding Considerations, attached herein as Exhibit C, which states specific reasons, supported by substantial evidence in the record, why the Planning Department and the Board would approve the project although certain significant adverse environmental effects of the project would not be avoided or substantially lessened by the identified mitigation measures; and

**NOW, THEREFORE, BE IT RESOLVED** that this Board certifies that the Final EIR for the Sand Hill Wind Project has been completed in compliance with CEQA; and

**BE IT FURTHER RESOLVED** as follows:

1. The Board certifies that it has been presented with all of the information described in the above recitals and has reviewed and considered this information and the Final EIR prior to adopting this Resolution and considering approval of the project.
2. The Board certifies that the above recitals, attached exhibits and the Final EIR are true and correct.
3. The Board certifies that the Final EIR reflects the County's independent judgment and analysis.
4. Notice of the Board's hearings on the proposed project, the Draft and Final EIRs has been given as required by law and the actions were conducted pursuant to the Planning and Zoning Law, CEQA, the State CEQA Guidelines and the County's CEQA Guidelines.
5. The Board is a non-elected decision-making body within a local lead agency, and that the certification of the Final EIR may be appealed to the Alameda County Board of Supervisors.
6. All individuals, groups and agencies desiring to comment were given adequate opportunity to submit oral and written comments on the proposed Project, the DEIR and to the degree permitted by the CEQA Guidelines also the Final EIR, which met or exceeded the requirements of the Planning and Zoning Law and CEQA.
7. All comments submitted during the public review and comment period on the DEIR were responded to adequately in the Final EIR.

8. No new comments or information has been submitted during the hearing on the Final EIR that would change the analysis or conclusions of the Final EIR.
9. The Board adopts the Written Findings of Significant Effects contained in Exhibit A of this Resolution, the Mitigation Monitoring and Reporting Program contained in Exhibit B of this Resolution; and the Statement of Overriding Considerations contained in Exhibit C of this Resolution, which Exhibits are incorporated herein as if fully set forth.

**EAST COUNTY BOARD OF ZONING ADJUSTMENTS  
ALAMEDA COUNTY PLANNING DEPARTMENT**