Placer County Code, Chapter 18

ENVIRONMENTAL REVIEW*

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^{*} Prior code history: prior code §§ 31.100-31.106, 31.260-31.290, 31.310-31.340, 31.410-31.450, 31.510-31.590, 31.610-31.626, 31.630-31.690, 31.710-31.760, 31.810-31.880 and 31.910-31.959.

Article 18.04

GENERAL PROVISIONS

18.04.010	
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Sections:

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Purpose and scope.

18.04.010 Purpose and scope.

The purpose of this chapter is to implement the California Environmental Quality Act (CEQA) (Public Resources Code Sections 21000 et seq.), to supplement the State CEQA Guidelines (14 California Code Regulatory Sections 15000 et seq.), to implement the Permit Streamlining Act (Government Code Sections 65920 et seq.) and to implement Section 21081.6 of the Public Resources Code relating to mitigation monitoring. (Ord. 5119-B (part), 2001)

18.04.020 Incorporation of CEQA and state CEQA guidelines.

The full text of CEQA and the State CEQA Guidelines, as they may be amended from time to time, are incorporated by reference into this chapter as if fully set out, and shall supersede any inconsistent provisions of this chapter. (Prior code § 31.106)

18.04.030 Definitions.

These definitions incorporate and supplement the definitions used in the State CEQA Guidelines.

"Addendum to an EIR or negative declaration" means an addition to an EIR or negative declaration where some technical changes or additions are necessary but none of the conditions for requiring preparation of a subsequent EIR or new negative declaration have occurred, and which raises no new important issues. No circulation or public review is required.

"Administrative draft" means a preliminary draft of an EIR or proposed negative declaration submitted to the county for independent review.

"Administrative final" means a preliminary draft of a final EIR submitted to the county for independent review.

"Agency director" means the head of the community development/resource agency of Placer County.

"Alternative" means reasonable alternate proposals that could feasibly attain most of the basic project objectives and could reduce or eliminate at least one significant effect of the project. This is defined further in Section 18.20.030 entitled "Contents of draft EIR."

"Applicant" means a person who proposes to carry out a project that needs a lease, permit, license, certificate, or other entitlement for use or financial assistance from one or more public agencies when that person applies for governmental approval or assistance.

"Application" means a project description information, including IPA and EQ and other information and supplemental entitlement detail deemed necessary by the county to evaluate the project.

"Approval" means:

- 1. The decision by a public agency that commits the agency to a definite course of action in regard to a project intended to be carried out by any person. The exact date of approval of any project is a matter determined by each public agency according to its rules, regulations, and ordinances. Legislative action in regard to a project often constitutes approval.
- 2. With private projects, approval occurs upon the earliest commitment to issue or the issuance by the public agency of a discretionary contract, grant, subsidy, loan, or other form of financial assistance, lease, permit, license, certificate, or other entitlement for use of the project.

"Approving authority" means the official, board, or commission responsible for taking final action on a project under state law or county ordinance.

"Board" means the board of supervisors of the county of Placer.

"Categorical exemption" means an exemption from CEQA for a class of projects based on a finding by the Secretary for Resources that the class of projects does not have a significant effect on the environment.

"CEQA" means the California Environmental Quality Act, California Public Resources Code Sections 21000 et seq.

"CEQA guidelines" means the State CEQA Guidelines, 14 California Code Regulations Sections 15000 et seq. containing the principles, objectives, criteria and definitions which implement CEQA.

"Community development/resource agency" means the agency which provides planning and direction over those county functions that provide land use planning, management of natural

resources, building, inspection and code enforcement services, and other permit and land use services to the citizens of Placer County. The agency includes the departments of planning and building and land development core functions such as infrastructure planning, surveying and mapping, permits and construction.

"Conditions, covenants, and restrictions (CC&Rs)" means restrictions imposed on property and property owners by private agreement.

"Counter audit" means an evaluation by staff of submitted application (IPA, EQ, etc.) to determine adequacy and applicability of CEQA.

"County" means the county of Placer.

"Cumulative impacts" refers to two or more individual effects which, when considered together, are considerable or which compound or increase other environmental impacts.

- 1. The individual effects may be changes resulting from a single project or a number of separate projects;
- 2. The cumulative impacts from several projects represent the change in the environment which results from the incremental impact of the project when added to other closely related past, present, and reasonably foreseeable probable future projects. Cumulative impacts can result from individually minor but collectively significant projects taking place over a period of time.

Days. The term "days" as used throughout this chapter refers to calendar days. When any time period referenced in this chapter falls on a weekend or county holiday, the time period shall be considered to run until the next regular county working day.

"Deemed withdrawn" means decision by county that application is no longer valid.

"Discretionary project" means a project that requires the exercise of judgment or deliberation when the public agency or body decides to approve or disapprove a particular activity, as distinguished from situations where the public agency or body merely has to determine whether there has been conformity with applicable statutes, ordinances, or regulations.

Effects. The words "effects" and "impacts" as used in this chapter are synonymous.

- 1. Effects include:
- a. Direct or primary effects which are caused by the project and occur at the same time and place;
- b. Indirect or secondary effects which are caused by the project and are later in time or farther removed in distance, but are still reasonably foreseeable. Indirect or secondary effects may include growth-inducing effects and other effects related to induced changes in the pattern of land use, population density, or growth rate, and related effects on air and water and other natural systems, including ecosystems.
 - 2. Effects analyzed under CEQA must be related to a physical change.

"Environment" means the physical conditions which exist within the area which will be affected by a proposed project including land, air, water, minerals, flora, fauna, ambient noise, and objects of historical or aesthetic significance. The area involved shall be the area in which significant effects would occur either directly or indirectly as a result of the project. The "environment" includes both natural and man-made conditions.

"Environmental determination" means a conclusion by the lead department after reviewing the EIAQ and preparing the initial study as to the appropriate environmental document (negative declaration or EIR) to be prepared.

"Environmental impact report (EIR)" means a detailed statement prepared under CEQA describing and analyzing the significant environmental effects of a project and discussing ways to mitigate or avoid the effects. The contents of an EIR are discussed in Article 9, commencing with Section 15120 of the State CEQA Guidelines. The term "EIR" may mean either a draft or a final EIR depending on the context.

- 1. "Draft EIR" means an EIR containing the information specified in Sections 15122 through 15131 of the State CEQA Guidelines.
- 2. "Final EIR" means an EIR containing the information contained in the draft EIR, comments either verbatim or in summary received in the review process, a list of persons commenting, and the response of the lead agency to the comments received. The final EIR is discussed in detail in Section 15132 of the State CEQA Guidelines.

"Environmental impact statement (EIS)" means an environmental impact document prepared pursuant to the National Environmental Policy Act (NEPA). NEPA uses the term EIS in the place of the term EIR which is used in CEQA.

"Environmental questionnaire (EQ)" means a questionnaire prepared by a project applicant and required by the county to assist the lead department in preparation of an initial study. The EQ provides environmental information about the project to the county.

"Environmental review committee (ERC)" means those community development/resource agency or department representatives selected or assigned by the agency director to carry out the responsibilities of the lead department under this chapter, and may include representatives of the community development/resources agency, the planning department, the department of public works, the division of environmental health, the air pollution control district and the department of facility services.

"Exemption verification" means an independent review by the community development/resource agency to verify that a project may be categorically or statutorily exempt from further environmental review. This determination must be approved by the approving authority for the project.

"Feasible" means capable of being accomplished in a successful manner within a reasonable period of time, taking into account economic, environmental, legal, social, and technological factors.

"Historical resources" means the following:

- 1. A resource listed in, or determined to be eligible by the State Historical Resources Commission, for listing in the California Register of Historical Resources. (Pub. Res. Code Section 5024.1, Title 14 CCR, Sections 4850 et seq.);
- 2. A resource included in a local register of historical resources, as defined in Section 5020.1(k) of the Public Resources Code or identified as significant in a historical resource survey meeting the requirements of Section 5024.1(g) of the Public Resources Code, shall be presumed to be historically or culturally significant;
- 3. Any object, building, structure, site, area, place, record, or manuscript which a lead agency determines to be historically significant or significant in the architectural, engineering, scientific, economic, agricultural, educational, social, political, military, or cultural annals of California may be considered to be an historical resource. (Pub. Res. Code Section 5024.1, Title 14 CCR Section 4852.)

Impacts. The words "impacts" and "effects" as used in this chapter are synonymous.

"Independent review" means a county evaluation of accuracy and completeness of any information submitted by the applicant or applicant's representatives or consultant to the county.

"Initial project application (IPA)" means initial project description information form(s) required by the county.

"Initial study" means a preliminary study prepared by the ERC lead department to determine whether an EIR or a negative declaration must be prepared, or if a project is exempt or the issues are adequately addressed in a prior environmental document.

"Lead agency" means the county of Placer. The public agency which has the principal responsibility for carrying out or approving a project. The lead agency will decide whether an EIR or negative declaration will be required for the project and will cause the document to be prepared. Criteria for determining which agency will be the lead agency for a project are contained in Section 15051 of the State CEQA Guidelines.

"Lead department" means the county department or community development/resource agency of which the board of supervisors is the governing board which has the principal responsibility for reviewing, or approving a project, including environmental review of the project. The community development/resource agency is typically the lead department for private land development projects.

"Major EIR" means an EIR prepared for a major project as set forth on the land development fee schedule.

"Major project" means a residential project of fifty (50) or more units or a commercial, industrial, institutional or recreational project of ten (10) acres or more or any project for which an environmental impact report (EIR) is to be prepared.

"Ministerial" means a governmental decision involving little or no personal judgment by the public official as to the wisdom or manner of carrying out the project. The public official merely applies the law to the facts as presented but uses no special discretion or judgment in reaching a decision. A ministerial decision involves only the use of fixed standards or objective measurements, and the public official cannot use personal, subjective judgment in deciding whether or how the project should be carried out. In Placer County, ministerial permits include but are not limited to various building permits, certificates of compliance, various air pollution control district permits, various environmental health permits, encroachment permits, load permits, sewer permits, and Tahoe tree cutting permits.

Mitigation. This is discussed further in Section 18.20.030 entitled "Contents of draft EIR":

- 1. Avoiding the impact altogether by not taking a certain action or parts of an action;
- 2. Minimizing impacts by limiting the degree or magnitude of the action and its implementation;
- 3. Rectifying the impact by repairing, rehabilitating, or restoring the impacted environment:
- 4. Reducing or eliminating the impact over time by preservation and maintenance operations during the life of the action;
- 5. Compensating for the impact by replacing or providing substitute resources or environments.

"National Environmental Policy Act (NEPA)" means the federal statute (Government Code Sections 4321 et seq.) requiring preparation of an EIS for major federal actions significantly affecting environmental quality.

"Negative declaration" means a written statement by the lead agency briefly describing the reasons that a proposed project, not exempt from CEQA, will not have a significant effect on the environment and therefore does not require the preparation of an EIR. The contents of a negative declaration are described in Section 15071 of the State CEQA Guidelines.

"Notice of availability (NOA)" means a brief notice stating that a public agency has completed either a negative declaration or a draft or final EIR and that the document is available for public review.

"Notice of completion (NOC)" means a brief notice filed with OPR by a lead agency as soon as it has completed a draft EIR and is prepared to send out copies for review. An NOC is also required for NOP's and negative declarations that are subject to state clearinghouse review. The contents of this notice are explained in Section 15085 of the State CEQA Guidelines.

"Notice of determination (NOD)" means a brief notice to be filed by a public agency after it approves or determines to carry out a project which is subject to the requirements of CEQA. The contents of this notice are explained in Sections 15075 and 15094 of the State CEQA Guidelines.

"Notice of exemption (NOE)" means a brief notice which may be filed by a public agency after it has decided to carry out or approve a project and has determined that the project is exempt from CEQA as being ministerial, categorically exempt, an emergency, or subject to another exemption from CEQA. The contents of this notice are explained in Section 15062 of the State CEQA Guidelines.

"Notice of preparation (NOP)" means a brief notice sent by a lead agency to notify the responsible agencies, trustee agencies, and involved federal agencies that the lead agency plans to prepare an EIR for the project. The purpose of the notice is to solicit guidance from those agencies as to the scope and content of the environmental information to be included in the EIR. The contents of this notice are described in Section 15082 of the State CEQA Guidelines.

"Office of planning and research (OPR)" means a division of the Governor's Office that includes the state clearinghouse for all CEQA documents.

"On hold" means the status of an application following the lead department's request for additional information in order to complete the application and make an environmental determination. This status may be used by the county to "freeze" mandatory CEQA time frames while the applicant responds to the request for additional information.

"Program EIR" means a program which may be prepared on a series of actions that can be characterized as one large project and are related either:

- 1. Geographically,
- 2. As logical parts in the chain of contemplated actions,
- 3. In connection with issuance of rules, regulations, plans, or other general criteria to govern the conduct of a continuing program, or
- 4. As individual activities carried out under the same authorizing statutory or regulatory authority and having generally similar environmental effects which can be mitigated in similar ways (See CEQA Guidelines, Section 15168).

Project. This is discussed further in Section 18.08.010 entitled "Actions that constitute a project."

"Project description" means any information pertaining to the project that describes features such as intent, purpose, layout and uses.

"Proposed negative declaration" means the draft negative declaration circulated for public review.

"Reentry" means the process for the county to resume processing of a suspended application. Following submittal of the requested information, environmental review continues from the point reached prior to suspension, and mandatory CEQA time periods resume.

"Responsible agency" means a public agency which proposes to carry out or approve a project, for which a lead agency is preparing or has prepared an EIR or negative declaration. For the purposes of CEQA, the term "responsible agency" includes all public agencies other than the lead agency which have discretionary approval power over the project.

"Significant effect on the environment" means a substantial, or potentially substantial, adverse change in any of the physical conditions within the area affected by the project including land, air, water, minerals, flora, fauna, ambient noise, and objects of historic or aesthetic significance. An economic or social change by itself shall not be considered a significant effect on the environment. A social or economic change related to a physical change may be considered in determining whether the physical change is significant.

"Sponsoring department" means a department of the county of Placer that proposes to carry out a project.

"Subsequent EIR" means an additional EIR prepared where subsequent changes are proposed in the project that would result in new significant environmental impacts that require major or important revisions to the previous EIR or negative declaration, substantial changes have occurred with respect to the circumstances under which the project is undertaken, or new information of substantial importance to the project becomes available. Public notice and circulation is required. (CEQA Guidelines, Section 15162)

Substantial Evidence. As used in this chapter and the State CEQA Guidelines, "substantial evidence" means enough relevant information and reasonable inferences from this information that a fair argument can be made to support a conclusion, even though other conclusions might also be reached. Whether a fair argument can be made is to be determined by examining the entire record. Mere uncorroborated opinion or rumor does not constitute substantial evidence.

"Supplemental entitlement detail form" means land use entitlement forms (e.g., general plan amendment, rezone, conditional use permit, variance, etc.) requested by the lead department to clarify, amplify, correct, or otherwise supplement the application.

"Supplemental EIR" or "Supplement to an EIR" means an EIR required when a Subsequent EIR would be required except only minor changes are required in the previous EIR or negative declaration, substantial changes have occurred with respect to the circumstances under which the project is undertaken, or new information of substantial importance to the project becomes available. Public notice and circulation is required.

"Suspended" means the status of an application following the community development/resource agency's determination that there has been an unreasonable delay by the applicant in providing requested information and/or required submittals. Mandatory CEQA timeframes shall be frozen by the county during this period (refer to CEQA Guidelines Section 15109).

"Tiering" means the coverage of general matters in broader EIRs (such as on general plans or policy statements) with subsequent narrower EIRs or ultimately site-specific EIRs incorporating

by reference the general discussions and concentrating solely on the issues specific to the EIR subsequently prepared. Tiering is appropriate when the sequence of EIRs is:

- 1. From a general plan, policy, or program EIR to a program, plan, or policy EIR of lesser scope or to a site-specific EIR.
- 2. From an EIR on a specific action at an early stage to a subsequent EIR or a supplement to an EIR at a later stage. Tiering in such cases is appropriate when it helps the lead agency to focus on the issues which are ripe for decision and exclude from consideration issues already decided or not yet ripe.

"Trustee agency" means a state agency having jurisdiction by law over natural resources affected by a project, which are held in trust for the people of the State of California (e.g., Department of Fish and Game, State Lands Commission, Department of Parks and Recreation, University of California).

"Unreasonable delay" means the delay of thirty (30) days or more by the applicant in providing requested information and/or required submittals.

"Without prejudice" means a way of denying a project that allows an applicant to redesign or resubmit the project within one year. Creates an automatic exemption to local regulations that would otherwise prohibit such a resubmittal by an applicant when the application has been previously heard and denied by the approving authority. (Ord. 5373-B (part), 2005; Ord 5318-B, 2004: Ord. 5119-B (part), 2001)

18.04.040 Responsibilities for environmental review.

This chapter shall apply to public projects directly carried out by county departments, as well as to private projects requiring county entitlements and approvals. (Prior code § 31.280)

18.04.050 Public projects.

- A. When the county plans to carry out a nonexempt public project, the sponsoring department will participate in the environmental review process in a manner similar to that for private project applicants. In this situation, the Lead Department in consultation with other agencies where applicable, shall independently review environmental documentation prepared by/for the sponsoring department.
- B. As an alternative, and only on an exception basis approved by the county executive officer, the sponsoring department may retain all responsibilities of the lead department as described in this chapter. Under this option, the sponsoring department shall prepare and process all environmental documentation. (Ord. 5119-B (part), 2001)

18.04.060 Project initiation.

When a nonexempt private project is subject to discretionary approval by the county, the applicant shall prepare an EQ and initial project application (IPA) (these together shall be known as the "application") and submit them to the lead department. The lead department shall review the application. The Lead Department will prepare the initial study and determine whether a negative declaration or an EIR shall be prepared or that a prior environmental document has adequately addressed any potential issues in compliance with CEQA. The lead department is responsible for preparing the proposed negative declaration or EIR. The Lead Department, in consultation with other agencies where applicable, shall independently review all environmental documents or

special studies prepared by an applicant or by any consultant under contract to the county. (Ord. 5373-B (part), 2005; Ord. 5119-B (part), 2001)

18.04.070 Project application.

- A. Review of Application for Filing. All applications for nonexempt land development projects shall be filed with the lead department and shall include the following (the EQ and the IPA together shall be known as the "application"):
 - 1. A fully completed and signed EQ;
 - 2. A fully completed and signed IPA form;
- 3. The appropriate environmental review fee as set forth on the land development fee schedule.
 - 4. The additional information listed in the EQ and IPA.
- 5. In the case of proposed Tentative Maps, the application shall include a complete Tentative Map described in section 16.12.040.
 - B. Review of Application for Completeness.
- 1. The lead department shall determine in writing whether an application is complete within thirty days of receipt (filing). If the application is incomplete it shall be immediately returned to the applicant with a written specification as to why it is not complete and with a request for additional information or suggested revisions to ensure completeness. The applicant has thirty (30) days to provide a specified number of copies of the requested information to the lead department and said department has thirty (30) days to determine whether the resubmitted application is complete. This cycle may be repeated until the application is determined to be complete.

An application is considered complete when the Lead Department:

- 1. has sufficient information to determine that a project is categorically exempt, or
- 2. that a Negative Declaration can be prepared, including any appropriate mitigation measures identified, or
- 3. that an EIR is to be prepared and the probable environment impacts of the proposed project can be reasonably stated.
- 2. If the application is not found to be complete within thirty (30) days and if the county has not requested additional information, the application is "deemed" complete on the thirtieth day.
- C. Additional Information. After an application has been accepted as complete, the lead department may require the applicant to submit additional information needed for environmental evaluation of the project. All submittals of additional information required either before or after the application has been accepted as complete, shall be submitted to the lead department.
- D. Supplement Entitlement Detail. The applicant shall, at the lead department's direction, complete a supplemental entitlement detail form(s) in order to provide additional information necessary to clarify, amplify, correct, or otherwise supplement the application regarding the specific land use entitlement(s) required/requested. Such information shall be submitted within thirty (30) days from the date the negative declaration is posted or Lead Department acceptance of the administrative final EIR. This form(s) shall be accompanied by the appropriate entitlement review fee(s) as set forth in the Land Development Fee Schedule, and shall

be submitted as described in Section 18.20.060, entitled "The final EIR." (Ord. 5373-B (part), 2005; Ord. 5119-B (part), 2001)

Article 18.08

PRELIMINARY REVIEW

Sections:

18.08.010	Actions that constitute a "project."
18.08.020	Exemptions.
18.08.030	Time limits for private projects.
18.08.040	Procedures for suspension of processing.

18.08.010 Actions that constitute a "project."

Except as otherwise provided, this chapter shall apply to discretionary projects proposed to be carried out or approved by the county. A project is defined as:

- A. The whole of an action, which has a potential for resulting in a physical change in the environment, directly or ultimately, and that is any of the following:
- 1. An activity directly undertaken by any public agency including but not limited to public works construction and related activities, clearing or grading of land, improvements to existing public structures, enactment and amendment of zoning ordinances, and the adoption and amendment of local general plans or elements thereof pursuant to Government Code Sections 65100—65700.
- 2. An activity undertaken by a person which is supported in whole or in part through public agency contracts, grants, subsidies, loans, or other forms of assistance from one or more public agencies.
- 3. An activity involving the issuance to a person of a lease, permit, license, certificate, or other entitlement for use by one or more public agencies.
 - B. Project does not include:
- 1. Continuing administrative or maintenance activities, such as purchases for supplies, personnel-related actions, emergency repairs to public service facilities, general policy and procedure making (except as they are applied to specific instances covered above);
- 2. The submittal of proposals to a vote of the people of the state or of a particular community;
- 3. The creation of government funding mechanisms or other government fiscal activities which either:
- a. Do not involve a probably commitment to any specific project which may result in a potentially significant physical impact on the environment; or
- b. Will be used for capital projects but those projects have not yet reached the stage in planning which will permit meaningful analysis and adequate information for environmental assessment.
- 4. Organizational or administrative activities of governments which are political or which do not result in physical changes in the environment.

C. The term "project" refers to the activity which is being approved and which may be subject to several discretionary approvals by governmental agencies. The term "project" does not mean each separate governmental approval. (Ord. 5119-B (part), 2001)

18.08.020 Exemptions.

Possible exemptions from environmental review include:

- A. The activity is not a project;
- B. Statutory. The project is statutorily exempt. Statutory exemptions are listed in Section 18.36.010, entitled "Statutory exemptions." Statutory exemptions are set forth in CEQA and the State CEQA Guidelines. (See Public Resources Code Sections 21080, subd. (b), 21080.01—21080.08, 21080.7—21080.33; see also CEQA Guidelines Sections 15260—15277, 15378(b).) If a project is statutorily exempt, no further environmental review is required.
 - C. Categorical. The project is categorically exempt:
- 1. Project classes listed in Section 18.36.020, entitled "Categorical exemptions" are categorically exempt because they have been determined to generally not cause significant effects. (See Public Resources Code Sections 21084-21086; see also 14 California Code Regulatory Sections 15300—15332.)
- 2. Exemption Verification. If project falls within a categorical exemption category, the lead department shall make an additional inquiry as to whether the categorical exemption is inapplicable, because of the existence of any of the following factors:
- a. There are unusual circumstances creating the reasonable possibility of significant effects (e.g., an otherwise exempt project located in a wetland shore zone or riparian corridor);
- b. The project and successive projects of the same type in the same place will result in cumulative impacts;
- c. For classes 1, 2, 3, 4, 5, 6, 11, 28, 30 and 31 the project may affect an environmental resource of hazardous or critical concern officially adopted pursuant to law (e.g., an otherwise exempt project that would impact habitat of an endangered species).
- 3. If any of these factors cause the categorical exemption to be inapplicable, the applicant will be required to submit an EQ, IPA, and proceed with further environmental review.
- D. General Rule. Where it can be seen with certainty that there is no possibility that the activity in question may have a significant effect on the environment, the activity is not subject to environmental review. In such cases, the activity is covered by the general rule that CEQA applies only to projects which have the potential for causing a significant effect on the environment. (See CEQA Guidelines Section 15061(b)(3)).
 - E. Notice of Exemption.
- 1. The Lead Department shall initially determine if a project may be exempt. If such a determination is approved by the approving authority and the county approves or decides to carry out the project, the lead department may file a notice of exemption (NOE) after approval of the project.
- 2. The NOE shall include a brief description of the project, findings of exemption, including citation to the State CEQA Guidelines section under which it is found exempt, and reasons supporting those findings. For private projects, the notice shall include a certification that the county has independently reviewed information submitted by the project applicant which supports the exemption; such verification shall include site visits when appropriate.

3. If filed, the notice shall be filed with the county clerk, and with the office of planning and research (OPR) if state resources could be affected. Copies of all such notices shall be available for public inspection. (Ord. 5373-B (part), 2005; Ord. 5119-B (part), 2001)

18.08.030 Time limits for private projects.

A private project requiring an exemption or negative declaration shall be approved or denied within sixty (60) days after the date of exemption determination or adoption of the negative declaration. (Ord. 5119-B (part), 2001)

18.08.040 Procedures for suspension of processing.

- A. If an applicant unreasonable delays (as defined in Section 18.04.030) meeting lead department requests for additional information necessary to complete the environmental review process, or misses any time period contained herein, the lead department may:
- 1. Suspend the running of the time periods and allow the application to "reenter" the environmental review process after all necessary information has been submitted;
- 2. Grant a reasonable extension of the required time frames where compelling circumstances justify additional time and the county and project applicant both consent thereto.
- 3. Schedule the project for hearing and recommend that the project be disapproved without prejudice.
- B. If requested information is not provided within thirty (30) days from the date an unreasonable delay is first identified, the application shall be deemed withdrawn by operation of this section and all processing fees forfeited.
- C. A new EQ fee is required to reactivate a project that has been deemed withdrawn, unless an EIR has been required prior to such date wherein only the EIR fee is required. If a project has been deemed withdrawn within one year of the initial application, a minor EQ fee shall be required to reactivate the project. If more than one year has passed, a full EQ fee shall be required. (Ord. 5373-B

(part), 2005; Ord. 5250-B (Exh. 1)(part), 2003; Ord. 5119-B (part), 2001)

Article 18.12

INITIAL STUDIES

Sections:

18.12.010	Environmental determination.
18.12.020	Early consultation.
18.12.030	Preparation.
18.12.040	Initial study contents.
18.12.050	Significant effect.

18.12.010 Environmental determination.

Within thirty (30) days after acceptance of an application as complete, the ERC shall complete the initial study, make a determination as to whether an EIR is required or a negative

declaration is to be prepared, and provide written communication of this determination to the applicant. (Ord. 5119-B (part), 2001)

18.12.020 Early consultation.

When preparing an initial study the lead department must consult informally with all responsible and trustee agencies to obtain recommendations, within that agency's jurisdiction or area of expertise, as to whether an EIR or negative declaration should be prepared. (Ord. 5119-B (part), 2001)

18.12.030 Preparation.

Following preliminary review, the ERC shall prepare an initial study for nonexempt projects to determine if the project may have a significant effect on the environment. (Ord. 5119-B (part), 2001)

18.12.040 Initial study contents.

- A. The initial study shall contain, in brief form: a project description, a description of the environmental setting, an identification of environmental effects, a discussion of mitigation measures for any significant environmental effects, an analysis of project consistency with applicable land use regulations, and an identification of parties who participated in preparing the initial study. The initial study shall disclose the persons, the source, and the contents of information used in reaching conclusions regarding the significance of a project's environmental effects. Following independent review of the EQ, the initial study may append and incorporate the EQ by reference.
- B. The specific location of recorded archaeological sites shall not be disclosed to the public in the text of a report nor on an exhibit. This information shall be provided to the planning department or community development/resource agency and shall be kept confidential in the EQ file or other location determined by the community development/resource agency. (Ord. 5373-B (part), 2005; Ord. 5119-B (part), 2001)

18.12.050 Significant effect.

- A. Mandatory Findings of Significance. A project may be found to have a significant effect on the environment if any of the following findings are made by the ERC (see CEQA Guidelines Code Section 15065):
- 1. The project has the potential to substantially degrade the quality of the environment, substantially reduce the habitat of a fish or wildlife species, cause a fish or wildlife population to drop below self-sustaining levels, threaten to eliminate a plant or animal community, reduce the number or restrict the range of a rare or endangered plant or animal, or eliminate important examples of the major periods of California history or prehistory.
- 2. The project has the potential to achieve short-term environmental goals to the disadvantage of long-term environmental goals.
- 3. The project has possible environmental effects which are individually limited but cumulatively considerable. "Cumulatively considerable" means that the incremental effects of an individual project are considerable when viewed in connection with the effects of past projects, the effects of other current projects, and the effects of probable future projects, as defined in CEQA Guidelines, Section 15130.

- 4. The environmental effects of a project will cause substantial adverse effects on human beings, either directly or indirectly.
- B. Effects That are Normally Significant. In addition to the above, the county has established a list of impacts which will normally have a significant environmental effect. This list is attached as Appendix A.
- C. Environmental Thresholds The county may establish additional quantitative or qualitative thresholds for determining impact significance.
- D. Baseline for Threshold Decision. In assessing whether the effects of changes in land use designations (e.g., general plan amendments or rezonings) are significant, impacts shall be determined by comparing the proposed land uses to existing preproject environmental conditions. Future environmental conditions under the existing (adopted) land use designations shall not be used as a baseline. (Ord. 5119-B (part), 2001)

Article 18.16

NEGATIVE DECLARATIONS

Sections:	
18.16.010	Preparation.
18.16.020	Contents of negative declaration.
18.16.030	Notice and review.
18.16.040	Consideration of the negative declaration.
18.16.050	Notice of determination.
18.16.060	Time limits for private projects.
18.16.070	Subsequent negative declarations.
18.16.080	Reuse of negative declaration from an earlier project.
18.16.090	Addendum negative declarations.

18.16.010 Preparation.

The lead department shall be responsible for the preparation of a negative declaration. A negative declaration shall be prepared when:

- A. The initial study shows that there is no substantial evidence that the project may have a significant effect on the environment; or
- B. The initial study identifies potentially significant effects, but the project has been revised before the release of the proposed negative declaration to mitigate the impacts to a less than significant level, or the applicant has agreed to specific mitigation measures and there is no substantial evidence that the project as revised may have a significant environmental effect. All such project revisions shall be made prior to public notice of the availability of the proposed negative declaration, and shall be clearly identified in the project description set forth in the proposed negative declaration.
- C. The Initial Study identifies potentially significant effects but the project has been included in a previously certified EIR whereby mitigation measures adopted as part of the certified EIR will be included as part of a Mitigated Negative Declaration. (Prior code § 31.510)

18.16.020 Contents of negative declaration.

The following information shall be included in both the proposed negative declaration circulated for public review, and the final negative declaration:

- A. A brief description of the project, including a commonly used name for the project, if any, and assessor's parcel number(s);
 - B. The project location, shown on a map, and the name of the project proponent;
- C. A proposed finding that there will be no significant impact, including a list of any proposed mitigation measures necessary to make such a finding;
- D. An attached copy of the initial study documenting reasons to support the finding including all contents defined in Section 18.12.040.

The specific location of recorded archaeological sites shall not be disclosed to the public in the text of a report nor on an exhibit. This information shall be provided to the planning department and shall be kept confidential in the EQ file or other location determined by the community development/resource agency. (Ord. 5373-B (part), 2005; Ord. 5119-B (part), 2001)

18.16.030 Notice and review.

- A. Type of Notice. The lead department shall provide the public with reasonable notice of availability (NOA) of a proposed negative declaration. Notice shall be given in at least one of the following ways:
 - 1. Publication in a generally circulated newspaper of the affected region;
 - 2. Posting onsite and offsite in the area of the project location; or
- 3. Direct mailing to owners and occupants of property contiguous with the project area (shown from latest equalized roll).
- B. Contents of NOA. The NOA shall specify the public review period, identify public meetings or hearings on the proposed project, and state where the proposed negative declaration is available for review. All public agencies which provided written comments on a proposed negative declaration shall be sent a public meeting/hearing notice.
- C. Distribution of the NOA and Proposed Negative Declaration. The NOA, together with the proposed negative declaration, shall be mailed to the following parties:
 - 1. Responsible agencies;
 - 2. Trustee agencies with resources affected by the project;
 - 3. Federal agencies involved in funding or approving the project;
- 4. The State Clearinghouse, if one or more state agencies is a responsible or trustee agency;
- 5. Other agencies that exercise authority over resources that may be affected by the project;
- 6. Transportation planning agencies and public agencies with transportation facilities that could be affected by the project;
 - 7. Cities or counties adjacent to the county that could be affected by the project;
- 8. All organizations and individuals that have previously requested notice, including any person who has filed a written request for such notice with the lead department;
 - 9. Office of the county clerk.
 - D. Review Period for Proposed Negative Declaration.
- 1. Proposed negative declarations for projects of statewide, regional, or area wide significance (as defined in the CEQA Guidelines Section 15206) shall be submitted to the State

Clearinghouse for review. For such projects, the minimum public review period for proposed negative declarations shall be thirty (30) days, unless the county submits a written request for a shorter review period of at least twenty (20) days and the State Clearinghouse grants this request.

2. For all other projects, the minimum public review period for proposed negative declarations shall be twenty (20) days. (Ord. 5119-B (part), 2001)

18.16.040 Consideration of the negative declaration.

The approving authority shall consider comments received on the proposed negative declaration during the public review period. The approving authority shall approve the negative declaration thus finalizing it if found, on the basis of the initial study and any comments received, that there is no substantial evidence that the project will have a significant effect on the environment. Any identified mitigation measures included in the Negative Declaration must be adopted as conditions of approval for the project. (Prior code § 31.540)

18.16.050 Notice of determination.

- A. Within five days after deciding to carry out or approve a project for which a negative declaration has been prepared, the lead department shall file a notice of determination (NOD) with the county clerk, along with the current filing fee, and if applicable, State Department of Fish and Game fee. The applicant is required to submit the current NOD filing fee and the State Department of Fish and Game fee prior to the County filing the NOD. The county shall send the NOD to any person who has filed a written request for notice. The County clerk shall post the NOD for thirty (30) days. If the project requires discretionary approval from any state agency, the NOD shall also be filed with OPR.
- B. The filing and posting of the NOD starts a thirty (30) day statute of limitations on court challenges to the approval under CEQA. Where an NOD has not been filed, this period is one hundred eighty (180) days. (Ord. 5119-B (part), 2001)

18.16.060 Time limits for private projects.

The proposed negative declaration shall be completed and ready for approval within one hundred eighty (180) days after the application is accepted as complete. A private project shall be approved or denied not later than sixty (60) days after adoption of the negative declaration. For a tentative subdivision map for which a negative declaration is prepared, a project decision shall be made within fifty (50) days of adoption of the negative declaration by the approving authority. (Ord. 5119-B (part), 2001)

18.16.070 Subsequent negative declarations.

If a previously adopted negative declaration is revised to include an expanded project description or other substantial new information pursuant to Section 15162 of the CEQA Guidelines, the subsequent negative declaration must comply with the notice and review (Section 18.16.030) provisions of this chapter. (Ord. 5119-B (part), 2001)

18.16.080 Reuse of negative declaration from an earlier project.

A. A negative declaration prepared for an earlier project may also be used for a later project if the project circumstances are essentially the same. When an applicant proposes to use a negative declaration from an earlier project, an initial project application (IPA) and environmental

questionnaire (EQ) shall be used to review the proposed project to determine that the circumstances are essentially the same.

B. A negative declaration reused from an earlier project shall be given the same notice, public review, and circulation as the original proposed negative declaration. (Ord. 5373-B (part), 2005; Ord. 5119-B (part), 2001)

18.16.090 Addendum negative declarations.

- A. An addendum to a previously adopted negative declaration may be prepared if only minor technical changes or additions are necessary. The addendum need not be circulated for public review but can be included in or attached to the previously adopted negative declaration.
- B. The special finding required for approving projects with an addendum negative declaration is as follows:

The previous (name) Negative Declaration adopted by the (hearing body) on (date) and Addendum Negative Declaration (EQ #____) for (project name) have been considered prior to approval of the project. Together they are determined to be adequate to serve as the environmental documentation for this project and satisfy all the requirements of CEQA. The Addendum to the Negative Declaration addresses only minor technical changes or additions.

(Ord. 5373-B (part), 2005; Ord. 5119-B (part), 2001)

Article 18.20

ENVIRONMENTAL IMPACT REPORT

Sections:	
18.20.005	Environmental impact report.
18.20.010	Notice of preparation.
18.20.015	Scoping meeting.
18.20.020	Preparation of environmental impact report.
18.20.030	Contents of draft EIR.
18.20.040	County review of draft EIR for private projects.
18.20.050	Notice and review.
18.20.060	The final EIR.
18.20.070	Findings and statement of overriding considerations.
18.20.080	Notice of determination.
18.20.090	Time limits for private projects.
18.20.100	Subsequent EIR.
18.20.105	Supplement to an EIR.
18.20.110	Addendum to an EIR.
18.20.120	Tiering.
18.20.140	Other types of EIRS.
18.20.150	EIRS for special situations.

18.20.005 Environmental impact report.

- A. The county shall prepare, or cause to be prepared by contract, and certify the completion of, an environmental impact report on any project that they intend to carry out or approve which may have a significant effect on the environment. Determining whether a project may have a significant effect plays a critical role in the CEQA process. If there is substantial evidence, in light of the whole record before a lead agency, that a project may have a significant effect on the environment, the agency shall prepare a draft EIR. When a report is required by Section 65402 of the Government Code, the environmental impact report may be submitted as a part of that report.
- B. For purposes of this section, any significant effect on the environment shall be limited to substantial, or potentially substantial, adverse changes in physical conditions which exist within the area as defined in Section 21060.5 of CEQA. (Ord. 5119-B (part), 2001)

18.20.010 Notice of preparation.

- A. Preparation after the determination has been made that an EIR is required for a project, the lead department shall prepare the notice of preparation (NOP). The applicant shall submit a specified number of copies of the project description and related exhibits to the lead department for distribution along with the appropriate processing fee as set forth in the land development fee schedule.
- B. Contents. At a minimum, the NOP shall include a project description, a site plan, a vicinity map, the EQ, the initial study and a description of the probable environmental effects of the proposed project. Upon completion of the NOP, the lead department shall compile and attach a mailing list.
- C. Mailing. The lead department shall use either certified mail or any other method of transmittal which provides it with a record that the notice was received to distribute the NOP to the following parties:
 - 1. Responsible agencies;
 - 2. Trustee agencies with resources affected by the project;
 - 3. Federal agencies involved in funding or approving the project;
 - 4. The state clearinghouse;
- 5. Other agencies that exercise authority over resources that may be affected by the project;
- 6. Transportation planning agencies and public agencies with transportation facilities that could be affected by the project;
 - 7. Cities or counties adjacent to the county that could be affected by the project;
- 8. All organizations and individuals who have previously requested notice, including any person who has filed a written request for such notice with the lead department.
- D. Review. The public review period for the NOP shall be thirty (30) days. If any entity consulted with regard to the NOP fails to comment within the time period, it shall be assumed that the entity has no comment to make.
- E. Posting. The NOP shall be posted in the office of the county clerk for thirty (30) days.
- F. Comments. At the close of the comment period, the lead department shall transmit all comments to the applicant. (Ord. 5373-B (part), 2005; Ord. 5119-B (part), 2001)

18.20.015 Scoping meeting.

- A. Prior to preparation of the administrative draft EIR, a scoping meeting shall be conducted by the lead department for any of the following:
- 1. A proposed project that may affect highways or other facilities under the jurisdiction of the Department of Transportation (Caltrans) if the meeting is requested by the department. The county lead department shall call the scoping meeting as soon as possible but not later than thirty (30) days after receiving the request from the Department of Transportation.
 - 2. A project of statewide, regional or area-wide significance.
- B. The lead department shall provide notice of the scoping meeting to all of the following:
 - 1. Any adjoining county or city;
 - 2. Any responsible agency;
 - 3. Any public agency that has jurisdiction by law with respect to the project;
- 4. Any organization or individual who has filed a written request for the notice. (Ord. 5250-B (Exh. 1) (part), 2003)

18.20.020 Preparation of environmental impact report.

- A. Public Projects. The sponsoring department shall prepare, or cause to have prepared, the draft and final EIR or cause the county to contract with a qualified consultant to prepare it. The county will authorize the preparation of an EIR on a public project with a contract between the lead department, sponsoring department, and EIR consultant. The county executive officer is authorized to execute such contracts on behalf of the county when the EIR consultant is selected from the pre-approved environmental consultant list. The maximum amount of each contract shall not exceed the limit set forth in California Government Code Section 25502.5.
 - B. Private Projects.
- 1. For all projects where an EIR is required, the applicant shall enter into a private party contract with the county for the preparation of a draft and final EIR. The county will authorize the preparation of an EIR on a private project, based on a three-party agreement between the lead department (county), developer, and EIR consultant. The county executive officer shall be authorized to execute the agreement on behalf of the county. (Ord. 5317-B § 1, 2004: Ord. 5119-B (part), 2001)

18.20.030 Contents of draft EIR.

A. General. The draft EIR shall contain the information required by the State CEQA Guidelines (Sections 15120—15131). The document shall be written in plain language and shall use appropriate graphics. The text of draft EIRs shall normally be less than one hundred fifty (150) pages, and for projects of unusual scope or complexity, shall normally be less than three hundred (300) pages. Discussions shall be concise and focus on significant environmental issues. Full size exhibits shall be submitted with the administrative draft EIR that meet Section 16.12.040 of the county's subdivision regulations. Effects dismissed in the initial study or NOP as clearly insignificant and unlikely to occur need not be discussed further in the EIR unless the lead department subsequently receives information which would be inconsistent with that finding. However, pursuant to CEQA Guidelines Section 15128, the EIR shall contain a brief statement indicating the reasons why various possible significant effects were determined not to be significant and were therefore not discussed in the EIR. A copy of the initial study or NOP should be attached

to the EIR to provide a basis for limiting the impacts discussion. The specific location of recorded archaeological sites shall not be disclosed to the public in the text of a report nor on an exhibit. This information shall be provided to the community development/resource agency and shall be kept confidential in the EQ file or other location determined by the planning department. The following sections supplement the State CEQA Guidelines Draft EIR content requirements.

- B. Summary. Every EIR shall contain a brief, and clearly and simply written summary. The EIR summary shall indicate those environmental effects that are considered significant, and those that are considered less than significant. For each significant impact, the summary shall indicate mitigation measures or alternatives capable of reducing the impact, and whether the impact is still considered significant following implementation of the mitigation measures or alternatives. Mitigation measures shall identify which measures are necessary to be a part of project conditioning in order to avoid a finding of "significant and unavoidable after mitigation." The summary shall identify any unresolved issues or areas of controversy.
- C. Project Description. In addition to the requirements stated in Section 15124 of the State CEQA Guidelines, when an individual project is part of or leads to a larger future project, the EIR project description and impact analysis shall include the larger future project when:
- 1. The larger future project is a reasonably foreseeable consequence of the initial project;
- 2. The larger future project will be significant because it will likely change the nature or scope of the initial project or its environmental effects; or,
- 3. Sufficient information is available about the larger future project to describe it and discuss its environmental effects in at least general terms.
 - D. Alternatives.
- 1. A range of reasonable alternatives to the project or to the location of the project, which could feasibly attain most of the basic objective of the project (i.e., off-site alternatives) shall be considered in the draft EIR. A conceptual site plan shall be provided for each alternative. The comparative merits of the alternatives shall be evaluated.
- 2. If the draft EIR concludes that no feasible alternatives to the proposed project exist, or that any particular alternative is infeasible, the draft EIR shall also discuss the rejected alternative(s) and reasons for rejection in sufficient detail to enable meaningful public review.
- 3. The following factors shall be considered in determining the appropriateness of consideration of alternative locations as defined in Section 15126.6(f)(2) of the State CEQA Guidelines:
- a. Whether alternative sites exist which feasibly attain most of the basic project objectives;
- b. Whether the proposed project site has significant environmental constraints or would cause significant adverse impacts;
- c. Whether the lead department is making a discretionary land use decision on siting of the project;
 - d. Whether the project at the proposed site is incompatible with adjacent land uses;
 - e. Whether the project is consistent with county adopted plans.
- 4. If no reasonable offsite alternatives exist, the draft EIR, in a clearly identified section, shall expressly state and explain this finding. For private or public projects, alternative sites

shall not be found unreasonable merely because the project applicant owns no other sites in the project area, or because of additional cost.

- 5. Development of alternatives shall focus on alternatives that have the potential to reduce significant environmental effects and attain project objectives.
- E. Environmental Setting. The environmental setting shall consist of existing, preproject environmental conditions. The draft EIR shall include a comparison of impacts of the proposed project to impacts of maintaining such existing conditions.
- F. Impact Analysis. The EIR shall indicate whether each environmental impact is considered significant or less than significant, and describe the quantitative or qualitative criteria used to determine impact significance. When mitigation measures are proposed to reduce a significant impact, the EIR shall indicate whether the impact is reduced to a less-than-significant level following mitigation.
- G. Cumulative impact analysis. When the cumulative impact analysis is performed by listing all known projects (the "list" approach), the following projects shall be considered:
 - 1. Projects partially occupied or under construction;
 - 2. Projects which have received final discretionary approvals;
- 3. Projects whose applications have been accepted as complete and are currently undergoing environmental review;
- 4. Proposed projects that have been discussed publicly by an applicant or that otherwise become known to the lead department, provided sufficient information is available about the project to allow at least a general analysis of environmental impacts.
 - H. Mitigation Measures.
- 1. Mitigation measures shall be described in EIRs in sufficient detail to permit a reasonable assessment of their feasibility and environmental effects.
- 2. Mitigation measures are specific actions that correct, minimize, or rectify an impact, reduce an impact over time, or compensate for an impact. Refer to Section 18.04.030.
- 3. Mitigation measures contained in EIRs are intended to be feasible, specific, and enforceable. Mitigation measures shall be specifically written in language that can be directly applied to conditions of approval by the approving authority. Mitigation measures shall be tangible actions developed prior to project approval that will change physical environmental conditions so that they are able to be monitored effectively following project approval. Refer to Section 18.04.030.
- 4. Mitigation measures shall be separated to distinguish between the measures proposed by the applicant, and other recommended measures that could reasonably be expected to reduce adverse impacts.
- 5. Mitigation measures shall be correlated to indicate which measure is intended to reduce a particular impact.
- 6. Mitigation measures shall be identified to indicate which measures are necessary to be a part of project conditioning in order to avoid a finding of significant and unavoidable after mitigation. (Ord. 5119-B (part), 2001)

18.20.040 County review of draft EIR for private projects.

- A. The lead department shall independently review the administrative draft EIR to determine whether it conforms with the provisions of CEQA, the State CEQA Guidelines, and this chapter.
- B. If the administrative draft EIR is not in compliance with the above, it shall immediately be returned to the consultant with a written specification as to why it does not comply, and with suggested revisions to ensure compliance. The consultant shall submit a revised administrative draft EIR to the lead department for review. The lead department shall independently review the second administrative draft EIR and return it to the consultant with written comments if additional work is required.
- C. Once the administrative draft EIR has been determined to be in conformance with CEQA, the lead department shall approve it for public release as the county's draft EIR. (Ord. 5119-B (part), 2001)

18.20.050 Notice and review.

- A. Notice of Completion. As soon as the draft EIR is published, a notice of completion (NOC) and fifteen (15) copies of the draft EIR shall be filed by the lead department with the State Clearinghouse.
- B. Public Notice. In addition to the NOC, the lead department shall provide a notice of availability (NOA) of a draft EIR. Notice shall be given in at least one of the following ways:
 - 1. Publication in a generally circulated newspaper of the affected region;
 - 2. Posting onsite and offsite in the area of the project location; or
- 3. Direct mailing to owners and occupants of property contiguous with the project area (shown from latest equalized roll).
 - C. Contents of Notice. The NOA shall disclose the following:
 - 1. A brief description of the proposed project and its location.
- 2. The starting and ending dates for the review period during which the lead agency will receive comments. If the review period is shortened, the notice shall disclose that fact.
- 3. The date, time, and place of any scheduled public meetings or hearings to be held by the lead agency on the proposed project when known to the lead agency at the time of notice.
- 4. A list of the significant environmental effects anticipated as a result of the project, to the extent which such effects are known to the lead agency at the time of the notice.
- 5. The address where copies of the EIR and all documents referenced in the EIR will be available for public review. This location shall be readily accessible to the public during the lead agency's normal working hours.
- 6. The presence of the site on any of the lists of sites enumerated under Section 65962.5 of the Government Code including, but not limited to, lists of hazardous waste facilities, land designated as hazardous waste property, hazardous waste disposal sites and others, and the information in Hazardous Waste and Substances Statement required under subsection (f) of that section.
 - D. Distribution of Notice. The NOA shall be mailed to the following parties:
 - 1. Responsible agencies;
 - 2. Trustee agencies with resources affected by the project;
 - 3. Federal agencies involved in funding or approving the project;

- 4. The State Clearinghouse, if one or more state agencies is a responsible or trustee agency;
- 5. Other agencies which exercise authority over resources which may be affected by the project;
- 6. Transportation planning agencies and public agencies with transportation facilities that could be affected by the project;
 - 7. Cities or counties adjacent to the county that could be affected by the project;
- 8. All organizations and individuals who have previously requested notice, including any person who has filed a written request for such notice with the lead department, and all those participating in the EIR scoping meeting (oral and written commentors).
- E. Posting of Notices. The NOA shall be posted in the county clerk's office for thirty (30) days.
- F. Distribution of Draft EIRS. At a minimum the draft EIR shall be mailed to the following parties:
- 1. The State Clearinghouse (fifteen (15) copies) with a copy of the NOC, if one or more state agencies is a responsible or trustee agency, or if the project is of statewide, regional, or area wide significance (as defined in CEQA Guidelines Section 15206);
 - 2. Public libraries serving the project area;
- 3. Any public or private agency that would provide services (water, wastewater, schools, law enforcement, fire protection, parks and recreation, solid waste collection, gas, and electricity);
 - 4. Any city or county adjacent to the county that could be affected by the project;
- 5. Any organizations and individuals who have previously requested the draft EIR, including any person who has filed a written request for the EIR with the lead department;
 - G. Review Period for Draft EIRS.
- 1. For projects of statewide, regional, or area wide significance, the minimum public review period for draft EIRs shall be forty-five (45) days, unless the county requests a shorter review period of at least thirty (30) days and the State Clearinghouse grants this request. The maximum public review period shall not exceed one hundred twenty (120) days.
- 2. For all other projects, the minimum public review period for draft EIRs shall be thirty (30) days.
- 3. If any entity consulted with regard to a draft EIR fails to comment within the time period set forth in subsection (G)(1) of this section, it shall be assumed that the entity has no comment to make. The County need not respond to later comments, but may choose to respond to some or all late comments at its discretion.
- 4. To the extent permitted by law, testimony at public hearings held on the project after the close of the comment period may be limited to those comments raised orally at the ERC hearing and those comments received in writing by the close of the comment period.
- H. Recirculation of Draft EIR. If, following initial public review, new information of substantial importance is added to the EIR, it shall be recirculated prior to preparation of a final EIR. Recirculation shall be required if any of the conditions defined in Section 15088.5 of the State CEQA Guidelines are present. Such recirculations are subject to the same minimum and maximum time periods as specified for the first circulation. (Ord. 5250-B (Exh. 1) (part), 2003; Ord. 5119-B (part), 2001)

18.20.060 The final EIR.

- A. Contents of Final EIR.
- 1. The draft EIR or a revision thereof;
- 2. Comments received on the draft EIR either verbatim or in summary;
- 3. A list of persons, organizations, and public agencies commenting on the draft EIR;
- 4. The responses to comments which address significant environmental issues received on the draft EIR during the public review period;
 - 5. Final mitigation monitoring and reporting plan.
 - B. Format of Final EIR.
- 1. The response to comments section of the final EIR should make a reference to the location in the text of the draft EIR where changes are to be made. These changes would actually appear in the reprinted draft EIR in the form of bolded text where additions have been made and where deletions have occurred, the text shall be struck out.
- 2. The comments and responses to comments will be forwarded to only those agencies and individuals who commented on the draft EIR as per Section 18.20.060(E).
- 3. If the project is a general plan, specific plan, community plan, or master use permit (i.e., subsequent discretionary approvals required), the draft EIR text shall be revised after the final certification hearing such that the revised text has been removed with the final language remaining. The CEQA findings adopted as part of the project's approval shall also be included.
- 4. All other projects can be filed following EIR certification with the bold and struck out text remaining intact.
 - C. County Review of Final EIR.
- 1. The lead department shall independently review the administrative final EIR to determine whether it conforms with the provisions of CEQA, the State CEQA Guidelines, and this chapter.
- 2. If the administrative final EIR is not in compliance with the above, it shall immediately be returned to the consultant with a written specification as to why it does not comply, and with suggested revisions to assure compliance.
- 3. Once the administrative final EIR has been determined to be in conformance with CEQA, the ERC lead department shall approve it for public release as the county's final EIR. The applicant shall be notified of such approval.
- D. Filing and Mailing. One copy of the final EIR shall be placed on file within the community development/resource agency and either a copy of the final EIR or the response to comments shall be mailed to each person, organization, or public agency who submitted comments in writing.
- E. Supplemental Entitlement Detail. Following the lead department's acceptance of the final EIR, the applicant shall submit the supplemental entitlement detail form(s) applicable for the specific land use entitlements required/requested by the project. This form(s) shall be accompanied by the appropriate entitlement review fee(s) as set forth in the land development fee schedule and shall be submitted within thirty (30) days of the lead department's acceptance of the administrative final EIR.
- F. Review Period for Final EIRs. The minimum period that a final EIR shall be available to the public in advance of a public hearing on the project shall be ten (10) days.

G. Certification. The final EIR shall be presented to the approving authority, who shall certify that: (1) the final EIR has been completed in compliance with CEQA, the State CEQA Guidelines, and this chapter; (2) that the final EIR was presented to the approving authority, who reviewed and considered the information in the final EIR prior to project approval; and (3) the final EIR reflects the lead agency's independent judgment and analysis. (Ord. 5373-B (part), 2005; Ord. 5119-B (part), 2001)

18.20.070 Findings and statement of overriding considerations.

- A. Findings for Approval. The approving authority shall not approve or carry out a project for which an EIR was completed unless:
 - 1. The project as approved will not have a significant effect on the environment; or
 - 2. The approving authority has:
- a. Eliminated or substantially lessened all the significant effects on the environment, where feasible, and
- b. Determined that any remaining unavoidable significant effects on the environment are acceptable due to overriding considerations.
- B. Findings for Each Significant Impact. When the approving authority decides to approve a project for which an EIR identifies one or more significant environmental effects, it shall make one of the following findings for each significant effect:
- 1. The project has been changed, or is required to be changed, to avoid (eliminate) or substantially lessen the significant impact;
- 2. Such changes to the project are within the responsibility and jurisdiction of another agency and such changes have been adopted or can and should be adopted by such agency;
- 3. Specific economic, legal, social, technological or other considerations, including considerations for the provision of employment opportunities for highly trained workers, make the mitigation measures or alternatives identified in the EIR infeasible.
- C. Substantial Evidence. Each finding shall be based on substantial evidence, and shall include an explanation that would bridge the gap between the evidence in the record and the conclusion contained in the finding.
- D. Statement of Overriding Considerations. When the approving authority decides to approve a project with significant environmental effects that are not substantially mitigated, it shall state in writing the specific reasons supporting the decision. The statement shall be based on substantial evidence in the record. (Ord. 5119-B (part), 2001)

18.20.080 Notice of determination.

- A. Within five working days after approval of a project for which an EIR has been prepared, the lead department shall file an NOD with the county clerk, along with the current filing fee and State Department of Fish and Game fee. The project applicant is required to submit the current NOD filing fee and State Department of Fish and Game fee prior to the county filing the NOD. The county shall send the NOD to any person who has filed a written request for notice with the lead department. The county clerk shall post the NOD for thirty (30) days.
- B. If the project requires discretionary approval from any state agency, the NOD shall also be filed with OPR.

C. The filing and posting of the NOD starts a thirty (30) day statute of limitations on court challenges to the approval under CEQA. Where an NOD has not been filed, this period is one hundred eighty (180) days. (Ord. 5119-B (part), 2001)

18.20.090 Time limits for private projects.

A private project shall be approved or denied, not later than one hundred eighty (180) days after certification of the final EIR. For a tentative subdivision map for which an EIR is prepared, a project decision shall be made within forty-five (45) days of final EIR certification by the appointing authority. (Ord. 5119-B (part), 2001)

18.20.100 Subsequent EIR.

- A. Once a final EIR has been prepared, a subsequent EIR may be required if substantial changes are proposed in the project, which would result in new significant environmental impacts, substantial changes occur with respect to the circumstances under which a project would be undertaken, or new information of substantial importance to the project becomes available (see CEQA Guidelines Section 15162, 15163). An initial study is required for subsequent EIRs since no NOP is prepared for later projects pursuant to CEQA Section 21094(c).
- B. A subsequent EIR shall be given the same kind of notice and public review as is given a draft EIR.
- C. A subsequent EIR may be circulated by itself without recirculating the previous EIR. (Ord. 5119-B (part), 2001)

18.20.105 Supplement to an EIR.

- A. The lead or responsible agency may choose to prepare a supplement to an EIR rather than a subsequent EIR if:
- 1. Any of the conditions described in CEQA, Section 15162, would require the preparation of a subsequent EIR, and
- 2. Only minor additions or changes would be necessary to make the previous EIR adequately apply to the project in the changed situation.
- B. The supplement to the EIR need contain only the information to make the previous EIR adequate for the project as revised.
- C. A supplement to an EIR shall be given the same kind of notice and public review as is given to a draft EIR under CEQA, Section 15087.
- D. A supplement to an EIR may be circulated by itself without recirculating the previous draft or final EIR.
- E. When the agency decides whether to approve the project, the approving authority shall consider the previous EIR as revised by the supplemental EIR. A finding under CEQA, Section 15091, shall be made for each significant effect shown in the previous EIR as revised. (Ord. 5119-B (part), 2001)

18.20.110 Addendum to an EIR.

- A. An addendum to a previously certified EIR shall be prepared if some changes or additions are necessary but none of the conditions for requiring preparation of a subsequent EIR have occurred.
 - B. An addendum need not be circulated for public review.
- C. The special finding required for approving projects with an addendum EIR is as follows:

The previous (name) Environmental Impact Report, certified by the (hearing body) on (date) and Addendum EIR (EQ #____) for (project name) have been considered prior to

approval of the project. Together they are determined to be adequate to serve as the environmental documentation for this project and satisfy all the requirements of CEQA. The Addendum to the EIR did not raise important new issues about the significant effects on the environment.

(Ord. 5373-B (part), 2005; Ord. 5119-B (part), 2001)

18.20.120 Tiering.

The lead department shall encourage the tiering of EIRs whenever feasible. EIRs of broad scope shall be prepared for broad plans, policies, and programs. Later EIRs shall incorporate by reference the general discussions contained in broader EIRs, and focus on significant effects not examined in the broader EIR and on site-specific issues. The project initial study shall be used to determine the extent to which the broader EIR is sufficient for the narrower project under consideration. (Ord. 5119-B (part), 2001)

18.20.140 Other types of EIRS.

There may be other types of EIR's consistent with this chapter and the State CEQA Guidelines that meet the needs of other circumstances (e.g., staged EIR's, program EIR's). (See CEQA Guidelines Article II). (Ord. 5119-B (part), 2001)

18.20.150 EIRS for special situations.

Special, abbreviated procedures set forth in CEQA and the State CEQA Guidelines may be employed in the following situations:

- A. Redevelopment Projects. See CEQA Guidelines Section 15180.
- B. Housing and Neighborhood Commercial Facilities in Urbanized Areas. See CEQA Guidelines Section 15181.
- C. Residential Projects Pursuant to a Specific Plan Adopted by Ordinance. (See CEQA Guidelines Section 15182). Where an EIR has been previously certified a specific plan adopted by ordinance, no further environmental review nor initial study is required for a later project that is found to be consistent with the specific plan and where no substantial changes have occurred per Section 18.20.100 that would require the preparation of a subsequent EIR.

Prior to approval of any later projects defined above, the decision-maker shall make a finding that, "the proposed project is exempt from CEQA per Guidelines Section 15182, 'Residential Projects Pursuant to a specific Plan.' The proposed project is within the scope of impacts addressed in the previously-certified EIR and no new effects will occur nor are new mitigation measures required for the later project."

- D. Projects Consistent with a Community Plan, General Plan Zoning, or Specific Plan Adopted by Resolution (see CEQA Guidelines, Section 15183). Where an EIR has been previously certified for a community plan, general plan, zoning or specific plan adopted by resolution, an initial study shall be conducted to determine if the later project is consistent with the development intensity established by these plan policies. In this case, no further environmental review is required except to: 1) evaluate project-specific impacts, 2) demonstrate how the proposed project is within the prior EIR's scope of impacts, and 3) implement the mitigation measures adopted in the previously certified EIR pursuant to CEQA Guidelines Section 15183.
 - E. State-Mandated Local Projects. See CEQA Guidelines Section 15184.

F. Streamlined Environmental Review (Master EIR). See CEQA Statute Section 21157. (Ord. 5250-B (Exh. 1) (part), 2003; Ord. 5119-B (part), 2001)

Article 18.24

PROCEDURES WHEN COUNTY IS RESPONSIBLE AGENCY

Sections:

18.24.010	Time limits for private projects.
18.24.020	Commenting on draft EIR.
18.24.030	Consideration of final EIR.
18.24.040	Limitations of responsible agency authority.

18.24.010 Time limits for private projects.

A county agency acting as a responsible agency shall approve or deny a project within one hundred eighty (180) days after it accepts the application as complete, or within one hundred eighty (180) days after the lead agency has acted, whichever period is longer. (Ord. 5119-B (part), 2001)

18.24.020 Commenting on draft EIR.

A county agency acting as a responsible agency shall limit its comments on draft EIRs to project activities within the agency's area of expertise or jurisdiction. (Ord. 5119-B (part), 2001)

18.24.030 Consideration of final EIR.

A county agency acting as responsible agency shall consider and use the EIR prepared by the lead agency in the manner provided by the State CEQA Guidelines (Section 15096). (Ord. 5119-B (part), 2001)

18.24.040 Limitations of responsible agency authority.

A county agency acting as responsible agency may require changes in a project, or refuse to approve a project, based only on the adverse environmental effects of that part of the project the agency must carry out or approve. (Ord. 5119-B (part), 2001)

Article 18.28

MITIGATION MONITORING AND REPORTING PROGRAM

Sections:

18.28.010	General.
18.28.020	Application.
18.28.030	Standard mitigation monitoring program.
18.28.040	Timing.
18.28.050	Contents of project specific reporting plan.
18.28.060	Implementation.
18.28.070	Fees.
18.28.080	Enforcement.

18.28.090 Modifications.

18.28.010 General.

- A. Section 21081.6 of the Public Resources Code requires all public agencies to establish monitoring or reporting procedures for mitigation measures adopted as a condition of project approval in order to mitigate or avoid significant effects on the environment. Monitoring of such mitigation measures may extend through project permitting, construction, and project operations, as necessary.
- B. The monitoring shall be accomplished by the county's standard mitigation monitoring program and/or a project specific mitigation reporting program. (Ord. 5119-B (part), 2001)

18.28.020 Application.

- A. A mitigation monitoring and reporting plan (hereinafter "monitoring plan") is required for any private or public nonexempt discretionary project approved by Placer County that is subject to either a negative declaration or EIR and that includes mitigation measures necessary to reduce impacts to a less-than-significant level.
- B. For private projects, the county's standard mitigation monitoring program (Section 18.28.030) shall be utilized and certain projects may require the preparation of a supplemental mitigation monitoring plan.
- C. Mitigation reporting plan shall be required only where the county's standard mitigation monitoring plan does not address required mitigation monitoring. This will most often be required where on-going monitoring of required mitigation measures extends beyond the county's permitting process (i.e., after subdivision improvements are accepted as complete by the county or after certificates of occupancy are issued.)
- D. For public projects, the sponsoring department shall prepare the monitoring and/or reporting plan. (Ord. 5119-B (part), 2001)

18.28.030 Standard mitigation monitoring program.

The following mitigation monitoring program (and project specific reporting plans, when required) shall be utilized by the county of Placer to implement Public Resources Code Section 21081.6. Mitigation measures, adopted for discretionary projects, must be included as conditions of approval, for that project. Compliance with conditions of approval is monitored by the county through a variety of permit processes as described below. The issuance of any of the described permits or county actions which must be preceded by a verification by county staff that certain conditions of approval/mitigation measures have been met, shall serve as the required monitoring of those conditions of approval/mitigation measures.

- A. Design Review Approval. Example. Design review committee review of project plans to verify that specific design features have been incorporated into the project to reduce visual impacts, noise impacts, or other potential impacts.
- B. Improvement Plan Approval. Example. Development Review Committee review of specific design related features such as grading, drainage, installation of sensitive habitat protection features, ensuring payment of mitigation fees, securance of responsible agency permits (i.e., Department of Fish and Game Stream Alteration agreements or Corps of Engineers permits), etc.

- C. Improvement Construction Inspection. Example. Community development/resource agency inspection of grading, drainage, fencing of trees, wetlands protection, etc.
- D. Encroachment Permit. Example. DPW verification of safe access onto a county road.
- E. Recording of a Final Map. Example. Ensuring payment of various mitigation fees, inclusion of subdivision design features required to mitigate impacts, creation of protective easements, etc.
- F. Acceptance of Subdivision Improvements as Complete. Example. Community development/resource agency and/or DRC verification of actual construction of required sound walls, drainage improvements, roads, fences, etc.
- G. Building Permit Approval. Example. Building department review of specific design details of structures such as installation of water conserving features, noise barriers, etc.
- H. Certification of Occupancy. Example. Community development/resource agency review of completed project to ensure compliance with design review approval, improvement plan approval, building permit approval, payment of certain mitigation fees, installation of landscaping, etc. (Ord. 5373-B (part), 2005; Ord. 5119-B (part), 2001)

18.28.040 Timing.

- A. EIRs. Draft mitigation reporting plans for projects for which an EIR is prepared shall be included in the draft EIR. The reporting plan shall be subject to the same public review and comment accorded all other portions of the EIR. The final reporting plan shall be adopted as a part of the CEQA findings for the subject project.
- B. Negative Declarations. If a reporting plan is required for negative declarations that have mitigation measures, said plan shall be prepared by the lead department prior to posting the proposed negative declaration for public review. The reporting plan shall be attached to the proposed negative declaration as a supporting exhibit. (Ord. 5119-B (part), 2001)

18.28.050 Contents of project specific reporting plan.

The reporting plan shall contain, at a minimum, the following:

- A. A listing of every mitigation measure contained in the EIR (or negative declaration) which requires monitoring and is not covered by the county's standard mitigation monitoring plan. (The approving authority may modify or delete recommended mitigation measures so long as the appropriate findings are made.) Also, reference should be made to the page in the EIR where the mitigation measure is described;
- B. Identification of individuals or organizations responsible for monitoring and/or reporting;
 - C. Identification of individuals or organizations responsible for verifying compliance;
- D. Identification of the phase (or date) of the permit process (e.g., prior to tentative map application, final map application, issuance of grading permit, issuance of building permit, certificate of occupancy, etc.) when each mitigation measure shall be initially implemented;
- E. Identification of the frequency and duration of required monitoring, if a measure requires continuous, frequent, monthly, or annual monitoring;
- F. Identification of the performance criteria for determining the success of the mitigation measure, if appropriate (e.g., success rate, measurement criteria, etc.);

G. Identification of the cost, proposed funding, and budget for the reporting plan, if appropriate. (Prior code § 31.840)

18.28.060 Implementation.

- A. Private Projects. For private projects, the applicant shall be responsible for monitoring mitigation measure implementation and reporting in writing on the progress, completion, and any failures to comply with the approved mitigation measures to the lead department. The lead department, using qualified staff, shall verify all information set forth in the applicant's reports, using field visits as necessary.
- B. Public Projects. For public projects, the sponsoring department shall be responsible for monitoring mitigation measure implementation and reporting in writing on the progress and completion, and any failure to comply with the approved mitigation measures.
- C. Availability of Reports. The reports specified in this section are public information and shall be made available to the public. (Ord. 5119-B (part), 2001)

18.28.070 Fees.

- A. All costs for the preparation, administration, and implementation of a reporting plan shall be paid by the project applicant or sponsoring department.
- B. The estimated cost of implementing the reporting plan shall be submitted to the county and deposited in a trust account prior to the acceptance of any plans for review by the county for the issuance of demolition, underground construction, site preparation, grading, building permits, or other entitlement.
- C. If the actual cost of required monitoring/reporting activities exceeds the initial deposit, the additional funds necessary shall be submitted to the county prior to issuance of an occupancy permit unless otherwise specified in the reporting plan. If the actual cost is less, the difference will be refunded to the applicant.
- D. Mitigation plans that extend beyond twelve (12) months may be funded with periodic payments instead of the full cost being submitted as specified above. This alternative fee arrangement must be specified in the proposed reporting plan and approved by the county.
- E. Projects that include reporting plans requiring monitoring for longer than twelve (12) months will be required to demonstrate that long-term funding of monitoring will be assured through one or more of the following mechanisms: deed restrictions; conditions, covenants and restrictions (CC&Rs); cash deposit; letters of credit; or other financial assurances acceptable to the county. (Ord. 5119-B (part), 2001)

18.28.080 Enforcement.

- A. Violation of the County's Standard Mitigation Monitoring Plan or a Reporting Plan Prior to Project Completion. Violation of these plans, where a mitigation measure is to be implemented during site preparation or building construction, shall result in notification of the violation by the lead department and issuance of a stop-work order by the appropriate county permit-issuing authority until the matter is resolved.
- B. Violation of Reporting Plan Following Project Completion. Violation of an approved reporting plan subsequent to project completion or occupancy shall result in one or more enforcement actions including, but not limited to:

- 1. Written notification by the lead department to the responsible party with a demand for correction of the violation;
 - 2. Issuance of an infraction citation;
 - 3. Prosecution of the responsible party for a misdemeanor;
 - 4. Forfeiture of bonds, cash deposits, and/or letters of credit;
 - 5. Revocation of any land use entitlements;
- 6. Recordation of development restrictions against the subject property. (Ord. 5119-B (part), 2001)

18.28.090 Modifications.

- A. The agency director or designee or other government authority with responsibility for verifying compliance, as identified in the monitoring and/or reporting plan, shall determine whether proposed modifications are minor in nature and therefore in substantial compliance with the approved plan.
- B. Modifications of an approved reporting plan, that are not in substantial conformance with that plan, shall be subject to review and approval by the approving authority.
- C. The applicant shall submit a specified number of copies of the modification request to the lead department for distribution and processing. The request shall be accompanied by the appropriate processing fee set forth in the land development fee schedule. (Ord. 5373-B (part), 2005; Ord. 5119-B (part), 2001)

Article 18.32

APPEALS AND INDEPENDENT HEARING BODY POWERS

Sections:

18.32.010 Appeals.

18.32.020 Independent hearing body powers.

18.32.010 Appeals.

- A. Generally, the provisions of this section shall apply to all appeals relating to environmental review.
- B. Decisions of the lead department may be appealed to the approving authority that will first consider the project (unless otherwise indicated); decisions of the zoning administrator, Design Review Committee or Parcel Review Committee may be appealed to the Planning Commission; decisions of the planning commission may be appealed to the board of supervisors.
- C. Decisions relating to exemptions, negative declarations or EIRs may only be appealed by the applicant, or by persons, organizations, or public agencies that submitted written comments pursuant to this chapter, or supplied oral testimony at a public hearing on the project.
- D. Each appeal shall be accompanied by a nonrefundable fee as set forth in the Placer County land development fee schedule.
- E. An appeal may be initiated by filing a written appeal with the appropriate appellate body within ten (10) days following the determination to be appealed. Appeals shall not be deemed

filed until received by the appellate body, or that body's designated representative. The written appeal shall comply with Section 17.60.110C(1).

- F. Upon receipt of an appeal in proper form, the lead department shall set a hearing date with the appellate body within 90 days. Evidence shall be taken at such hearing and, the appellate body shall make its findings and render a decision on the appeal. The appellate body shall consider all the evidence and the appellate body's decision may affirm, modify, or reverse the previous decision.
- G. All time limits specified in this chapter are on hold during the appeal process. (Ord. 5119-B (part), 2001)

18.32.020 Independent hearing body powers.

Notwithstanding any other provisions of this chapter relating to environmental review and appeal procedures, the zoning administrator, parcel review committee, planning commission or board of supervisors may independently review the adequacy of environmental documents on projects reviewed by them. If, by majority vote of the members of the hearing body, it is determined that environmental review of the project was inadequate, further environmental review may be ordered before the hearing body takes action on the project. (Ord. 5119-B (part), 2001)

Article 18.36

STATUTORY EXEMPTIONS AND CATEGORICAL EXEMPTIONS

Sections:	
18.36.010	Statutory exemptions.
18.36.020	Categorical exemptions.
18.36.030	Class 1—Existing facilities.
18.36.040	Class 2—Replacement or reconstruction (CEQA Guidelines, Section 15302).
18.36.050	Class 3—New construction or conversion of small structures (CEQA Guidelines, Section 15303).
18.36.060	Class 4—Minor alterations to land (CEQA Guidelines, Section 15304).
18.36.070	Class 5—Minor alterations in land use limitations (CEQA Guidelines, Section 15305).
18.36.080	Class 6—Information collection (CEQA Guidelines, Section 15306).
18.36.090	Class 7—Actions by regulatory agencies for protection of natural resources (CEQA
	Guidelines, Section 15307).
18.36.100	Class 8—Actions by regulatory agencies for the protection of the environment (CEQA
	Guidelines, Section 15308).
18.36.110	Class 9—Inspections (CEQA Guidelines, Section 15309).
18.36.130	Class 11—Accessory structures (CEQA Guidelines, Section 15311)
18.36.140	Class 12—Surplus government property sales (CEQA Guidelines, Section 15312).
18.36.150	Class 13—Acquisition of lands for wildlife conservation purposes (CEQA Guidelines, Section
	15313).
18.36.160	Class 14—Minor additions to schools (CEQA Guidelines, Section 15314).
18.36.170	Class 15—Minor land divisions (CEQA Guidelines, Section 15315).
18.36.180	Class 16—Transfer of ownership of land in order to create parks (CEQA Guidelines, Section 15316).
18.36.190	Class 17—Open space contracts or easements (CEQA Guidelines, Section 15317).

18.36.210	Class 19—Annexations of existing facilities and lots for exempt facilities (CEQA Guidelines,
	Section 15319).
18.36.220	Class 20—Changes in organization of local agencies (CEQA Guidelines, Section 15320).
18.36.230	Class 21—Enforcement actions by regulatory agencies (CEQA Guidelines, Section 15321).
18.36.240	Class 22—Educational or training programs involving no physical changes (CEQA
	Guidelines, Section 15322).
18.36.250	Class 23—Normal operations of facilities for public gatherings (CEQA Guidelines, Section
	15323).
18.36.260	Class 24—Regulations of working conditions (CEQA Guidelines, Section 15324).
18.36.270	Class 25—Transfers of ownership of interest in land to preserve open space (CEQA
	Guidelines, Section 15325).
18.36.280	Class 26—Acquisition of housing for housing assistance programs (CEQA Guidelines,
	Section 15326).
18.36.290	Class 27—Leasing new facilities (CEQA Guidelines, Section 15327).
18.36.300	Class 28—Small hydroelectric projects at existing facilities (CEQA Guidelines, Section
	15328).
18.36.310	Class 29—Cogeneration projects at existing facilities (CEQA Guidelines, Section 15329).
18.36.320	Class 30—Minor actions (CEQA Guidelines, Section 15330).
18.36.330	Class 31—Historical resource restoration/rehabilitation (CEQA Guidelines, Section 15331).
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18.36.010 Statutory exemptions.

A. Ministerial Projects. Ministerial projects are statutorily exempt from the requirements of CEQA. The following county entitlements are presumed to be ministerial in the absence of exercise of any discretion by the permit-issuing department:

- 1. Issuance of various building permits;
- 2. Issuance of business licenses;
- 3. Approval of final subdivision maps;
- 4. Issuance of certificates of compliance;
- 5. Approval of individual utility service connections and disconnections;
- 6. Issuance of encroachment permits;
- 7. Issuance of load permits;
- 8. Issuance of burn permits;
- 9. Issuance of permits to operate;
- 10. Issuance of food handling permits;
- 11. Issuance of public swimming pool permits;
- 12. Issuance of various septic permits;
- 13. Issuance of various well construction/destruction permits.

Mixed ministerial and discretionary projects are considered discretionary and subject to CEOA;

- B. Emergency Projects. The following emergency projects are exempt from the requirements of CEQA:
- 1. Projects to maintain, repair, restore, demolish, or replace property or facilities damaged or destroyed as a result of a disaster in a disaster-stricken area in which a state of emergency has been proclaimed by the governor pursuant to the California Emergency Services Act, commencing with Section 8550 of the Government Code;
 - 2. Emergency repairs to public service facilities necessary to maintain service;
 - 3. Specific actions necessary to prevent or mitigate an emergency;

- C. Feasibility and planning studies for possible future action, although such studies shall include consideration of environmental factors;
 - D. Continuing administrative, maintenance, and personnel-related activities;
- E. The submission of proposals to a vote of the people of the county by the initiative process;
- F. Any activity (approval of bids, execution of contracts, allocations of funds, etc.) for which the underlying project has previously been evaluated for environmental significance and processed according to the requirements of CEQA;
 - G. Projects which a public agency rejects or disapproves;
- H. The adoption of ordinances, policies or procedures that do not result in impacts on the physical environment;
- I. The establishment, modification, structuring, restructuring, or approval of rates, tolls, fares, or other charges by the county which the approving authority finds are for the purpose of:
 - 1. Meeting operating expenses, including employee wage rates and fringe benefits;
 - 2. Purchasing or leasing supplies, equipment, or materials;
 - 3. Meeting financial reserve needs and requirements; or
- 4. Obtaining funds for capital projects, necessary to maintain service within existing service areas.

The approving authority shall incorporate written findings in the record of any proceeding in which an exemption under this section is claimed setting forth with specificity the basis for the claim of exemption.

- K. The institution or increase of passenger or commuter service on rail lines already in use, including the modernization of existing stations and parking facilities;
- L. The development or adoption of a regional transportation improvement program or the state transportation improvement program. Individual projects developed pursuant to these programs shall remain subject to CEQA. (Ord. 5119-B (part), 2001)

18.36.020 Categorical exemptions.

The State CEQA Guidelines' detailed definitions of each class of categorical exemption (14 California Code Regulatory Sections 15301—15332), as supplemented by the lists below, shall be used to determine whether an activity is categorically exempt. The following are exceptions to categorical exemptions.

- A. Locations. Classes 3, 4, 5, 6, and 11 are qualified by consideration of where the project is to be located; a project that is ordinarily insignificant in its impact on the environment may in a particularly sensitive environment be significant. Therefore, these classes are considered to apply all instances, except where the project may impact on an environmental resource of hazardous or critical concern where designated, precisely mapped, and officially adopted pursuant to law by federal, state, or local agencies.
- B. Cumulative Impact. All exemptions for these classes are inapplicable when the cumulative impact of successive projects of the same type in the same place, over time is significant—for example, annual additions to an existing building under Class 1.

- C. Significant Effect. A categorical exemption shall not be used for an activity where there is a reasonable possibility that the activity will have a significant effect on the environment due to unusual circumstances.
- D. Scenic Highways. A categorical exemption shall not be used for a project that may result in damage to scenic resources, including but not limited to trees, historic buildings, rock outcroppings, or similar resources, within a highway officially designated as a state scenic highway. This does not apply to improvements that are required as mitigated by an adopted negative declaration or certified EIR.
- E. Hazardous Waste Sites. A categorical exemption shall not be used for a project located on a site which is included on any list complied pursuant to Section 65962.5 of the Government Code.
- F. Historical/Cultural Resources. A categorical exemption shall not be used for a project which may cause a substantial adverse change in the significance of a historical resource. (Ord. 5119-B (part), 2001)

18.36.030 Class 1—Existing facilities.

Class 1 consists of the operation, repair, maintenance, permitting, leasing, licensing or minor alteration of existing public or private structures, facilities, mechanical equipment, or topographical features, involving negligible or no expansion of use beyond that existing at the time of the lead agency's determination. The types of "existing facilities" itemized below are not intended to be all-inclusive of the types of projects which might fall within Class 1. The key consideration is whether the project involves negligible or no expansion of an existing use. Examples include, but not limited to:

- A. Interior or exterior alterations involving such things as interior partitions, plumbing, and electrical conveyances;
- B. Existing facilities of both investor and public-owned utilities used to provide electric power, natural gas, sewerage, or other public utility services;
- C. Existing highways and streets, sidewalks, gutters, bicycle and pedestrian trails, and similar facilities except where the activity will involve removal of a scenic resource including a stand of trees, a rock outcropping, or a historic building;
- D. Restoration or rehabilitation of deteriorated or damaged structures, facilities, or mechanical equipment to meet current standards of public health and safety, unless it is determined that the damage was substantial and resulted from an environmental hazard such as earthquake, landslide, or flood;
- E. Additions to existing structures provided that the addition will not result in an increase of more than:
- 1. Fifty (50) percent of the floor area of the structures before the addition, or two thousand five hundred (2,500) square feet, whichever is less; or
 - 2. Ten thousand (10,000) square feet if:
- a. The project is in an area where all public services and facilities are available to allow for maximum development permissible in the general plan, and
 - b. The area in which the project is located is not environmentally sensitive.

- F. Addition of safety or health protection devices for use during construction of or in conjunction with existing structures, facilities, or mechanical equipment, or topographic features including navigational devices;
 - G. New copy on existing on- and off-premises signs;
- H. Maintenance of existing landscaping, native growth, and water supply reservoirs (excluding the use of economic poisons, as defined in Division 7, Chapter 2, California Agricultural Code);
- I. Maintenance of fish screens, fish ladders, wildlife habitat areas, artificial wildlife waterway devices, streamflows, springs and waterholes, and stream channels (clearing of debris) to protect fish and wildlife resources;
 - J. Fish stocking by the California Department of Fish and Game;
 - K. Division of existing multifamily rental units into condominiums;
- L. Demolition and removal of individual small structures listed in this subsection except where the structures are of historical, archeological, or architectural significance:
- 1. The demolition or removal of a single-family residence. In urbanized areas, up to three single-family residences may be demolished under this exemption.
- 2. Apartments, duplexes, and similar structures, with no more than four dwelling units if not in conjunction with the demolition of two or more such structures. In urbanized areas, this exemption applies to single apartments, duplexes, and similar structures designed for not more than six dwelling units if not demolished in conjunction with the demolition of two or more such structures.
- 3. Stores, motels, offices, restaurants, and similar small commercial structures if designed for an occupant load of thirty (30) persons or less, if not constructed in conjunction with the demolition of two or more such structures. In urbanized areas, the exemption also applies to commercial buildings on sites zoned for such use, if designed for an occupant load of thirty (30) persons or less if not demolished in conjunction with the demolition of four or more such structures.
- 4. The demolition or removal of accessory (appurtenant) structures including garages, carports, patios, swimming pools, and fences;
- M. Minor repairs and alterations to existing dams and appurtenant structures under the supervision of the California Department of Water Resources;
 - N. Conversion of single-family residence to office use;
- O. The conversion of existing commercial units in one structure from single to condominium-type ownership.
- P. Use of a single-family residence as a small family day care home, as defined in Section 1596.78 of the Health and Safety Code.
 - Q. Phasing of projects into separate units.
 - R. Extensions of time. (Ord. 5119-B (part), 2001)

18.36.040 Class 2—Replacement or reconstruction (CEQA Guidelines, Section 15302).

Class 2 consists of replacement or reconstruction of existing structures and facilities where the new structure will be located on the same site as the structure replaced and will have substantially the same purpose and capacity as the structure replaced, including but not limited to:

- A. Replacement or reconstruction of existing schools and hospitals to provide earthquake-resistant structures that do not increase capacity more than fifty (50) percent;
- B. Replacement of a commercial structure with a new structure of substantially the same size, purpose, and capacity;
- C. Replacement or reconstruction of existing utility systems and/or facilities involving negligible or no expansion of capacity;
- D. Conversion of overhead electric utility distribution system facilities to underground including connection to existing overhead electric utility distribution lines where the surface is restored to the condition existing prior to the undergrounding. (Ord. 5119-B (part), 2001)

18.36.050 Class 3—New construction or conversion of small structures (CEQA Guidelines, Section 15303).

Class 3 consists of construction and location of limited numbers of new, small facilities or structures; installation of small new equipment and facilities in small structures; and the conversion of existing small structures from one use to another where only minor modifications are made in the exterior of the structure. The numbers of structures described in this section are the maximum allowable on any legal parcel or to be associated with a project within a two-year period. Examples of this exemption include but are not limited to:

- A. One single-family residence or a second dwelling unit in a zone which permits residential uses. In urbanized areas, up to three single-family residences may be constructed or converted under this exemption;
- B. A duplex or similar multi-family residential structure totaling no more than four dwelling units if not in conjunction with the building or conversion of two or more such structures. In urbanized areas, exemption applies to single apartments, duplexes, and similar structures designed for not more than six dwelling units;
- C. A store, motel, office, restaurant or similar commercial or institutional structure not involving the use of significant amounts of hazardous substances, and not exceeding 2500 square feet in floor area. In urbanized areas, the exemption also applies to up to four such commercial buildings not exceeding 10,000 square feet in floor area on sites zoned for such use, if not involving the use of significant amounts of hazardous substances where all necessary public services and facilities are available and the surrounding area is not environmentally sensitive.
- D. Water mains, sewage, electrical, gas, and other utility extensions including street improvements, to serve individual customers;
- E. Accessory (appurtenant) structures including garages, carports, patios, swimming pools, and fences. (Ord. 5119-B (part), 2001)

18.36.060 Class 4—Minor alterations to land (CEQA Guidelines, Section 15304).

Class 4 consists of minor public or private alterations in the condition of land, water, and/or vegetation which do not involve removal of mature, scenic trees except for forestry and agricultural purposes. Examples include but are not limited to:

A. Grading on land with a slope of less than ten (10) percent, except that grading shall not be exempt in a waterway, in any wetland, in an officially designated (by federal, state, or local government action) scenic area, or in officially mapped areas of severe geologic hazard, such as an Alquiqt-Priolo Earthquake Fault Zone or within an official Seismic Hazard Zone, as delineated by the State Geologist;

- B. Issuance of a grading permit in conjunction with a project for which a design review approval has been granted and/or following any discretionary action which was subject to environmental review;
- C. New gardening or landscaping; including the replacement of existing conventional landscaping with water efficient or fire resistant landscaping;
- D. Filling of earth into previously excavated land with material compatible with the natural features of the site;
- E. Minor alterations in land, water, and vegetation on existing officially designated wildlife management areas or fish production facilities which result in improvement of habitat for fish and wildlife resources or greater fish production;
- F. Minor temporary use of land having negligible or no permanent effects on the environment, including carnivals, outdoor festivals/concerts, sales of Christmas trees, arts and crafts fairs, etc.;
 - G. Minor trenching and backfilling where the surface is restored;
- H. Maintenance dredging where the spoil is deposited in a spoil area authorized by all applicable state and federal regulatory agencies;
 - I. The creation of bicycle lanes on existing rights-of-way.
- J. Fuel management activities within 30 feet of structures to reduce the volume of flammable vegetation, provided that the activities will not result in the taking of endangered, rare, or threatened plant or animal species or significant erosion and sedimentation of surface waters. This exemption shall apply to fuel management activities within 100 feet of a structure if the public agency having fire protection responsibility for the area has determined in writing, or by written policy or ordinance, that 100 feet of fuel clearance is required due to extra hazardous fire conditions. (Ord. 5119-B (part), 2001)

18.36.070 Class 5—Minor alterations in land use limitations (CEQA Guidelines, Section 15305).

- A. Class 5 consists of minor alterations in land use limitations in areas with an average slope of less than twenty (20) percent, which do not result in any changes in land use or density, including but not limited to:
- 1. Minor lot line adjustments, side yard, and setback variances not resulting in the creation of any new parcel;
 - 2. Issuance of minor encroachment permits;
 - 3. Reversion to acreage in accordance with the Subdivision Map Act;
- 4. Design review where no other approvals require environmental review and the project does not fit the definition of a major project;
 - 5. Variances to lot size and lot width where no new building sites are created;
- 6. Variances to height limitations for single-family dwellings. (Ord. 5119-B (part), 2001)

18.36.080 Class 6—Information collection (CEQA Guidelines, Section 15306).

Class 6 consists of basic data collection, research, experimental management, and resource evaluation activities which do not result in a serious or major disturbance to an environmental resource. These may be strictly for information gathering purposes, or as part of a study leading to an action which a public agency has not yet approved, adopted, or funded. (Ord. 5119-B (part), 2001)

18.36.090 Class 7—Actions by regulatory agencies for protection of natural resources (CEQA Guidelines, Section 15307).

Class 7 consists of actions taken by regulatory agencies as authorized by state law or local ordinance to assure the maintenance, restoration, or enhancement of a natural resource where the regulatory process involves procedures for protection of the environment. Examples include but are not limited to wildlife preservation activities of the California Department of Fish and Game. Construction activities are not included in this exemption. (Ord. 5119-B (part), 2001)

18.36.100 Class 8—Actions by regulatory agencies for the protection of the environment (CEQA Guidelines, Section 15308).

Class 8 consists of actions taken by regulatory agencies as authorized by state law or local ordinance to assure the maintenance, restoration, enhancement, or protection of the environment where the regulatory process involves procedures for protection of the environment. Construction activities and relaxation of standards allowing environmental degradation are not included in this exemption. (Ord. 5119-B (part), 2001)

18.36.110 Class 9—Inspections (CEQA Guidelines, Section 15309).

Class 9 consists of activities limited entirely to inspections, to check for performance of an operation, or quality, health, or safety of a project, including related activities such as inspection for possible mislabeling, misrepresentation, or adulteration of products. (Ord. 5119-B (part), 2001)

18.36.130 Class 11—Accessory structures (CEQA Guidelines, Section 15311).

Class 11 consists of construction or placement of minor structures accessory to (appurtenant to) existing commercial, industrial, or institutional facilities, including but not limited to:

- A. On-premises signs;
- B. Small parking lots;
- C. Placement of seasonal or temporary use items such as lifeguard towers, mobile food units, portable restrooms, or similar items in generally the same locations from time to time in publicly owned parks, stadiums, or other facilities designed for public use.

Examples of this exemption include but are not limited to:

- A. Appurtenant signs;
- B. Landscaped public or private parking, if no more than four spaces. (Ord. 5119-B (part), 2001)

18.36.140 Class 12—Surplus government property sales (CEQA Guidelines, Section 15312).

Class 12 consists of sales of surplus government property except for parcels of land located in an area of statewide, regional, or area wide concern identified in the State CEQA Guidelines Section 15206(b)(4). However, even if the surplus property to be sold is located in any of those areas, its sale is exempt if:

- A. The property does not have significant values for wildlife habitat or other environmental purposes, and
 - B. Any of the following conditions exist:
- 1. The property is of such size, shape, or inaccessibility that it is incapable of independent development or use; or

- 2. The property to be sold would qualify for an exemption under any other class of categorical exemption in these guidelines; or
- 3. The use of the property and adjacent property has not changed since the time of purchase by the public agency. (Ord. 5119-B (part), 2001)

18.36.150 Class 13—Acquisition of lands for wildlife conservation purposes (CEQA Guidelines, Section 15313).

Class 13 consists of the acquisition of lands for fish and wildlife conservation purposes including preservation of fish and wildlife habitat, established ecological reserves under Fish and Game Code Section 1580, and preserving access to public lands and waters where the purpose of the acquisition is to preserve the land in its natural condition. (Ord. 5119-B (part), 2001)

18.36.160 Class 14—Minor additions to schools (CEQA Guidelines, Section 15314).

Class 14 consists of minor additions to existing schools within existing school grounds where the addition does not increase original student capacity by more than twenty-five (25) percent or ten (10) classrooms, whichever is less. The addition of portable classrooms is included in this exemption. (Ord. 5119-B (part), 2001)

18.36.170 Class 15—Minor land divisions (CEQA Guidelines, Section 15315).

Class 15 consists of the division of property into four or fewer parcels when the division is in conformance with the general plan and zoning, no other variances or exceptions requiring environmental review are required, and all required services and access to the proposed parcels to local standards are available. (Ord. 5119-B (part), 2001)

18.36.180 Class 16—Transfer of ownership of land in order to create parks (CEQA Guidelines, Section 15316).

Class 16 consists of the acquisition, sale or other transfer of land in order to establish a park where the land is in a natural condition or contains historic sites or archeological sites and either:

- A. The management plan for the park has not been prepared; or
- B. The management plan proposes to keep the area in a natural condition or preserve the historic or archeological resources. CEQA will apply when a management plan is proposed that will change the area from its natural condition or cause substantial adverse change in the significance of the historic or archaeological resource. (Ord. 5119-B (part), 2001)

18.36.190 Class 17—Open space contracts or easements (CEQA Guidelines, Section 15317).

Class 17 consists of the establishment of agricultural preserves, the making and renewing of open space contracts under the Williamson Act, or the acceptance of easements or fee interests in order to maintain the open space character of the area. The cancellation of such preserves, contracts, interests, or easements is not included and will normally be an action subject to the CEQA process. (Ord. 5119-B (part), 2001)

18.36.210 Class 19—Annexations of existing facilities and lots for exempt facilities (CEQA Guidelines, Section 15319).

Class 19 consists of only the following annexations:

- A. Annexations to a city or special district of areas containing existing public or private structures developed to the density allowed by the current zoning or prezoning of either the gaining or losing environmental agency, whichever is more restrictive, provided, however, that the extension of utility services to the existing facilities would have a capacity to serve only the existing facilities.
- B. Annexations of individual small parcels of the minimum size for facilities exempted by Class 3—New Construction or Conversion of Small Structures. (Ord. 5119-B (part), 2001)

18.36.220 Class 20—Changes in organization of local agencies (CEQA Guidelines, Section 15320).

Class 20 consists of changes in the organization or reorganization of local governmental agencies where the changes do not change the geographical area in which previously existing powers are exercised. Examples include but are not limited to:

- A. Establishment of a subsidiary district;
- B. Consolidation of two or more districts having identical powers;
- C. Merger with a city of a district lying entirely within the boundaries of the city. (Ord. 5119-B (part), 2001)

18.36.230 Class 21—Enforcement actions by regulatory agencies (CEQA Guidelines, Section 15321). Class 21 consists of:

- A. Actions by regulatory agencies to enforce or revoke a lease, permit, license, certificate, or other entitlement for use issued, adopted, or prescribed by the regulatory agency or enforcement of a law, general rule, standard, or objective, administered or adopted by the regulatory agency. Such actions include but are not limited to the following:
- 1. The direct referral of a violation of lease, permit, license, certificate, or entitlement for use or of a general rule, standard, or objective to the attorney general, district attorney, or county counsel, as appropriate, for judicial enforcement,
- 2. The adoption of an administrative decision or order enforcing or revoking the lease, permit, license, certificate, or entitlement for use or enforcing the general rule, standard, or objective;
- B. Law enforcement activities by peace officers acting under any law that provides a criminal sanction:
- C. Construction activities undertaken by the public agency taking the enforcement or revocation action are not included in this exemption. (Ord. 5119-B (part), 2001)

18.36.240 Class 22—Educational or training programs involving no physical changes (CEQA Guidelines, Section 15322).

Class 22 consists of the adoption, alteration, or termination of educational or training programs which involve no physical alteration in the area affected or which involve physical changes only in the interior of existing school or training structures. Examples include but are not limited to:

- A. Development of or changes in curriculum or training methods;
- B. Changes in the grade structure in a school which do not result in changes in student transportation. (Ord. 5119-B (part), 2001)

18.36.250 Class 23—Normal operations of facilities for public gatherings (CEQA Guidelines, Section 15323).

Class 23 consists of the normal operations of existing facilities for public gatherings for which the facilities were designed, where there is a past history of the facility being used for the same or similar kind of purpose. For the purposes of this section, "past history" shall mean that the same or similar kind of activity has been occurring for at least three years and that there is a reasonable expectation that the future occurrence of the activity would not represent a change in the operation of the facility. Facilities included within this exemption include but are not limited to racetracks, stadiums, convention centers, auditoriums, amphitheaters, planetariums, swimming pools, and amusement parks. (Ord. 5119-B (part), 2001)

18.36.260 Class 24—Regulations of working conditions (CEQA Guidelines, Section 15324).

Class 24 consists of actions taken by the regulatory agencies, including the Industrial Welfare Commission as authorized by statute, to regulate any of the following:

- A. Employee wages;
- B. Hours of work; or
- C. Working conditions where there will be no demonstrable physical changes outside the place of work. (Ord. 5119-B (part), 2001)

18.36.270 Class 25—Transfers of ownership of interest in land to preserve existing natural conditions (CEQA Guidelines, Section 15325).

Class 25 consists of the transfers of ownership of interests in land in order to preserve open space, habitat or historic resources. Examples include but are not limited to:

- A. Acquisition, sale or other transfer of areas to preserve the existing natural conditions, including plant or animal habitats.
- B. Acquisition, sale or other transfer of areas to allow continued agricultural use of the areas.
- C. Acquisition, sale or other transfer to allow restoration of natural conditions, including plant or animal habitats.
- D. Acquisition, sale or other transfer to prevent encroachment of development into flood plains.
- E. Acquisition, sale or other transfer to preserve historical resources. (Ord. 5119-B (part), 2001)

18.36.280 Class 26—Acquisition of housing for housing assistance programs (CEQA Guidelines, Section 15326).

Class 26 consists of actions by a redevelopment agency, housing authority, or other public agency to implement an adopted housing assistance plan by acquiring an interest in housing units. The housing units may be either in existence or possessing all required permits for construction when the agency makes its final decision to acquire the units. (Ord. 5119-B (part), 2001)

18.36.290 Class 27—Leasing new facilities (CEQA Guidelines, Section 15327).

A. Class 27 consists of the leasing of a newly constructed or previously unoccupied privately owned facility by a local or state agency where the local governing authority determined

that the building was exempt from CEQA. To be exempt under this section, the proposed use of the facility:

- 1. Shall be in conformance with existing state plans and policies and with general, community, and specific plans for which an EIR or Negative Declaration has been prepared,
- 2. Shall be substantially the same as that originally proposed at the time the building permit was issued,
- 3. Shall not result in a traffic increase of greater than ten (10) percent of front access road capacity, and
 - 4. Shall include the provision of adequate employee and visitor parking facilities;
 - B. Examples of Class 27 include but are not limited to:
 - 1. Leasing of administrative offices in newly constructed office space;
 - 2. Leasing of client service offices in newly constructed retail space;
- 3. Leasing of administrative and/or client service offices in newly constructed industrial parks. (Prior code § 31.957)

18.36.300 Class 28—Small hydroelectric projects at existing facilities (CEQA Guidelines, Section 15328).

Class 28 consists of the installation of hydroelectric generating facilities in connection with existing dams, canals, and pipelines where:

- A. The capacity of the generating facilities is five megawatts or less;
- B. Operation of the generating facilities will not change the flow regime in the affected stream, canal, or pipeline including but not limited to:
 - 1. Rate and volume of flow,
 - 2. Temperature,
- 3. Amounts of dissolved oxygen to a degree that could adversely affect aquatic life, and
 - 4. Timing of release;
- C. New power lines to connect the generating facilities to existing power lines will not exceed one mile in length if located on a new right-of-way and will not be located adjacent to a wild or scenic river;
- D. Repair or reconstruction of the diversion structure will not raise the normal maximum surface elevation of the impoundment;
- E. There will be no significant upstream or downstream passage of fish affected by the project;
- F. The discharge from the power house will not be located more than three hundred (300) feet from the toe of the diversion structure;
- G. The project will not cause violations of applicable state or federal water quality standards;
- H. The project will not entail any construction on or alteration of a site included in or eligible for inclusion in the National Register of Historic Places; and
- I. Construction will not occur in the vicinity of any rare or endangered species. (Ord. 5119-B (part), 2001)

18.36.310 Class 29—Cogeneration projects at existing facilities (CEQA Guidelines, Section 15329).

Class 29 consists of the installation of cogeneration equipment with a capacity of fifty (50) megawatts or less at existing facilities meeting the conditions described in this section.

- A. At existing industrial facilities, the installation of cogeneration facilities will be exempt where it will:
- 1. Result in no net increases in air emissions from the industrial facility or will produce emissions lower than the amount that would require review under the new source review rules applicable in the county; and
 - 2. Comply with all applicable state, federal, and local air quality laws.
- B. At commercial and institutional facilities, the installation of cogeneration facilities will be exempt if the installation will:
 - 1. Meet all the criteria described in subsection A;
 - 2. Result in no noticeable increase in noise to nearby residential structures; and
- 3. Be contiguous to other commercial or institutional structures. (Ord. 5119-B (part), 2001)

18.36.320 Class 30—Minor actions (CEQA Guidelines, Section 15330)

Minor actions to prevent, minimize, stabilize, mitigate or eliminate the release or threat of release of hazardous waste or hazardous substances.

Class 30 consists of any minor cleanup actions taken to prevent, minimize, stabilize, mitigate, or eliminate the release or threat of release of a hazardous waste or substance which are small or medium removal actions costing \$1 million or less. No cleanup action shall be subject to this Class 30 exemption if the action requires the onsite use of a hazardous waste incinerator or thermal treatment unit, with the exception of low temperature thermal desorption, or the relocation of residences or businesses, or the action involves the potential release into the air of volatile organic compounds as defined in Health and Safety Code, Section 235123.6, except for small scale in situ soil vapor extraction and treatment systems which have been permitted by the local Air Pollution Control District or Air Quality Management District. All actions must be consistent with applicable state and local environmental permitting requirements including, but not limited to, air quality rules such as those governing volatile organic compounds and water quality standards, and approved by the regulatory body with jurisdiction over the site. Examples of such minor cleanup actions include but are not limited to:

- A. Removal of sealed, non-leaking drums or barrels of hazardous waste or substances that have been stabilized, containerized and use designated for a lawfully permitted destination;
 - B. Maintenance or stabilization of berms, dikes, or surface impoundments;
 - C. Construction or maintenance of interim or temporary surface caps;
- D. Onsite treatment of contaminated soils or sludges provided treatment system meets Title 22 requirements and local air district requirements;
- E. Excavation and/or offsite disposal of contaminated soils or sludges in regulated units;
 - F. Application of dust suppressants or dust binders to surface soils;
 - G. Controls for surface water run-on and run-off that meets seismic safety standards;
 - H. Pumping of leading ponds into an enclosed container;
 - I. Construction of interim or emergency ground water treatment systems;
- J. Posting of warning signs and fencing for a hazardous waste or substance site that meets legal requirements for protection of wildlife. (Ord. 5119-B (part), 2001)

18.36.330 Class 31—Historical resource restoration/rehabilitation (CEQA Guidelines, Section 15331).

Class 31 consists of projects limited to maintenance, repair, stabilization, rehabilitation, restoration, preservation, conservation, or reconstruction of historical resources in a manner consistent with the Secretary of the Interior's Standards for the Treatment of Historic Properties with Guidelines for Preserving, Rehabilitation, Restoring, and Reconstructing Historic Buildings (1995), Weeks and Grimmer. (Ord. 5119-B (part), 2001

APPENDIX A

Impacts Which Are Normally Considered Significant

An impact is normally considered significant (See Environmental Review Ordinance Section entitled "Significant Effect") if it will:

Land Use

Conflict with adopted environmental plans and goals of the community where it is located.

Disrupt or divide the physical arrangement of an established community.

Conflict with established recreational, educational, religious, or scientific uses of the area.

Convert prime agricultural land to nonagricultural use, or impair the agricultural productivity of prime agricultural land.

Convert unique agricultural land of statewide or local importance to nonagricultural use, or impair the productivity of unique agricultural land of statewide or local importance.

Require a rezoning or general plan amendment in a community which has recently updated its community plan.

Result in a "major" project in the community.

Aesthetics

Have a substantial, demonstrable negative aesthetic effect.

Population, Housing and Employment

Induce substantial growth or concentration of population.

Displace a large number of people.

Public Services

Breach published national, state, or local standards relating to solid waste or litter control.

Extend a sewer trunk line with capacity or serve new development.

Require a "will serve" letter from a public agency and the agency identifies serious deficiencies in providing service.

Generate additional students, and adequate facilities are not available or cannot be made available in a timely fashion.

Traffic

Cause an increase in traffic which is substantial in relation to the existing traffic load and capacity of the street system.

Generate traffic volumes which cause violations of adopted level of service standards (project and cumulative).

Cause or exacerbate a potential traffic hazard.

Generate a type of traffic for which affected routes have not been designed or are otherwise not suitable.

Generate traffic that would cause a violation of adopted standards in adjacent jurisdictions (project plus development from existing land use plans).

Air

Violate any ambient air quality standard, contribute substantially to an existing or projected air quality violation, or expose sensitive receptors to substantial pollutant concentrations.

Emit more than 250 pounds per day of a criteria pollutant (nitrogen oxide, sulfur dioxide, carbon monoxide, or particulate matter [PM10]).

Noise

Increase substantially the ambient noise levels for adjoining areas.

Result in increased traffic-related noise that would exceed community standards as adopted in the Placer County General Plan Noise Element.

Result in onsite noise that could produce noise complaints or exceed noise standards as adopted in the Placer County general Plan Noise Element at the property lines.

Geology

Expose people or structures to major geological hazards.

Hydrology

Substantially degrade water quality.

Substantially degrade or deplete groundwater resources.

Contaminate a public water supply.

Interfere substantially with groundwater recharge.

Cause substantial flooding, erosion, or siltation.

Require significant grading in riparian areas.

Biological Resources

Substantially affect a rare or endangered species.

Interfere substantially with the movement of any resident or migratory fish or wildlife species.

Substantially diminish habitat for fish, wildlife or plants.

Substantially affect a threatened species.

Result in any significant activity in riparian areas or wetlands.

Remove more than 50 percent of the existing vegetation.

Result in any significant construction in a deer migration route.

Cultural Resources

Disrupt or adversely affect a prehistoric or historic archeological site or a property of historic or cultural significance to a community or ethnic or social group; or a paleontological site except as a part of a scientific study.

Substantially disturb any area of possible cultural or historical significance.

Remove any structure determined to have historical significance.

Energy

Encourage activities which result in the use of large amounts of fuel, water, or energy.

Use fuel, water, or energy in a wasteful manner.

Hazards

Create a potential public health hazard or involve the use, production, or disposal of materials which pose a hazard to people or animal or plant population in the area affected.

Interfere with emergency response plans or emergency evacuation plans