

RESOLUTION NO. 93-71

**A RESOLUTION OF THE RIDGECREST CITY COUNCIL
AMENDING RESOLUTION NO. 86-56 AS IT RELATES TO
ENVIRONMENTAL QUALITY**

BE IT RESOLVED BY THE RIDGECREST CITY COUNCIL as follows:

Section 1. Purpose

This resolution amends the guidelines implementing the California Environmental Quality Act by requiring mitigation measures to be a condition of a project's approval and consultation with the lead agency.

Section 2. Amendment: Findings

Section 5.111 of Resolution No. 86-56 is hereby amended and reenacted to read as follows:

"Section 5.111 Findings

(a) The City shall not approve or carry out a project for which an EIR has been completed which identifies one or more significant affects of the project unless the City makes one or more written findings for each of those significant affects accompanied by a statement of the facts supporting each finding. The possible findings are:

(1) Changes or alterations have been required in, or incorporated into, the project which mitigate or avoid the significant environmental affects as identified in the final EIR.

(2) Such changes or alterations are within the responsibility and jurisdiction of another public agency and not the City. Such changes have been adopted by such another agency or can or should be adopted by such another agency.

(3) Specific economic, social, or other considerations make it infeasible to mitigate measures or project alternatives identified in the final EIR.

(b) The findings required by subsection (a) shall be supported by substantial evidence in the record.

(c) The finding in subsection (a) (2) shall not be made if the City has concurrent jurisdiction with another agency to deal with identified feasible mitigation measures or alternatives.

(d) The City shall not approve or carry out a project as proposed unless the significant environmental affects have been reduced to an acceptable level. Mitigation measures and a program to monitor the mitigation measures shall be described in the findings. Project approval shall be conditioned upon implementation of the mitigation measures.

(e) As used in this section, the term 'acceptable level' means that: (1) all significant environmental affects that can be feasibly avoided have been eliminated or substantially lessened as determined through findings as described in subsection (1), and (2) any remaining, unavoidable significant affects have been found acceptable under the following section."

Section 3. Amendment: Notice of Determination

Section 5.113 of Resolution No. 86-56 is hereby amended and reenacted to read as follows:

"Section 5.113 Notice of Determination

The City shall file a notice of determination following each project approval for which an EIR was considered. The notice shall include:

- (a) An identification of the project including its common name where possible and its location;
- (b) A brief description of the project;
- (c) The date when the City approved the project;
- (d) The determination of the City whether the project in its improved form will have a significant effect on the environment;
- (e) A statement that an EIR was prepared and certified pursuant to the provisions of CEQA;
- (f) A description of the mitigation measures and method of monitoring the mitigation measures.
- (g) Whether a statement of overriding considerations was adopted for the project;
- (h) The address where a copy of the EIR and the record of project approval may be examined.

Section 4. Amendment: Consultation

Section 6.102 of Resolution No. 86-56 is hereby amended and reenacted to read as follows:

"Section 6.102 Consultation

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(a) The City shall respond to requests for consultation by the lead agency to assist in preparing environmental documents for the project.

(1) In response to consultation, the City shall explain its reasons for recommending whether the lead agency should prepare an EIR or a negative declaration for a project. Whether the City disagrees with the lead agency's proposal to prepare a negative declaration for agency's proposal to prepare a negative declaration for a project, the City shall identify the significant environmental impacts which it believes could result from the project and recommend whether an EIR be prepared or that the project be modified to eliminate the significant effects.

(2) As soon as possible, but not longer than 45 days after receiving a notice of preparation from the lead agency, the City shall send a written reply by certified mail. The reply shall specify the scope and content of the environmental information which would be germane to the City's statutory responsibilities in connection with the proposed project. The lead agency shall include this information in the EIR.

(b) Prior to the close of the public review period for a draft EIR or mitigated negative declaration, the City shall either submit complete and detailed performance objectives for mitigation measures which would address the significant environmental effects identified by the City, or refer the lead agency to appropriate readily available guidelines or reference documents.

(c) The City shall designate employees or representative to attend meetings requested by the lead agency to discuss the scope and content of the EIR.

(d) If the City believes that the final EIR or negative declaration prepared by the agency is not adequate for use by the City, the City must either:

(1) take the issue to court within 30 days after the lead agency files a notice of determination;

(2) be deemed to have waived any objection to the adequacy of the EIR or negative declaration; or

(3) prepare a subsequent EIR if permissible under the state guidelines.

(e) Prior to reaching a decision on the project, the City must consider the environmental effects of the project as shown in the EIR or negative declaration. A new or supplemental EIR can be prepared only as provided in the state guidelines.

(f) When an EIR has been prepared for a project, the City shall not approve the project as proposed if the City finds any feasible alternative or feasible mitigation measures within its powers that would substantially lessen any significant effect the project would have on the environment. When considering alternatives in mitigation measures, the City is more limited than a lead agency. The City has responsibility for mitigating or avoiding only the environmental effects of those activities which it decides to carry out, finance, or approve.

(g) The City shall make the findings required by the state guidelines for each significant effect of the project and make the required findings if necessary.

(h) The City should file a notice of determination in the same manner as a lead agency except that the City does not need to state that the EIR or negative declaration complies with CEQA. The City should state that it considered the EIR or negative declaration as prepared by a lead agency."

Section 5. Other

Except as provided herein, Resolution No. 86-56 is hereby reaffirmed and readopted.

APPROVED AND ADOPTED THIS 20th day of October, 1993, by the following vote:

Ayes: Vice Mayor Auld, Council Members Bryan and Parode.

Noes: None.

Abstain: None.

Absent: Mayor Corlett, Council Member Bitney.



Kevin S. Corlett, Mayor

ATTEST:



Pamela Snyder, City Clerk