

ATTACHMENT 2

RESOLUTION OF THE SANTA BARBARA COUNTY BOARD OF SUPERVISORS  
COUNTY OF SANTA BARBARA, STATE OF CALIFORNIA

IN THE MATTER OF AMENDING THE COUNTY OF )  
SANTA BARBARA GUIDELINES FOR THE )  
IMPLEMENTATION OF THE CALIFORNIA ) RESOLUTION NO.: 20 - 179  
ENVIRONMENTAL QUALITY ACT OF 1970 TO MAKE )  
VARIOUS REVISIONS TO CONFORM TO )  
AMENDMENTS TO THE STATE CEQA GUIDELINES )  
EFFECTIVE 2019. )

WITH REFERENCE TO THE FOLLOWING:

- A. The *Guidelines for the Implementation of the California Environmental Quality Act* (State CEQA Guidelines) direct each public agency to adopt objectives, criteria, and specific procedures consistent with the California Environmental Quality Act (CEQA) and the State CEQA Guidelines for administering its responsibilities under CEQA (State CEQA Guidelines Section 15022).
- B. On September 12, 1988, the Board of Supervisors adopted the *County of Santa Barbara Guidelines for the Implementation of the California Environmental Quality Act* (County Guidelines), in order to provide County agencies, applicants, and the public with definitions, procedures, and forms to implement CEQA and to supplement the State CEQA Guidelines.
- C. The Board of Supervisors now finds that it is in the interest of an efficient government to amend the County Guidelines to conform to procedural amendments to the State CEQA Guidelines developed by the Governor's Office of Planning and Research, which took effect in 2019. The amendments to the County Guidelines are attached hereto as Exhibit 1 and are incorporated herein by reference.
- D. The proposed amendments are consistent with the policies of the Santa Barbara County Comprehensive Plan (including the Coastal Land Use Plan) and Chapter 35, Zoning, of the Santa Barbara County Code.
- E. The County Planning Commission held a duly noticed public hearing July 29, 2020, in compliance with the Governor's Executive Orders, at which hearing the proposed amendments were explained and comments invited from the persons in attendance, and recommended adoption to the Board of Supervisors.
- F. The Board of Supervisors held a duly noticed public hearing at which hearing the proposed amendments were explained and comments invited from the persons in attendance.

NOW, THEREFORE, IT IS HEREBY RESOLVED as follows:

- 1. The above recitations are true and correct.
- 2. The Board of Supervisors of the County of Santa Barbara, State of California, following the required noticed public hearing, approves and adopts the aforementioned amendment to the County Guidelines.

3. The Chair of the Board of Supervisors is hereby authorized and directed to sign and certify all documents and other materials in accordance with this resolution.

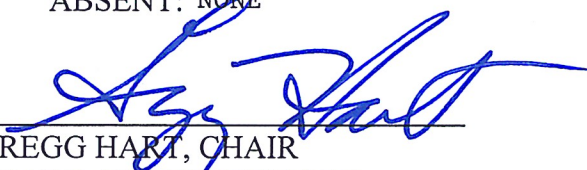
PASSED, APPROVED, AND ADOPTED by the Board of Supervisors, of the County of Santa Barbara, State of California, this 15th day of September, 2020, by the following vote:

AYES: Supervisors Williams, Hart, Hartmann, Adam and Lavagnino

NOES: NONE

ABSTAIN: NONE

ABSENT: NONE

  
\_\_\_\_\_  
GREGG HART, CHAIR  
BOARD OF SUPERVISORS  
COUNTY OF SANTA BARBARA

ATTEST:

MONA MIYASATO, COUNTY EXECUTIVE OFFICER  
CLERK OF THE BOARD

By   
\_\_\_\_\_  
Deputy Clerk

APPROVED AS TO FORM:

MICHAEL C. GHIZZONI  
COUNTY COUNSEL

By   
\_\_\_\_\_  
Deputy County Counsel

EXHIBIT:

1. Amendments to the County of Santa Barbara Guidelines for the Implementation of CEQA

# Exhibit 1

## Amendments to the County Guidelines for the Implementation of CEQA

### ARTICLE I - PURPOSE

The purpose of these Guidelines, is to provide the County of Santa Barbara, other agencies of which the Board of Supervisors is the governing Board, applicants, and the public with definitions, procedures, and forms to be used in the implementation of CEQA, the California Environmental Quality Act (Public Resources Code Section 21000 and following) and to supplement the State CEQA Guidelines, (14 Cal. Admin. Code Section 15000 and following).

### ARTICLE II - INCORPORATION OF STATE CEQA GUIDELINES

The full text of the State Guidelines for the implementation of the California Environmental Quality Act (14 Cal. Admin. Code Section 15000 and following), as they may be amended from time to time, is incorporated by reference into this Article of the County Guidelines as if fully set out, and shall supersede any inconsistent provisions of these County Guidelines.

### ARTICLE III - DEFINITIONS

The following words, where not defined in the State CEQA Guidelines, shall have the meaning ascribed to them in these definitions. These definitions are intended to clarify County procedures by supplementing definitions used in the State CEQA Guidelines.

- A. **Beneficial Ecological Restoration Project.** Beneficial ecological restoration projects by definition exclude required mitigation projects. Beneficial ecological restoration projects include the following projects and activities resulting in habitat enhancement: invasive exotic species removal, barrier removal or modification, creek/draining day-lighting, culvert replacement or modification, native habitat (e.g., wetland) expansion, enhancement, creation or restoration, revegetation with ecologically appropriate native species, water quality improvements, or other similar habitat restoration projects, where adverse impacts, if any, are short-term and temporary, where habitat restoration is the primary purpose of the project, and where there are no significant, unmitigated adverse impacts on biological resources. Beneficial ecological restoration projects apply a minimum 1:1 mitigation ratio. The project overall must have a recognized, long-term ecological benefit conducted in the best interests of the County's biological resources.
- B. **Lead Department.** The County department or agency of which the Board of Supervisors is the governing Board, which has the principal responsibility for carrying out, approving, or causing the approval by a decision-making body of a project. The process for designating the lead department is set out in Paragraph C of Article IV of these Guidelines.
- C. **Threshold of Significance.** Quantitative and qualitative criteria used to determine whether an environmental impact may be significant. Thresholds of significance are standards used to further refine the guidelines for determining significance provided in State CEQA Guidelines Sections 15064, 15382, and Appendix G.
- D. **Planning and Development Department (P&D).** The planning department of Santa Barbara County. P&D has several divisions, including Development Review, Long Range Planning, Building and Safety, and Energy and Minerals.
- E. **Master Environmental Assessment (MEA).** A database covering a geographical or issue area that may involve cumulative impacts from a number of separate projects within the geographical area or involving the issue under study.
- F. **Decision-maker.** The Official, Board, or Commission responsible for taking final action on a project under state law or County ordinances.

- G. Public Projects.** Those projects proposed to be carried out by a department of the County or by a dependent special district governed by the Board of Supervisors.
- H. Hearing Officer.** The County Executive Officer (CEO) or designee for public projects. The Director of the Planning and Development Department or designee for private projects. Generally, Supervising Planners or equivalent provide oversight of CEQA document preparation, sign draft and final environmental documents, and conduct environmental hearings.
- I. Environmental Coordinator.** Appointed by the County Executive Officer as the Hearing Officer. Responsible for:
  - 1. Ensuring that the preparation of the public plan or program EIR by the department that has the principle authority for the project complies with the requirements of CEQA and the County's CEQA Guidelines; and
  - 2. Fulfilling the duties of the Hearing Officer for the respective project.
- J. Application.** A permit application, including environmental information request provided by the Planning and Development Department and submitted on all non-exempt projects to assist the Planning and Development Department in the preparation of an initial study.
- K. Dependent Special District.** Any local agency of which the Santa Barbara County Board Supervisors of the County is the governing board (e.g., Flood Control and Water Conservation District, Laguna Sanitation District, County Water Agency).
- L. Mitigation Monitoring and Reporting Program.** All impact mitigation measures adopted as conditions of a development project permit approval including a monitoring component which describes the timing and the party responsible for monitoring and/or reporting on the measure to ensure compliance. Describes how monitoring will occur when it is not clear from mitigation language.
- M. Environmental Quality Assurance Plan.** Plan required for large and/or complex projects for which multiple monitoring activities will be necessary to ensure compliance with mitigation measures during project implementation. Plan developed after project approval to supplement Mitigation Monitoring and Reporting Program.

#### **ARTICLE IV - RESPONSIBILITIES FOR PREPARATION OF ENVIRONMENTAL DOCUMENTS**

- A. Public Projects.** The following responsibilities and procedures apply to public projects undertaken by the County:
  - 1. **Initial Studies.** An Initial Study (IS) shall be prepared either by the lead department or the Planning and Development Department, at the lead department's option and upon the concurrence of the P&D Director, if applicable. If the lead department prepares the Initial Study, consultation with the Hearing Officer shall occur prior to the preparation of the Initial Study to discuss the Initial Study scope of analysis. If the Planning and Development Department is to prepare the Initial Study, the lead department shall first submit a detailed project description and/ or plan, and an environmental information request. All Initial Studies shall be signed by the Hearing Officer, with a one week review time unless other arrangements are made. If a public scoping meeting is held (pursuant to Paragraph J of Article V), the Hearing Officer shall conduct the meeting. Should a disagreement occur over the Initial Study analysis or determination, a consultation on the Initial Study shall be convened within five working days of lead department receipt of signed Initial Study according to the process described in Paragraph K of Article V of these Guidelines.

2. **Document preparation and processing.** The environmental document (e.g., negative declaration, environmental impact report) shall be prepared and managed either by the lead department or the Planning and Development Department, at the lead department's option and upon the concurrence of the P&D Director, if applicable. All draft documents and final documents shall be reviewed for adequacy and signed by the Hearing Officer, with one week review times unless other arrangements are made. The Hearing Officer shall conduct any separate environmental hearings on the document. The department preparing and managing the document shall be responsible for all other applicable aspects of document processing, including early consultation with Responsible Agencies; the Notice of Preparation (NOP) with the attached Initial Study signed by the Hearing Officer; consultant contracting and management; preparation of the Draft and Final documents; Notices of Completion (NOC), noticing and distribution of Draft and Final documents; and the Notice of Determination (NOD). For documents prepared by the lead department, CEQA findings to be considered for adoption by the decision-maker shall be prepared by the lead department, and reviewed and approved by the Hearing Officer. If a discretionary land use entitlement for the project is being processed by the Planning and Development Department, the CEQA findings shall be prepared by the Planning and Development Department. Disagreements raised with respect to environmental analysis or application of mitigation measures shall be discussed and resolved between the lead department and Hearing Officer, or if not resolved by the meeting, shall then be submitted for arbitration by the County Executive Officer or designee for resolution.
- B. Private Projects.** Where a private project is subject to a discretionary approval by the County or district governed by the Board of Supervisors, the applicant shall prepare an application, including environmental information. The Planning and Development Department shall review the application and either determine that the project is exempt from CEQA or prepare the Initial Study and ND, or draft and final EIR. The Planning and Development Department shall conduct any hearing on the environmental document and recommend findings to the decision-maker as to its adequacy under CEQA.
- C. Designation of Lead Department.** Where two or more departments of the County are involved with a project, the lead department shall be determined by the following criteria:
1. If the project is to be carried out by a department of the County, the lead department shall be the department or dependent special district which proposes to carry out the project.
  2. If the project is proposed by an applicant other than the County or a dependent special district, the lead department shall be the department with the authority to process or grant permits, or the department with the greatest responsibility for supervising, approving or causing the approval by a decision-making body of the project as a whole.
  3. Where more than one department or dependent special district equally meets the criteria in subsection 2 above, the department or district which will act first on the project in question will normally be the lead department.
  4. In the event that designation of lead department is in dispute among departments of the County, any department may submit the question to the Board of Supervisors of the County which shall designate the lead department.
- D. Applicant Involvement in Environmental Review Process.** The lead department responsible for a CEQA environmental review process shall consult with the applicant at key points throughout the process as described below, to ensure accuracy of project information and to obtain timely input of the applicant's views on the analysis and process. It is important that all parties understand, however, that the lead department must maintain objectivity in preparing the environmental analysis in

accordance with the requirements of CEQA.

1. **Pre-application consultations.** As described in Paragraph B of Article V of these Guidelines, at the request of potential applicants prior to application, the lead department shall provide consultation about CEQA environmental review considerations at the public information counters or through paid staff consultations and pre-application conferences.
2. **Application review.** As part of the preliminary review of applications for completeness in the first 30 days following application submittal, the lead department shall begin consideration of CEQA environmental review issues and convey a preliminary assessment to the applicant. Examples of information at this stage could include an initial determination of whether a project is exempt from CEQA; additional project description or environmental setting information or technical studies that will be needed in order to analyze the project under CEQA; identification of possible significant environmental impacts; a preliminary assessment of probable environmental document type (e.g., ND, EIR, Supplement, Addendum); and preliminary identification of project redesigns, mitigation measures and/or alternatives that could be taken to avoid or lessen apparent environmental effects, including measures that might sufficiently reduce potentially significant effects such that the project may qualify for a mitigated negative declaration rather than an EIR.
3. **Initial study.** During preparation of the Initial Study, the lead department shall consult with the applicant as necessary to confirm the accuracy of the project description and to request any additional information regarding the environmental circumstances of the site or surrounding area, and to discuss any issues regarding impact analysis or document type arising from early consultation with affected agencies. As described in Paragraph K of Article V of these Guidelines, the applicant shall be notified of the initial study determination and may request a consultation/ appeal meeting to discuss clarification of the Initial Study analysis or appeal of the Initial Study determination. On projects for which potentially significant impacts are identified, the lead department shall consult with the applicant regarding any measures that could be incorporated into the project to sufficiently lessen impacts such that the project could qualify for a mitigated negative declaration rather than an EIR. The applicant must agree to such mitigation measures in writing prior to release of a draft negative declaration for public review.
4. **Scoping.** The applicant shall receive a copy of any Notice of Preparation and/or notice of a scoping hearing for the environmental document. The lead department shall consult with the applicant regarding any document scoping issues and any problems that arise from consultation with affected agencies and the public.
5. **Consultant selection.** Upon completion of an Initial Study and document scoping process leading to EIR preparation, the lead department staff shall prepare and issue a request for proposals to several (usually three) of the best qualified and available consultants from among authorized consultants. The applicant shall receive a copy of the request for proposals and list of consultants to receive it. The applicant may choose to have the request for proposals sent to additional consultants either on open services contract with the County or not. A copy of the consultant proposals shall be forwarded to the applicant for review and comment to staff. The staff shall rate the proposals and identify any inadequate proposals. Staff shall discuss recommendations with the applicant. The applicant shall select an EIR consultant from among the proposals rated as adequate, and the County shall hold and manage the contract with the EIR consultant.
6. **Administrative Draft and Draft EIR preparation.** The lead department staff shall consult with the applicant during preparation of the administrative draft and draft environmental document as necessary to confirm the project description, project objectives, and identification

of alternatives; to discuss the progress content and findings of the analysis and any problems or conflicts which arise; and to discuss the feasibility of identified mitigation measures.

Once the administrative draft environmental document is completed, it shall be circulated to other county departments as necessary for review and comment. Additionally, with the exception of joint agency documents as provided for in Section C.2 of Article VII of these Guidelines, the applicant shall have the opportunity to receive a copy for review and comment. Should the applicant receive a copy of the administrative draft environmental document, the document shall also be made available to any other member of the public upon request.

Should the lead department hire a consultant to prepare the environmental document, all communications between the consultant and either the applicant or county staff shall be with the applicant and county staff both participating, and any communications between the consultant, county staff and the applicant that result in a change in the administrative draft shall be memorialized in writing and be made part of the public record.

7. **Public review period.** The applicant shall receive a copy of notices of document availability, public comment period, and any environmental hearings. The lead department staff shall consult with the applicant regarding public and agency comments received, and applicant comments on the draft document.
8. **Final EIR.** The lead department staff shall consult with the applicant to discuss the progress of preparation of responses to comment, Final EIR, and CEQA findings.

## ARTICLE V - INITIAL EVALUATION OF PROJECTS

- A. **Applicability.** CEQA applies to activities that may result in a direct or reasonably foreseeable indirect physical change in the environment. A project subject to CEQA means the whole of an action resulting in such an environmental effect that a public agency undertakes, funds, and/or permits by a discretionary permit.
- B. **Early Consultation on CEQA Determinations.** Upon request of a potential project applicant and prior to filing of a project permit application, the lead department shall provide consultation regarding CEQA environmental review considerations, including the range of actions, potential alternatives, mitigation measures, and any potential and significant effects on the environment. Such consultations are conducted through regular departmental processes including the public information counter and paid staff consultations or pre-application conferences.
- C. **Adequacy of Project Description.** The information required to adequately describe proposed projects for the purpose of environmental review must be provided in the application. These information requirements for application submittals include all the details needed to review routine projects. Large or complex projects may require additional information in order to complete an accurate environmental assessment.

Detailed information on site conditions, particularly any unique characteristics such as environmentally sensitive habitats or geologic hazards is required. Design features or measures incorporated into the proposed project intended to avoid, reduce, or otherwise mitigate project impacts should be described.

For projects which may utilize or generate hazardous materials, or which may pose a threat to public health or safety, information regarding the engineering basis and design of the project facilities and the effects of project operations is required.

The County's Comprehensive Plan requires that an emergency response plan, a fire protection plan, and for petroleum projects, an oil spill response plan must be submitted as part of certain applications.

These plans form an important part of assessing potential environmental effects. They should be specific to the project proposed.

For projects which require permits from other County departments or other agencies (County Air Pollution Control District, U.S. Forest Service, California Coastal Commission, California Department of Fish and Wildlife, etc.), information needed by such departments or agencies may be required to accompany an application to P&D. Any information submitted to other departments or agencies shall be consistent with the information submitted to the Planning and Development Department.

Prior to the expiration of the period during which application completeness is to be determined, the Planning and Development Department shall identify any deficiencies in the project description for purposes of environmental review, and notify the applicant. The applicant may submit a revised application.

**D. Determining Exemption, Notice.** The lead department shall determine whether the proposal is a “project” pursuant to CEQA, an emergency, statutorily exempt, categorically exempt, or a ministerial project under CEQA, or may be found exempt under the common sense exemption when it can be seen with certainty that there is no possibility that the activity in question may have a significant effect on the environment.

1. Pursuant to State CEQA Guidelines Section 15062, the lead department may, in its discretion, file a Notice of Exemption with the Clerk of the Board of Supervisors after project approval for any project determined to be exempt from CEQA. Filing a Notice of Exemption starts a 35 day statute of limitations period on legal challenges to the department’s decision that the project is exempt from CEQA.
2. Whenever a Notice of Exemption is prepared, it shall be filed with the Clerk of the Board of Supervisors within five days after project approval. The notice shall be posted in the office of the Clerk within 24 hours of receipt, and shall remain posted for a period of 30 days, then returned to the lead department. The lead department shall retain the notice for not less than 12 months.
3. Project approval, as defined in the State Guidelines, means the decision by a public agency which commits the agency to a definite course of action in regard to a project.

County rules for the exact date of approval of public projects for purposes of CEQA shall be as proposed by the various departments, and approved by the Board of Supervisors.

4. A determination that a project is not exempt may not be appealed. A determination that a project is exempt may be reviewed by the decision-maker at the time of consideration of the project. If the decision-maker disagrees with the determination of exemption, the decision-maker shall instruct the lead department to prepare an Initial Study.
5. For public projects that require a land use entitlement processed by the Planning and Development Department, the exemption must be accepted by the decision-maker. For these projects, the lead department will not issue an exemption until the project application is submitted and then only in consultation with the Planning and Development Department.

**E. Initial Study.** For non-exempt projects, the applicant, or the lead department for a public project, shall prepare and file an application including project description and environmental information request on a form prescribed by the Planning and Development Department as part of the application. Within 30 days of a determination of application completeness, the Planning and Development Department shall initially determine whether or not the project may have a significant effect on the environment.

If the Initial Study shows that there is no substantial evidence that the project will cause a significant



effect on the environment, the lead department shall prepare a Negative Declaration or Addendum to a prior ND or EIR.

The lead department shall prepare a Mitigated Negative Declaration if the Initial Study determines that the project may result in a significant effect, but revisions to the project proposal made by or agreed to by the applicant before the draft Negative Declaration is released for public review would avoid or mitigate the effects to a point where clearly no significant effect would occur, and there is no substantial evidence before the agency that the project as revised may have a significant effect.

If the Initial Study determines that the project may result in a significant effect on the environment, the lead department shall: (1) prepare an EIR, or (2) use a previously prepared EIR which adequately analyzes the current project, or (3) determine that some effects were adequately analyzed by a prior EIR or ND, and prepare a subsequent document (EIR, supplement or Addendum) focusing on effects not analyzed adequately in the previous document.

Initial Study determinations as to whether a project may have a significant impact on the environment shall be based on substantial evidence in light of the whole record before the lead department. Argument, speculation, unsubstantiated opinion or narrative, evidence which is clearly inaccurate or erroneous, or evidence of social or economic impacts which do not contribute to, or are not caused by, physical impacts on the environment, is not substantial evidence. Substantial evidence shall include facts, reasonable assumptions predicated upon facts, and expert opinion supported by facts. The existence of public controversy over the environmental effects of a project shall not require preparation of an environmental impact report if there is no substantial evidence in light of the whole record before the lead department that the project may have a significant effect on the environment. Initial Studies shall provide brief explanations of evidence supporting identified environmental impact levels.

- F. Environmental Thresholds, Rules for Use, and Amendment.** The Planning and Development Department's Initial Study determination as to whether a project may have a significant effect on the environment shall be based in part on thresholds of significance. These thresholds are measures of environmental change, which are either quantitative or as specific as possible for topics that are not suited for quantification (e.g., aesthetics, cultural resources, and biology). Thresholds of significance are intended to supplement provisions in the State CEQA Guidelines for determination of significant environmental effect including Sections 15064, 15065, and 15382, and Appendix G, incorporated herein, and the thresholds shall be applied consistent with these State provisions.

A project that has no effect above threshold values individually or cumulatively shall generally be determined not to have any significant effect, and a negative declaration shall be prepared as provided by Article VI below. Projects that have a potential effect above a threshold of significance will generally require an EIR, unless measures sufficient to mitigate impacts to a less than significant level are identified, and accepted by the applicant. Thresholds of significance provide general guidance for determining significant impacts, but are not ironclad definitions of significant impacts.

*Thresholds of significance, as defined in [CEQA Guidelines] Section 15064.7(a), may assist lead agencies in determining whether a project may cause a significant impact. When using a threshold, the lead agency should briefly explain how compliance with the threshold means that the project's impacts are less than significant. Compliance with the threshold does not relieve a lead agency of the obligation to consider substantial evidence indicating that the project's environmental effects may still be significant. (CEQA Guidelines Section 15064(b)(2).)*

Each project must be judged individually for its potential for significant impacts, based on specific circumstances and evidence.

The Planning and Development Department shall maintain detailed descriptions of current thresholds, which shall be publicly available (*Environmental Thresholds and Guidelines Manual*, available for download on the P&D website <http://countyofsb.org/plndev/permitting/environmentalreview.sbc> or for review at P&D offices). The *Environmental Thresholds and Guidelines Manual* shall be revised periodically as necessary to maintain a standard which will afford the fullest possible protection to the environment, within the reasonable scope of CEQA, by imposing a low threshold requirement for the preparation of an EIR. For issue areas for which there are no thresholds, the environmental document must: (1) set forth and present substantial evidence to support the use of a unique threshold; and (2) determine whether the project would result in a significant environmental effect (State CEQA Guidelines Sections 15064.7(b) and 15064(b)(2)). Guidance provided in State CEQA Guidelines Sections 15064, 15065, and 15382, and Appendix G, shall also provide a basis for determining significance.

1. **Quantitative thresholds.** Impacts associated with air quality, groundwater resources, noise, traffic, and solid waste are measured by quantitative thresholds. Numerical values reflecting degrees of environmental change which are deemed generally insignificant are derived from federal or state standards, comprehensive plan elements, or scientific data.
2. **Qualitative thresholds.** For some impacts, including agricultural resources, biological resources, and cultural resources, a combination of numerical indices and qualitative values based on professional judgment is used. The evaluation of aesthetics, in contrast, is based entirely on qualitative criteria.
3. **Thresholds and guidelines amendment and adoption.**
  - a. **Basis for thresholds amendment.**
    - (1) **General.** Several threshold methodologies include a mechanism to enable them to respond automatically to environmental change. For example, changes in attainment status relative to air quality standards, changes in vehicle miles traveled, and changes in the balance between water supplies and water use all affect how thresholds determine significance. However, other changes in environmental conditions or environmental information may require an alteration to the methodology used to evaluate significance.
    - (2) **Change of scientific basis and criteria.** The underlying basis of threshold criteria may change with the discovery of new data or theories about relationships between environmental change and environmental quality. When data from scientific publications, reports, or conference proceedings, etc. suggest the need for such a change, the County shall review these data and determine the justification for threshold revisions.
    - (3) **Change in environmental circumstances.** Environmental characteristics such as groundwater levels and sensitive biological habitat acreage are subject to constant change due to development trends. In order to ensure reasonable significance determinations, thresholds will be changed to reflect changes in environmental carrying capacity, resource scarcity and resource use. Information on such changes may come from resource managers (e.g. water purveyors, Air Pollution Control District), applicants or the public.
  - b. **Process for thresholds amendment and adoption.**
    - (1) **New or revised thresholds.** The *Environmental Thresholds and Guidelines Manual* shall be periodically amended by the Board of Supervisors, as necessary to reflect

new information or changed environmental circumstances; and new thresholds or guidelines for additional topical areas may be adopted by the Board of Supervisors as deemed necessary. In accordance with Board of Supervisors authorization, the Planning Commission will hold at least one noticed public hearing to consider: (1) existing thresholds and the need for refinement or revision, (2) specific proposed changes to thresholds and guidelines, and/or (3) new thresholds and guidelines for additional topics. The public hearing(s) will have the purpose of advising the public of the basis for thresholds, of obtaining public comment on thresholds and revisions, and of gathering relevant data for inclusion in thresholds data bases. The Planning Commission will provide direction for thresholds revisions and development of new thresholds, and will forward new or revised thresholds for final adoption by the Board of Supervisors.

- (2) **Interim thresholds.** Interim thresholds revisions may be authorized by the Board of Supervisors without the above public process when immediate revisions are necessary. Any interim changes in thresholds made without the above public hearing process shall be posted in a public area of the Planning and Development Department for a period of 30 days following authorization of the changes, and shall be reviewed at the next public hearing.

4. **Analysis of projects near airports.** For projects located within an Airport Land Use Plan area or within two miles of a public use airport, the California Airport Land Use Planning Handbook (Caltrans, October 2011), as may be amended, shall be consulted to provide guidance on analysis of noise and safety impacts.

**G. Mitigation Measures.** Measures capable of reducing or avoiding potentially significant impacts shall be identified during the preliminary evaluation of non-exempt projects. A broad range of potential mitigations should be considered to maximize the potential for project modifications which mitigate adverse impacts and enable projects to qualify for negative declarations. The list of mitigation measures identified at the Initial Study stage must later be refined and specified to meet the standards for inclusion in environmental documents. (See Paragraph B of Article VI and Paragraph D of Article VII of these Guidelines.)

**H. Beneficial Ecological Restoration Project Requirements.** Beneficial ecological restoration projects apply a minimum of 1:1 mitigation ratio. The project overall must have a recognized, long-term ecological benefit conducted in the best interests of the County's biological resources. The following criteria are applicable in beneficial ecological restoration projects.

1. The purpose of the beneficial ecological restoration project is to enhance or restore biological or habitat resources. These projects may have additional benefits such as soil conservation, water conservation, water quality improvements, etc., but may not be considered in conjunction with a development project.
2. The beneficial ecological restoration project restores, expands, enhances or recreates the existing or previously existing habitat as in the affected area, but no net loss in total habitat area results from the restoration project.

A beneficial ecological restoration project proposing to replace one habitat for another (such as conversion of upland habitat to expand wetland habitat) shall document why the desired habitat is preferential. Preferential criteria might include habitat for endangered, rare or threatened species, species of concern, or habitat values of local, statewide or federal importance.

3. The beneficial ecological restoration project's restoration plan is consistent with the County's biological performance standards (e.g., spatial density of plantings) specified in the County's

environmental thresholds.

4. Environmental review concludes the beneficial ecological restoration project will result in significant, long-term improvement to natural resources and habitat quality, and will not result in the long-term net loss of habitat area or value (i.e., demonstrates increase in habitat quality compared to existing conditions). In order to find no net loss in habitat area or value, this may require enhancement of adjacent areas (weeding or other improvements) that ensure successful restoration.
5. The beneficial ecological restoration project is consistent with applicable County plans and policies.
6. The beneficial ecological restoration project is consistent with State and Federal agency requirements. Project applicants are encouraged to consult early with the applicable agencies regarding the scope of the restoration project.
7. The party conducting the beneficial ecological restoration project has retained the necessary expertise and experience to implement the restoration and appropriate monitoring to ensure the success of the beneficial ecological restoration (i.e., the party is or retains a resource agency or biological consultant or biologist with appropriate biological restoration expertise as determined by the County). Proposed projects utilizing volunteers to implement and monitor the restoration activity will have the training and oversight by a qualified expert.
8. The applicant for a beneficial ecological restoration project shall document adequate implementation resources to exist to complete the beneficial project and ensure appropriate maintenance and monitoring.
9. Successful implementation and monitoring of the beneficial ecological restoration project can be satisfied by the property owner, party conducting the project or a sponsoring agency by submittal of a completion report documenting the following:
  - a. Summary of the implementation activity dates and personnel.
  - b. Before and after photo documentation.
  - c. Field information on the status of the restored area (may include survey data such as plant and wildlife species lists, and native plant percent coverage).
  - d. Completion reports shall be provided annually for three years or for the duration specified by a sponsoring agency.
10. The property owner of the beneficial ecological restoration project is encouraged to maintain the project area for its habitat value or, if applicable, for the duration specified by a sponsoring agency.
11. Beneficial ecological restoration projects are encouraged to use appropriate native species from the local habitat area and/or seed stock when feasible.

**I. Master Environmental Assessments.** From time to time the County may choose to prepare a Master Environmental Assessment (MEA) to identify and organize environmental information for a region or issue within its jurisdiction.

1. **Purposes.** The primary objective of a Master Environmental Assessment is to identify and organize environmental information for a region or an issue, and to reduce the scope, cost and time of the environmental review process on a case specific basis.

A Master Environmental Assessment should focus on the identification of area-wide resources, constraints, and opportunities for undeveloped parcels.

Environmental data is generally contained on a number of base maps at varying scales and in cumulative impact tables contained in numerous certified environmental documents. A Master Environmental Assessment should integrate these materials to centralize and automate the data for particular areas or issues within the County.

2. **Standard mitigation measures.** A Master Environmental Assessment should provide a set of standardized mitigation measures responding to recurring environmental and infrastructure problems. During the Initial Study process and during preparation of the environmental document, as recurring environmental impacts are identified, the standardized mitigation measures will be applied to resolve the problems whenever possible to do so.
3. **Application.** When an EIR is required for a project that is a part of an area for which a Master Environmental Assessment has been prepared and approved by the County, the EIR on the specific project shall be used where possible to provide background information or information on cumulative effects.

Where applicable the Planning and Development Department shall set forth a summary of the Master Environmental Assessment in the specific project EIR and indicate where a copy of the Master Environmental Assessment may be obtained or reviewed.

#### **J. Notice of Preparation and Scoping Meetings.**

1. **Notice of EIR preparation.** Following an Initial Study determination that an environmental impact report will be required, the lead department shall prepare and distribute a Notice of Preparation (NOP) of the EIR. The Notice of Preparation shall be sent to Responsible and Trustee Agencies and involved federal agencies (including special military zones such as Vandenberg Air Force Base), and may be sent to other interested agencies, groups and individuals. The Notice of Preparation is sent to provide notice that an EIR will be prepared and to obtain comments on the EIR scope of analysis, and shall be filed with the Clerk of the Board of Supervisors. The notice shall be posted in the office of the Clerk within 24 hours of receipt, and shall remain posted for 30 days, then returned to the lead department.
2. **Scoping meetings.** On potentially controversial projects or marginal cases where it is not clear whether a project may have a significant effect, early consultation with the public is helpful in determining whether an EIR will be required and what issues it should address.
  - a. **Purposes.**
    - (1) To allow for public and agency input on the environmental effects of a project at the earliest possible time in the process.
    - (2) To focus project-related impact assessment on significant environmental issues and their mitigation.
    - (3) To determine the focus of EIRs, based on public input and thresholds.
    - (4) To identify feasible mitigation measures.
    - (5) To identify realistic and feasible alternatives for refinement within EIRs.
  - b. **Applicability.** Public scoping meetings may be called by the Planning and Development Department if the project has one or more of the following features:
    - (1) It is near one or more controversial projects
    - (2) Public concern has already been expressed over environmental effects of the project
    - (3) It will require a Comprehensive Plan Amendment or Rezone

(4) It is clear that it may have a significant effect in one issue area, but not clear in other areas

- c. **Notice.** Scoping meetings shall occur as early as practicable, and generally within 30 days of the Initial Study determination or within the Notice of Preparation period. Noticing for public scoping meetings shall include Responsible, Trustee, interested and affected agencies, General Plan or Community Advisory Committees as well as residents within 1,000 feet of the project site and organizations and members of the public expressing interest. Notice shall be given at least 10 days prior to the scoping meeting and should contain a copy of the draft Initial Study or summary scoping paper.
- d. **Use.** Subsequent to the scoping meeting, lead department staff shall make any appropriate changes to the Initial Study and advise the applicant whether an ND or an EIR is required.

**K. Consultation/Appeal Process for Initial Study Determinations.** The purpose of this procedure is to provide an opportunity for an applicant or the lead department for public projects, once an initial study has been prepared, to correct inaccurate information and/or to provide evidence which might tend to establish that the conclusions of the initial study may be incorrect pursuant to State CEQA Guidelines Section 15063(g). Where a determination is made that an EIR is required, the applicant shall be immediately notified of this determination by certified mail.

Within five working days following receipt of notification of the Initial Study determination, the applicant or lead department may request and receive a meeting with the Director of the Planning and Development Department for the purpose of consultation to clarify or correct the Initial Study analysis or to appeal the Initial Study finding. The request for an Initial Study consultation/appeal meeting shall be by letter, and shall specify the basis for the Initial Study appeal. A representative of County Counsel shall be present when appeals are heard as a formal advisor to the P&D Director and non-voting member of the appeals process.

The focus of the consultation/ appeal shall be as follows:

1. The applicant may provide information to correct factual errors in the Initial Study.
2. The applicant may submit additional information to assist in deciding whether to prepare an EIR or ND.
3. The applicant may propose modifications to the project description to mitigate potentially significant adverse impacts to levels of insignificance, thereby enabling the project to qualify for an ND.

Any changes to the findings of the Initial Study based upon the consultation shall be supported by substantial evidence to show a material error or incorrect conclusion in the Initial Study, or modifications to the project. Such evidence supporting errors or incorrect conclusions should be documented by engineering reports or certified by a competent professional in the appropriate field, and should consist of new material not already considered in the Initial Study.

Upon consideration of the information submitted, the Director of the Planning and Development Department shall affirm, reverse or modify the conclusions of the Initial Study and provide a copy to the applicant or lead department. This determination is not appealable.

## **ARTICLE VI - NEGATIVE DECLARATIONS**

### **A. Responsibility For Preparation.**

1. For private projects, the Planning and Development Department shall prepare the proposed ND or cause it to be prepared by a private contractor pursuant to the County's procurement policies

and procedures.

2. The Planning and Development Department shall determine whether the proposed ND is complex or non-complex. Complex ND's require an environmental hearing; non-complex ND's do not. Complex ND's include complex analysis or analysis of environmental issues which are subject to controversy over the presence or absence of significant adverse effects. Non-complex NDs include only analysis which is clear cut and precise and which is likely to be subject to little or no controversy over environmental effects. Public controversy over planning or policy issues rather than the identification of environmental effects does not establish that an ND is complex. The Planning and Development Department's determination on complexity is not appealable.

**B. Mitigation Measures.** Where the identification of mitigation measures enables an applicant or lead department to modify a project during the initial study to mitigate all potentially significant impacts to a less than significant level before an EIR is prepared, a Mitigated Negative Declaration incorporating those mitigations into the project description shall be prepared. Mitigation measures in Negative Declarations must meet the standards for adequacy described in Paragraph D of Article VII of these Guidelines. Furthermore, mitigations forming the basis of a finding of no significant impact must be accepted in writing by the applicant or lead department proposing the project, and incorporated into the project description before the proposed negative declaration is released for public review. Mitigation measures must be made fully enforceable through permit conditions or other agreements.

**C. Mitigation Monitoring and Reporting Program.** When adopting a Mitigated Negative Declaration, a Mitigation Monitoring and Reporting Program will also be adopted which incorporates mitigation measures meeting the standards for adequacy described above and a monitoring component for each measure described in Section E of Article VII of these Guidelines. The lead department will be responsible for ensuring that monitoring and reporting is carried out as indicated after the project is approved.

**D. Review Period.**

1. Within 10 work days of completion of a draft ND, the lead department shall initiate a 20 day public review period. If a State Clearinghouse review is required, the public review period for the ND shall be 30 days. Should issues related to new environmental information, changed environmental circumstances, or applicant changes to the project description occur, an extended public review period may be required at the discretion of the Hearing Officer.
2. All complex draft NDs shall be set for a public hearing conducted by a Hearing Officer prior to the close of the review period. The Hearing Officer shall hold the public hearing for the purpose of receiving comments by interested and affected agencies, the public and the applicant on the accuracy and adequacy of the proposed ND.

All proposed non-complex NDs shall be presented to the advisory and/or decision-making body in a public hearing after the close of the public review period for the ND as part of the proposed action unless the Planning and Development Department determines that public comment indicates the proposed ND should have been classified as complex. In this case, the Department may set a separate environmental hearing after 10 days notice pursuant to State CEQA Guidelines Section 15072 before presenting the proposed ND to the advisory or decision-making body.

3. Notice of ND availability, review period, and environmental hearing, if applicable, will be given by posting on the Planning and Development Department public bulletin board, by publishing in a newspaper of general circulation in the project area, by mailings to properties within 300 feet and contiguous occupants, and interested community groups. In a case where the 300 foot

criterion would require mailings to more than 200 individual properties, another means of public notification shall be allowed (posting of site, display ad in a newspaper of general circulation, etc.). In cases where the project's impacts would extend beyond 300 feet, an attempt shall be made to notify affected properties beyond 300 feet. The notice shall include: a brief description of the proposed project and location; a summary listing of potentially significant but mitigable impacts anticipated to result from the project; identification of the preparer of the draft ND; the length of the review period in which comments will be received by the lead department; the date, time and place of the public comment hearing on the ND, if applicable; and the places where copies of the ND and documents incorporated by reference in the ND are available for public review.

4. Comments from the public and the applicant received during the public hearing or review period shall be considered and where appropriate will be incorporated into the final draft ND.

**E. Findings and Recommendations for Approval.**

1. **NDs set for Environmental Hearing.** If, after the comment period and public hearing, the Hearing Officer determines that there is no substantial evidence that the project may have a significant effect, a final ND shall be prepared, including changes where appropriate in response to comments. All comments received during the review period shall be attached to the proposed final ND and transmitted to the decision-maker, with proposed findings that 1) there is no substantial evidence that the project will have any significant effect, and 2) for projects subject to Public Resources Code Section 21080(c)(2), the project description and mitigation measures with their corresponding monitoring requirements are the monitoring program for the project, and with a recommendation for approval of the document.

There shall be no appeal from the Hearing Officer's proposed findings on the Negative Declaration, but objections raised during the public hearing shall be deemed preserved and may be raised before the discretionary decision-maker. The decision-maker shall approve the ND at the time the project is approved.

2. **NDs set for hearing before the advisory and/or decision-making body.** NDs determined to be non-complex shall be set for hearing before the advisory and/or decision-making body. If, after the comment period, the Hearing Officer determines that there is no substantial evidence that the project may have a significant effect, a final ND shall be prepared, including changes as appropriate in response to comments. All comments received during the review period shall be attached to the proposed final ND and transmitted to the advisory and/or decision-making body, with a proposed finding that there is no substantial evidence that the project will have any significant effect, and a recommendation for approval of the document.

There shall be no appeal from the Hearing Officer's proposed findings on the ND, but objections raised during public review shall be deemed preserved and may be raised before the discretionary decision-maker.

3. Mitigation measures which are equivalent or more effective in reducing potentially significant impacts may be substituted by the lead department during the approval process without re-circulating the ND.

**F. Determination by Hearing Officer that ND is Inadequate.** If, after review the Hearing Officer determines that there is substantial evidence that the project may have a significant effect, an EIR shall be prepared pursuant to Article VII. In such a case, the time limit for preparation of the environmental document shall be one year from the date the application was found complete for processing.

**G. Determination by Decision-maker that ND Is Inadequate.** If, upon review of the project, the



decision-maker determines that the ND is inadequate, the project shall be referred to the lead department for appropriate revisions or preparation of an EIR. Consideration of the project shall be deferred until the ND is approved or an EIR is certified, consistent with mandatory time lines for action.

- H. Notice of Determination** Within five working days after the approval or determination of a public or private project becomes final<sup>1</sup> (for which a final ND has been prepared), the lead department shall file a Notice of Determination with the Clerk of the Board of Supervisors, and with the State Clearinghouse only if a discretionary permit is required from a State agency. The notice shall be posted in the office of the Clerk within 24 hours of its receipt, and shall remain posted for a period of 30 days, after which it will be returned to the lead department. The lead department shall retain the notice for not less than 12 months.

## **ARTICLE VII - PREPARATION OF EIRs**

- A. Responsibility for Preparation.** For private projects, the Planning and Development Department shall prepare the EIR or cause it to be prepared by a private contractor. Upon receipt of an executed EIR contract and deposit from the private applicant, the Planning and Development Department may proceed with consultant selection and contracting with a qualified consultant to prepare a draft and final EIR, in accordance with procedures outlined in Section D.5 of Article IV and Section C.1 of Article VII of these Guidelines.
- B. Focus of EIR Analysis.** EIRs shall focus on analysis of potentially significant impacts. Impacts which will be less than significant may be summarized briefly or reference may be made to the Initial Study analysis of impacts determined to be less than significant. However, for projects located under jurisdiction of the County's Local Coastal Program and for projects requiring conditional use permit or development plan approval, analysis of all impacts shall be sufficient to provide a basis for required findings as to whether all adverse impacts are mitigated to the maximum extent feasible.
- C. Administrative Draft EIRS for Private Projects.**
- 1. Preparation of Administrative Draft EIRs for private projects.** A draft EIR for a private project may be prepared directly by a lead department's own staff, or may be initially prepared by a consultant and then reviewed and modified as needed by the lead department staff prior to issuance for public review. An initial, draft EIR prepared by a party other than the lead department is an "administrative draft" EIR.

The following options are available for preparing an administrative draft EIR for a private project:

- a. When the Planning and Development Department determines that an EIR can be prepared with its own staff, the applicant has the choice of EIR preparation either by a consulting firm or the Planning and Development Department staff. The option for staff-prepared EIRs is generally only available for analysis that is small in scope, having only one or two potentially significant impact areas to analyze.
- b. When a consulting firm is to prepare the document, the Planning and Development Department staff chooses three firms to receive the Request for Proposals (RFP) from a list of qualified firms. If the applicant believes staff's choice of firms was too narrow, the applicant may add other firms to receive the RFP from the list of qualified firms that have an open services contract with the County.

---

<sup>1</sup> A project approval becomes final after local appeal periods have elapsed without the filing of an appeal, or after the Board of Supervisors takes final action on an appeal, or on a legislative act, such as a General Plan or Ordinance amendment.

- c. After EIR proposals are received, the Planning and Development Department staff disqualifies any unacceptable proposals. These include, but are not limited to, proposals: which staff finds non-responsive; for which staff concludes that substantial revision of the EIR would likely be needed prior to release of the public draft; or from firms that would have a conflict of interest. At least two proposals would be available from which the applicant could select. The applicant makes the final selection of EIR firm for recommendation to the County contracting authority (Director of the Planning and Development Department or Board of Supervisors), and the County holds and manages the contract with the EIR consultant.

In the case of a joint agency document process involving a County agreement with another CEQA agency or National Environmental Policy Act (NEPA) agency, consultant selection shall occur in accordance with the process identified by the joint agency agreement, and may involve consultant selection by the joint powers agency rather than the applicant.

In accordance with State CEQA Guidelines Section 15084(e), before using a draft prepared by another party, the lead department must first subject the draft to the department's own scrutiny. The draft EIR which is issued for public review must reflect the independent judgment of the lead department. The lead department is responsible for the adequacy and objectivity of the draft EIR.

2. **Public availability of Administrative Draft EIRs for private projects.** In order to provide for public tracking of analysis leading to the draft EIR, administrative draft EIRs for private projects shall be made available to the public according to the following procedures, except as noted below. Notice of public availability of an administrative draft EIR shall be provided as part of the notice for the public review draft EIR. Upon request by an applicant or member of the public, an administrative draft EIR for a private project shall be made available for inspection, together with written comments from the lead department staff, to the EIR-preparer regarding changes to the document, as of the start of the public review period for the draft EIR. The Public Records Act provisions for confidentiality are waived in order to authorize public inspection of administrative draft EIRs and written staff directions to consultants on administrative draft EIRs for private projects.

In a case where an applicant requests and receives a copy of the administrative draft EIR prior to circulation of a draft EIR (as provided in Section D.6 of Article IV) the administrative draft EIR shall also be made available to any other member of the public upon request. Additionally, any communications between the consultant, county staff and the applicant that result in a change in the administrative draft shall be memorialized in writing and be made part of the public record.

In the case of a joint agency document process involving a County agreement with another CEQA agency or National Environmental Policy Act (NEPA) agency to maintain confidentiality of administrative draft materials, the Public Records Act exemption from disclosure is maintained, and the administrative draft EIR shall not be made available to the applicant or public.

- D. **Mitigation Measures.** Mitigation measures conceived during the initial evaluation of projects must be refined in EIRs to ensure their feasibility, specificity, and enforceability. Mitigations shall be explicitly written in language which can be directly applied to conditions of approval by the decision-makers. Where appropriate and feasible, each mitigation measure shall contain the mitigating action, any related activities which must occur to ensure the action takes place (deposit fees, revise plans), any required applicant reports, and the timing for each required action. The development of mitigation

measures shall be coordinated with appropriate County departments. Where a County department would be responsible for implementing a mitigation measure, the environmental document shall identify a mechanism to link the timing and funding of the mitigation to the approval of the project. Where mitigation measures require action by agencies other than the County, the agency shall be identified. Determination of the feasibility of mitigation measures shall take into account economic, legal, social, and technological considerations, including considerations of employment opportunities for highly trained workers. Mitigation measures must be made fully enforceable through permit conditions or other agreements.

**E. Mitigation Monitoring and Reporting Program (MMRP).** Each mitigation measure will have a corresponding monitoring component which will describe at a minimum, the party responsible for monitoring and when the monitoring shall occur. The monitoring component will also describe specific monitoring actions if they are not evident from reading the mitigation measure. For very large and/or complex projects where project implementation will occur over multiple sites or will include multiple activities for which monitoring is required, an Environmental Quality Assurance Plan (EQAP) will be prepared to supplement the MMRP. This determination will be made by the Planning and Development Department. The EQAP will be prepared by the applicant and approved by the County prior to land use clearance and will list all mitigation measures according to the timing of each measure, list all monitoring components and provide for coordinated monitoring by all field monitors during project implementation. The EQAP will also contain chain of authority and communication between construction personnel, monitoring personnel (hired by the County) and the Planning and Development Department project coordinator. The lead department will be responsible for ensuring that monitoring and reporting is carried out as indicated after the project is approved.

**F. Analysis of Project Alternatives.**

1. All EIRs shall include a discussion of project alternatives. Development of project alternatives should focus on options which have the potential to reduce significant environmental impacts and attain project objectives. While consideration of a broad spectrum of alternatives is encouraged early in the process, the range of options should be narrowed to those which are consistent with the following principles:
  - a. Consistency with the general plan (when a general plan amendment is not requested).
  - b. Reduction of significant adverse environmental effects.
  - c. Compatibility with neighboring uses.
  - d. Feasibility.

Determination of the feasibility of alternatives shall take into account economic, legal, social, and technological considerations, including considerations of employment opportunities for highly trained workers. The EIR should describe the rationale for selection of alternatives and identify alternatives considered but rejected as infeasible.

2. **Expanded alternatives/alternative sites analysis.** An expanded discussion of project alternatives shall be required in EIR's when it is demonstrated that one or more significant and unavoidable environmental impacts would result, and when feasible project alternatives may effectively reduce significant and unavoidable environmental impacts to acceptable levels. The alternatives analyzed should include a reduced or modified scope of operations at the same site, and alternative sites. An expanded discussion of project alternatives focusing on alternative sites shall also be required for EIR's dealing with specialized facilities which inherently raise issues of potential land use incompatibility, including such uses as landfills, oil and gas facilities, camps, schools, and stockyards.

Factors to be considered in the analysis of alternative sites should include, but are not limited to, the following:

- a. Whether the alternative site feasibly attains the basic objectives of the project. The fact that an applicant may own a particular site, and no other feasible site in the general area, will not by itself preclude consideration of other sites, although the ability of the applicant to reasonably acquire, control or otherwise have access to an alternative site may be considered as a factor.
- b. Whether the project requires necessary changes in existing land use designations;
- c. Whether the project is of major size or intensity with resulting significant environmental impacts;
- d. Whether the proposed site contains areas of special environmental sensitivity;
- e. Whether the range of alternative sites is reasonably limited, e.g., by parcel size or special location requirements;
- f. Whether the proposed project at the proposed site is incompatible with surrounding uses;
- g. Whether similar development is simultaneously proposed or likely to be proposed at an alternative site in the reasonably foreseeable future;
- h. Whether it is unlikely that more than one such project will be approved, based on the tolerance of the area for the likely environmental effects.
- i. Whether alternative sites are feasible, in consideration of site suitability, economic viability, availability of infrastructure, consistency with general plans and other plans, regulatory constraints, and jurisdictional boundaries.

#### **G. Cumulative Impact Evaluation.**

1. **Cumulative project list.** The potential effects of development not included in baseline data will be analyzed for cumulative impact evaluation if they result from projects which are:
  - a. **Partially occupied or under construction.** Those projects which, though only partially occupied or under construction, should be included to the extent that their impacts are not yet fully incorporated into the environmental setting against which the project's impacts will be assessed.
  - b. **Approved.** Those projects which have received final discretionary approval from the decision-makers.
  - c. **Under review.** Those projects which have been deemed "complete" for processing and are currently undergoing review by lead agencies.
  - d. **Proposed projects.** Those projects which have submitted a pre-application assessment with a lead department, or have been discussed publicly by an applicant. Unless these projects' pre-application data contain a high degree of specificity and a probable time frame, they should not be included on the full cumulative list, but may be included as advisory information on the scope of possible development in the area.
2. **Public projects.** Public projects which are partially occupied, under construction, approved, under review, or proposed, should be treated in the same manner as private projects. Projects which are included on a capital improvement program (CIP), or are reasonably expected to be funded and scheduled should also be included on a cumulative list. However, projects which are listed as needed on a capital improvement program but are not funded or scheduled should be

included for information only, and not included in the cumulative impact assessment.

3. **Project classification.** The separation of projects into the different categories (i.e., projects under review, approved, or under construction) provides information as to their relative timing and the potential phasing of mitigation measures needed to offset corresponding cumulative impacts. The most accurate estimation of cumulative project timing is essential to provide decision-makers with accurate criteria to require project phasing or delay. Of particular importance is the provision of a separate assessment of impacts associated with approved projects only. While not required under CEQA, a separate analysis of the project's impacts with those of approved projects provides an estimate of what potential impacts would be under "a future environmental setting scenario." While the approved projects must also be included within the full cumulative scenario, the approved project scenario provides a realistic estimate of future conditions under which the project's impacts would occur, if no other approvals were to occur.
4. **Significance criteria.** Unless otherwise specified in the County's adopted Thresholds of Significance, a project's potential contribution to cumulative impacts is assessed utilizing the same significance criteria as those for project specific impacts.
5. **Geographic scale of cumulative impact assessment.** Various methods are utilized for assessing a project's contribution to cumulative impacts, dependent upon the nature of the impact and its areal extent. In general, the Planning and Development Department uses a specific cumulative project list accompanied by a map depicting these projects' locations in relation to the resource to be impacted. The list should be extensive enough to contain all projects which could have a substantial effect upon the resource to be significantly impacted by the project.

Examples of the areal extent of such lists include the following:

- a. All projects withdrawing water from a particular groundwater basin.
- b. Projects within the same viewshed or along the same scenic corridor.
- c. Projects resulting in the subdivision or development of productive agricultural land in the same producing area or watershed.

Projects which have the potential to cause impacts at a regional scale may create the need for a community or countywide assessment of cumulative impacts. While detailed cumulative project lists and maps are the preferred method for assessing cumulative impacts, due to the scope and nature of some impacts, other methods such as modeling or provision of background data may be more appropriate. In cases where the extent of impacts is extensive and difficult to define, such as air quality, provision of a detailed cumulative list is normally beyond the scope of an individual document. To evaluate cumulative air quality impacts of projects emitting regional pollutants, the contribution of project emissions to regional levels should be compared with existing programs and plans, including the Air Quality Attainment Plan. To evaluate the cumulative air quality impacts of localized pollutants, the contribution of the project emissions in conjunction with existing and proposed projects in the local area should be considered.

For projects in communities with adopted Community Plans, the certified Community Plan EIR provides cumulative impact analysis of build-out of the community, and Community Plan policies provide some required mitigation measures for identified cumulative impacts.

6. **Impact identification.** The cumulative impact discussion within an EIR should identify whether the project's contribution to a particular impact is significant. As previously stated, each County threshold accounts for cumulative impacts either through specific standards or through incorporation of cumulative background data within its standard.

The decision to prepare a ND implies that a project's impacts are insignificant on both a project specific and cumulative level. However, where a cumulative impact is identified and the ND contains recommended mitigation measures to reduce the project's contribution to cumulative effects, information must be provided to substantiate the recommended mitigations.

#### H. Classification of Impacts in EIRs.

1. The methodology of impact analysis and criteria for determining whether or not impacts are significant shall be explained in all EIRs.
2. The County makes use of a Summary Impact Table in all EIRs to assist decision-makers with adoption of statements of overriding considerations and findings. Environmental impacts shall be identified as follows:
  - a. **Significant and unavoidable impacts.** Significant unavoidable adverse impacts for which the decision-maker must adopt a statement of overriding consideration, if the decision-maker decides to approve the project;
  - b. **Significant but mitigable impacts.** Significant adverse impacts that can be avoided or feasibly mitigated to an insignificant level, and for which the decision-maker must adopt mitigation measures;
  - c. **Insignificant impacts.** Adverse impacts that are insignificant;
  - d. **No impact.** No adverse impact will result from the project; or
  - e. **Beneficial impacts.** Impacts beneficial to the environment.

#### I. Review Period.

1. When the lead department offers the draft EIR for public review, it shall file a Notice of Completion with the State Clearinghouse, publish a Notice of Availability - Draft EIR, and indicate the public comment period.
2. Notice shall be given by posting on the Planning and Development Department public bulletin board, by publishing in a newspaper of general circulation in the project area, and by mailings to properties within 1,000 feet and contiguous occupants and to interested community groups. In cases where the 1,000 foot criterion would require mailings to more than 200 individual properties, another means of public notification shall be allowed (e.g., posting of site, display ads in a newspaper of general circulation).
3. The notice shall include: a brief description of the proposed project and location; any significant and unavoidable impacts and potentially significant but mitigable impacts anticipated as a result of the project; the identity of the preparer of the draft EIR and the availability of the administrative draft document; the starting and ending dates and the length of the review period (30 days unless the review includes the State Clearinghouse, in which case it will be 45 days) in which comments will be received by the lead department; the manner in which the lead department will receive comments; the date, time and place of the public comment hearing on the EIR; and the places where copies of the EIR and documents incorporated by reference in the EIR will be available for public review.
4. The Hearing Officer shall hold a public hearing on all draft EIRs. The hearing shall be held within 45 days of the publication of the Notice of Availability and Notice of Completion. At the hearing, comments by interested agencies, the public, and the applicant are solicited on the accuracy and adequacy of the draft EIR. These comments may include critiques of any part of the document including impact summary tables, forecasts of environmental effects, proposed mitigation measures, and project alternatives. Comments on the merits of the project rather than

its potential environmental effects and their mitigation are not appropriate, and should be reserved for the decision-making hearing on the project. The preparer of the draft may or may not provide initial responses to comments at the hearing. Formal written responses to comments shall be provided in the Final EIR. Pursuant to State CEQA Guidelines Section 15088, the lead department shall respond to comments raising significant environmental issues received during the noticed comment period and any extensions, and may respond to late comments. The lead department shall provide a written proposed response, either in a printed copy or in an electronic format, to a public agency on comments made by that public agency at least 10 days prior to certifying the EIR.

*The written response shall describe the disposition of significant environmental issues raised (e.g., revisions to the proposed project to mitigate anticipated impacts or objections). In particular, the major environmental issues raised when the lead agency's position is at variance with recommendations and objections raised in the comments must be addressed in detail giving reasons why specific comments and suggestions were not accepted. There must be good faith, reasoned analysis in response. Conclusory statements unsupported by factual information will not suffice. The level of detail contained in the response, however, may correspond to the level of detail provided in the comment (i.e., responses to general comments may be general). A general response may be appropriate when a comment does not contain or specifically refer to readily available information, or does not explain the relevance of evidence submitted with the comment. (CEQA Guidelines Section 15088(c))*

- J. Findings and Recommendations for Approval.** If, after the comment period and public hearing, the Hearing Officer determines that the EIR is adequate, the EIR shall be finalized by the lead department. All minor revisions, comments and responses identified during the review period and public hearing shall be incorporated into the document and transmitted to the decision-maker with recommended findings to certify the final EIR. For projects subject to Public Resources Code Section 21081(a), the project description and conditions which include mitigation measures with their corresponding monitoring requirements are the monitoring program for the project.
- K. Determination by Hearing Officer that EIR is Inadequate.** If, after review, the Hearing Officer determines that the draft EIR is inadequate and requires major revisions, the document will be returned to the lead department for revision. Recirculation of the document for public review may be required. (See Section M below.) In this case, a new Notice of Completion shall be prepared as provided above.
- L. Determination by Decision-maker that EIR is Inadequate.** If, upon review of the prepared final EIR and the project, the decision-maker determines that the EIR is inadequate, the EIR shall be referred to the lead department for appropriate revisions unless the decision-maker denies the project. Consideration of the project shall be deferred until the EIR is certified by the decision-maker(s) consistent with mandatory timelines for action.
- M. Criteria for Recirculation of EIR.** Where a draft EIR is determined to be inadequate, it shall be re-circulated for public review prior to certification where any one of the following occurs:
1. The draft previously circulated did not adequately discuss substantial adverse environmental impacts, feasible alternatives, or mitigation measures.
  2. The information contained in the previously circulated draft was so inaccurate, incomplete, biased or misleading so as to have prevented meaningful public review.
  3. The draft did not reflect the independent judgment of the lead department.
  4. Circumstances requiring a Supplement under CEQA have arisen, namely that significant new

information is added to the EIR after public review such as identification of a new significant impact, a substantial increase in the severity of an impact, or identification of a feasible mitigation measure or alternative that would lessen project impacts but the project proponent declines to adopt it.

- N. **Changes by Decision-maker.** If the decision making body disagrees with the conclusions set forth in the EIR regarding the significance of environmental impacts or feasibility of mitigation measures and alternatives, the decision making body shall correct them and set forth its reasons for the correction.
- O. **CEQA Findings and Statement of Overriding Considerations.** In order to approve a project with identified significant unavoidable environmental impacts: (1) the decision-maker must adopt one of the specific findings set forth in State CEQA Guidelines Section 15091 for each significant impact identified in the EIR; and (2) if the findings reveal that one or more of the impacts will be unavoidable and significant (after feasible mitigation), then the decision-maker must adopt a statement of overriding considerations pursuant to State CEQA Guidelines Section 15093 in order to approve the project despite the significant impacts that will result from it.
- P. **Notice of Determination.** Within five working days after the approval or determination of a public or private project becomes final (for which a final EIR has been certified), the lead department shall file a Notice of Determination with the Clerk of the Board of Supervisors, and with the State Clearinghouse only if a discretionary permit is required from a State agency. The notice shall be posted in the office of the Clerk within 24 hours of its receipt, and shall remain posted for a period of 30 days after which it will be returned to the lead department. The lead department shall retain the notice for not less than 12 months.

## ARTICLE VIII - TIME LIMITS

- A. **Timely compliance.** The County shall carry out its responsibilities for preparing and reviewing environmental documents as expeditiously as possible to avoid unnecessary delays in the processing of applications for permits and other instruments for use.
  - 1. **Negative Declarations.** For private projects involving the issuance of a land use entitlement, NDs must be completed and approved within 180 days from the date the application was deemed complete for processing by the lead department. Pursuant to State CEQA Guidelines Section 15107, the 180-day time limit may be extended once for a period of not more than 90 days upon consent of the lead department and the applicant.
  - 2. **Environmental Impact Reports.** For private projects, EIRs must be completed and certified within one year from the date the lead department deemed the application complete for processing. Pursuant to State CEQA Guidelines Section 15108, the one-year time limit may be extended once for a period of not more than 90 days upon consent of the lead department and the applicant.
  - 3. **Time limits for public projects.** Only private projects are subject to time limits described in the Permit Streamlining Act; County administrative practice applies such timelines to public projects. Regardless of the type of project (i.e., public or private), any project requiring a legislative action is not subject to the time limits described in the Permit Streamlining Act.
  - 4. **Provisions for time extensions.** In the event that compelling circumstances justify additional time and the project applicant consents, a reasonable extension of the time periods specified in Subsections 1 through 3 above may be applied by the lead department.
  - 5. **Consultant contracts.** If a CEQA document is prepared under contract to the lead department, the contract shall be executed within 45 days from the date on which a notice of preparation is



sent out by the lead department.

## **ARTICLE IX - RESERVED**

## **ARTICLE X - FEES**

Fees shall be charged in accordance with Fee Resolutions as adopted and amended by the Board of Supervisors. In the event the applicant fails or refuses to deposit such fees as are determined to be required, the Director may recommend to the decision-maker that processing be suspended or the project be denied without prejudice pursuant to State CEQA Guidelines Section 15109. In such a case, it shall be presumed that without preparation of adequate environmental documents required findings for project approval cannot be made.

## **ARTICLE XI - SEVERABILITY**

If any portion of these Guidelines is held unconstitutional, invalid or ineffective by any court of competent jurisdiction, such decision shall not affect the validity of the remaining portions.

## **ARTICLE XII - FORMS**

The Planning and Development Department shall maintain the following forms to implement these Guidelines:

1. Application
2. Notice of Exemption
3. Initial Study/Environmental Assessment
4. Notice of Proposed Negative Declaration and Public Hearing
5. Notice of Preparation
6. Notice of Completion
7. Notice of Determination
8. Statement of Consideration of EIR by Decision-maker
9. Statement of Overriding Considerations
10. Checklist for Determination of Application Completeness
11. Information Requirements for Application Submittals
12. Request for Consultation/ Appeal (Initial Study)

## APPENDIX A

### List of Ministerial Permits Approved by County Department and Officers

The following types of permits shall be presumed to be ministerial:

1. Issuance of building permits and related permits (e.g. demolition, plumbing, electrical) - Planning and Development Department.
2. Approval and installation of individual utility source connections and disconnections - Planning and Development Department.
3. Demolition permits - Planning and Development Department.
4. Certificates of Occupancy - Planning and Development Department.
5. Grading permits without conditions other than set out in County Code - Planning and Development Department.
6. Non-schedule refuse collectors' licenses, permits to use County dumps - Public Works Department.
7. Road excavation and encroachment permit - Public Works Department.
8. Overweight and oversize vehicle permits - Public Works Department.
9. Certificate for parcel map and final subdivision map - Planning and Development Department.
10. Temporary road closures for events (event permits) - Public Works Department.
11. Filming permits - Planning and Development Department.
12. Certificates of Compliance - Public Works Department, Surveyor's Office.
13. Lot combinations (voluntary merger) - Public Works Department, Surveyor's Office.
14. Reversion to acreage - Public Works Department Surveyor's Office.
15. Technical modification to recorded maps - Planning and Development Department.
16. Records of survey - Public Works Department.
17. Welding permits - Fire Department.
18. Issuance of Fire Department permits necessary for the safeguarding of life and property - Fire Department.
19. Bicycle licenses - Fire Department.
20. Camping permits, boating permits on Lake Cachuma - Parks Department.
21. Group picnic permits and park use permits - Parks Department.
22. Park festival permits - Parks Department.
23. Food facility permit - Environmental Health Services.
24. Small water system permit - Environmental Health Services.
25. Septic tank pumper registration permit - Environmental Health Services.
26. Public and semi-public swimming pool permit - Environmental Health Services.
27. Organized camp permit - Environmental Health Services.
28. Water well construction, modification, inactivation & destruction permits - Environmental Health Services.

29. Individual Water system permit - Environmental Health Services.
30. Shared water system permit - Environmental Health Services.
31. Small public water system permit - Environmental Health Services.
32. Massage technician permit - Environmental Health Services.
33. Massage establishment permit - Environmental Health Services.
34. Underground storage tanks permit (permits to operate, construct and abandon) - Fire Department.
35. Hazardous waste generator permit - Fire Department.
36. Infectious waste generator permit - Environmental Health Services.
37. Solid waste facility permit - Environmental Health Services.
38. Marriage licenses -County Clerk.
39. Issuance of business licenses - Tax Collector.
40. Dog licenses - Animal Control Officer.
41. Approval of final subdivision maps - Board of Supervisors.
42. Land use permits - except for "major projects" - Planning and Development Department.
43. Elevation Certificate - Flood Control District.
44. Creek encroachment permit - Flood Control District.

