



PROCEDURES FOR
PREPARATION & PROCESSING OF
ENVIRONMENTAL DOCUMENTS
PURSUANT TO THE CALIFORNIA
ENVIRONMENTAL QUALITY ACT (CEQA)

Municipal Services Agency
Department of Environmental
Review and Assessment



2009

TABLE OF CONTENTS

SECTION 1	3
INTRODUCTION	3
SECTION 2	4
DEFINITIONS	4
SECTION 3	8
GENERAL PROVISIONS	8
3.1 Purpose	8
3.2 Objective.....	8
3.3 Fees.....	8
3.4 Numbering of Documents.....	9
3.5 History File of Environmental Documents	9
3.6 Time Limits	9
3.7 Projects with Short Time Periods for Approval.....	9
3.8 Delegation of Responsibilities	10
3.9 Work Performed by Consultant	10
SECTION 4	11
PRIVATELY INITIATED APPLICATIONS	11
4.1 Applications of Article	11
4.2 Public Hearing Requirements.....	11
4.3 Processing.....	11
4.4 Appealing the Determination an EIR is Required.....	12
SECTION 5	18
COUNTY INITIATED PROJECTS	18
5.1 Application of Article	18
5.2 Project Proponent Responsibility	18
5.3 Processing of Environmental Documents	19
5.4 Appeal Process	19
5.5 Mitigation Monitoring and Reporting Program.....	19
SECTION 6	19
SPECIAL DISTRICT PROJECTS.....	19
6.1 Application	19
6.2 Procedures	19
SECTION 7	20
RESPONSIBLE AGENCY PROJECTS	20
7.1 Application	20
7.2 Processing.....	20
SECTION 8	21
CATEGORICAL AND STATUTORY EXEMPTIONS.....	21
8.1 Exemptions by Class.....	21
8.2 Statutory Exemptions	23
SECTION 9	23
REFERENCE TO STATE GUIDELINES	23
9.1 Application of CEQA Guidelines.....	23
SECTION 10	23
MISCELLANEOUS	23
10.1 Procedures for Processing Miscellaneous Projects	23

SECTION 1

INTRODUCTION

The California Environmental Quality Act (CEQA) and the CEQA Guidelines establish the requirements for conducting environmental review of projects, describe the content of environmental documents, and establish requirements for circulation, review and noticing and public involvement. Throughout these procedures the terms “CEQA Process” and “Environmental Review Process” may be used interchangeably. Together, the County’s adopted procedures, CEQA (the Statutes) and the CEQA Guidelines, as they are amended from time to time, represent the law governing environmental review for projects in the County.

The California Legislature enacted CEQA in 1970. Four objectives were originally expressed and two additional objectives have been added through amendments and court interpretations. CEQA’s main objectives are:

- To disclose to decision makers and the public the significant environmental effects of proposed activities
- To identify ways to avoid or reduce environmental damage
- To prevent environmental damage by requiring implementation of feasible alternatives or mitigation measures
- To disclose to the public reasons for agency approval of projects with significant environmental effects
- To foster interagency coordination in the review of projects
- To enhance public participation in the planning process

A Lead Agency is the California governmental agency that has the task of carrying out a project. Under CEQA, the Lead Agency has the principal responsibility of preparing the necessary environmental review pursuant to the requirements of the CEQA Guidelines. A public agency is the Lead Agency for its own projects, even if the project will be located within the jurisdiction of another agency. For projects where Sacramento County is determined to be the Lead Agency, Sacramento County has designated the Department of Environmental Review and Assessment (DERA) as the responsible department for preparing CEQA documentation per Resolution by the Board of Supervisors.

Under law, each public agency who carries out the CEQA function must adopt its own procedures for implementing CEQA. These procedures have been adopted by the Board of Supervisors consistent with this requirement. According to these procedures, the DERA Director shall process all environmental documents for which the County is the Lead Agency.

SECTION 2

DEFINITIONS

1. **Approving Body:**
Board of Supervisors
County Planning Commission
Community Planning Commissions
Subdivision Review Committee
Zoning Administrator
Sacramento Regional County Sanitation District Board of Directors
Sacramento Area Sewer District Board of Directors
Sacramento County Water Agency Board of Directors
Public Works Hearing Officer
Any other entity having discretionary authority over projects as defined in CEQA.
2. **Board:** The Board of Supervisors of Sacramento County.
3. **California Environmental Quality Act (CEQA):** California's environmental review and protection law (Public Resources Code Sections 2100-2177).
4. **Categorical Exemptions:** An exemption from CEQA for a class of projects based on a finding by the State Secretary for Resources that the class of projects does not have a significant effect on the environment.
5. **CEQA Guidelines:** CEQA implementation regulations (Sections 15000-15387 California Code of Regulations) that have been prepared by the State Office of Planning and Research and adopted by the State Secretary of Resources. All agencies are expected to follow the guidelines when evaluating projects.
6. **Clerk:** Clerk of the Sacramento County Board of Supervisors.
7. **Community Planning Commissions:** Community Planning Commissions of Sacramento County.
8. **Control Numbers:** A unique number assigned to each project subject to identifying Negative Declarations, EIRs, Notices of Exemption, and other required forms and notices, as well as for identifying the project at public hearings.
9. **County:** County of Sacramento.
10. **County Clerk:** Sacramento County Clerk/Recorder.
11. **County Planning Commission:** Planning Commission of Sacramento County.
12. **DERA:** Sacramento County Department of Environmental Review and Assessment.
13. **Discretionary Projects:** Projects that require the exercise of judgment or deliberation when the public agency or body decides to approve or disapprove a particular activity.

14. **Environment:** The physical conditions that exist within an area that will be affected by a proposed project including land, air, water, minerals, plants animals, noise, and objects of historical or aesthetic significance. The environment includes both natural and man-made conditions.
15. **Environmental Coordinator:** The individual appointed to make environmental determinations for the Lead Agency. In Sacramento County, the Board of Supervisors has appointed the Director of DERA.
16. **Environmental Determination:** A decision made by the Environmental Coordinator as to the appropriate type of CEQA document required for a project.
17. **Environmental Impact Report (EIR):** A detailed document that describes and analyzes a project's potential significant environmental effects and proposes ways to mitigate or avoid those effects. A Draft EIR is the first public review document released as part of the EIR Process. Comments received during the Draft EIR's public review process are evaluated as part of a final EIR process. The Final EIR contains the public agency's response to comments received, if any.
18. **Findings of Fact and Statement of Overriding Considerations:** Written disclosure statements required by law whenever a decision making body approves a project for which an EIR was certified that identified significant adverse impacts. The statements must be based on substantial evidence in the project record.

Findings of Fact must be made for each significant effect identified in the EIR, explaining the rationale for approval notwithstanding the significant effect. Possible findings are: (1) Changes or alterations have been required in, or incorporated into, the project which avoid or substantially lessen the significant environmental effect as identified in EIR; (2) such changes or alterations are within the responsibility and jurisdiction of another public agency and not the agency making the finding. Such changes have been adopted by such other agency or can and should be adopted by such other agency; or (3) specific economic, legal, social, technological, or other considerations of the project, including provision of employment opportunities for highly trained workers, outweigh the significant effects on the environment or other conditions make infeasible the mitigation measures or project alternatives identified in the EIR.

The Statement of Overriding Considerations must show that the public agency has balanced the project's benefits against its unavoidable environmental risks and determined that benefits outweigh risks. The statement must clearly identify the anticipated social, economic, legal, technological, or other benefits of the project that outweigh its unavoidable adverse environmental effects based on substantial evidence in the record.

19. **Fish and Game Fees:** Fees required pursuant to State Fish and Game Code Section 711.4, which authorizes the California Department of Fish and Game (CDFG) to collect CEQA filing fees for projects processed by local lead agencies (e.g., the County of Sacramento) with a Negative Declaration, Mitigated Negative Declaration, or Environmental Impact Report. These fees must be collected by the County, for payment to the state, before a project is fully vested.

20. **Initial Application Review:** Preliminary review of a project application to determine whether additional information is necessary before the application can be determined to be complete. Pursuant to Assembly Bill 884 (AB 884)(Chapter 1200, Statutes of 1977), Sacramento County is required to notify the applicant within 30 calendar days after receiving an application of what additional information needs to be provided to make the application complete. Upon submission of the requested information, the law allows an additional 30-day review period for application completeness.
21. **Initial Study:** A Lead Agency's preliminary analysis that is used to determine whether an EIR or Negative Declaration must be prepared or to identify significant environmental effects to be analyzed in an EIR.
22. **Lead Agency:** The public agency that has the principal authority for carrying out or approving a project.
23. **Ministerial Action:** Approvals which involve the use of fixed standards or objective measures without requiring the use of personal professional judgment, e.g. issuance of building permits and licenses, approval of final subdivision or parcel maps, and individual utility service connection sign-off.
24. **Mitigated Negative Declaration:** A negative declaration prepared for a project when the initial study has identified potentially significant effects on the environment, but (1) revisions in the project plans or proposals made by, or agreed to by, the applicant before the proposed negative declaration and initial study are released for public review would avoid the effects or mitigate the effects to a point where clearly no significant effect on the environment would occur, and (2) there is no substantial evidence in light of the whole record before the public agency that the project, as revised, may have a significant effect on the environment.
25. **Mitigation:** Includes: (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 impacts 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.
26. **Mitigation Monitoring and Reporting Program (MMRP):** A program designed to ensure that the adopted environmental mitigation measures are actually completed.
27. **Negative Declaration:** A written statement that briefly describes 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.
28. **Notice of Completion (NOC):** A notice filed with the State Office of Planning and Research that states that a Draft EIR, Notice of Preparation, Initial Study/Negative Declaration or Mitigated Negative Declaration has been issued and that copies are being distributed for public review.
29. **Notice of Determination (NOD):** A notice filed with the County Clerk (and the State Clearinghouse when appropriate) after a public agency approves a project.

30. **Notice of Exemption (NOE):** A notice filed with the County Clerk's office that states the Lead Agency has approved or will carry out a project that is exempt from the requirements of CEQA.
31. **Notice of Intent (NOI):** A notice sent to public agencies and the public informing them that an agency intends to adopt a Negative Declaration or Mitigated Negative Declaration for a project, and that such a Negative Declaration or Mitigated Negative Declaration is available for public review and comment.
32. **Notice of Preparation (NOP):** A notice sent to public agencies that (1) informs them of the intent to prepare an EIR; and (2) solicits comments and advice regarding the scope and content of the environmental information to be included in the EIR.
33. **Project:** An activity that may cause either a direct physical change in the environment, or a reasonably foreseeable indirect physical change in the environment, and that is any of the following: (1) an activity directly undertaken by any public agency; (2) an activity undertaken by a person which is supported, in whole or in part, through contracts, grants, subsidies, loans or other forms of assistance from one or more public agencies; and (3) an activity that involves the issuance to a person of a lease, permit, license, certificate, or other entitlement for use by one or more public agencies.
34. **Public Notice:** A notice used to inform the public that an EIR or IS/ND has been prepared for a project and is available for public review and comment.
35. **Public Review Period:** A period of specified duration during which anyone may review and comment on an EIR, Negative Declaration, or Mitigated Negative Declaration.
36. **Responsible Agency** – A public agency which proposes to carry out or approve a project for which a Lead Agency has prepared an EIR or Negative Declaration. The term refers to any agency that has discretionary approval authority over any portion of a project not governed by the Lead Agency.
37. **Secretary:** Secretary for the Planning Commissions or Subdivision Review Committee.
38. **Secretary for Resources:** Secretary for the Resources Agency, State of California.
39. **Significant Environmental Effect (Impact):** 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, plants, wildlife, ambient noise, and objects of historic or aesthetic significance. A social or economic 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.
40. **State Clearinghouse:** An environmental document distribution center in the State Office of Planning and Research. The Clearinghouse distributes certain types of documents to state agencies that may have interest in commenting upon an environmental review.
41. **Trustee Agency:** Any 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.

SECTION 3

GENERAL PROVISIONS

3.1 Purpose

The purpose of the procedures contained herein is to implement the regulations of the California Environmental Quality Act (CEQA) and the State CEQA Guidelines prescribed by the Secretary for Resources of the State of California.

3.2 Objective

Approving bodies should consider feasible alternatives or feasible mitigation measures available which would substantially lessen significant environmental effects of such projects. The procedures required by these guidelines are intended to assist in systematically identifying both the significant effects of proposed projects and the feasible alternatives or feasible mitigation measures which will avoid or substantially lessen such significant effects. In the event that specific overriding economic, legal, social, technological or other considerations of the project outweigh the significant effects on the environment or other conditions make infeasible such project alternatives or such mitigation measures, individual projects may be approved in spite of one or more significant effects thereof.

3.3 Fees

CEQA allows for the recovery of reasonable fees to recover the costs incurred in preparing environmental documents. There are several fees that may be incurred including costs of document preparation, Mitigation Monitoring and Reporting Program (MMRP) costs, California Department of Fish and Game (CDFG) filing fees, and costs associated with specific mitigation measures. These fees are summarized below.

The current Sacramento County Fee Schedule for Environmental Documents is available on our website at www.dera.saccounty.net.

A project-specific cost estimate for preparation of an environmental document shall be prepared and provided to the project applicant. At the discretion of the Environmental Coordinator, a portion of the cost estimate may be required as a deposit prior to initiating preparation of the environmental document.

A. Privately Initiated Projects:

1. Fees shall be charged for the preparation of an environmental document to cover 100% of the costs incurred. The fee is not refundable for any reason, unless specifically authorized by the Board of Supervisors or Agency Administrator.
2. A project application shall not be acted upon by the approving body unless and until any fee as required herein is paid in full.

B. Public Agency Projects:

County departments or other public agencies, which act as project proponent, are required to reimburse the Department of Environmental Review and Assessment for all costs incurred in environmental review processing.

C. Mitigation Monitoring and Reporting Program Fees:

It is the responsibility of the project applicant to reimburse DERA for all expenses incurred in the implementation of the MMRP, including any necessary enforcement actions. MMRP fees are regulated under Section 20.020.070 of the Sacramento County Code.

D. Department of Fish and Game Fees:

1. As a lead agency under CEQA, the County of Sacramento is charged under State Fish and Game Code Section 711.4 with collecting CDFG CEQA filing fees for the State for projects approved by the County.
2. A project application shall not be acted upon by the hearing body unless and until any fee required is paid in full.

E. Mitigation Costs:

There are several mitigation measures that may include the option of paying into specific funds maintained to offset impacts. These include mitigation measures for oak tree loss, wetland impacts and Swainson Hawk impacts. The DERA website has descriptions of the various programs and how these costs are assessed.

3.4 Numbering of Documents

County-issued control numbers shall be used for all environmental documents and referenced in all official notices.

3.5 History File of Environmental Documents

The Environmental Coordinator shall establish and maintain a permanent history file on actions taken for all environmental documents. This history shall be retained in perpetuity.

3.6 Time Limits

Time limits for processing environmental documents shall be as follows:

- A. Within 30 calendar days after an application is filed with the County, the Environmental Coordinator shall determine in writing whether such application is complete or incomplete for purposes of environmental review and shall immediately transmit such determination to the applicant for the project. If a written determination is not made within 30 days, the application shall be deemed complete for environmental review. In the event the application is determined not to be complete, the Environmental Coordinator shall specify those parts of the application which are incomplete and shall indicate the manner in which they can be made complete.
- B. Within 30 days after the County determines an application is complete, the Environmental Coordinator shall make an initial determination of whether the project will need an EIR or a Negative Declaration. The 30 day period may be extended 15 days upon the consent of the Environmental Coordinator and the project applicant.
- C. The County should complete Environmental Documents in accordance with the timelines established in DERA's Performance Measures.
- D. Any delay by an applicant in meeting requests by DERA necessary for the preparation of a Negative Declaration or an EIR shall suspend the running of the time periods described above for the period of the delay.

3.7 Projects with Short Time Periods for Approval

A few statutes require agencies to make decisions on permits within time limits that are so short that adequate review of the project under CEQA would be difficult or impossible. To enable the County to comply with both the permit statute and CEQA, the County shall deem an application for a project not received for filing under the permit statute until such time as progress toward completing the environmental documentation required by CEQA is sufficient to enable the County to finish the CEQA review process within the short permit time limit.

3.8 Delegation of Responsibilities

The Environmental Coordinator is authorized to designate persons within DERA who may carry out the functions of the Environmental Coordinator, and shall keep on file a document listing the persons so authorized. The Environmental Coordinator or appropriate designee shall be responsible for carrying out the following functions in administering CEQA:

- A. Determination of exempt status of a project.
- B. Conducting Initial Studies.
- C. Preparing Negative Declarations and EIRs.
- D. Determining that an application is complete.
- E. Preparing responses to public comments as to the adequacy and/or completeness of environmental documents prepared by the County.
- F. Filing Notices.
- G. Providing information to hearing bodies.
- H. Acting as the hearing officer for the purpose of receiving public comments on Negative Declarations or Draft EIRs, when the Environmental Coordinator determines it to be desirable.
- I. Exercising the authority to enter into agreements with Special Districts, or other government entities that provide services within Sacramento County for the purpose of providing environmental review for projects initiated by those governmental agencies.
- J. Requesting shortened public review periods, when appropriate, from the State Clearinghouse.
- K. Conducting such other functions as are reasonably required to administer the State CEQA Guidelines.

3.9 Work Performed by Consultant

Any consultant-prepared report (or part thereof) to be used in a County environmental document shall not be made available to the public without receiving approval from the Environmental Coordinator. The Environmental Coordinator has the ultimate authority over the scope of work and adequacy of report content for the purpose of inclusion in an environmental document.

SECTION 4

PRIVATELY INITIATED APPLICATIONS

4.1 Applications of Article

The procedures in this article shall govern the preparation and processing of environmental documents for projects initiated by private citizens or organizations, which may include the following:

- A. Rezoning of privately owned property
- B. Conditional use permits, amendments to or renewal of existing use permits
- C. Variances pursuant to the Zoning Code
- D. General Plan Amendments
- E. Community Plan Amendments
- F. Specific Plans and amendments to existing Specific Plans
- G. Tentative subdivision maps, revisions to or resubmissions of previously approved tentative subdivision maps
- H. Tentative parcel maps and revisions and resubmissions
- I. Grading permits
- J. Abandonment of public rights-of-way or easements
- K. Development plans when the approving body is required to take discretionary actions
- L. Lot reduction permits
- M. Special development permits
- N. Special review of parking
- O. Other discretionary projects

4.2 Public Hearing Requirements

Public hearings may be held on Draft EIRs for the projects listed above by the appropriate authorities designated to hear such projects as provided in these procedures.

4.3 Processing

Project applications for projects specified in this article shall be processed as follows:

A. Application Process

The applicant shall submit the project application to the appropriate officer or department designated by law, rule, or regulation. The applicant may request a pre-application meeting with County staff. (Subject to the fees listed on the Sacramento County Fee Schedule.) Such designated department shall enter the project application in a database for the purpose of assigning a control number to the project. Such designated department shall also furnish a copy of the permit application to the Environmental Coordinator.

Pursuant to these procedures and the State CEQA Guidelines Sections 15060, the Environmental Coordinator, in cooperation with the Planning Department, shall determine whether the application is complete.

B. Notice of Exemption

Following a determination that the application is complete, the Environmental Coordinator shall determine whether the project qualifies for an exemption from preparation of additional environmental documents pursuant to Section 15061 of the CEQA Guidelines. If an exemption is appropriate, the Environmental Coordinator shall prepare the Notice of Exemption to be filed with the County Clerk upon approval of the project.

C. Initial Study

If the Environmental Coordinator determines that a project is not exempt, an Initial Study shall be conducted pursuant to Section 15063 of the State CEQA Guidelines. If an application is received which will be subject to approval by one or more responsible agencies, or may affect public lands under the jurisdiction of trustee or other public agencies, the Environmental Coordinator shall consult with such agency or agencies. This first step of consultation may be done quickly and informally. Based on the Initial Study and any consultations, the Environmental Coordinator shall determine which type of environmental document to prepare, and shall provide notice of that decision to the project applicant.

4.4 Appealing the Determination an EIR is Required

In the event that the applicant wishes to appeal a decision requiring the preparation of an EIR, the appeal shall be made within ten days of receiving notice of the requirement for an EIR. The appeal shall be in writing to the Sacramento County Board of Supervisors and shall include a statement of justification for the appeal. It shall be the responsibility of the appellant to establish reasons why the decision should not be upheld. In acting upon the appeal, the Board of Supervisors shall base its decision upon facts relating to the appropriateness of the decision, and not upon the merits or lack of merits of the project. The applicant shall pay any fees applicable to the public hearing on the appeal as may be adopted or adjusted by the Board of Supervisors from time to time. The fee must be paid at the time the appeal is filed.

D. Negative Declaration Process

1. A Negative Declaration or Mitigated Negative Declaration (MND) shall be prepared by the Environmental Coordinator for a project when either the Initial Study shows that:
 - a. There is no substantial evidence that the project may have a significant effect.
 - b. The Initial Study identified potentially significant effects but changes in the project can be made which would avoid the effects.
 - c. That there is no substantial evidence that the project as revised may have significant effects on the environment.
 - d. Any Negative Declaration or Mitigated Negative Declaration prepared pursuant to the requirements of this division shall be prepared directly by, or under contract to, a public agency.

2. The Negative Declaration or MND shall be made available to the public and others who have expressed an interest in the project not less than twenty (20) days before the project is heard by the hearing body. When a proposed Negative Declaration or MND and Initial Study are submitted to the State Clearinghouse for review by state agencies, the public review period shall not be less than thirty (30) days, unless a shorter period is approved by the State Clearinghouse.
3. Prior to approval of the project, the approving body shall find that the project will not have a significant effect on the environment as provided in the Negative Declaration or MND. The Environmental Coordinator shall ensure that such modification is a part of the project record and is included as a condition or other requirement of approval. Any adopted mitigation measure shall be adopted as conditions of approval or project shall be modified to reduce or eliminate one or more significant environmental effects.
4. **Substitution of Mitigation Measures in a Proposed MND:**
Prior to deleting and substituting for a mitigation measure that is necessary to reduce significant impacts, the lead agency shall do both of the following:
 - a. Hold a public hearing on the matter. Where a public hearing is to be held in order to consider the project, the public hearing required by this section may be combined with that hearing. Where no public hearing would otherwise be held to consider the project, then a public hearing shall be required before a mitigation measure may be deleted and a new measure adopted in its place.
 - b. Adopt a written finding that the new measure is equivalent or more effective in mitigating or avoiding potential significant effects and that it in itself will not cause any potentially significant effect on the environment.
5. If mitigation measures are adopted by the hearing body for the purpose of reducing the environmental impacts of a project, a Mitigation Monitoring and Reporting Program shall be prepared and adopted pursuant to Section 21081.6 of CEQA and Chapter 20.02 of the County Code. MMRP compliance shall be monitored during project construction. Upon full compliance with an adopted MMRP, a Program Completion Certificate shall be issued to the project applicant.
6. **Notice of Determination:**
Within five (5) days after approval of a project by a hearing body, a Notice of Determination shall be filed by the Environmental Coordinator with the County Clerk. This notice shall be posted within twenty-four (24) hours of receipt for a minimum of thirty (30) days. An endorsed copy of the Notice shall be returned to the Environmental Coordinator with a notation of the period it was posted. The Notice of Determination can not be filed without the payment of applicable Fish and Game Fees.
7. If at any time during the processing of the project application a hearing body determines through substantial evidence that an EIR is required for a project for which a Negative Declaration has been released, the hearing body may request that the Environmental Coordinator prepare a Draft EIR. The hearing body shall continue the hearing on the project to a future date when the Draft EIR is available.

E. Draft Environmental Impact Report Process

1. Submission of Information:

If the Initial Study indicates the need for an EIR, the applicant may be asked to submit to the Environmental Coordinator any information required by the Environmental Coordinator to prepare the Draft EIR. Preparation of the Draft EIR shall not commence until the Environmental Coordinator has determined that the required information has been received and is complete and DEIR deposit has been paid.

2. Notice of Preparation:

Immediately after receiving the DEIR deposit and determining the application complete, the Environmental Coordinator shall send a Notice of Preparation stating that an EIR will be prepared pursuant to Section 15082 of CEQA Guidelines to each known Responsible Agency, Trustee Agency and the State Clearinghouse. The notice shall also be sent to every federal agency known to be involved in approving or funding the project.

a) The Notice of Preparation shall provide the Responsible Agencies with sufficient information describing the project and the environmental effects to enable the Responsible Agencies to make meaningful responses. The information shall include:

- 1) Description of the project
- 2) Location of the project indicated on an attached map
- 3) Probable environmental effects of the project

b) When requested by a Responsible Agency, Trustee Agency, or project applicant, the Environmental Coordinator shall convene a meeting with one or more agencies to discuss the scope and content of the proposed EIR as soon as possible, but not later than thirty (30) days after the meeting is requested.

3. Preparation:

The Environmental Coordinator shall prepare or cause to be prepared a Draft EIR containing all the information required by Section 21082.1 of the State CEQA Statutes: Any Draft Environmental Impact Report, Environmental Impact Report, Negative Declaration, or Mitigated Negative Declaration prepared pursuant to the requirements of this division shall be prepared directly by, or under contract to, a public agency.

4. Access To Administrative Draft Documents:

The early review of administrative draft documents by applicants and any requesting member of the public generally applies to EIR projects. Not all projects will be open to early review; only as circumstances warrant as determined by the County Environmental Coordinator will draft documents be made available. One would have to make a specific request to be notified of the availability of the administrative draft document for a project. The review will be allowed just prior to release of the document.

DERA reserves the right to determine which chapters are shared for review. All access to documents will be equal (including timing of availability) between applicant and any member of the public making a specific request for review. The applicant and any citizen wishing to review the administrative draft document will have to come into the DERA office to review the material. Nothing is officially released prior to the public review draft. Comments made on any administrative draft document shall not be construed as official comments.

This Department is not obligated to make any suggested changes. The content of the officially released public review document is the sole discretion of the County Environmental Coordinator.

5. Notice of Completion:

As soon as the Draft EIR is completed, the Environmental Coordinator shall file a Notice of Completion with the Office of Planning and Research (OPR) as provided in Section 15085 of the State CEQA Guidelines. The Notice of Completion shall conform substantially with the sample form on DERA's website. For projects normally sent to OPR, the State Clearinghouse Notice of Completion form shall be used.

6. Public Review of the Draft EIR:

Concurrent with filing the Notice of Completion, the Environmental Coordinator shall distribute the Draft EIR and provide notice as required in Section 15087 of the State CEQA Guidelines. Public review periods for Draft EIRs shall not be less than thirty (30) days nor more than ninety (90) days except in unusual situations which shall be determined at the discretion of the Environmental Coordinator.

When the County is acting Lead Agency with respect to a project over which a state agency has legal jurisdiction, or when it is determined to be in the best public interest to seek review of a Draft EIR by state agencies with special expertise or interest in a project, the Environmental Coordinator shall submit the Draft EIR to the State Clearinghouse and the review period shall be no less than 45 days unless a request for a shortened review period is granted by the State Clearinghouse. The Secretary and the Clerk in scheduling project applications for public hearing shall take into account these EIR review periods.

7. Public Hearing:

- a) If there is a public hearing on the Draft EIR, the hearing body shall consider the contents of the Draft EIR and may hear a summary of the Draft EIR presented by the Environmental Coordinator or designee; consider any written comments submitted by reviewers of the Draft EIR; and hear any oral testimony relative to the Draft EIR from those in attendance at the hearing. If the Draft EIR is substantially questioned as to content or if testimony received requires responses, the Environmental Coordinator may be advised to prepare responses which will be incorporated into a Final EIR.
- b) The following hearing bodies and individuals are authorized to hear and receive testimony on Draft EIRs:
 - 1. Sacramento County Board of Supervisors
 - 2. Sacramento County Planning Commission
 - 3. Community Planning Commissions
 - 4. Public Works Agency Administrator or designee
 - 5. Environmental Coordinator or designee

F. Final Environmental Impact Report Process

1. Submission of Information:

The Environmental Coordinator may require the project applicant to submit additional information necessary for preparation of the Final EIR.

2. Preparation:

The Environmental Coordinator shall prepare a Final EIR responding to comments received containing all the information required in Section 15132 of the State CEQA Guidelines. The Final EIR shall consist of:

- a) The draft EIR or a revision of the draft
- b) Comments and recommendations received on the draft EIR either verbatim or in summary
- c) A list of persons, organizations, and public agencies commenting on the draft EIR
- d) The response of the Lead Agency to significant environmental points raised in the review process
- e) Any other information added by the Lead Agency

3. Distribution:

The Environmental Coordinator shall distribute the Final EIR to appropriate hearing bodies, applicants, and to those agencies, and persons who submitted comments on the Draft EIR. Written responses to comments received from external public agencies will be provided to those agencies at least ten days before the Final EIR is certified.

4. Public Hearing:

At the public hearing the hearing body will hear any testimony relative to the EIR from those in attendance at the hearing; certify that the Final EIR has been completed in compliance with CEQA and the State EIR Guidelines, and that the hearing body has reviewed and considered the information contained in the EIR; adopt any findings of fact and statement of overriding considerations as required. This action will certify that the Final EIR reflects the lead agency's independent judgment and analysis. If the hearing body fails to certify the Final EIR, it shall advise the Environmental Coordinator what further information is desired.

a) Findings of Fact and Statement of Overriding Considerations:

No hearing body shall approve a project for which a Final EIR has been certified which identifies one or more significant environmental effects of the project unless the hearing body makes findings of fact and statement of overriding considerations.

- b) The hearing body shall cause to be prepared and shall adopt written findings in each case where a Final EIR identifies a significant effect on the environment. The findings are required as specified in Section 15091 of the CEQA Guidelines.
- c) The department, office or agency most closely associated with the processing of the application may prepare proposed findings for the hearing body that is to act upon the application and certify the Final EIR. The department, office, or agency may request the assistance of the County Counsel or the applicant in the preparation of the proposed findings.
- d) Additional Evidence: If a hearing body intends to approve a project for which the Final EIR identifies one or more significant effects, the hearing body may require the proponent of the project to provide and submit evidence into the record to substantiate the need to approve the project notwithstanding the identification of the significant environmental effects of the project as proposed.

- e) Continuation of Hearings: A hearing body may continue any hearing on a project from time to time to allow a reasonable period to draft proposed findings. Unless otherwise ordered by the hearing body, any public hearing continued for the sole purpose of preparation of proposed findings shall be deemed a closed hearing and additional evidence and testimony shall not be received.
- f) The hearing body which finally approves a project shall adopt the findings as a regular part of the hearing on the application. Action on a project shall not be deemed final until findings have been adopted by the hearing body.
- g) Oral findings may be made by the hearing body as part of the hearing process, provided such oral findings shall be reduced to writing by the Secretary, the Clerk or such other person as designated by the hearing body.

5. Mitigation Monitoring and Reporting Program:

If mitigation measures are adopted by the hearing body for the purpose of reducing the environmental impacts of a project, a Mitigation Monitoring and Reporting Program shall be prepared and adopted pursuant to Section 21081.6 of CEQA and Chapter 20.02 of the County Code. MMRP compliance shall be monitored during project construction. Upon full compliance with an adopted MMRP, a Program Completion Certificate shall be issued to the project applicant.

6. Notice of Determination:

Within five (5) days after approval of a project by a hearing body, a Notice of Determination shall be filed by the Environmental Coordinator with the County Clerk. This notice shall be posted within twenty-four (24) hours of receipt for a minimum of thirty (30) days. An endorsed copy of the Notice shall be returned to the Environmental Coordinator with a notation of the period it was posted. The Notice of Determination can not be filed without the payment of applicable Fish and Game Fees.

SECTION 5

COUNTY INITIATED PROJECTS

5.1 Application of Article

The procedures in this article shall govern the preparation and processing of environmental documents pursuant to CEQA requirements for all County initiated projects. A detailed Handbook for Public Projects is available for County Departments on the Intranet at <http://inside.dera.saccounty.net>.

Activities that are directly undertaken by a public agency for which DERA conducts environmental review may include:

- A. Capital improvement and infrastructure activities
- B. Clearing or grading of land
- C. Improvements to existing public structures
- D. Property acquisition, sales, and other real estate actions
- E. Enactment and amendment of zoning ordinances
- F. Adoption and amendment of local master plans, specific plans, community plans and general plans
- G. Transportation projects
- H. Airports projects
- I. Architectural services (Plans and construction)
- J. Solid waste and recycling facilities
- K. Parks and recreational facilities
- L. Infrastructure financing
- M. Water supply projects
- N. Drainage projects
- O. Wastewater processes and conveyance projects
- P. Planning and community development projects
- Q. Any other actions requiring discretionary approval

5.2 Project Proponent Responsibility

Each County office, department, agency, or special district that initiates or authorizes a County project, as defined herein, shall submit information allowing the Environmental Coordinator to determine whether the project is subject to CEQA. An application for public projects is available on the DERA intranet site noted above. If the Environmental Coordinator determines the project is not exempt, the Environmental Coordinator shall conduct an Initial Study using the same procedures for the processing of Private Applications.

5.3 Processing of Environmental Documents

The Environmental Coordinator shall process all environmental documents, all Initial Studies, Draft EIRs, Final EIRs, Negative Declarations, Mitigated Negative Declarations, Notices of Determination, and Exemption Notices as referenced in the Private Application Processing Section of these procedures.

5.4 Appeal Process

If a disagreement arises between the originating department and the Environmental Coordinator with regard to the required environmental document, the matter shall be presented to and resolved by the Board of Supervisors. The appeal shall be in writing to the Sacramento County Board of Supervisors and shall include a statement of justification for the appeal. It shall be the responsibility of the appellant to establish reasons why the decision should not be upheld. In acting upon the appeal, the Board of Supervisors shall base its decision upon facts relating to the appropriateness of the decision, and not upon the merits or lack of merits of the project.

5.5 Mitigation Monitoring and Reporting Program

If mitigation measures are adopted by the hearing body for the purpose of reducing the environmental impacts of a project, a Mitigation Monitoring and Reporting Program shall be prepared and adopted pursuant to Section 21081.6 of CEQA and Chapter 20.02 of the County Code. MMRP compliance shall be monitored during project construction. Upon full compliance with an adopted MMRP, a Program Completion Certificate shall be issued to the project applicant.

SECTION 6

SPECIAL DISTRICT PROJECTS

6.1 Application

The procedures in this section regulate the preparation and processing of all environmental documents pursuant to CEQA requirements prepared by or on behalf of special districts which are governed by boards solely comprised of Supervisors of the County of Sacramento.

6.2 Procedures

Except as provided herein, the procedures set forth in the County Initiated Projects section shall apply to Special District projects, except that district staff shall assume the responsibilities of the originating department.

SECTION 7

RESPONSIBLE AGENCY PROJECTS

7.1 Application

The procedures in this section shall govern the processing and review of environmental documents received by the County of Sacramento from other public agencies including but not limited to the Federal and State government, cities, and independent special districts, and including instances where the County is a Responsible Agency for privately initiated projects not under the jurisdiction of the County.

7.2 Processing

A. General:

The County or Special District acting as a Responsible Agency complies with CEQA by considering the EIR or Negative Declaration prepared by the Lead Agency and by reaching its own conclusions on whether and how to approve the project involved.

B. Response to Consultation:

DERA will coordinate with the Lead Agency in order to assist them in preparing adequate environmental documents for the project.

C. Review of Draft EIRs and Negative Declarations:

DERA will review and comment on draft EIRs and Negative Declarations for projects that the County or Special District would later be asked to approve. The comments shall be limited to those project activities that are within the County's area of expertise or that are required to be carried out or approved by the County or that will be subject to the exercise of powers by the County.

D. Decision on Adequacy of EIR or Negative Declaration:

If DERA believes that the Final EIR or Negative Declaration prepared by the Lead Agency is not adequate for use by the County, the following must occur:

1. Take the issue to court within 30 days after the Lead Agency files a Notice of Determination
2. Be deemed to have waived any objection to the adequacy of the EIR or Negative Declaration
3. Prepare a subsequent EIR if permissible under Section 15162 of CEQA Guidelines
4. Assume the Lead Agency role as provided in Section 15052(a)(3) of CEQA Guidelines

E. Consider the EIR or Negative Declaration:

Prior to reaching a decision on the project, the County must consider the environmental effects of the project as shown in the EIR or Negative Declaration. A subsequent or supplemental EIR can be prepared only as provided in Sections 15162 or 15163.

F. Adoption of Alternatives or Mitigation Measures:

1. When considering alternatives and mitigation measures, a Responsible Agency is more limited than a Lead Agency. Responsible Agency has responsibility for mitigating or avoiding only the direct or indirect environmental effects of those parts of the project which it decides to carry out, finance, or approve.
2. When an EIR has been prepared for a project, the Responsible Agency shall not approve the project as proposed if the agency finds any feasible alternative or feasible mitigation measure within its power that would substantially lessen or avoid any significant effect the project would have on the environment.

G. Findings of Fact:

The Responsible Agency shall make the findings of fact required by CEQA for each significant effect of the project.

H. Notice of Determination:

The County shall file a Notice of Determination in the same manner as a Lead Agency under Section 15075 or 15094 except that the County does not need to state that the EIR or Negative Declaration complies with CEQA. The County should state that it considered the EIR or Negative Declaration as prepared by a Lead Agency.

SECTION 8

CATEGORICAL AND STATUTORY EXEMPTIONS

8.1 Exemptions by Class

Pursuant to Section 15300.4 of the State CEQA Guidelines, the County hereby establishes that the following activities are exempt from these procedures.

- Class 1:** Existing Facilities: Same as specified in Section 15301 of the State CEQA Guidelines.
- Class 2:** Replacement or Re-Construction: Same as specified in Section 15302 of the State CEQA Guidelines.
- Class 3:** New Construction or Conversion of Small Structures: Same as specified in Section 15303 of the State CEQA Guidelines.
- Class 4:** Minor Alterations to Land: Same as specified in Section 15304 of the State CEQA Guidelines.
- Class 5:** Minor Alterations in Land Use Limitations: Same as specified in Section 15305 of the State CEQA Guidelines.
- Class 6:** Information Collection: Same as specified in Section 15306 of the State CEQA Guidelines.
- Class 7:** Actions by Regulatory Agencies for Protection of Natural Resources: Same as specified in Section 15307 of the State CEQA Guidelines.
- Class 8:** Actions by Regulatory Agencies for Protection of the Environment: Same as specified in Section 15308 of the State CEQA Guidelines.

- Class 9:** Inspections: Same as specified in Section 15309 of the State CEQA Guidelines.
- Class 10:** Loans: Same as specified in Section 15310 of the State CEQA Guidelines.
- Class 11:** Accessory Structures: Same as specified in Section 15311 of the State CEQA Guidelines.
- Class 12:** Surplus Government Property Sales: Same as specified in Section 15312 of the State CEQA Guidelines.
- Class 13:** Acquisition of Lands for Wildlife Conservation Purposes: Same as specified in Section 15313 of the State CEQA Guidelines.
- Class 14:** Minor Additions to Schools: Same as specified in Section 15114 of the State CEQA Guidelines.
- Class 15:** Minor Land Divisions: Same as specified in Section 15315 of the State CEQA Guidelines, but replacing “no variances or exceptions are required” with “no variances or exceptions to the Zoning Code are required”.
- Class 16:** Transfer of Ownership of Land in Order to Create Parks: Same as specified in Section 15316 of the State CEQA Guidelines.
- Class 17:** Open Space Contracts or Easements: Same as specified in Section 15317 of the State CEQA Guidelines.
- Class 18:** Designation of Wilderness Areas: Same as specified in Section 15318 of the State CEQA Guidelines.
- Class 19:** Annexations of Existing Facilities: and Lots for Exempt Facilities. Same as specified in Section 15319 of the State CEQA Guidelines.
- Class 20:** Changes in Organization of Local Agencies: Same as specified in Section 15320 of the State CEQA Guidelines.
- Class 21:** Enforcement Actions by Regulatory Agencies: Same as specified in Section 15321 of the State CEQA Guidelines.
- Class 22:** Educational or Training Programs Involving No Physical Changes: Same as specified in Section 15322 of the State CEQA Guidelines.
- Class 23:** Normal Operations of Facilities for Public Gatherings: Same as specified in Section 15323 of the State CEQA Guidelines.
- Class 24:** Regulations of Working Conditions: Same as specified in Section 15324 of the State CEQA Guidelines.
- Class 25:** Transfers of Ownership of Interest in Land to Preserve Open Space: Same as specified in Section 15325 of the State CEQA Guidelines.
- Class 26:** Acquisition of Housing for Housing Assistance Programs: Same as specified in Section 15326 of the State CEQA Guidelines.
- Class 27:** Leasing New Facilities: Same as specified in Section 15327 of the State CEQA Guidelines.
- Class 28:** Small Hydroelectric Projects at Existing Facilities: Same as specified in Section 15328 of the State CEQA Guidelines.
- Class 29:** Cogeneration Projects at Existing Facilities: Same as specified in Section 15329 of the State CEQA Guidelines.

- Class 30:** Minor Actions to Prevent, Minimize, Stabilize, Mitigate or Eliminate The Release or Threat of Release of Hazardous Waste or Hazardous Substances: Same as specified in Section 15330 of the State CEQA Guidelines.
- Class 31:** Historical Resource Restoration/Rehabilitation: Same as specified in Section 15331 of the State CEQA Guidelines.
- Class 32:** In-Fill Development Projects: Same as specified in Section 15332 of the State CEQA Guidelines.
- Class 33:** Small Habitat Restoration Projects: Same as specified in Section 15333 of the State CEQA Guidelines.

8.2 Statutory Exemptions

Refer to all those exemptions listed in Section 15260-15285 of CEQA Guidelines and Sections 21159.21-21159.24 of CEQA Statutes.

SECTION 9

REFERENCE TO STATE GUIDELINES

9.1 Application of CEQA Guidelines

As to matters not specifically covered by these procedures, the procedures and provisions set forth in the State CEQA Guidelines shall apply to, govern and control matters.

SECTION 10

MISCELLANEOUS

10.1 Procedures for Processing Miscellaneous Projects

Applications filed for projects that may require the preparation of EIRs or Negative Declarations that are not otherwise provided for in these procedures shall be processed in a manner to be determined by the Environmental Coordinator. If any person is dissatisfied with the determination of the Environmental Coordinator as to the method of processing, he/she may appeal the determination as provided in the Appeals section of these procedures.