

**RESOLUTION NO. Z-14-16 OF
THE EAST COUNTY BOARD OF ZONING ADJUSTMENTS
ADOPTED AT THE HEARING OF MARCH 27, 2014
CONCERNING PLN2013-00013**

CERTIFYING ENVIRONMENTAL IMPACT REPORT

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 Clearing-house 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

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 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.

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