

SOLANO COUNTY

EIR Guidelines

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EIR GUIDELINES

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**POLICY AND PROCEDURES FOR IMPLEMENTATION OF THE
CALIFORNIA ENVIRONMENTAL QUALITY ACT
(CEQA)**

**AMENDED AND APPROVED BY THE SOLANO COUNTY
PLANNING COMMISSION ON
June 5, 1986**

**ADOPTED BY THE SOLANO COUNTY BOARD OF SUPERVISORS ON
August 26, 1986**

**AMENDED
April 27, 1999**

**COMPILED BY THE SOLANO COUNTY DEPARTMENT OF ENVIRONMENTAL
MANAGEMENT
2009**

**601 TEXAS STREET
FAIRFIELD, CA 94533**

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SOLANO COUNTY PROCEDURES FOR IMPLEMENTATION OF THE CALIFORNIA ENVIRONMENTAL QUALITY ACT

I. Purpose and Objective

The purpose of these regulations is to provide a guide for County Agencies and Departments in carrying out their responsibilities under the California Environmental Quality Act (CEQA). These procedures do not replace the State requirements under CEQA, rather, they are intended to conform with and supplement State procedures by providing local process for the County. County Agencies and Departments must follow these procedures in addition to the State requirements for implementing CEQA.

The overall objective in adopting these procedures is to comply with the policies the legislature and courts have established for preserving and enhancing the environment. CEQA and the State EIR Guidelines, as amended, are incorporated by reference into these County procedures just as if they were set forth in full. In those instances where the County Procedures refer to CEQA or State EIR Guideline Sections, the section number may be given to facilitate reference to that section. It should be recognized that CEQA and the State Guidelines are amended from time to time which may change the number of the section referenced in these County procedures depending on printing date.

II. Definitions

A. Definitions Adopted. Those definitions set forth in Title 14, Article 4 (beginning with Section 15350) of the California Administrative Code, (hereinafter cited as "State EIR Guidelines") are hereby adopted and included verbatim.

B. Additional Definitions by Solano County.

1. Board. Board means the Solano County Board of Supervisors.
2. Committee. Committee means the Solano County Development Review Committee (ERC).
3. County. County means the County of Solano.
4. County Agency. County Agency means any County officer, employee, department, commission, or division, or the Board of Supervisors. County Agency does not mean a County-wide organization of which the County is only one member.
5. County Decision Making Body. County Decision Making body means any County Agency which has the discretionary authority to approve a project.
6. County Permit. County Permit means a decision to issue a County government permit, license, grant, certificate, lease, zoning-building permit, authorization pursuant to a zoning or subdivision, ordinance, regulation or statute or other entitlement in regard to a private project.

7. Director. Director means the Director of the Solano County Department of Environmental Management or his designated representative, or the Director of any County Department.
8. Draft Negative Declaration. Draft Negative Declaration means a Negative Declaration which has been prepared by the Responsible Department but has not yet been adopted by the decision-making body.
9. Lead County Department. Lead County Department means the County Department responsible for preparation of the environmental documents in accordance with these guidelines.
10. Planning Commission. Planning commission means the Solano County Planning Commission.
11. Project. Project means and includes both private and public project.
 - a. Private Project. Private project means the whole of an action which has a potential for resulting in a physical impact on the environment, directly or ultimately, that is any of the following:
 1. An activity undertaken by a non-governmental entity which is supported in whole or in part through public agency contracts, grant subsidies, loans or other forms of assistance from one or more public agencies.
 2. An activity involving the issuance of a County permit, as defined in Item Number 6 above, to a non-governmental entity.
 3. An activity wherein a non-governmental entity requests the enactment or amendment of zoning or subdivision regulations or amendment of the General Plan or its elements. Activity undertaken as preliminary review by the Planning Commission to determine if a proposal has merit for consideration as a General Plan amendment shall not be construed as a project, or project application, until after such determination has been made; (pursuant to Planning Commission Policy A-3) and the proposal shall be deemed incomplete for filing (pursuant to G.C 65943) unless and until such determination of merit has been made.
 - b. Public Project. Public project means the whole of an action directly undertaken by a County Agency which has a potential for physical impact on the environment directly or ultimately, including but not limited to, public works construction and related activities, clearing or grading of land, improvements to existing public structures, enactment and amendment of zoning ordinances, and the adoption and amendment of local General Plans or elements thereof, pursuant to Government Code Sections 65100-65700 (Local Planning). This also includes applications for grants which might lead to any of the aforementioned activities. Public project also means an activity involving a discretionary action, approval, or issuance of a mutual agreement, permit or other entitlement to any public agency by the County agency.

12. Responsible Department. Responsible Department means any County department or agency whose budget contains or would contain a majority of the County funds necessary to undertake a proposed public project; or any County department or agency which has the authority to grant or deny discretionary entitlements for private projects.
13. State EIR Guidelines. State EIR Guidelines means that document entitled "Guidelines for Implementation of the California Environmental Quality Act of 1970", as amended, these regulations being found in California Administrative Code, Title 14, Division 6, Chapter 3.

III. Environmental Review Procedures

- A. Development Review Committee Duties. The Development Review Committee comprised of the Program Manager of the Planning Division, the Transportation Director, the Manager of Environmental Health Services Division, the Chief Building Inspector of the Building Division, and County Counsel or their designee and other affected departments, agencies and districts, shall review and comment on projects under the provisions of CEQA.
- B. Determination of Environmental Effect. The Lead County Department shall determine, in accordance with CEQA, State EIR Guideline Sections 15060 and 15061, and this procedure whether or not those public and private projects not exempt from the aforementioned regulations, as so provided therein, may have a significant effect on the environment. The Lead County Department shall conduct an Initial Study in accordance with State EIR Guidelines Section 15063, to arrive at its determination. Alternatively, the Lead County Department may review and adopt an Initial Study submitted by the Lead County Department. The Lead County Department shall consult with all Responsible Agencies and any trustee agencies responsible for natural resources affected by the project prior to determining whether a Negative Declaration or an EIR is required. They may determine whether a categorical exemption would be appropriate. The Lead County Department shall also solicit comments from other public agencies and individuals with respect to projects when it would be beneficial in the determination of whether or not a project may have a significant environmental impact.
- C. Results of Determination. In the event that the Lead County Department determines that a project will have no significant effect on the environment, then the Lead County Department shall notify the applicant or the Responsible Department of the Lead County Department's finding and require that a Negative Declaration be prepared. In the event that the project may have a significant effect on the environment, then the Lead County Department shall notify the applicant or the Responsible Department of the Lead County Department's finding and require an EIR ,may specify a focused EIR, supplemental EIR, program tiered, staged, or other type EIR pursuant to State Guidelines Sections 15160 et.seq.

The Lead County Department shall determine whether a Negative Declaration or an EIR is required within 30 days of the date that the project application is accepted as complete.

- D. Appeal. A decision of the Lead County Department may be appealed. Appeals must be in accordance with Article IX of this procedure.

IV. Environmental Impact Evaluation Procedure

- A. General. Every County Agency has the obligation to comply with the provisions of the California Environmental Quality Act (CEQA). CEQA applies to the projects, as defined in Article II, of County agencies as well as private parties. Generally, CEQA applies to governmental action as indicated in State EIR Guidelines Section 15002 (b) and (c), and does not apply to private action unless the action involves governmental participation, financing, or approval.

No public or private project shall be approved or granted until the requirements of CEQA have been satisfied in accordance with the procedures set forth herein. Environmental review shall also be carried out during the formulation of any grant application for federal, state and regional funding.

- B. Timing of Environmental Review. County agencies are required to comply with CEQA procedures when they propose to carry out or approve an activity. Environmental review should be carried out as early as feasible in the project planning process. Early review is a useful planning and management tool which enables environmental constraints and opportunities to be considered before project plans and programs are finalized. In the case of public projects, environmental review shall be initiated and, if possible, completed prior to requests for authorization or funding from the Board of Supervisors.

In the case of private projects where a County Department is required to make a decision on permits with time limits that are so short that review of the project under CEQA would be difficult, in order to comply with the permit statute and CEQA, the application for a project shall not be deemed received for filing under the permit statute until the environmental documentation required by CEQA has been completed. This provision will apply when any of the following conditions occur:

1. The enabling legislation for a program requires a County Department to take action on an application within a specified period of time that is six months or less, and;
2. The enabling legislation provides that the project will become approved by operation of law if the County Department fails to take action within the specified time period, and;
3. The project involves the issuance of a County permit. (An example of this provision is action by the county on a tentative subdivision map within 50 days pursuant to Article 2, commencing with Section 66452, of Chapter 3,

Division 2, Title 2, of the Government Code.) In all cases, environmental review shall be accomplished in compliance with the time requirements of State EIR Guidelines Sections 15100 et seq., as applicable. For private projects, except as otherwise provided, County Agencies shall complete and certify an EIR in not more than one year, or complete a Negative Declaration in not more than 105 days, measured from the date on which an application requesting approval for the project is received and accepted as complete by the Department. Completion of a Negative Declaration within the 105 day period need not include approval by the decision making body. Prior to approving a project, the decision making body shall consider and approve the Negative Declaration.

C. Responsibility for Environmental Review.

1. Responsibility of the Department of Environmental Management. The Department of Environmental Management shall be responsible for directing the overall implementation of CEQA for the County of Solano. However, each department shall ensure that all requirements of CEQA, the State EIR Guidelines, and this procedure are complied with for each project under its jurisdiction.
2. Responsibility of County Departments. All County Departments shall establish procedures for ensuring that all public projects for which they are the Responsible Department, as defined in Article II, are coordinated with the Department of Environmental Management for environmental review pursuant to CEQA. All County departments shall also ensure adequate environmental review of all discretionary permits on private projects which they administer. Each department shall make a determination as to whether each such permit is exempt from CEQA or must be referred to the Lead County Department.
3. Administrative Assistance. The responsibility to carry out project evaluations and to prepare all environmental documents, as required by CEQA, the State EIR Guidelines and this procedure for public and private projects shall rest with the Lead County Department. The Director of Environmental Management may assist the Lead County Departments by providing administrative assistance in the review, noticing, recording and distribution of all documents prepared, the selection of EIR consultants, and the holding of required meetings and public hearings. The Lead County Department, shall prepare, or cause to be prepared, Negative Declarations in accordance with these procedures. However, in those instances where an EIR is required; the Lead County Department, at their option, may request the Department of Environmental Management to prepare, or cause to be prepared, the EIR. Under this option, the Department of Environmental Management shall act as the Lead County Department and shall receive the fees for preparing and processing the EIR pursuant to Section XIV of these procedures.

D. Determination of Environmental Impact.

1. Description of the Ultimate Project. All public and private applications that seek a County permit or entitlement must contain a description of the project from which it can be determined whether the project may have a significant effect on the environment. The application itself may indicate sufficient data from which impacts may be assessed or a separately entitled document may be filed with the application. Substantial projects may require statistical data (e.g. demographics) in addition to the usual information required of the applicant.

Adequacy of Descriptions. Applications which may have some effect on the environment will be reviewed by the Lead County Department. Project descriptions must satisfy requirements for the preparation of an Initial Study. The original filing may be adequate if the Lead County Department can determine there from whether or not the project will have any effect on the environment. Staff of the Lead County Department shall notify applicants in writing within 30 calendar days of the filing of an application or resubmitted, where the application is not complete and shall indicate which parts of the application are incomplete, and the manner in which they can be made complete. Applicants may appeal a decision that an application is incomplete by filing a written notice with the Lead County Department within ten (10) days of notification thereof. The appeal shall be scheduled on the next available DRC agenda.

2. Initial Study. Where required by the Lead County Department an Initial Study will be prepared. The study will include the description of the ultimate project, describe the particular setting and special problems of the area of the project and analyze the possible environmental impacts of the project. The Lead County Department will determine from the Initial Study, within thirty (30) days from the date on which the application for the project was accepted as complete, whether an EIR or Negative Declaration or Categorical Exemption is appropriate.

Initial studies may be prepared by a consultant. Staff of the Lead County Department shall choose the consultant from a list of qualified consultants approved in accordance with Section V B-4 and Appendix A of these procedures. Applicant shall pay the cost of such an Initial Study.

3. Initiation of Review, Private Project. Persons seeking a County permit or entitlement through a Responsible Department for a proposed private project or seeking a change thereto, shall, at the time of application for same, complete an Environmental Questionnaire on a form prepared by the Lead County Department and may be required to submit additional data and information necessary for an evaluation of the possible environmental impact of the proposed private project.

Applicants for private projects may submit only technical information in support of environmental documents. The County reserves the preparation of environmental documents to its own efforts or through contract with a consultant. Persons having financial interests in a project are not eligible for the County contract. The County requires independent verification through its own efforts, or by contract, of information submitted by an applicant.

4. Initiation of Review, Public Project. Upon determination by any County department that a public project, as defined in Article II, should be carried out, or during preliminary study leading to such determination, whichever occurs first, the Responsible Department shall so advise the Director of Environmental Management. The Responsible Department shall complete an Environmental Questionnaire in a form prepared by the Lead County Department and may be required to submit additional data and information necessary for an evaluation of the possible environmental impact of the proposed public project.
5. Preliminary Review. The Lead County Department shall review the projects mentioned in numbers 1 and 2 above and make the following determination:
 - a. Determine those instances where it can be seen with certainty that the project will not have a significant effect on the environment, pursuant to the State EIR Guidelines Section 15061;
 - b. Determine whether or not the project is ministerial, pursuant to State Guidelines Section 15268;
 - c. Determine whether or not the project is categorically exempt, pursuant to State Guidelines Article 8, Section 15300 et seq;
 - d. Determine whether or not the project is an emergency project.
 - e. Determine those instances where an existing EIR or Negative Declaration is adequate to cover a project, and no additional EIR need be prepared, pursuant to State Guidelines Section 15153, 15162, 15163, and 15164.

V. Preparation of Environmental Impact Reports

- A. EIR Required. Whenever it has been determined that a proposed project may have a significant environmental impact, an EIR shall be prepared. The EIR shall be prepared in accordance with the State EIR Guidelines. An EIR for a private project shall be completed and certified within one year of the date of acceptance of the project application as complete, unless the conditions specified in State EIR Guidelines Sections 15109 and 15110 exist.
- B. EIR Preparation.

1. Public Projects. The preparation of Draft EIRs and Final EIRs for public projects shall be the responsibility of the Responsible Department for the project. Such Responsible Department may contract with an approved consultant and/or the Department of Environmental Management for the preparation of an EIR. The Department responsible for preparation of the EIR shall be designated as the Lead Department.
2. Private Projects. Draft EIRs and Final EIRs for private projects shall be prepared by the Lead County Department, or an approved consultant selected by, and under contract to the County. Requirements for independent County evaluation and analysis set forth in the State EIR Guidelines shall be met.
3. Consultant Selection for Private Project EIRs. The Lead County Department may choose to use staff to prepare the EIR. If the Lead County Department decides to use a consultant for the preparation of the EIR, the Lead County Department may either select and contract directly with the private consultants or request the Department of Environmental Management to assist with preparation and processing of the EIR as specified in Section IV C.3 of these procedures. All costs of EIR preparation shall be paid for by the project applicant who shall so agree in writing, and deposit necessary fees into a county trust fund prior to execution of a contract between the County and the consultant. EIR processing fees shall be paid as prescribed in the County Code. All consultants invited to bid on a contract shall be selected from a list of approved consultants maintained by the Department of Environmental Management.
4. List of Approved Consultants. The Department of Environmental Management shall maintain a list of consulting firms which have been approved by the Director of the Department of Environmental Management for the preparation of EIRs for projects which have been proposed in the County.
5. Conflict of Interest. Persons or firms having a financial interest in approval of the project shall not be selected for preparation of the EIR. Persons or firms previously employed by the project applicant for other work may also not be selected.

C. Contents of Environmental Impact Reports. Environmental Impact Reports shall contain the information outlined in State Guidelines Article 9 and in Appendix A, Guidelines for Selecting Consultants.

VI. Processing of Draft Environmental Impact Reports

A. General. No County department shall issue a County permit or entitlement for any private project to be conducted within Solano County which may have a

significant environmental impact unless an EIR has been prepared and certified in accordance with this procedure. No public works, construction, improvement, or other project which may have a significant environmental impact shall be undertaken by this County or any department thereof unless an EIR has been prepared and the Board of Supervisors or other County decision-making body has considered and certified it. The Lead County department shall review and made a recommendation as to certification on all EIRs concerning public projects. The Planning commission, Board of Supervisors, or other County decision-making body shall review and certify all EIRs prepared for private projects.

B. Early Consultation.

1. Notice of Preparation. Upon deciding that an EIR is required for a project, the Lead County Department shall send a Notice of Preparation to each Responsible Department, and by certified mail to each responsible agency, stating that an EIR will be prepared. The notice shall also be sent to every federal agency involved in approving or funding the project and any trustee agency responsible for natural resources affected by the project. The Notice shall be prepared as described in state EIR Guidelines Section 15082.
2. Other Consultation. Prior to completing the Draft EIR, the Lead County Department shall also consult directly with any person or organization it believes will be concerned with the environmental effects of the project. For projects where federal involvement might require preparation of a federal EIS, the appropriate federal agencies shall be consulted with as provided in State EIR Guidelines Section 15082.
3. Public Notice. Upon determination that an EIR is required for a Project, the Lead Department shall solicit consultation from the public concerning the preparation of the EIR by publication of Notice of Preparation in a newspaper of general circulation pursuant to Government Code Section 6061. A copy of the Notice of Preparation shall also be posted on a bulletin board adjacent to the Department of Environmental Management.

- C. Notice of Completion. Upon completion of a Draft EIR by any County agency, the Director of the Lead County Department shall determine the adequacy of the Draft for Public review. If it is found to be adequate, the Director shall file a Notice of Completion with the Secretary for Resources in accordance with State EIR Guidelines Section 15085(c). He shall also post a copy of the Notice of Completion on a bulletin board adjacent to the Department of Environmental Management. EIRs processed through the state review process handled by the State Clearinghouse, shall be accompanied by the cover form required by the Clearinghouse and will serve as the Notice of Completion. In this case, no Notice of Completion need be sent to the resources Agency. If a Draft EIR is found to be not adequate, the Director the Lead County Department shall specify the nature

of the deficiencies in the document and return it to the preparer for the needed revisions.

D. Review of EIR.

1. Consultation. After the Draft EIR is completed and approved for distribution, the Lead County Department shall consult with and obtain comments from all Responsible Departments and Agencies, any trustee agency responsible for natural resources affected by the project, public agencies having jurisdiction by law with respect to the project and may consult with persons having special expertise with respect to any environmental impact involved.
2. State Agencies Review. When appropriate pursuant to the State EIR Guidelines Sections 15085 and 15086, an appropriate number of copies of the Draft EIR shall be sent to the OPR for review and comment. This will be accomplished according to OPR procedures. In addition, those state agencies that are known to be involved may be contacted directly to expedite a timely response.
3. Regional Agency Review. A Draft EIR prepared for any project of statewide, regional or area-wide significance shall be forwarded to the Comprehensive Regional Planning Agency for review. The criteria in Section 15206 of the State EIR Guidelines shall be followed in making such a determination of significance.
4. Other Public Agency Review. The Lead County Department shall prepare and maintain a list of other governmental agencies and organizations which may be consulted depending upon the nature and scope of the Draft EIR.
5. Review by General Public. Public participation in the preparation of EIRs is encouraged in order to properly receive and evaluate public reactions, adverse and favorable, based on environmental issues. Upon completion of a Draft EIR, the Lead County Department shall provide a reasonable opportunity for members of the general public to comment upon such EIR and the environmental impact of the proposed public or private project, in accordance with the State EIR Guidelines 15087 and 15201. The Department shall take into consideration the magnitude of the project, the level of public interest involved, the complexity of the environmental issues, the number of persons wishing to comment, and other relevant factors.
6. Public Notice. Public Notice of the completion of Draft EIRs for both public and private projects shall be given in accordance with State EIR Guidelines Section 15085. A copy of the Notice of Completion of the Draft EIR shall also be posted on a bulletin board adjacent to the Department of

Environmental Management. Copies of the Draft EIR shall be made available at appropriate public libraries and shall also be available on a loan basis from the Department of Environmental Management.

- E. Transmittal of EIR to Planning Commission or Other County Decision Making Body. All projects, for which an EIR is required, shall have a minimum 30 day public review period. After the review period has elapsed, the Director of the Lead County Department shall transmit the completed Draft EIR and comments thereon to the Planning Commission, or other County decision-making body for its consideration and appropriate action.
- F. Public Hearings. At least one Public Hearing on the environmental documents shall be conducted by the Planning Commission, or other County decision-making body in a separate hearing, or in conjunction with other proceedings of said body concerning the project. Such environmental hearing shall be held no sooner than 15 days following the posting of the Notice of Completion. If the State Clearinghouse establishes for its purposes a period of review greater than 30 days, such hearing may still be held after 30 days; however, no certification or recommendation for certification may be accomplished until the longer review period established by the State Clearinghouse has elapsed and any comments from the State have been received. Comments received at public hearing should also be submitted in a typed or neatly written form so as to insure their accurate transmittal to the person preparing the Final EIR.
- G. Response to Comments. All comments received on the Draft EIR shall be expeditiously forwarded to the person preparing the Final EIR for an appropriate response pursuant to the State Guidelines Section 15088.
- H. Certification Procedure.
1. General. All Final EIRs shall meet the requirements of the State EIR Guidelines Section 15132,
 2. Certifying Body. In those cases where the Planning Commission is the decision-making body for the project, said Commission shall be the certifying body for EIRs. In those cases where the Board of Supervisors is the decision-making body for the project, said Board shall be the certifying body for EIRs. If another County decision-making body is responsible for the project, said County decision-making body shall be the certifying body for the EIR.
 3. Planning Commission Decision. When the Planning Commission acts as the certifying body and is satisfied, at time of hearing, that the Draft EIR plus the comments received and the responses thereto adequately fulfill the intent and requirements of CEQA, the State EIR Guidelines and this procedure, the Commission shall certify the document and any attachments thereto as the Final EIR, pursuant to State EIR Guidelines

Section 15090. If the Board of Supervisors is the certifying body, the Commission shall forward a recommendation or certification of the EIR to the Board. If the Planning Commission is not satisfied that the Final EIR is adequate, the Commission may return it to the Lead Department for revision and resubmittal to the Commission, or forward it to the Board of Supervisors without recommendation for certification.

4. Board of Supervisors Action. When the Board of Supervisors is satisfied that an EIR recommended for certification is adequate, the Board shall certify the document and any attachments thereto as the Final EIR, pursuant to State EIR Guidelines Section 15090. If the Board is not satisfied that the Final EIR is adequate as recommended by the Commission, the Board may return it to the Lead Department for revision and resubmittal to the Board.
5. Other County Decision-making Body Action. When the County decision-making body is satisfied that an EIR recommended for certification is adequate, the decision-making body shall certify the document and any attachments thereto as the Final EIR, pursuant to State EIR Guidelines Section 15090. If the decision-making body is not satisfied that the Final EIR is adequate as recommended by Lead County Department, the decision-making body may return it to the Lead Department for revision and resubmittal to the decision-making body.

I. Project Approval.

1. General. No action to approve or recommend approval of a project shall be taken until information contained in the certified EIR has been reviewed and considered by the appropriate body. If the decision-making body decides to approve a project for which significant adverse environmental effects have been identified in an EIR, said body may do so, provided that it complies with the provisions of State EIR Guidelines Section 15092. No County Department or Body shall approve or carry out a project as proposed unless the significant environmental effects have been reduced to an acceptable level. The Term “acceptable level” means that:
 - a. All significant effects that can feasibly be avoided have been eliminated or substantially lessened as determined through findings as described in State Guidelines Sections 15091 and 15092, and;
 - b. Any remaining, unavoidable significant effects have been found acceptable under State Guidelines Section 15091.
2. Procedure. When an EIR shows that approval of a project would cause substantial adverse changes in the environment, the decision-making body must respond to the information in one or more of the following ways, pursuant to State Guidelines Section 15002(h):
 - a. Changing a proposed activity,
 - b. Imposing conditions on the approval of the activity,

- c. Adopting plans or ordinances to control a broader class of activities to avoid the problems,
- d. Choosing an alternative way of meeting the same need,
- e. Disapproving the project,
- f. Finding that changes in, or alteration to the project are not feasible, or,
- g. Finding that the unavoidable, significant environmental damage is acceptable as provided in State EIR Guidelines Section 15093.

Findings required must be supported by substantial evidence in the record.

- J. Retention and Availability of EIRs. A Copy of the final certified EIR shall be made part of the permanent record of the case and shall be available for public inspection.

VII. Issuance of Negative Declaration

- A. General. A Negative declaration shall be prepared for a project which could potentially have a significant effect on the environment, but which the Lead County Department finds will not, in the particular case, have a significant effect on the environment. Negative Declarations shall be prepared and processed in accordance with the State EIR Guidelines Sections 15070 and 15071. A Negative Declaration for a private project shall be completed and ready for approval within 105 days of the date of acceptance of the project application as complete, unless the conditions specified in State EIR Guidelines Section 15109 or 15110 exist. Completion of a Negative Declaration within a 105 day period shall include the conduct of an initial study, public review, and the preparation of a document ready for approval by the decision-making body.

- B. Procedure.

- 1. Preparation. Upon receiving notification of the Lead County Department's determination that the preparation of a Negative Declaration is appropriate for a proposed project, the Lead County Department shall prepare same. Responsible Departments may consult with the Department of Environmental Management during preparation of the draft Negative Declaration to ensure that State EIR Guidelines Section 15070 is complied with.
- 2. Processing. Upon completion of the draft Negative Declaration, the Lead County Department shall provide Public Notice as specified in State EIR Guidelines Section 15072 and shall post a copy of the document on a bulletin board adjacent to the Department of Environmental Management.

If a state agency is recognized as a Responsible Agency or otherwise has jurisdiction by law with respect to the project, the Negative Declaration

shall be submitted to the State Clearinghouse for review by State agencies. Other Responsible Agencies shall be consulted in accordance with State EIR Guidelines Section 15073. Projects for which a Negative Declaration is required shall have a minimum 10 day public review period. Project Negative Declarations requiring review through the State Clearinghouse shall normally have a 30 day review period unless a shorter period is established by the Clearinghouse. Upon termination of the public review period, or upon notification by the State Clearinghouse that the state review process is complete, whichever occurs later, comments on the draft document shall be forwarded to the decision-making body along with the proposed Negative Declaration for consideration. These comments shall be incorporated into the document together with any responses or changes to the document which may be deemed necessary.

3. Adoption. Negative Declarations for both public and private projects shall be considered together with any comments received during the public review process, approved and adopted by the decision-making body prior to any action to approve the project or entitlement for which the document was prepared. In those cases when the Planning Commission or another County Agency is required to make a recommendation on a project to the Board of Supervisors, such body shall also make a recommendation as to adoption of the Negative Declaration.

VIII. Notice of Determination

- A. General. A Notice of Determination shall be issued upon approval of a project for which a Negative Declaration or an EIR has been prepared.
- B. Procedure. After a County permit or entitlement has been granted for a private project, or a public project has been approved by the decision-making body, the Lead County Department shall prepare a Notice of Determination. Such notice shall be prepared and processed in accordance with State EIR Guidelines Section 15075. A copy of the notice shall also be posted on a bulletin board adjacent to the Department of Environmental Management.

IX. Appeal Procedures

- A. General. Any person aggrieved or affected by any determination made pursuant to this procedure may appeal such determination according to the following procedure.
- B. Procedure.
 1. Appeal of EIR Action. Such appeals shall be considered by the Lead County Department Decision-Making Body. The aggrieved or affected party shall file a written letter of appeal with the County Decision-Making

Body within ten (10) days after the issuance of the decision to be appealed. The letter shall state the reason for the appeal and should include supporting information. The appeal shall be considered in a public hearing and acted upon by the Decision-Making Body of the Lead County Department within thirty-five (35) days thereafter. Upon hearing the appeal the decision maker shall find that the decision appealed from shall be affirmed, reversed or modified.

2. Appeal of Lead County Department Decision-Making Body Action. Such appeals shall be considered by the Board of Supervisors. The aggrieved party shall file a written letter of appeal with the Clerk to the Board of Supervisors within ten (10) days after the issuance of the decision to be appealed. The letter shall state the reason for the appeal and should include supporting information. The appeal shall be considered and acted upon by the Board of Supervisors within thirty-five (35) days thereafter.

C. County Decision-Making Body or Board of Supervisors Motion. The County Decision-Making Body or Board of Supervisors may, on its own motion, review and affirm, modify or reverse a determination of the Lead County Department, the Director or a Lead County Department as to whether a proposed project may have a significant environmental impact. Any action to initiate review of such determinations shall be taken within ten (10) days for such determination. If no review action is initiated, such determination shall be final.

X. Exemptions

A. General Rule. The requirements set forth in this procedure and the State EIR Guidelines apply to projects which may have a significant effect on the environment, and involve discretionary action. Where it can be seen with certainty that there is no possibility that the activity in question may have a significant effect on the environment, the activity is not covered by the requirements set forth in CEQA and the procedures and Guidelines do not apply.

B. Projects Denied. CEQA and these guidelines do not apply to projects which County Department rejects or disapproved.

C. Ministerial Projects. The following items are deemed to be Ministerial Projects as defined in the State EIR Guidelines Section 15369 and are, therefore, exempt from CEQA, the State EIR Guidelines and this procedure.

1. Issuance of occupancy permits.
2. Issuance of business licenses.
3. Approval of final maps and parcel maps.
4. Approval of individual utility service connections and disconnections.
5. Recordation of approved final maps or parcel maps.

D. Categorical Exemptions.

1. Incorporated by Reference. The categorical exemptions set forth in the State EIR Guidelines, Article 19, Sections 15300-15329 are hereby adopted and incorporated by reference into this procedure.
 2. Exception Due to Location: A project included in subparagraph 1 above shall not be considered categorically exempt in the event that the project impacts on an environmental resource or hazard of critical concern which is so designated precisely mapped and officially adopted pursuant to law by federal, state or local agencies.
 3. Exception Due to Cumulative Impact. All Class exemptions are inapplicable when the cumulative impact of successive projects of the same type in the same place, over time is significant.
 4. Exception Due to Unusual Circumstances. A Categorical Exemption shall not be used for an activity where there is a reasonable possibility that the activity will have a significant effect on the environment due to unusual circumstances.
- E. Emergency Projects. Emergency projects are exempt from the requirements of CEQA, the State EIR Guidelines and this procedure, in accordance with the CEQA Guidelines.
- F. Previously Prepared Document.
1. Where an EIR or Negative Declaration has been prepared, no additional EIR need be prepared pursuant to State Guidelines Section 15153.
 2. County Agencies may choose to prepare a supplement to an EIR or Negative Declaration rather than a subsequent EIR or Negative Declaration pursuant to State Guidelines Section 15163.

XI. Review of Environmental Documents Prepared by Agencies Other Than Those of Solano County

Each County Department shall make a good faith attempt to review, and comment upon, if necessary, all environmental documents received by it, pursuant to State EIR Guidelines Section 15200 et seq. A copy of any comments made shall be provided to the Department of Environmental Management. If the County is required to act as a Responsible Agency pursuant to CEQA, the appropriate County agencies shall respond to consultation as set forth in State EIR Guidelines Section 15204. Such responses shall be coordinated with the Department of Environmental Management and at a minimum shall identify the significant environmental issues and possible alternatives and mitigation which County Responsible Agencies will need to have explored in the draft document.

XII. Time for Completion of Environmental Documents

- A. Environmental Impact Reports. EIRs shall be completed and certified within one year of the acceptance of the project application as complete.
- B. Negative Declarations. Negative declarations shall be completed within 105 days of acceptance of the project application as complete.
- C. Time Extensions. The above mentioned time period may be extended for reasonable period of time in the event that compelling circumstances justify additional time and the applicant consents thereto. Such request for extension shall be approved by the Lead County Department.

XIII. Time for Action on Development Projects

- A. County as Lead Agency. Where the County is the lead agency for a development project, the project shall be approved or disapproved within one (1) year of acceptance of the project application as complete.
- B. County as Responsible Agency. Where the County is a responsible agency for a development project, the project shall be approved or disapproved within one hundred and eighty (180) days of either of the following events, whichever is longer:
 - 1. Approval or disapproval by the agency or,
 - 2. Acceptance of the project application as complete.
- C. More Than One Approval Required. In the event that a development project requires the approval of more than one application, the time for acting on all applications, in the aggregate, shall not exceed the time limits specified in Subparagraphs XIII A and B above. In the event that more than one application is required for approval of the project, all applications shall be filed within six (6) months of the acceptance of the first application required to approve the project as complete, except building permits, which shall be filed within nine (9) months of the acceptance of said first application as complete where no subdivision maps are required or within six (6) months of the filing of the final map for the project. Failure to file an application within the time required herein shall extend the time for approval of said application to one year from the date of complete application is filed.
- D. Extensions. The time limits established in Subparagraphs XIII A and B may be extended for a period not to exceed ninety (90) days upon consent of County and the applicant.
- E. Action Following an Extension. If an extension has been granted pursuant to Subparagraphs XIII C, a development project shall be approved or disapproved within (90) days of the certification of the EIR.
- F. Exceptions. The provisions of Paragraph XIII do not apply to:

1. Administrative appeals.
2. Final subdivision maps, provided, however, that approval or disapproval of a final map shall occur within one (1) year of filing of the final map for approval.
3. Applications to amend the general plan or zoning ordinance.

G. Action Where Negative Declaration Adopted or Project is Exempt. Where a Negative Declaration has been adopted or the project is exempt from CEQA, the project shall be approved or disapproved within six (6) months of acceptance of the project application as complete.

H. Amendments to Applications.

1. Applications cannot be amended without permission of the approving authority.
2. If the applicant requests amendments to an application, the approving authority may require, as a condition of permission to substantially amend an application, that the applicant withdraw the original application and reapply, without a new filing fee, or to agree to a new filing date sufficiently subsequent to the original filing date to permit the additional staff and authority time required to review non-substantial changes.

XIV. Fees

A. Preparation of Environmental Documents. In cases where the preparation of an environmental document is required, fees shall be charged and collected from persons proposing private projects in an amount sufficient to recover cost to Solano County in preparing such documents. Fees shall be as established by the Board of Supervisors pursuant to Chapters 1-18 of the Solano County Code and shall be due upon billing and prior to taking action on the project.

B. Initial Study. A fee shall be charged by County Agencies for the preparation of an Initial Environmental Study on a private project referred to the Lead County Department.

C. Negative Declarations. A fee shall be charged by county Agencies for the preparation and processing of a Negative Declaration receiving local (10 day) review. Projects of state or regional concern are circulated and receive (30 day) review through the State Clearinghouse.

D. Processing of Environmental Impact Reports. Fees shall be charged and collected in amounts sufficient to recover the costs to the County of processing and reviewing EIRs. The fee shall be charged to the applicants of private projects, by the Lead County Department which, pursuant to CEQA, required the EIR. The initial deposit and department processing cost shall be in accord with Chapter 1-18 of the Solano County Code.

The applicant is required to deposit all processing fees into a County trust account prior to preparation of contracts for completing the EIR on the project. Details for payment and completion of the FEIR shall be included in the contracts for document preparation.

The project sponsor (applicant) is required to deposit in a county trust account, an amount equal to the "not to exceed" price figure proposed by the Consultant selected to prepare the EIR prior to preparation of contracts for completion of the Draft EIR. Monies remaining in the account at the completion of the Draft EIR may be applied to the preparation of the Final EIR by the Consultant, or will be returned to the applicant. The actual cost for the preparation of the Final EIR by the consultant shall be paid by the applicant prior to action being taken on the project. Costs incurred by the consultant in preparation of the Final EIR shall be computed on a time and materials basis as provided in the contract with the consultant.

- E. Reproduction of Documents. Members of the general public shall be charged for the costs of reproducing EIRs and other environmental documents and public records for their personal use.
- F. Sales of EIRs. A reasonable document reproduction cost may be established and charged for the sale of EIRs to the General Public.

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