# COUNTY OF ORANGE
# LOCAL CEQA PROCEDURES MANUAL

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# ACRONYMS

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<td>§</td>
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I. Purpose

The purpose of this manual is to set forth the local policies and procedures of the County of Orange (County) for the implementation of the California Environmental Quality Act (CEQA). This manual is meant to be used in conjunction with the CEQA statutes and the CEQA Guidelines, (hereinafter, “Guidelines”) as both currently exist or may be amended from time to time after approval of this Manual. In any case of conflict between this manual and CEQA, CEQA will prevail. The CEQA Guidelines are hereby incorporated by reference within this document, pursuant to Guidelines Section 15022(d). Where a topic is adequately addressed in CEQA and/or the Guidelines, it is not separately discussed in this document. This document is intended to serve as a guide for County staff to provide awareness of internal County procedures to comply with CEQA and the CEQA Guidelines.

These local CEQA procedures supersede the procedural requirements of any previously-adopted Board of Supervisors Resolutions or Minute Orders concerning CEQA procedures.

These procedures will apply to all activities undertaken by the County and all special districts governed by the Orange County Board of Supervisors. This procedures manual does not, nor is it intended to, add to or modify any legal requirements contained in CEQA.

As a Lead Agency, the County analyzes and prepares environmental documents for all discretionary activities which have the potential for resulting in either a direct physical change in the environment, or a reasonably foreseeable indirect physical change in the environment, which are approved by the County, pursuant to Guidelines Section 15378. The approvals include both projects proposed by private entities or individuals, including but not limited to, General Plan Amendments, Zone Change, Use Permits and any other discretionary land use approval. As Lead Agency, the County and its related special districts such as the Orange County Flood Control District, approve a variety of public works projects including flood facilities, roads, bridges, parks and other construction activities for which it prepares required environmental documents.

As a Responsible Agency under CEQA the County reviews environmental documents prepared by other lead agencies or jurisdictions to reduce or avoid impacts on land uses and ensure the lead agency’s environmental

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1 All references to Section Numbers relate to either the Act itself (Public Resources Code Section 21000, et seq.) or the Guidelines (Title 14 California Code of Regulations, Sections 15000-15387). Any exceptions are identified in the body of the manual. The authority for these local procedures is found in Guidelines Section 15022. Note: The CEQA Statute may be accessed on the Internet at http://ceres.ca.gov/topic/env_law/ceqa/stat/ and the Guidelines at http://ceres.ca.gov/topic/env_law/ceqa/guidelines/.
The document is adequate to fulfill the requirements of CEQA, within the scope of the County’s jurisdiction as responsible agency, pursuant to Guidelines Section 15000, et. seq.

In addition to its role as a Responsible Agency, the County as the Non County Lead (NCL) provides guidance and comments for other development projects located both within and outside of the County, depending upon the project location.

II. Definitions

All terms used herein are as defined in CEQA Sections 21060 – 21072 and Guidelines Sections 15350 – 15387.

III. Role of Decision Making Body and Others

A. Board of Supervisors

The Orange County Board of Supervisors has several roles regarding CEQA compliance. These roles include in most cases (unless otherwise, stated herein or per County Code) that the Board of Supervisors is the “decision-maker” for the County on projects and proposals and on the related EIR or other CEQA document.

Under CEQA, the “decision-making body” is defined to mean any person or group of people within a public agency permitted by law to approve or disapprove the project at issue. Guidelines, section 15356. The actions of the Board or other decision-maker are directed by Guidelines Section 15090 concerning certification of the final Environmental Impact Report (EIR) which states:

1. "Prior to approving a project the lead agency shall certify that:

   a. The Final EIR has been completed in compliance with CEQA;

   b. The Final EIR (FEIR) was presented to the decision-making body of the lead agency and that the decision-making body reviewed and considered the information contained in the FEIR prior to approving the project; and

   c. The FEIR reflects the lead agency's independent judgment and analysis.”
2. When an EIR is certified by a non-elected decision-making body within a local lead agency, that certification may be appealed to the local lead agency’s elected decision-making body, if one exists. For example, certification of an EIR for flood control improvements in Prado Basin and vicinity by the County’s Planning Commission may be appealed to the Board of Supervisors. Each local lead agency shall provide for such appeals. Please see Section XIII for full discussion on appeals.

Negative Declaration, Mitigated Negative Declaration

3. The proposed project scope at a minimum must include sufficient information describing the project, location, and the potential environmental effects of the project, that are helpful to the public and the agencies to identify the range of actions, alternatives, and mitigation measures to be included in the DEIR.

a. “Prior to approving a project, the decision-making body of the lead agency shall consider the proposed Negative Declaration or Mitigated Negative Declaration together with any comments received during the public review process. The decision-making body shall adopt the proposed Negative Declaration or Mitigated Negative Declaration only if it finds on the basis of the whole record before it (including the initial study and any comments received), that there is no substantial evidence that the project will have a significant effect on the environment and that the Negative Declaration or Mitigated Negative Declaration reflects the lead agency’s independent judgment and analysis.

b. When adopting a Negative Declaration or Mitigated Negative Declaration, the lead agency shall specify the location and custodian of the documents or other material which constitute the record of proceedings upon which its decision is based.

c. When adopting a Mitigated Negative Declaration, the lead agency shall also adopt a program for reporting on or monitoring the changes which it has either required in the project or made a condition of approval to mitigate or avoid significant environmental effects.

d. A lead agency shall not adopt a Negative Declaration or Mitigated Negative Declaration for a project within the boundaries of a comprehensive airport land use plan or, if a
comprehensive airport land use plan has not been adopted, for a project within two nautical miles of a public airport or public use airport, without first considering whether the project will result in a safety hazard or noise problem for persons using the airport or for persons residing or working in the project area.

e. When a non-elected official or decision-making body of a local lead agency adopts a Negative Declaration or Mitigated Negative Declaration, that adoption may be appealed to the agency’s elected decision-making body, if one exists. For example, adoption of a Negative Declaration for a project by a County planning commission may be appealed to the Board of Supervisors. A local lead agency may establish procedures governing such appeals -- Please see Section XIII for full discussion on appeals."

B. Planning Commission

The Orange County Planning Commission has several roles regarding CEQA compliance. These roles include:

1. Determining the adequacy of environmental documentation prepared for projects for which the Planning Commission is the designated decision-making body.

2. Acting as the decision-maker in the area of compliance with CEQA for all projects where an EIR, ND or MND was prepared and the decision making body is not the Board of Supervisors. A statement or finding regarding the adequacy of the EIR or approval or non-approval of ND or MND will be made by the Planning Commission along with the appropriate findings prior to any action by the decision-maker on the project. It is to be noted that in rare instances, a county agency or division may function as the decision-maker, such as the local enforcement agency (LEA). That body will approve the project and certify the EIR or approve other environmental documents. See, No Wetlands Landfill Expansion v. County of Marin (2012) 204 Cal.App. 4th 573.

3. Making recommendations as to the adequacy of environmental documentation on those projects for which the Planning Commission is required to make a recommendation to the Board of Supervisors.

4. Serving as the appeals board for environmental determinations made by County decision-makers other than the Board of Supervisors.
5. Appeals of any Planning Commission environmental determinations and/or project approvals may be appealed to the Board of Supervisors.

6. For additional information on appeals, see Section XIII.

C. **Zoning Administrator**

The Zoning Administrator (ZA) acts on discretionary permits and the accompanying CEQA documentation. The ZA does not have CEQA duties beyond that role.

D. **Purchasing Agent**

Various provisions of the Government Code, the Public Contracts Code and the County Contract Policy Manual provide that the Purchasing Agent is authorized to enter into certain contracts, including contracts for public works projects pursuant to sections 20120 and following of the Public Contracts Code, as well as Government Code section 25501. Public Contracts Code section 22032 provides that, where a county has elected to proceed under the Uniform Construction Cost Accounting Act, there are monetary limitations on certain contracts and limitations on letting contracts by a formal or informal bidding procedure.

As a result of these contracting requirements, the purchasing agent is generally authorized to approve and execute public works contracts as set forth in the act (PCC § 220032(b)) by informal procedures and is therefore the decision making body for the County for these contracts as provided in Guidelines section 15356. The delegated authority for the county purchasing agent must always be verified by reference to the latest version of the Contract Policy Manual, which is updated periodically and approved by the Board of Supervisors.

In some limited circumstances, as described above, the County Purchasing Agent or other individual staff members, rather than the Board of Supervisors or Planning Commission may be called upon to make CEQA determinations on projects or activities they approve, such as the assignment of a task order pursuant to an on-call A-E contract approved by the Board of Supervisors on a prior occasion. The Purchasing Agent or other County staff may only make the CEQA decision and approve projects that are either statutorily exempt or categorically exempt or fall with the so-called “common-sense” exemption, or those activities which do not
constitute a project for CEQA purposes. See, Guidelines Sections 15260 et. seq., 15300 et seq., and 15378.

Only specified members of senior management may make the CEQA decision on and approve projects for which a Negative Declaration (ND) or Mitigated Negative Declaration (MND) has been prepared but which do not require approval of the Board of Supervisors or Planning Commission.

Such CEQA decisions are appealable to the Planning Commission, and thereafter, to the Board of Supervisors.

E. Others

1. OC Development Services

OC Development Services is the County’s primary provider of environmental documentation for all County actions which are within the realm of CEQA. The Director, OC Development Services has primary responsibility for the implementation of the provisions of CEQA, the Guidelines and these Board approved procedures, consistent with the CEQA statute and Guidelines. The Director may delegate this responsibility but will retain accountability for the proper and timely implementation of these procedures.

In limited circumstances, other County Departments may have active and expanded roles in the preparation and processing of CEQA documents which affect their activities. Such arrangements shall be confirmed in writing to clarify roles. In all instances, the need for full and consistent adherence to CEQA will be the primary criteria in determining such working arrangements. Coordination and cooperation among County departments and agencies is critical to the successful implementation of the CEQA process.

From time to time, OC Development Services provides basic training on CEQA issues to staff from other departments. This training is meant to ensure that appropriate staff are familiar with CEQA process, its Guidelines and these Procedures, especially as they relate to Non-County Lead Document reviews. (See Section XII.) County Counsel regularly provides CEQA education programs and will provide such presentations to departments or other County groups on request.

Staff assigned to OC Development Services includes those individuals whose primary responsibility is the consistent
implementation of CEQA. This Division is, in essence, the County’s quality control center for CEQA compliance and environmental documentation. The Director, OC Development Services or his/her designee, has the day-to-day responsibility to ensure that the County adheres to the requirements of CEQA.

One of the many responsibilities of OC Development Services is to conduct CEQA review for a high volume of Agenda Staff Reports (ASRs), generated by County Agencies. These reports are mandated by the Board to be cleared for CEQA by OC Development Services. Annually, these reports total approximately 400-500 CEQA clearances.

These reports are for actions to be taken and/or projects to be carried out that require Board of Supervisor’s approval. Additionally, the proposed actions can range anywhere from approval of licenses, agreements or other documents, to award of construction contracts by the Board of Supervisors.

In accordance with CEQA, any activity that has the potential for significant impact to the environment is subject to CEQA. In any case in which a CEQA document must be approved, or other CEQA determination made, OC Development Services evaluates the adequacy of the CEQA action or document to ensure that it is correct. Such review assures that the discretionary decision to be made by the Board of Supervisors is supported by the correct environmental determination.

2. Project Proponents/Applicants

Project proponents may be either private landowners who are processing some form of land use project or the Orange Flood Control District (OCFCD) or the County, acting through its established departments or divisions itself, which is undertaking a project directly. Examples of private party actions are:

a. Major general plan amendment/zone change and associated entitlements.

b. Discretionary Permits include (but not limited to these):

   i. Area Plans

   ii. Use permits or

   iii. Site Development Permit to establish an allowable use within a zoning district.
iv. Variance approval for an existing established use

v. Coastal Development Permit for projects within coastal areas.

3. County Projects:

Examples of public or County projects include:

a. master plan for a new County facility (e.g., airport or landfill)

b. improvements to existing commercial buildings

c. a lease of office space by a County Department.

d. maintenance and improvement of existing County and OCFCD facilities

e. Public Works projects involving construction of roads, highways, harbors, flood control projects, airports, jails and any other significant construction work.

In all cases, the public or private project proponents will work in close cooperation with staff at OC Development Services.

4. Environmental Consultants

County Projects
The County generally contracts with an independent environmental consulting firm to prepare environmental documents for its own projects.

Private Projects
Project proponents generally contract with an independent environmental consulting firm to prepare environmental documents for their proposed projects for County consideration.

OC Development Services maintains a database of firms which a project proponent may consider in its determination of the retention of an environmental consultant to prepare documents. The County is considered the lead agency.

A public agency may use any of the following methods to provide for preparation of a Draft EIR (DEIR):

a. Preparing the document with County staff.
b. Contracting with another public or private entity to prepare the draft document.

c. Accepting a draft prepared by a private applicant or a consultant retained by the applicant.

d. Executing a third party contract or memorandum with the applicant regarding preparation of a DEIR by an independent contractor.

e. Using a previously prepared FEIR.

All CEQA documents prepared for projects for which the County is the lead agency are County documents and part of the public record. Accordingly, the work of environmental consultants is supportive of, not a replacement for, the responsibility of the County generally or OC Development Services specifically to exercise independent judgment in determining the adequacy and objectivity of the document, consistent with Guidelines Section 15084 (e).

5. Responsible/Trustee Agencies

Responsible Agencies are those agencies that will have some discretionary permit authority on some stage of the project and will also need to comply with CEQA for the issuance of that permit prior to project approval. Trustee Agencies are state agencies empowered by law to oversee a natural resource in California, e.g. Department of Fish and Wildlife. Responsible and Trustee Agency definitions are found in Sections 15381 and 15386 respectively, of the Guidelines. The County may act as Lead Agency that must coordinate with Responsible Agencies, Trustee Agencies and Agencies having Jurisdiction by Law. In its capacity as Responsible Agency, the County may coordinate with the Lead Agency and is authorized to rely on a CEQA document certified or adopted by the Lead Agency.

When the County acts as a Responsible Agency with discretionary authority over some stage of a project, but is not the Lead Agency, OC Development Services will be responsible for responding to early consultation from the Lead Agency through draft documents or communications and will be responsible for reviewing and commenting on the adequacy of environmental documents circulated by the Lead Agency (Guidelines Section 15096).

Comments regarding adequacy of the environmental document are submitted to the Lead Agency. (See also the discussion in
In some cases, the County may elect to provide its own environmental documentation at the time the County decision is made.

In addition, Board approval of this activity is required, usually in the form of a resolution that is provided for consideration by the County decision-maker stating that: 1) the County, in its role as a Responsible Agency, considered the environmental document; 2) the County found it adequate for compliance with CEQA; and 3) the County adopts the Mitigation Monitoring and Reporting Program (MMRP) as it pertains to the limited scope of the County approval. Normally, a Responsible Agency is legally entitled to rely on the CEQA document prepared by the Lead Agency unless the Responsible Agency identifies some defect, as provided by the Guidelines. The County may need to make findings of facts or take other actions in some circumstances pursuant to Guidelines Section 15091.

6. Agencies Having Jurisdiction by Law

Any public agency which has “jurisdiction by law” as defined (Guidelines Section 15366) or a Trustee Agency must be consulted by the lead agency in preparing an EIR, even if the agency has no discretionary authority over the project. Examples include the Local Agency Formation Commission (LAFCO) California Department of Transportation (CALTRANS), California Department of Fish & Wildlife, Federal Highway Authority (FHA) and the Airport Land Use Commission (ALUC).

7. Other County Departments

County Counsel plays a key role in CEQA activities due to the highly complex and potentially litigious environment surrounding CEQA matters since opponents of a decision can challenge the CEQA aspects of the process more easily than other, project-related aspects. County Counsel and the Director, OC Development Services will ensure the appropriate level of coordination between their two departments.

Other County departments are primary clients for the CEQA services provided by OC Development Services. In these instances, the staff from OC Development Services will provide service to these Departments to ensure that best efforts are made to meet the requirements of CEQA in a timely and cost effective manner. Funding for this work is accomplished through the normal County budgeting process.
Under certain circumstances, other county departments may assume the duty to originate findings and documentation pursuant to CEQA for their projects. Notwithstanding, it remains the responsibility of OC Development Services to provide consistent countywide standards for all facets of CEQA compliance. Therefore, unless otherwise agreed through a memorandum of understanding (MOU), all CEQA findings and documentation originated by other County Departments will be reviewed and approved by OC Development Services prior to submittal to a decision-maker.

Such interdepartmental arrangements will be documented by a MOU between the Director, OC Development Services and the relevant department head. This memorandum will, in part, document the benefits to the County of the decentralized arrangement. Such interdepartmental MOUs which confer a degree of autonomy on a Department for CEQA issues will specify respective departmental roles and establish procedures to ensure both ongoing coordination with OC Development Services and the implementation of CEQA as described in the CEQA Statute and Guidelines and this manual. There is presently an MOU regarding OC Waste & Recycling.

8. County Agencies & CEQA Determinations (separate from the Board of Supervisors).

In limited circumstances similar to the discussion above in Sections III B, C, and D, County officials other than the Board of Supervisors and bodies which are subordinate to the Board may need to take actions which are subject to CEQA. In those instances, the normal County review and staff support system will be utilized, but the ultimate decision will be made by the independent official, or appropriate County staff. Examples of this role include:

a. Sheriff acting pursuant to state laws which require a specific and separate action.

b. Officials in the HCA/Environmental Health Division when acting as the Local Enforcement Agency on behalf of the California Department of Resources Recycling and Recovery (CalRecycle).

c. The Director, OC Public Works or his/her designee undertakes minor flood control facility and road maintenance projects requiring CEQA clearance. Many of these projects are not required to be approved by the Board of Supervisors. In such instances, the Director, OC Public Works, or his/her
designee, serves as the decision-maker. The existing procedure requires that the project manager, e.g., Operations and Maintenance (O&M), OC Flood, or OC Road, prepare a Concurrence Memo (see Appendix D) to the Director, OC Public Works, or his/her designee, which sets forth the required recommended actions and associated findings the Director, or his/her designee, must implement to verify CEQA compliance and approve the project.

d. The Director, OC Parks or his/her designee

e. The Director OC Waste & Recycling or his/her designee

f. The County Purchasing Agent in some circumstances as discussed above.

In most cases, because of the dollar limitation, these will be relatively small projects which are likely to be covered by a statutory or categorical exemption. (Guidelines 15191-15196, 15260-15285, 15300-15333.) However, for some projects, either because of unavailability of an exemption, due to inapplicability of the exemption or an exception to the exemption (such as a potentially significant impact) will require preparation of a negative declaration or mitigated negative declaration. As the law now stands, a negative declaration could theoretically be approved by the purchasing agent (or others as described previously). The Purchasing Agent should only approve public works projects which are categorically exempt. Where other CEQA documents have been prepared and must be approved with the project, the matter should be referred to OC Development Services (see Section E – Others) above.

g. The Orange County Flood Control District is a separate governmental entity from the County and prepares, reviews and approves CEQA documents for its own projects. However, its Board is the same as the County Board of Supervisors.

IV. Types of Environmental Determinations

The County typically prepares a number of types of CEQA determinations for projects which are under its purview. The type of determination which is appropriate is spelled out in the CEQA Statute and Guidelines. The options are as summarized below in a general order of ascending complexity. Later sections in this manual focus on the individual types of determinations.
Certain actions by County decision-makers are not projects within the context of CEQA\(^2\). An example of this category would be the selection of a consultant to undertake a technical analysis.

V. Exemptions

Other actions may be defined as projects in the general context of CEQA, but may be exempted from further CEQA review. Actions may also be exempted by statute, such as approval of ministerial projects, emergency projects, residential infill and agricultural housing, feasibility and planning studies and others, (Guidelines Sections 15260-15285), or exempted because the projects fall within categories of activities having minimal impact (Guidelines Sections 15300-15333). An example of a project category so exempted is the repair, maintenance or minor alteration of a public facility. Exemptions are discussed in more detail in Part V.

OC Development Services is assigned primary responsibility for determining whether an action fits the definition of “not a project” as defined in the Guideline, pursuant to Section 15378. OC Development Services is further assigned primary responsibility to determine if a project is exempt from CEQA. (CEQA Section 21084 and Guidelines Section 15061(c)).

The CEQA Guidelines describe the following types of exemptions in which an action may be exempt from CEQA analysis:

1. Statutory exemptions (Guidelines 15260 through 15285) which includes ministerial actions, and

2. Categorical exemptions (Guidelines 15300 through 15333),

3. Activities covered by the general rule that CEQA applies only to projects having the potential for causing a significant effect on the environment [15061 (b) (3)], the so-called “common sense exemption.”

4. Special Situations (Guidelines Sec. 15180-15190.5),

5. Certain State Regulatory Programs are also exempt from CEQA (Guidelines 15250-15253), as currently set forth in the Guidelines.

Section 15260, et seq., lists projects that have been granted statutory exemptions. Note that “ministerial” projects are a type of statutory exemption (Guidelines Section 15268). A listing of common County projects that are considered ministerial is provided in Appendix C of these County procedures.

\(^2\) Guidelines Section 15378 provides the definition of “project” for purposes of CEQA.
Section 15300, et seq., of the Guidelines describes the various types of categorical exemptions (CEs). A list of common County projects that may qualify for CEs is provided in Appendix D of these procedures.

Notwithstanding these provisions, whenever an action or activity or special circumstances could result in potential significant adverse effects, or an exception to an exemption applies, as described in the Guidelines, an initial study will be prepared to determine what environmental documentation is required.

A. **Local Categorical Exemptions (Guidelines Section 15300.4)**

Local projects which are considered categorically exempt pursuant to CEQA are listed in Appendix D of these procedures. This list may be amended by the Director, OC Development Services.

Projects will not be exempted in cases in which it is known that a significant adverse impact may occur, or if the following exceptions from Section 15300.2 of the Guidelines apply:

1. **Location** – where the project may impact an environmental resource of hazardous or critical concern;

2. **Cumulative Impact** – where the cumulative impact of successive projects of the same type in the same place, over time is significant; and

3. **Significant Effect** – where the project may have a significant effect due to unusual circumstances.

The County Agency/Division will consult with the Director, OC Development Services, or his/her designee, to determine whether or not a proposed project is categorically exempt.

B. **No Significant Effect**

Per Guidelines Sections 15022(a) and 15061(b)(3) for local projects which require discretionary approvals, but where it can be determined with certainty that there is no possibility that such activities will have significant effects on the environment, then such activities are not subject to CEQA. This result is often referred to as the “common sense” exemption, as referenced above. This conclusion is based upon the general rule that CEQA applies only to projects which have the potential for causing a significant effect on the environment. The Director, OC Development Services or his/her designee, may recommend that the decision making body make such a finding for a particular project. If the decision making
body concurs, it will make an appropriate finding and no further action under the CEQA Statute, the Guidelines, or these procedures will be required.

Types of projects which normally have no significant effect are listed in Appendix E of these procedures. However, each such project must be evaluated on a case-by-case basis.

C. **Notice of Exemption**

After a project has been approved for which a Statutory or Categorical Exemption finding was made, the County may file a Notice of Exemption with the County Clerk per Guidelines Section 15062. The Notice shall be filed, on a timely basis following approval of the project and must be posted for a full 30 days.

The filing of a Notice of Exemption in the manner specified in Guidelines Section 15062 begins a 35-day statute of limitations period on legal challenges to the decision. If no notice of exemption is filed, the action is subject to potential legal challenge for 180 days. The requirements of Section 15062 must be strictly complied with for the 35 day statute of limitations to apply.

The Notice will normally be filed within one day after the project receives final approval.

VI. **Initial Study Process**

A. **Application**

The project proponent/applicant (public or private) shall prepare for the Director, OC Development Services or his/her designee, a fully completed application and any supplementary data that may be required\(^3\). Filing instructions contain a list of the materials which are required for each application. These instructions implement the general requirements for the County's Environmental Information Requirements\(^4\).

Upon receipt of an application for a private project, the Director, OC Development Services or his/her designee will consider the information contained in the application and determine within 30

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\(^3\) The Development Processing Center, located on the ground floor of the H.G. Osborne Building, 300 North Flower Street, Santa Ana, CA, is the place where filing instructions may be obtained, completed applications submitted and fees paid.

\(^4\) The County's Environmental Information requirements are based on CEQA Guidelines Appendix H, but differ to the extent that more and different information is required as shown in Appendix E to this document.
days if the application is sufficient to proceed, per Guidelines Section 15060.

Once a request for CEQA determination for a public project has been received, the Director, OC Development Services or his/her designee will ensure that the application will be reviewed in the same manner as used with private projects to assure that the level of detail is evaluated and the proposing division is informed whether or not sufficient information is available to allow the initial study analysis to proceed. Should there be insufficient information, the lead division will be informed that work cannot continue until additional material is received.

B. Analysis

Upon receipt of a complete application for a private project, the Director, OC Development Services or his/her designee will determine within 30 days the appropriate environmental document to be prepared for the project, unless otherwise specified pursuant to Guidelines Section 15102. This 30 day period is exclusive of the time discussed in “A”, immediately above.

The County utilizes the most current CEQA checklist as it may be revised from time to time by the Secretary for Natural Resources, to assist in the evaluation of the potential environmental impact of a proposed project. The Checklist form is designed for use when the initial analysis is conducted for the proposed project. A copy of the current updated checklist is attached as Appendix G of this Manual.

This current checklist is provided as an aid to identify potential environmental issues which could result in adverse significant effects on the environment from the implementation of the proposed project. The checklist is not intended to provide thresholds of significance for the final determination by the decision-maker. Thresholds of significance are within the discretion of the decision-maker and may vary depending upon the context of a particular project being analyzed.

A written analysis is produced, containing the explanation, reasoning and references for a particular proposed project. The analysis is then used in arriving at a particular determination as to the appropriate CEQA documentation to be prepared. This narrative along with the checklist is known as an initial study.

CEQA documentation will typically require discussion of impacts to the environment, including, but not limited to, biological, hydrological, geological, noise, and emissions, as well as land use, aesthetics, traffic, historical and cultural resources.
VII. Negative Declarations/Mitigated Negative Declarations

Certain projects which are subject to CEQA can be shown to have no significant effects on the environment. In these instances a Negative Declaration (ND) is the appropriate determination (Guidelines Section 15070). A Negative Declaration\(^5\) is appropriate for projects which will not have a significant effect on the environment where the initial study shows there is no substantial evidence, in light of the whole record before the County, to support a fair argument that the project may have a potentially significant effect.

In other cases, the CEQA analysis may show some potential impacts, but mitigation measures that are identified to avoid, reduce or otherwise limit the impacts, result in a Mitigated Negative Declaration (MND) upon the imposition of mitigation measures.

The contents of the ND and the MND are the same, with the exception of mitigation measures set forth in the MND, as provided in Guidelines Section 15071.

i. Notice of Intent to Adopt a Negative Declaration or Mitigated Negative Declaration.

In accordance with Section 15072 of the CEQA Guidelines, the County provides a notice of intent to adopt a negative declaration or mitigated negative declaration to the public, responsible agencies, trustee agencies, and the county clerk of each county within which the proposed project is located, sufficiently prior to adoption of the negative declaration or mitigated negative declaration to allow the public and agencies the review period provided under Section 15105, which specifies public review periods for each environmental document.

Additionally, the county may mail a notice of intent to adopt a negative declaration or mitigated negative declaration to the last known name and address of all organizations and individuals who have previously requested such notice in writing and shall also give notice of intent to adopt a negative declaration or mitigated negative declaration by at least one of the following procedures to allow the public the review period listed under Section 15105.

The Proposed Negative Declaration or Mitigated Negative Declaration must be made available for public review for a period of not less than 20 days, or not less than 30 days if submitted to the State Clearinghouse (Guidelines Sections 15105, 15073).

\(^5\) Unless the context indicates otherwise, the term negative declaration refers to both mitigated negative declarations and negative declarations.
When the County is the Lead Agency on a Project for which a Negative Declaration/Mitigated Negative Declaration or an EIR is to be prepared, it is the County’s responsibility to consult with Responsible Agencies and Trustee Agencies prior to making a final determination on the type of environmental document (CEQA Section 21080 and Guidelines Sections 15072 and 15086). Consultation may occur on a formal or informal basis depending on the specific issues and facts and the circumstances surrounding the consultation. Notification of proposed approval/certification of the document will be provided consistent with the notification requirements for Negative Declarations and EIRs (Guidelines Sections 15072 and 15087).

If a Mitigated Negative Declaration is adopted or an Environmental Impact Report is certified then a program to monitor its mitigation measures must be adopted with the action approving the project. (Guidelines Section 15097).

A public agency which has commented must be notified in writing of any public hearing on the project, if required. Should there be substantial evidence to support a fair argument that a significant effect may still occur, an Environmental Impact Report shall be required.

Refer to Appendix B attached hereto for a general flow chart of the County’s CEQA process.

A. Procedures after public comment period

The description and content of the ND and MND and public notification procedures are set forth above.

Upon conclusion of the public comment period, should the lead agency determine that substantial revision of the ND or MND be required prior to adoption, the document shall be recirculated as provided in Guidelines Section 15073.5.

The document becomes final when the decision-maker finds that it is adequate and approves the project.

B. Notice of Determination

After a project has been approved for which a Negative Declaration, Mitigated Negative Declaration, has been approved or certified, a Notice of Determination (NOD) is filed with the County Clerk/Recorder’s office and posted for a full 30 days as required by CEQA (Guidelines Sections 15075). The filing and posting of this
notice starts a 30-day statute of limitations during which a legal challenge regarding the adequacy of the CEQA document for a project can be filed in court, pursuant to Guidelines Section 15112(c)(1). The NOD must be filed with the Clerk/Recorder within 5 working days of the project approval and must contain the information listed in Guidelines Section 15075.

VIII. Environmental Impact Reports

The decision to prepare an EIR is made during the preliminary review pursuant to Guidelines Section 15060, or at the conclusion of the initial study, after applying the standards set forth in Guidelines Section 15064. A thorough environmental analysis is undertaken when there is substantial evidence that a project may have a significant environmental effect on the environment. In these instances, an environmental impact report (EIR), which will include various technical studies, must be prepared (Guidelines Section 15064).

An EIR is prepared when there may be significant direct or indirect environmental impacts associated with a project, as described in Guidelines Section 15358(a)(1-2)). The Guidelines identify different types and variations of EIRs, tailored to different situations and intended uses (Guidelines Section 15160). Descriptions of the types and variations of EIRs are found in the Guidelines, Sections 15160 through 15179.5. The decision as what type of an EIR is appropriate shall follow the determination that one is required (Guidelines Sections 15160-15179.5).

Subsequent Analysis

At times, a previously approved EIR, MND or ND may be appropriate for a later project “as defined by” CEQA section 21094, Guidelines Sections 15153, 15183. In these instances, the decision-maker must examine significant impacts of the later project upon the environment, by considering the previous documentation and conclude that it is still appropriate based on whether the facts and analysis remain the same, or whether there are new facts or circumstances which require preparation of a Subsequent or Supplemental EIR (Guidelines Section 15162). In cases where some minor changes or additions to the previous document are necessary to address fully a given stage of an already-approved project, CEQA allows for an addendum to be prepared (Guidelines Section 15164). An addendum may be prepared to update either an EIR or a negative declaration, so long as the addendum conforms to the specific requirements in the Guidelines. There is no public review associated with the preparation of an addendum.

The same series of steps are generally followed, regardless of what type of EIR is prepared for a given project. The steps include the following:
1. Complete checklist review for determination

2. Pre-preparation meeting

3. Notice of Preparation

4. Public Scoping process/meeting(s)

5. Preparation and internal review of screencheck document

6. DEIR and Notice of Availability

7. Public review and comment on DEIR

8. Preparation of responses to comments

9. Preparation of proposed FEIR

10. Decision by appropriate official/body on project

11. Filing of Notice of Determination

The decision-maker reviews and considers the information contained in the document and uses its independent judgment to determine the adequacy of the EIR pursuant to Guidelines Section 15090(a)(3) and makes any needed findings. See also Section III A above.

All or portions of EIRs may be written by independent consultants under contract with the County, by independent consultants under contract to a project proponent, or by OC Development Services staff directly (Guidelines Section 15084). Also see Section III H. above.

An EIR prepared by another party or entity and/or project proponent's submittals must be independently reviewed, modified and analyzed so that the DEIR represents the independent judgment of the County.

Regardless of authorship, the process outlined above ensures that the EIR when complete is a County document.

A. **Pre-preparation Meeting**

   Proposed project scope at a minimum must include sufficient information describing the project, location, and the potential environmental effects of the project, that are helpful to the public and the agencies to identify the range of actions, alternatives, and mitigation measures to be included in the DEIR.
A pre-preparation meeting affords the project proponent and OC Development Services staff an opportunity to discuss informally the general scope, required content and EIR processing steps. Other County offices as well as other involved public agencies, particularly if they will be Responsible Agencies, may be invited to send representatives. The purpose of such meetings is to facilitate the orderly preparation and processing of the EIR. There is normally only one pre-preparation meeting for a project. It may occur prior to an official filing of a project or it may occur shortly after that step has been taken.

B. **Notice of Preparation**

Once a decision is made that an EIR will be prepared for a project, OC Development Services will assign a number to the EIR and will prepare a Notice of Preparation (NOP) (Guidelines Section 15082). The NOP contains a project description and location and discloses the probable environmental effects of the project. Its purpose is to provide other involved public agencies (as well as the public) with sufficient information describing the project and the potential environmental effects to allow Responsible Agencies and the public to make a meaningful response, as to the scope and content of the environmental information to be included in the EIR. The NOP is sent to each relevant Responsible Agency, Trustee Agency and every federal agency involved in approving or funding the projects as well as to local organizations and individuals with a known interest in the project. 6 For projects for which one or more state agencies will be either Responsible or Trustee Agencies, the EIR is submitted to the State Clearinghouse (a branch of the State Office of Planning and Research in Sacramento). The Clearinghouse assigns a unique identification number to all such EIRs. The County uses certified mailing or any other method of transmittal that provides a record that the notice was received by the Agencies.

In addition to written comments, one or more meetings to discuss the scope and content of the EIR may be held between or among the agencies set forth above, consistent with County practice. Such meetings are recommended, but not required by CEQA (CEQA Section 21080.4). These meetings, commonly called “scoping meetings”, are designed to facilitate an exchange of information between the team preparing the EIR and interested parties, particularly Responsible or Trustee Agencies. This process involves receipt of input as to the content and scope of the EIR from a wide range of interested parties. While it is not required that there be a public scoping meeting (Guidelines Sections 15082(c) and 15083),

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6 Guidelines Section 15083.5 addresses special requirements for consultation with water agencies that are placed on certain major land use projects.
it is the County’s general policy to undertake at least one public scoping meeting for each EIR, as needed. The Director, OC Development Services may authorize omission of a scoping meeting under special circumstances.

C. Preparation and Review of Screencheck Document

EIRs prepared for consideration by County of Orange decision-makers undergo a phase known as the “screencheck”. A screencheck document is an early draft which has been prepared for internal review by County offices. The County generally requires that the entire screencheck document be submitted for staff review. In rare circumstances, if approved by the Director, OC Development Services or his/her designee, individual chapters or sections may be submitted. Under no circumstances will approval to proceed (to include printing of the Draft EIR) be given before review and approval of the complete screencheck has been given by the Director, OC Development Services or his/her designee. In some cases multiple screenchecks will be prepared and reviewed.

The purpose of the screencheck phase is to ensure that the resultant document meets the County’s standards for content, format and clarity. When approved, the screencheck represents a document that is of sufficient quality to be reviewed by outside offices and individuals. As such, the screencheck process ensures that the Draft EIR does represent the County’s independent review and analysis. As an internal review document, the screencheck is not a part of the administrative record. County policy is to dispose of all screencheck documents once the Draft EIR has been approved for distribution.

D. DEIR

The DEIR is a document which represents the explanation and analysis of the environmental consequences of the proposed project and alternatives thereto. It is County policy to present information as clearly as possible to all interested parties and, especially, decision-makers through the use of executive summaries, graphics and other such techniques, consistent with mandated content requirements (Guidelines Section 15120 et seq.).

E. Public Review and Comment on DEIR

Once a DEIR is prepared, it is circulated for public review. This process includes filing a notice of completion (NOC) with the State Clearinghouse when required by Guidelines Section 15085. Section 15085 also provides that public agencies are encouraged to make
At the same time that the NOC is submitted, a public notice often referred to as a “notice of availability” is prepared and distributed to interested parties to announce the availability of, and locations where the DEIR may be reviewed. Details relating to this notice may be found in Guidelines Section 15087.

DEIRs are normally available for review for a period of 45 days, though CEQA provides for a review period of between 30 and 60 days (Guidelines section 15105). Under unusual circumstances, a longer review period may be authorized. The County requires that a request for a longer review period be made in writing. In addition, certain EIRs which do not require referral to the Clearinghouse may be circulated for review for only 30 days (Guidelines Sections 15205-15206). There are few examples of such EIRs processed by Orange County however, unless otherwise authorized by the Director, OC Development Services, County DEIRs are available for 45 days.

It is County policy that a complete copy of the DEIR and all supporting documents be available for public review for the entire review period at the offices of the OC Development Services, located at 300 North Flower Street in Santa Ana. Announcements of a DEIR’s availability may be posted on the OC Development Services Internet web site. Guidelines Section 15201 directs lead agencies to make DEIRs available in electronic form on the internet at the agency web site. DEIRs are also available in branches of the Orange County Public Library (or corresponding city libraries) as a means of making the documents readily available to interested parties. Copies of the DEIR are made available to public agencies, adjacent cities and counties as well as state and federal agencies, which have a jurisdictional interest in the project.7 Copies are normally sent to designated citizens’ bodies (Zoning Code Section 7-9-150.3(b)) and may be sent to other parties with an expressed interest in the project.

Interested parties are encouraged to provide their comments on the scope and adequacy of the DEIR to the County as the lead agency in accordance with Guidelines Section 15204 and 15087. [Comments beyond the scope of CEQA are not appropriate.] The County is not required to respond to comments received after the close of the comment period. It is County practice to review comments received after the end of the comment period and to respond to the extent time and circumstances permit.

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7 A primary role of the Clearinghouse is to ensure that California state agencies are appropriately notified and their comments forwarded to the lead agency.
Comments are often directed to the merits of the project itself. Such comments are to be directed to staff, since these comments may not technically address the adequacy of the EIR or other environmental document but to the project in general.

Written comments must be addressed to either the identified project manager or to the Director, OC Development Services as identified in the Notice of Availability and must be received by the date indicated on the Notice of Availability. Assuring receipt by the County is the responsibility of the sender.

Comments may be submitted via E-mail, Fax, or United States mail, in which case the electronic date and the "received stamp" on the document provides a clear indication of the date the comment was received by the OC Development Services. Hand-delivered comments to the OC Development Services office are processed in a similar fashion. A postal or electronic return address is necessary so that a notice of the availability of the County’s response(s) may be sent to commenters wishing to receive such responses. Lastly, the County cannot accept comments on video or audio tape unless special arrangements are made due to a commenter’s disability under the Americans with Disabilities Act that renders the commenter unable to submit comments in a standard written format.

Comments may be presented verbally if a public workshop meeting is held on the environmental impact report by the Planning Commission or Board of Supervisors. There is no requirement for such a public meeting or hearing during a review period and in practice such meetings are rare.

A public meeting or hearing will be scheduled and properly noticed where action on the proposed project will be taken and the CEQA documents certified or adopted. Comments may be received during the pendency of such meetings, and may be responded to by the lead agency.

**F. Preparation of Response to Comments (RTC)**

The County responds to each environmental comment received on a DEIR during the legally-defined review period and makes those responses available to the decision-maker, and describes the disposition of any significant environmental issue raised by commenters (CEQA 21091, Guidelines Section 15088, 15132, 15204). Responses to comments which are generated by a public agency concerning an EIR will be sent to that agency at least 10 days prior to action by the decision-maker (Guidelines Section 15088).
Further, the County is not obligated to respond to comments received after the close of the noticed review period or extension thereof, but may do so (Guidelines Section 15088(a)).

In cases where the Planning Commission is not the decision making body, it is County practice to distribute the DEIR, comments, and responses to comments to the Commission prior to its taking action as to the adequacy of the DEIR and forwarding its recommendation to the appropriate decision-maker. This will usually be the Board of Supervisors.

G. **Preparation of the FEIR**

Under Orange County procedures, the DEIR does not become "final" until it is certified by the decision-maker prior to the approval of the project (Guidelines Section 15090). Following circulation of the DEIR and preparation of responses to comments, a Proposed FEIR is prepared for consideration by the decision-maker. The Proposed FEIR that is reviewed by the Planning Commission and decision-maker will contain all items listed under Guidelines Section 15132. In addition, all findings pursuant to Guidelines Sections 15091 and 15093 and the Mitigation Monitoring and Reporting Program (MMRP) and in appropriate cases, a Statement of Overriding Considerations, will be a part of the adoption/certification resolution.

H. **Findings pursuant to CEQA Guidelines Section 15091**

CEQA Section 21081 and Guidelines Section 15091 require that no public agency approve a project for which an EIR has been certified which identifies one or more significant effects of the project unless the public agency makes one or more written findings for each of those significant effects, accompanied by a brief explanation of the rationale of each finding. The possible findings, which must be supported by substantial evidence in the record, are usually the following, dependent upon the factual situation presented to the decision-maker:

1. Changes or alterations have been required in, or incorporated into, the project which mitigate or avoid the significant effects on the environment (hereafter, "Finding 1").

2. Changes or alterations are within the responsibility and jurisdiction of another public agency and have been, or can and should be, adopted by that other agency (hereafter, "Finding 2").
3. Specific economic, legal, social, technological, or other considerations, including considerations for the provision of employment opportunities for highly trained workers, make infeasible the mitigation measures or project alternatives identified in the EIR (hereafter, “Finding 3”).

For those significant effects that cannot be mitigated to below a level of significance, and the intent is to approve, the public agency is required to make written findings that specific overriding economic, legal, social, technological, or other benefits of the proposed project outweigh the unavoidable adverse environmental effects caused by it. Said findings must be supported by substantial evidence in the record (Guidelines Section 15093).

In addition, CEQA requires a public agency to make a finding that the EIR reflects the public agency’s independent review and judgment (Guidelines Section 15090(a)(3)).

The FEIR consists of the following (Guidelines Section 15132):

1. The DEIR including revisions.

2. Comments and recommendations received on the DEIR.

3. A list of persons, organizations or agencies commenting on the EIR.

4. The responses to comments by the County on comments received.

5. Any other information added by the lead agency which may include any or all of the following and other relevant information:

   a. Staff Reports to the Planning Commission and other decision-makers if any

   b. Certification Resolution and all appurtenant attachments (i.e. Findings, Statement of Overriding Considerations, MMRP, etc. (Guidelines Sections 15091 and 15093)).

   c. NOD

   d. NOP

   e. Initial Study (if prepared)

   f. Comments on the NOP
Although copies of the Final EIR may be maintained in outlying locations (e.g., in the files of the lead division for a public project), the official file is maintained by OC Development Services. At least one copy of the FEIR as certified is bound and added to the County’s FEIR library maintained by OC Development Services.

I. **Decision by Appropriate Official/Body**

The CEQA process is "intended to be used in conjunction with discretionary powers granted to public agencies by other laws" (Guidelines Section 15040). In and of itself, CEQA does not require any formal public hearings. Therefore, if a project will require a public hearing, e.g. a use permit, the disposition of the CEQA document may be considered at that time. The decision whether to certify or approve the CEQA document must occur after the close of the public hearing but prior to the decision on the project.

**Planning Commission**

As enumerated under Section III B, the Planning Commission plays a pivotal role in the CEQA process. In the case of EIRs, the Planning Commission can be:

1. The decision-maker on the project and will act in its capacity as a decision-maker on the project and the EIR prepared for the Project, or,

2. The body determining the adequacy of the EIR or other document and making a recommendation to the Board of Supervisors, or

3. The body determining the adequacy of the EIR or other document and making a recommendation to another decision-maker (e.g., the Sheriff-Coroner, if acting on a legally-mandated project requiring action only by that official).

In each of these situations, the Planning Commission will allow the public an opportunity to be heard prior to making a decision on EIR adequacy.

**J. Notice of Determination (NOD)**

After a project for which an FEIR has been prepared has been certified, a Notice of Determination (NOD) is filed with the County Clerk/Recorder’s office as required by CEQA (Guidelines Section 15094). The filing of this notice starts a 30-day statute of limitation within which a legal challenge regarding the adequacy of the FEIR can be filed pursuant to Guidelines Section 15112(c). The NOD must be filed with the Clerk/Recorder within 5 working days of the
project approval and contains a variety of information listed in the guidelines as referenced above. The NOD is required to be posted for the entire 30 day period.

**K. Fish and Wildlife Fee**

Compliance with Fish and Game Code Section 711.4 regarding fees and fee collection imposed through the filing of the NOD and collected by the Clerk/Recorder is mandatory. Failure to pay Fish and Wildlife Fees renders the project not operative, vested or final until such fees are paid (CEQA Section 21089).

**L. Appeal of EIR Decision to Board of Supervisors**

A decision by a non-elected decision-maker on any CEQA matter may be appealed to the Board of Supervisors (CEQA Section 21151(c). FEIRs certified by the Board of Supervisors are a final determination.

As noted in Section III, the Planning Commission is the body that makes decisions on the adequacy of an EIR when the Board of Supervisors is not the decision-maker on the project. Those decisions are appealable to the Board of Supervisors. If the project is one which is appealable to the Board of Supervisors, the appeal of the EIR certification will be heard with the appeal of the project. Actions which require Board action such as General Plan Amendments and Zone Changes will automatically go to the Board and there is no need for appeal in those cases.

Any person may initiate an appeal of an FEIR certified by the Planning Commission by delivering written notice of the appeal to the Director, OC Development Services. Such an appeal must be filed within 15 days of the date of Planning Commission’s Decision. If the fifteenth day falls on a weekend or County holiday, the time to file the appeal will extend to the next County business day.

The appeal will be considered filed on the date that the Director, OC Development Services receives written notice of the appeal. The appeal will address the reason the appellant believes that the certifying body should not have certified the FEIR. Each appeal filed within the allotted time will be placed on the agenda of the Board of Supervisors at the earliest practicable date. The Board of Supervisors will consider the appeal and may grant or deny the appeal in whole or in part.

Following the denial of any appeal and ratification of the Planning Commission’s certification, or certification of the EIR by the Board of Supervisors with modifications, the decision-maker for the project
may approve the project. Upon approval of the project, the Director, OC Development Services will cause a NOD to be filed with the County Clerk pursuant to Section VII.B.

IX. Addenda

In cases where some minor changes or additions are necessary, but the conditions of Guidelines 15162 for preparation of a subsequent or supplemental EIR or ND/MND are not met, an addendum to the original CEQA document may be prepared, rather than a new EIR or ND (Guidelines Section 15164). The County will analyze the scope of the changes and their disposition in relationship to the original EIR or ND in order to determine whether a project will trigger the requirements of Guidelines Section 15162 by identifying substantial changes in the project or the circumstances under which the project will be carried out that require major revisions in the EIR or ND, or new information of substantial importance is discovered. Addenda are not circulated for public review, but must be considered by a decision-maker. Once a decision-maker has acted on the project, a NOD will be filed as discussed under Section VII.B.

X. Reliance on Previously Certified FEIRs

When a project is proposed which meets the requirements of CEQA Section 21094 for a previously approved EIR, the Director, OC Development Services shall determine whether or not the EIR is adequate to serve as the EIR for the proposed project (CEQA Section 21094). A prior EIR can be used for a project if the EIR includes the work which constitutes or is necessarily included element of the project and there have been no significant changes in the facts, circumstances and environmental impacts since the Prior EIR was prepared. If a previously approved EIR is adequate for the subsequent proposed project, the determination will be noted in the project file and all required public notices which are required shall be properly described on any public agenda with appropriate CEQA finding made prior to consideration of approval of the new project or activity.

XI. Master, Program and Staged EIRs

CEQA provides for Master, Program or Staged EIRs (Guidelines Sections 15165, 15167, 15168, 15175-15179) in certain specified circumstances. To make the Program EIR determination, an initial study application will normally be required for review under Guidelines Sections 15162 and 15168. The County may use such documents; however, that decision should be made at the time preparation of the EIR is begun. In some cases additional findings (Guidelines Section 15091) and any additional
overriding considerations may be necessary as part of this determination as set forth herein.

XII. Non-County Lead Document Reviews

OC Development Services acts as a clearinghouse for the review of all environmental documentation for which the County is not the lead agency. This process ensures that a consistent, unified County position is reflected in all correspondence and comments on the proposed project. The Director, OC Development Services, coordinates review of the documentation by forwarding it to appropriate divisions within the County for review and comment.

The Director, OC Development Services consolidates the comments received from different County departments into a unified comment and transmits those comments to the lead agency. The Director, OC Development Services will normally sign all letters to lead agencies commenting on environmental documentation for projects for which the County is a Responsible Agency.

Comments from individual County divisions or departments directly to the lead agency are not appropriate except for highly technical topics which are solely within the purview of that office (e.g., comments relaying information on an adopted environmental health standard)\(^8\). In any such case, the Director, OC Development Services will be consulted prior to transmittal of the comment, and will coordinate transmittal of the separate comment letter.

In cases when an individual County division or department receives an environmental document directly, that office shall contact OC Development Services at once to allow for a countywide distribution of the environmental document.

XIII. Appeal Processes

Two types of appeals are addressed in these procedures, both of which are intended to be consistent with the provisions of Zoning Code section 7-9-150.4, which addresses appeals regarding actions taken on discretionary permit applications and CEQA determinations. Notwithstanding any of the provisions of section 7-9-150.4, all CEQA determinations shall be appealable to the Planning Commission and ultimately, to the Board of Supervisors.

\(^8\) For example, Environmental Health may regulate projects/operations proposed in Non-County Lead documents. For such projects/operations, Environmental health may be a responsible agency and may issue specific regulatory requirements. In such situations, it may be appropriate to identify such comments separately within the County’s letter.
A. Appeal of staff determination to the Planning Commission

The first type of appeal relates solely to the internal decision made by staff to require the preparation of a specific type of environmental document or any CEQA determination which characterizes, for CEQA purposes, the proposed discretionary action to be taken. Should the applicant or another interested party believe that this decision is incorrect, it may be appealed. An example of this type of appeal would be a determination by staff that a proposed action is or is not subject to a statutory or categorical exemption, or that an EIR is required for a project while the applicant feels that a negative declaration would be appropriate.

i. Decision to Require Preparation of Environmental Document or CEQA statutory or categorical exemption and etc.

As noted above, staff generally conducts an Initial Study process to determine the appropriate type of document for a given project. Staff may also make a determination that a proposed discretionary action is subject to a statutory or categorical exemption. This determination is subject to appeal to Director, OC Development Services and subsequently, to the Planning Commission if necessary, by the project proponent. Any such appeal must be filed with the Planning Commission Secretary during the mandated posting period for a Negative Declaration/Mitigated Negative Declaration per Guidelines Section 15073, or consistent with the provisions of Section 7-9-150.4 of the Zoning Code. Any such decision is appealable to the Board of Supervisors. As set forth in section 7-9-150.4, if the final day to perfect an appeal falls on a weekend or County holiday, the time to file the appeal will extend to the next County business day. The appeal is considered filed on the date that the Planning Commission Secretary\(^9\) receives written notice of an appeal and any required fees. Each appeal filed within the time allotted will be placed on the Planning Commission agenda for consideration at the earliest practicable date consistent with the provisions of section 7-9-150.4.

An appeal may be resolved without a Planning Commission determination by mutual agreement among the Director, OC Development Services, the person(s) filing the appeal and the project proponent. Notice of agreement served by the Director on the Secretary of the Planning Commission will terminate the appeal proceedings.

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\(^9\) Orange County Planning Commission, Attn: Secretary; Post Office Box 4048, Santa Ana, CA 92702-4048.
In cases of a tie vote by the Planning Commission, the appeal is denied and the determination by staff shall stand. However, any such decision shall be appealable to the Board of Supervisors, as noted herein.

**B. Appeal of Environmental Document Decision to Board of Supervisors**

The second type of appeal involves an appeal of the certified environmental document determination which is disputed by the project proponent or any interested party. This appeal may also involve a special case which addresses the adequacy of an EIR/ND/MND or CE, which has been approved/certified by the Planning Commission or other decision-makers. In this case, the adequacy of the document prepared is challenged through an appeal to the Board of Supervisors or Planning Commission first depending. All such appeals shall conform to the provisions of section 7-9-150.4, as discussed above in item A.

Following the denial of any appeal and ratification of the Planning Commission’s certification, or certification of the EIR by the Board of Supervisors with modifications, the decision-maker for the project may approve the project. Upon approval/certification of the environmental documentation, the Director, OC Development Services will cause a NOD to be filed with the County Clerk pursuant to Section VI B.

**C. The Board of Supervisors as decision-maker**

Notwithstanding the above, any CEQA categorical exemption, environmental document determination, or the case of an EIR certified by a non-elected decision-maker may be appealed to the Board of Supervisors (CEQA Section 21151(c)). EIRs certified by the Board of Supervisors are not appealable to itself. Any further remedy must be addressed by Petition for Writ of Mandate or other appropriate judicial proceeding.

For appeal fees refer to Section XIV “Fees” below.

**XIV. Fees**

As allowed under Section 15045 of the CEQA Guidelines, the County collects fees for the preparation, reproduction and distribution of the environmental document. These costs are borne by the applicant/project proponent through the establishment of a charge account. These fees are collected with submittal of the project application or at a later date.
In addition, appellants may be charged a fee for the filing of an appeal pursuant to Section XIII above. Any such fee shall be established pursuant to provisions of the current County Fee Ordinance as adopted by the Board of Supervisors for Building and Planning Schedules which include the Building and Planning and Safety Rate Table. Applicants filing an appeal of an approved project with a certified environmental documentation will be charged staff costs for the presentation of the appeal to the Planning Commission and/or the Board of Supervisors, consistent with the provisions of the Ordinance currently in effect, as cited herein.

XV. Unusual Cases: Job Order and On Call Contracts

Job Order Contracts (JOC) and On Call Contracts create unusual circumstances for performance of CEQA review.

In some circumstances, the Board is asked to approve a slate of Architect-Engineer (A&E) Contractors to do certain types of work over a period of time for a not to exceed amount. The A&E is assigned civil engineering tasks throughout the term of the contract. When the contract is approved the Board of Supervisors (BOS) approves a scope of services that the A&E will perform but does not approve actual tasks. The tasks are developed and approved by staff (OCPW, OCWR, OC Parks, etc.) and generally will not go to the BOS. The only time such a task would ever go to the BOS after the initial approval of the contract is if additional money needs to be added to the contract. In other cases, OCPW each year approves slate of A&E on call contracts. When individual projects arise, OCPW assigns the design work to one of the contractors on the slate. At the time the slate of On-Call contractors are approved, there is no project approved. Depending on the size of the project, the BOS may or may not approve the contract with the individual A&E.

JOC contracts are a subset of On Call Contracts which are construction contracts for repair and maintenance of County facilities. They are one year contracts, they cannot be used for new construction. When they are approved the BOS approves a “book” that contains standard specifications for a wide range of building tasks, e.g. painting, plumbing and electrical tasks and the price schedule for those tasks. There is no specific project approved at the time the BOS approves the contract. OCPW develops individual task during the course of the contracts and pulls the applicable specs form the book, the contractor is then paid in accordance with the price schedule in the “book.”

Initial Board actions such as: Authorization to solicit or award On Call A&E Contracts or Job Order Contracts (not individual job orders) are “not a project” per CEQA Guidelines Section 15378 since they only involve creation of a contract and are not related to any specific activity which could have an impact on the environment. In addition, as provided in
Section 15378 (b) (4), they may also involve “fiscal activities of government that are not committed to any specific project which may result in a potentially significant physical impact of the environment.” As indicated above, the Board actions simply involve entering into Job Order Contracts for future “to-be-determined” projects; the actions do not involve approval of any specific projects.

Consequently, the following statement should be used in the Agenda Staff Reports associated with either action:

Compliance with CEQA: This action is not a project within the meaning of CEQA Guidelines Section 15378 and is therefore not subject to CEQA, since it does not have the potential for resulting in either a direct physical change in the environment, or a reasonably foreseeable indirect physical change in the environment. The approval of this agenda item does not commit the County to a definite course of action in regard to a project since (fill in appropriate explanation; for example, the action authorized herein may lead to the negotiation of an agreement). This proposed activity is therefore not subject to CEQA. Any individual, specific work authorized pursuant to this contract will be reviewed for compliance with CEQA.

Where the project approved is either a “job order contract” or an “on call contract” the approving body, whether it is the Board of Supervisors, the Purchasing Agent or any other person or body shall ensure that CEQA review is completed for each individual Contract Task Order for a “job order contract” or an “on call contract pursuant to the delegation of authority.”

CEQA Determinations for Specific Job Order Contract Projects

Because Job Order Contracting is limited to repair and rehabilitation work and cannot be used for new construction, most projects will be Categorically Exempt from CEQA, typically as one of the following, though others may be applicable in specific circumstances:

- Class 1 – Existing Facilities (Guidelines 15301)
- Class 2 – Replacement or Reconstruction (Guidelines 15302)
- Class 3 – Conversion of Small Structures (Guidelines 15303)
- Class 4 – Minor Alterations to Land (Guidelines 15304)

However, some projects eligible for Job Order Contracting will not be Categorically Exempt, either because of unavailability of an exemption, due to inapplicability of the exemption or an exception to the exemption (such as a potentially significant impact), which will require preparation of a negative declaration or mitigated negative declaration. This will often be due to the physical environments in which the work to be done is located. For example, replacement of existing underground utility lines within an
existing roadway would be exempt [Class 2 (c)]; on the other hand, were the same replacement project to involve lines located within a sensitive habitat area, it would not be exempt from CEQA. An appropriate CEQA determination and documentation must be completed prior to the issuance of a Contract Task Order (CTO). This includes a determination whether the project is categorically exempt or whether some other type of CEQA review is required. If the CEQA review is not an exemption, it must be prepared, reviewed and acted on in the manner required by CEQA and the Guidelines.

The initial question to be resolved before proceeding will be: Is the project Categorically Exempt from CEQA?

- If the answer is “Yes”, the Statutory or Categorical Exemption is identified and appropriately documented (typically by OC Development). At that time, it is critical to confirm that the project specifically complies with the factual requirements for the suggested Statutory or Categorical Exemption and that no exception or exclusion applies. The attached list of qualifying Statutory or Categorically Exempt projects is provided to facilitate this decision, or if there are questions, consult with either the Department’s designated CEQA specialist or with the CEQA staff in OC Development Services to make the determination as to how to proceed. Then the project moves to the “Joint Scope Meeting” with the Job Order Contractor.

- If the answer is “No”, an Initial Study must be completed to assess whether the project requires preparation of a Negative Declaration, a Mitigated Negative Declaration or an Environmental Impact Report. The project cannot proceed further until after the appropriate document is prepared, processed and reviewed by the decision-maker in the manner required by CEQA and the Guidelines.

In either case, a proper determination will be made prior to the project moving on to implementation through a CTO.
The CEQA review process and CEQA findings for “On Call AE Contracts” are essentially the same as for “Job Order Contracts” since there is no difference between the two types of agreements for purposes of CEQA review. Following the denial of any appeal and ratification of the Planning Commission’s certification, or certification of the EIR by the Board of Supervisors with modifications, the decision-maker for the project may approve the project. Upon approval of the project, the Director, OC Development Services will cause a Notice of Determination (NOD) to be filed with the County Clerk pursuant to Section VI B.

XVI. Mitigation Monitoring

CEQA requires that a mitigation monitoring or reporting program be adopted by the decision-maker any time a project is approved for which either an EIR or Negative Declaration has been prepared and which involves the imposition of mitigation measures. (Guidelines Section 15097) This requirement ensures that the mitigation measures imposed are fully implemented. Certain mitigation measures are completed prior to, or during, project implementation. Others may require monitoring over an extended period of time (e.g. mitigation measures for biological impacts that require rehabilitation of habitat). As such, this phase of the CEQA process may extend for a number of years beyond project approval and implementation.
Appendix A

Sample Concurrence Memo
DATE:

TO: Shane Silsby, Director, OC Public Works

FROM: Section Manager

SUBJECT: Approval of _________________ Project

This memo is to request that you review the project plans for the _________________ Project, the related MND for the project, and adopt the MND and approve the _________________ Project.

Recommended Action: THIS SHOULD BE THE SAME AS THE RECOMMENDED ACTION TO THE BOARD OF SUPERVISORS FOR A SIMILAR PROJECT.

1. Consider the adequacy of Initial Study IP ______ and the related Mitigated Negative Declaration No. IP ______, and find that Mitigated Negative Declaration No. IP ______, pursuant to Section 21080(c) of the Public Resources Code and CEQA Guidelines Section 15074, satisfies the requirements of CEQA, adequately describes the environmental impacts of the proposed project, and its adoption is recommended for the proposed project based upon the following findings:

   A. Having reviewed and considered Mitigated Negative Declaration No. IP ______, including any and all comments received by the (Board of Supervisors or OCFCFD) on Mitigated Negative Declaration No. IP ______ and (Board of Supervisors or OCFCFD's) responses to comments, there is no substantial evidence in the entire record to support a fair argument that the project, with the implementation of mitigation measures included in the Negative Declaration, will have a significant effect on the environment.

   B. Mitigated Negative Declaration No. ________ reflects the independent judgment of the lead agency, the (Board or Supervisors or Orange County Flood Control District).

   C. Proposed Mitigation Monitoring and Reporting Program No. IP_______ is found adequate and is adopted pursuant to Public Resources Code Section 21081.6 and CEQA Guidelines Section 15074(d) by the Orange County (Board of Supervisors or OCFCFD). The mitigation measures are enforceable and have either been adopted as conditions, incorporated as part of project design, or included in the procedures of project implementation.
October 2014

D. Pursuant to Section 711.4 of the California Fish and Game Code, this project is exempt from the required fees as it has been determined that no adverse impacts to wildlife resources will result from the project.

or:

Pursuant to Section 711.4 of the California Fish and Game Code, this project is subject to the required fees as it has been determined that potential adverse impacts to wildlife resources may result from the project.

or:

Pursuant to Section 711.4 of the California Fish and Game Code, this project is subject to the required fees. However, the required fees were paid previously (see attached receipt).

2. Approve the _________________ Project.

Respectfully submitted:

________________________
Section Manager

""

APPROVED AS RECOMMENDED
Appendix B

Orange County CEQA Process Flow Chart
October 2014
Orange County CEQA Process Flow Chart
(excludes appeal process)
Appendix C

Ministerial Projects
APPENDIX C: MINISTERIAL PROJECTS

Ministerial projects are defined in Guidelines Section 15369. Section 15268(a) and (c) permit the public agency to determine whether a project is ministerial. In addition to those actions listed under Guidelines Section 15268(b), the following County activities are considered to be ministerial processes which do not require an exercise of discretion by the approving person or entity, and are therefore exempt from CEQA:

**OC Development Services**
- Building Permit
- Electrical Permit
- Mechanical Permit
- Plumbing Permit
- Sign Permit
- Plaster Permit
- Demolition Permit
- Mobilehome Permit
- Relocation Permit
- Certificate of Compliance
- Improvement Plans
- Certificate of Use and Occupancy
- Extraction Permit
- Precise Grading Permits\(^{10}\)
- Approval in Concept

**JOHN WAYNE AIRPORT**
- Aircraft Tie down Permit
- Aircraft Hangar Permit
- Non-Profit Flying Club Operating Permit

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\(^{10}\) In the case of Precise Grading Permits, the Permit maybe Ministerially Exempt or in some cases may be a Project subject to CEQA review.
APPENDIX C: MINISTERIAL PROJECTS (continued)

HCA/ANIMAL CONTROL
- Dog Licenses
- Exotic Animal Permits

HCA/EMERGENCY MEDICAL SERVICES
- Ambulance Licenses

HCA/ENVIRONMENTAL HEALTH
- All Health Permits issued by Environmental Health:
  - Food facility permits
  - Convalescent (skilled nursing facility) home food facility permit
  - Hospital food facility permit
  - Labor camp permit
  - Day camp permit
  - Organized camp permit
  - Liquid waste hauling vehicles and vessels permit
  - Message parlor permit
  - Peep show permit
  - Tattooing/Permanent cosmetic facility permit (regulations pending)
  - Body piercing facility permit (regulations pending)
  - Swimming pool operating approvals/inspections
  - Hotel/motel
- Underground Storage Tank Permit
- Water Quality Permits
  - Groundwater monitoring well permit
  - Groundwater production well permit
- Solid Waste Facility Permits
  - Solid waste facility permit-registration tier

SHERIFF-CORONER
- Business Licenses
- Ramp Permit

OC Waste and Recycling
- Collection Permit
- Disposal Permit
Appendix D

Categorically Exempt Projects
APPENDIX D: CATEGORICALLY EXEMPT PROJECTS

This list is not exclusive; projects not listed but which satisfy Guidelines Section 15300 et. seq. are also included. Each project is still individually assessed to determine if it meets the requirements for exemption or whether it is subject to an exception to the exemption and therefore requires further environmental review.

15300.4 Categorical Exemptions

County projects meeting the definition of categorically exempt section 15354 include the following:

OC Development Services

- Oil Well Drilling Permit (Class 1)
- Encroachment Permit (Class 1 and 4)
- Temporary Use Permit (Class 1 and 4)
- Construction Permit (Class 1 and 4)
- Lot Line Adjustment (Class 3 and 5)
- Tentative Parcel and Tract Maps for financing purposes or condominium conversions (Class 1 and 15)
- Projects for financing purposes only where future development would not be predetermined or prejudiced (Class 1)
- Condominium conversions (Class 1)
- Tentative parcel maps involving:
  - Projects for financing purposes only where future development would not be predetermined or prejudiced (Class 1 and 15)
  - Condominium conversions (Class 1 and 15)
- Senior Affordable Housing Units (Class 32)
- Solar Panels/Solar Energy System (Class 3)
  - Non-Ministerial Grading Permit for less than 5,000 cubic yards to be graded on less than 15% average slope (Class 1 and 4)
  - Detail Plans to comply with a condition of approval (Class 6 and 8)
- Reclamation Plans (Class 8)
- Building Line Plan (Class 3 and 5)
- General Plan Implementation (Class 6 and 8)
- Architectural Control (Class 6 and 8)
APPENDIX D: CATEGORICALLY EXEMPT PROJECTS (continued)

- Discretionary Permits involving:
  - Accessory structures and uses on the same site as the approved principal use (Class 11)
  - One residential structure of four or less dwelling units (Class 3)
  - Three or fewer single-family detached units in an urban area (Class 3)
  - Temporary uses of 2 years or less (Class 4 and 11)

OC PARKS

- General repairs, replacement, and maintenance of County and District facilities (Class 1 and 2)
- Installation of security fencing and walls (Class 1)
- Erosion control projects and landscaping (Class 4)
- Installation of aids to navigation (e.g., Channel buoys, shoal markers, speed limit signs, etc.) (Class 1)
- Riding and hiking trails (Class 1 and 4)
- Interior modification and minor decorative exterior changes in lessee’s structures (Class 2)
- Public information signs (Class 11)
- Installation of minor accessory structures and facilities including storage sheds, rest stops, restrooms, workroom, nursery building, shade structures, site furniture, foot bridges, security lighting, and tot-lots (Class 3 and 11)

OCPW/FACILITIES OPERATIONS

- General repairs, replacement and maintenance of County and District facilities (Class 1 and 2)
- Sediment removal (Class 1)
- Control of vegetation, rodents, and pests in accordance with State and Federal regulations (Class 1)
- Installation and maintenance of traffic safety devices including signs, striping, pavement markers, lighting, and signals (Class 1 and 2)
- Granting or acquiring of property rights (e.g., easement, leases, fee titles) which are the result of an earlier action (e.g., zone change, tract map) (Class 1 and 27)
APPENDIX D: CATEGORICALLY EXEMPT PROJECTS (continued)

- Installation and maintenance of surveying monuments (Class 1 and 2)
- Creation of bike trails within existing road facilities (Class 4)

**AGRICULTURAL COMMISSIONER**

- Restricted Material Permit (Class 7 and 8)
- Quarantine Certificate (Class 7 and 8)

**JOHN WAYNE AIRPORT**

- Commercial Aircraft Washing (Class 8)
- Mechanics Licenses (Class 9)
- Mobile Catering Truck Licenses (Class 9)
- Off-Airport Rental Car Licenses (Class 9)
- Interior modifications and minor exterior changes in lessee structures (Class 2)
- Information Signs (Class 11)
- The conveyance of easement, leases or fees to other governmental agencies (City, County, State, Federal) for Airport uses (e.g., navigational) (Class 1)
- Renewal of amendment to lease involving no substantial construction or change in use (Class 1)
- Acquisition of Right of Entry agreements for maintenance and repair of existing facilities (class 1 and 8)
- Permits and easements to governmental bodies or public utilities for the purpose of providing services to the Airport (Class 1)
- Lease Assignments (Class 1 and 3)
- Minor temporary uses of land having negligible or not permanent effects on the environment, including ground breaking or open house ceremonies and helicopter/airplane shows within the Airport (Class 11 and 23)
- Sales or surplus land (Class 12)

**HCA/ANIMAL CONTROL**

- Animal Permits (Class 1 and 9)
- Animal Business License (Class 1, 4, and 9)
APPENDIX D: CATEGORICALLY EXEMPT PROJECTS (continued)

REAL ESTATE (relevant to various County departments)

- Extension of Lease Term (Class 1)
- Consents to Subleases (Class 1)
- Consents to Assignment of Lease (Class 1)
- Lease of Space in Existing County Buildings (Class 1)
- Rental of Residential Property (Class 27)
- Licenses Issued Under Delegated Authority (Class 4, 6 and 11)
- Easements for Utilities Serving County Facilities (Class 3 and 11)
- Sale of Excess Land (Class 12)
- Donated Space Agreements (Class 1)

OC WASTE & RECYCLING

- Construction/Installation of landfill gas or groundwater monitoring wells and probes (Class 6)
- Extension of drainage channels and culverts within a landfill refuse footprint. (Class 3)
- Landfill erosion control projects, to include hydroseeding, the spreading of straw mats or processed green material, and the placement of sandbags, hay bales or silt fences. (Class 4)
Appendix E

Projects with No Significant Effect
APPENDIX E: PROJECTS WITH NO SIGNIFICANT EFFECT

This list is not exclusive; projects not listed but which satisfy Guidelines Section 15061(b)(3) are also included. In addition, regardless of whether the project is included on this list, the determination of whether a project may have a significant effect is determined after examination of the specific facts of the activity and the surrounding circumstances, so inclusion on this list should not be treated as dispositive of whether a project may have a significant effect.

OC Development Services

- Tentative Tract Maps involving an extension of time only
- Tentative Parcel Maps involving an extension of time only
- Park Modification
- Discretionary permits involving:
  - Extension of time only
  - Reduction in parking requirements by less than 10%
  - Residential projects of four dwelling units or less that are impacted by noise only
  - Commercial projects of less than 10 employees that are impacted by exterior noise only
  - Model sales complex for approved tracts. Also includes use permits.
Appendix F

Project Information Form for Private & Public Projects

This form is used for all discretionary permits such as Site Development Permits, Coastal Development Permits, Use Permits Variances, etc.
### PROJECT/CEQA INFORMATION

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<th>Date:</th>
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- **Director**
- **Zoning Administrator**
- **Planning Commission**
- **Board of Supervisors**

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### CONTACT INFORMATION

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### STAFF USE ONLY

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- **Specific Plan:**
- **Zoning:**
- **Coastal Zone:**
- **PC:**
- **Zoning:**
- **Sphere of Influence:**
- **Review Board:**
- **School District:**

### CERTIFICATION

I acknowledge that:

1. There are no assurances at any time, implicitly or otherwise, regarding final staff recommendations to the decision making body about this application.
2. Major changes of the proposed project may require a new application and payment of new fees.
3. The County will charge the actual cost of the staff work on the application per the current Fee Ordinance. The costs of processing the application will be deducted from the deposit. If the deposit is reduced to a point that is insufficient to complete the future work, you will be notified to deposit additional amounts.

I hereby certify to the best of my knowledge that the information I have presented on this form and attached materials is true and correct. I also understand that additional data and information may be required prior to final action on this application. I have read and understand the contents contained in the above statements 1 through 3.

<table>
<thead>
<tr>
<th>Print Name</th>
<th>Signature</th>
<th>Date</th>
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Please indicate Project "Bill to":

- **Project Owner**
- **Project Agent**
- **Other**: 
Appendix $F_2$

Environmental Information Form,

Public Projects
ENVIRONMENTAL INFORMATION FORM INSTRUCTIONS
PUBLIC PROJECTS

1. PROJECT TITLE

Provide the project name.

2. PROJECT LOCATION

Describe the location of the project. Indicate the nearest major intersection or access point, the name of the community in which the project is located, and any other information, which will allow easy identification of the project location.

3. PROJECT DESCRIPTION

Accurately and completely describe the nature of the proposed project. Indicate the size of the project, the area of influence and any other features necessary to accurately describe the project. List the reasons for proposing the project at this time as well as the date you would like the environmental determination completed. Indicate any features of the project, which will reduce or eliminate potential adverse environmental effects.

4. EXISTING ENVIRONMENTAL CONDITIONS

Describe the existing environmental conditions on the project site. This description should include the following information (to the best of your knowledge):

Earth: Topography, slope, aspect, presence of geologic hazards, general soil types, etc.
Water: Drainage patterns, stream locations, flood hazards, ground water,
Biological Resources: Types of vegetation on site; types of animals known to frequent the site.
Land Use: Land uses on the project site and surrounding land.
Hazards: Environmental hazards known or suspected (e.g., previous waste disposal site, etc.).
Cultural/Historical/Paleo/Archaeo Resources: Any known or potential resources that are present on or near the site.
Traffic: Amount of traffic generated by the proposed project.

5. SUPPORTING DATA
List all supporting documents or exhibits submitted with the project. The following attachments must be included for all site-specific construction or development projects:

**Location:** Map with the project site outlined (1 “:2000’ USGS base map or similar).

**Draft Plan:** The proposed site plan layout for the project. Please provide 8 ½ x 11 or 11 x 17 size graphics to be included with the environmental documentation.

**Photographs:** Representative photographs of the project site and a key showing the directions and location from which the photographs were taken.

In addition to the items listed above, the following additional information must be provided based on the project types listed:

**a. County-Initiated Plan or Code Amendments (non-site specific)**

- Text of proposed revisions using underline and strike-through notation (or some other means) to clearly indicate additions and deletions.

  Provide any background information in support of the proposed changes.

**b. Construction Projects**

Existing land use map for site and surrounding area.

- Project report, traffic study (if applicable), geotechnical study, grading plan, hydrologic study, biological study, noise study (if applicable).

- Description of construction method that will be used and the type of construction equipment needed.

- Anticipated project start date and completion date.
- Is project located within an existing public right-of-way?
- Utility connections, disruptions or relocations, and who has prior rights.

- Erosion and sediment control methods to be used.

- Alterations to natural drainage patterns that may occur.

- Use of herbicides, defoliants, bulldozing, burning or cutting that may be required.

- Trees or other significant vegetation that may be removed by type, size and quantity.

- Measures to be used to control dust.

- Construction methods that may be used (e.g., pile drivers, jackhammers or blasting).

- Measures that will be used to minimize vehicular and pedestrian traffic disruption.
Landscaping, if any, that will be provided.

Measures that will buffer adjacent land uses from adverse impacts.

Any property that may be condemned or persons relocated as a result of the project.

c. Other Projects:

If a proposed project does not fall into the categories listed above, consult with OC Development Services staff (714) 667-8857 to determine appropriate supplemental documents. Other technical information such as archaeological, paleontological, or biological surveys; foundation/soil reports; percolation test reports; noise studies or traffic analyses may be necessary in some cases. If such reports are needed in order to complete the CEQA documentation, you will be notified by staff OC Development Services. If any such reports have already been prepared, please include copies with your submittal.

6. PREVIOUS COUNTY ACTION (S)/ENVIRONMENTAL DOCUMENTATION

Please list any previous actions relative to the property and any previous environmental documentation covering the project.

7. GOVERNMENT APPROVAL (S) REQUIRED

Indicate which decision making body will make the first decision on your project (e.g., Planning Commission, Board of Supervisors, Army Corps of Engineers).

In addition, please indicate other approvals in the future that will be necessary to implement your project. If federal or state funds are involved in the project, indicate the funding source. If a General Plan consistency determination from any non-County agency is necessary, indicate which agency is involved. If state approval of any phase of the project is necessary, please explain.

8. CONTACT PERSONS (S)

Please give the name, telephone number, e-mail address and mailing address of the person most knowledgeable about the proposed project.
# ENVIRONMENTAL INFORMATION

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<td>2. PROJECT LOCATION:</td>
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<td>3. PROJECT DESCRIPTION:</td>
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<td>4. EXISTING ENVIRONMENTAL CONDITIONS:</td>
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<td>5. ITEMIZATION OF ATTACHED SUPPORT DATA:</td>
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<td>6. PREVIOUS COUNTY ACTION(S) AND/OR ENVIRONMENTAL DOCUMENTATION:</td>
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<td>7. NAME OF PUBLIC AGENCY APPROVING THE PROJECT:</td>
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<td>8. APPLICANT OR AGENCY CARRYING OUT THE PROJECT:</td>
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<td>9. ADDRESS:</td>
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<td>10. CONTACT PERSON(S) Please include phone number:</td>
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<td>11. DECLARATION:</td>
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I hereby declare that the statements furnished above, including any attached hereto, represent all information required for this initial evaluation. Said statements, together with any exhibits attached hereto, are true and correct. I hereby agree to pay all required fees for work performed by the County in processing, reviewing, and analyzing the necessary environmental documentation in accordance with adopted County Procedures.

DATE_______________________SIGNATURE_______________________________
Appendix G

Environmental Analysis Checklist
ENVIRONMENTAL FACTORS POTENTIALLY AFFECTED:

The environmental factors checked below would be potentially affected by this project, involving at least one impact that is a “Potentially Significant Impact” as indicated by the checklist on the following pages.

- Aesthetics
- Biological Resources
- Greenhouse Gas Emissions
- Land Use/Planning
- Population/Housing
- Transportation/Traffic
- Agriculture and Forestry Resources
- Cultural Resources
- Hazards & Hazardous Materials
- Mineral Resources
- Public Services
- Utilities/Service Systems
- Air Quality
- Geology/Soils
- Hydrology/Water Quality
- Noise
- Recreation
- Mandatory Findings of Significance

DETERMINATION: (To be completed by the Lead Agency)

On the basis of this initial evaluation:

- ☐ I find that the proposed project COULD NOT have a significant effect on the environment, and a NEGATIVE DECLARATION will be prepared.
- ☐ I find that although the proposed project could have a significant effect on the environment, there will not be a significant effect in this case because revisions in the project have been made by or agreed to by the project proponent. A MITIGATED NEGATIVE DECLARATION will be prepared.
- ☐ I find that the proposed project MAY have a significant effect on the environment, and an ENVIRONMENTAL IMPACT REPORT is required.
- ☐ I find that the proposed project MAY have a “potentially significant impact” or “potentially significant unless mitigated” impact on the environment, but at least one effect 1) has been adequately analyzed in an earlier document pursuant to applicable legal standards, and 2) has been addressed by mitigation measures based on the earlier analysis as described on attached sheets. An ENVIRONMENTAL IMPACT REPORT is required, but it must analyze only the effects that remain to be addressed.
- ☐ I find that although the proposed project could have a significant effect on the environment, because all potentially significant effects (a) have been analyzed adequately in an earlier EIR or NEGATIVE DECLARATION pursuant to applicable standards, and (b) have been avoided or mitigated pursuant to that earlier EIR or NEGATIVE DECLARATION, including revisions or mitigation measures that are imposed upon the proposed project, nothing further is required.

_______________________________________________
Signature ___________________________ Date

_______________________________________________
Signature ___________________________ Date

COUNTY OF ORANGE LOCAL CEQA PROCEDURES
# ENVIRONMENTAL ANALYSIS CHECKLIST

## Issues and Supporting Data Sources:

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### 1. Aesthetics. Would the project:

- a. Have a substantial adverse effect on a scenic vista?
- b. Substantially damage scenic resources, including, but not limited to, trees, rock outcroppings, and historic buildings within a state scenic highway?
- c. Substantially degrade the existing visual character or quality of the site and its surroundings?
- d. Create a new source of substantial light or glare, which would adversely affect day or nighttime views in the area?

### 2. Agriculture & Forestry Resources. Would the project:

- a. Convert Prime Farmland, Unique Farmland, or Farmland of Statewide Importance (Farmland), as shown on the maps prepared pursuant to the Farmland Mapping and Monitoring Program of the California Resources Agency, to non-agricultural use?
- b. Conflict with existing zoning for agricultural use, or a Williamson Act contract?
- c. Conflict with existing zoning for, or cause rezoning of, forest land (as defined in Public Resources Code section 12220(g)), timberland (as defined by Public Resources Code Section 4526), or timberland zoned Timberland Production (as defined by Government Code Section 51104(g))?
- d. Result in the loss of forest land or conversion of forest land to non-forest use.
- e. Involve other changes in the existing environment which, due to their location or nature, could result in conversion of Farmland to non-agricultural use or forest land to non-forest use?
### ISSUES AND SUPPORTING DATA SOURCES:

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<tr>
<td>a. Conflict with or obstruct implementation of the applicable air quality plan?</td>
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<td>b. Violate any air quality standard or contribute substantially to an existing or projected air quality violation?</td>
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<td>c. Result in a cumulatively considerable net increase of any criteria pollutant for which the project region is non-attainment under an applicable federal or state ambient air quality standard (including releasing emissions, which exceed quantitative thresholds for ozone precursors)?</td>
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<td>d. Expose sensitive receptors to substantial pollutant concentrations?</td>
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<td>e. Create objectionable odors affecting a substantial number of people?</td>
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### 4. BIOLOGICAL RESOURCES. Would the project:

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<tr>
<td>a. Have a substantial adverse effect, either directly or through habitat modifications, on any species identified as a candidate, sensitive, or special status species in local or regional plans, policies, or regulations, or by the California Department of Fish and Game or U.S. Fish and Wildlife Service?</td>
<td>☐</td>
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<td>b. Have a substantial adverse effect on any riparian habitat or other sensitive natural community identified in local or regional plans, policies, regulations or by the California Department of Fish and Game or U.S. Fish and Wildlife Service?</td>
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<td>c. Have a substantial adverse effect on federally protected wetlands as defined by Section 404 of the Clean Water Act (including, but not limited to, marsh, vernal pool, coastal, etc.) through direct removal, filling, hydrological interruption, or other means?</td>
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<td>d. Interfere substantially with the movement of any native resident or migratory fish or wildlife species or with established native resident or migratory wildlife corridors, or impede the use of native wildlife nursery sites?</td>
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<td>e. Conflict with any local policies or ordinances protecting biological resources, such as a tree preservation policy or ordinance?</td>
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ISSUES AND SUPPORTING DATA SOURCES:

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<td>f. Conflict with provisions of an adopted Habitat Conservation Plan, Natural Community Conservation Plan, or other approved local, regional, or state habitat conservation plan?</td>
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5. CULTURAL/SCIENTIFIC RESOURCES. Would the project:

a. Cause a substantial adverse change in the significance of a historical resource as defined in Section 15064.5? ☐ ☐ ☐ ☐
b. Cause a substantial adverse change in the significance of an archaeological resource pursuant to Section 15064.5? ☐ ☐ ☐ ☐
c. Directly or indirectly destroy a unique paleontological resource or site or unique geologic feature? ☐ ☐ ☐ ☐
d. Disturb any human remains, including those interred outside of formal cemeteries? ☐ ☐ ☐ ☐

6. GEOLOGY AND SOILS. Would the project:

a. Expose people or structures to potential substantial adverse effects, including the risk of loss, injury, or death involving:
   i. Rupture of a known earthquake fault, as delineated on the most recent Alquist-Priolo Earthquake Fault Zoning Map issued by the State Geologist for the area or based on other substantial evidence of a known fault? Refer to Division of Mines and Geology Special Publication 42. ☐ ☐ ☐ ☐
   ii. Strong seismic ground shaking? ☐ ☐ ☐ ☐
   iii. Seismic-related ground failure, including liquefaction? ☐ ☐ ☐ ☐
   iv. Landslides? ☐ ☐ ☐ ☐

b. Result in substantial soil erosion or the loss of topsoil? ☐ ☐ ☐ ☐

c. Be located on a geologic unit or soil that is unstable, or that would become unstable as a result of the project, and potentially result in on- or off-site landslide, lateral spreading, subsidence, liquefaction or collapse? ☐ ☐ ☐ ☐

d. Be located on expansive soils, as defined ☐ ☐ ☐ ☐
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- **e.** Have soils incapable of adequately supporting the use of septic tanks or alternative waste water disposal system where sewers are not available for the disposal of waste water?

### 7. GREENHOUSE GAS EMISSIONS. Would the project:

- **a.** Generate greenhouse gas emissions, either directly or indirectly, that may have a significant impact on the environment?

- **b.** Conflict with an applicable plan, policy or regulation adopted for the purpose of reducing the emissions of greenhouse gases?

### 8. HAZARDS & HAZARDOUS MATERIALS. Would the project:

- **a.** Create a significant hazard to the public or the environment through the routine transport, use, or disposal of hazardous materials?

- **b.** Create a significant hazard to the public or the environment through reasonably foreseeable upset and accident conditions involving the release of hazardous materials into the environment?

- **c.** Emit hazardous emissions or handle hazardous or acutely hazardous materials, substances, or waste within one-quarter mile of an existing or proposed school?

- **d.** Be located on a site which is included on a list of hazardous materials sites compiled pursuant to Government Code Section 65962.5 and, as a result, would it create a significant hazard to the public or the environment?

- **e.** For a project located within an airport land use plan or, where such plan has not been adopted, within two miles of a public airport or public use airport, would the project result in a safety hazard for people residing or working in the project area?

- **f.** For a project within the vicinity of private airstrip, would the project result in a safety hazard for people residing or working in the project area?
**ISSUES AND SUPPORTING DATA SOURCES:**

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<td>g. Impair implementation of or physically interfere with an adopted emergency response plan or emergency evacuation plan?</td>
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<td>h. Expose people or structures to a significant risk or loss, injury or death involving wildland fires, including where wildlands are adjacent to urbanized areas or where residences are intermixed with wildlands?</td>
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9. **HYDROLOGY & WATER QUALITY. Would the project:**

| a. Violate any water quality standards or waste discharge requirements? | ☐ | ☐ | ☐ | ☐ |
| b. Substantially deplete groundwater supplies or interfere substantially with groundwater recharge such that there would be a net deficit in aquifer volume or lowering of the local groundwater table level (e.g., the production rate of the pre-existing nearby wells would drop to a level which would not support existing land uses or planned uses for which permits have been granted)? | ☐ | ☐ | ☐ | ☐ |
| c. Substantially alter the existing drainage pattern of the site or area, including through the alteration of the course of a stream or river, in a manner which would result in substantial erosion or siltation on- or off-site? | ☐ | ☐ | ☐ | ☐ |
| d. Substantially alter drainage patterns of the site or area, including through the alteration of the course of a stream or river, or substantially increase the rate or amount of surface runoff in a manner which would result in flooding on- or off-site? | ☐ | ☐ | ☐ | ☐ |
| e. Create or contribute runoff water which would exceed the capacity of existing or planned storm water drainage systems or provide substantial additional sources of polluted runoff? | ☐ | ☐ | ☐ | ☐ |
| f. Otherwise substantially degrade water quality? | ☐ | ☐ | ☐ | ☐ |
| g. Place housing within a 100-year flood hazard area as mapped on a federal Flood Hazard Boundary or Flood Insurance Rate Map or other flood hazard delineation map? | ☐ | ☐ | ☐ | ☐ |
| h. Place within a 100-year flood hazard area structures, which would impede or redirect flood flows? | ☐ | ☐ | ☐ | ☐ |
## ISSUES AND SUPPORTING DATA SOURCES:

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i. Expose people or structures to a significant risk of loss, injury or death involving flooding, including flooding as a result of the failure of a levee or dam?

j. Inundation by seiche, tsunami, or mudflow?

### 10. LAND USE & PLANNING. Would the project:

a. Physically divide an established community?

b. Conflict with any applicable land use plan, policy, or regulation of an agency with jurisdiction over the project (including, but not limited to the general plan, specific plan, local coastal program, or zoning ordinance) adopted for the purpose of avoiding or mitigating an environmental effect?

c. Conflict with any applicable habitat conservation plan or natural community conservation plan?

### 11. MINERAL RESOURCES. Would the project:

a. Result in the loss of availability of a known mineral resource that would be of value to the region and the residents of the state?

b. Result in the loss of availability of a locally important mineral resource recovery site delineated on a local general plan, specific plan, or other land use plan?

### 12. NOISE. Would the project result in:

a. Exposure of persons to or generation of noise levels in excess of standards established in the local general plan or noise ordinance, or applicable standards of other agencies?

b. Exposure of persons to or generation of excessive groundborne vibration or groundborne noise levels?

c. A substantial permanent increase in ambient noise levels in the project vicinity above levels existing without the project?

d. A substantial temporary or periodic increase in ambient noise levels in the project vicinity above levels existing without the project?

e. For a project located within an airport land use plan or, where such plan has not been adopted, within two miles of a public airport
ISSUES AND SUPPORTING DATA SOURCES:

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or public use airport, would the project expose people residing or working in the project area to excessive noise levels?

f. For a project within the vicinity of a private airstrip, would the project expose people residing or working the project area to excessive noise levels?

13. POPULATION & HOUSING. Would the project:

a. Induce substantial population growth in an area, either directly (for example, by proposing new homes and businesses) or indirectly (for example, through extension of roads or other infrastructure)?

b. Displace substantial numbers of existing housing, necessitating the construction of replacement housing elsewhere?

c. Displace substantial numbers of people, necessitating the construction of replacement housing elsewhere?

14. PUBLIC SERVICES.

a. Would the project result in substantial adverse physical impacts associated with the provision of new or physically altered governmental facilities, need for new or physically altered governmental facilities, the construction of which could cause significant environmental impacts, in order to maintain acceptable service ratios, response times or other performance objectives for any of the public services:

   i. Fire protection?
   ii. Police protection?
   iii. Schools?
   iv. Parks?
   v. Other public facilities?

15. RECREATION.

a. Would the project increase the use of existing neighborhood and regional parks or other recreational facilities such that substantial physical deterioration of the facility would occur or be accelerated?

b. Does the project include recreational facilities or require the construction or expansion of recreational facilities which might have an adverse physical effect on...
## Issues and Supporting Data Sources:

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the environment?

### 16. Transportation/Traffic. Would the project:

- a. Conflict with an applicable plan, ordinance or policy establishing measures of effectiveness for the performance of the circulation system, taking into account all modes of transportation including mass transit and non-motorized travel and relevant components of the circulation system, including but not limited to intersections, streets, highways and freeways, pedestrian and bicycle paths, and mass transit?

- b. Conflict with an applicable congestion management program, including, but not limited to level of service standard and travel demand measures, or other standards established by the county congestion management agency for designated roads or highways?

- c. Result in a change in air traffic patterns, including either an increase in traffic levels or a change in location that results in substantial safety risks?

- d. Substantially increase hazards due to a design feature (e.g., sharp curves or dangerous intersections) or incompatible uses (e.g., farm equipment)?

- e. Result in inadequate emergency access?

- f. Conflict with adopted policies, plans or programs regarding public transit, bicycle, or pedestrian facilities, or otherwise decrease the performance or safety of such facilities?

### 17. Utilities & Service Systems. Would the project:

- a. Exceed wastewater treatment requirements of the applicable Regional Water Quality Control Board?

- b. Require or result in the construction of new water or wastewater treatment facilities or expansion of existing facilities, the construction of which could cause significant environmental impacts?

- c. Require or result in the construction of new storm water drainage facilities or expansion of existing facilities, the construction of which could cause significant environmental impacts?
ISSUES AND SUPPORTING DATA SOURCES:

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<td>d. Have sufficient water supplies available to serve the project from existing entitlements and resources, or are new or expanded entitlements needed?</td>
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<td>e. Result in a determination by the wastewater treatment provider which serves or may serve the project that it has adequate capacity to serve the project's projected demand in addition to the provider's existing commitments?</td>
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<td>f. Be served by a landfill with sufficient permitted capacity to accommodate the project's solid waste disposal needs?</td>
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<td>g. Comply with federal, state and local statutes and regulations related to solid waste?</td>
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MANDATORY FINDINGS

a. Does the project have the potential to degrade the quality of the environment, substantially reduce the habitat of a fish or wildlife species, cause a fish or wildlife population to drop below self-sustaining levels, threaten to eliminate a plant or animal community, reduce the number or restrict the range of a rare or endangered plant or animal or eliminate important examples of the major periods of California history or prehistory? | ☐ | ☐ | ☐ | ☐ |

b. Does the project have impacts that are individually limited, but cumulatively considerable? ("Cumulatively considerable" means that the incremental effects of a project are considerable when viewed in connection with the effects of past projects, the effects of other current projects, and the effects of probable future projects)? | ☐ | ☐ | ☐ | ☐ |

c. Does project have environmental effects which will cause substantial adverse cause effects on human beings, either directly or indirectly? | ☐ | ☐ | ☐ | ☐ |

DETERMINATION:

Based upon the evidence in light of the whole record documented in the attached environmental checklist explanation, cited incorporations and attachments, I find that the proposed project:
a. **COULD NOT** have a significant effect on the environment, and a negative declaration (ND) will be prepared pursuant to CEQA Guidelines Article 6, 15070 through 15075.

b. **Could have** a significant effect on the environment, there will not be a significant effect in this case because the mitigation measures have been added to the project or revisions in the project have been made by or agreed to by the project proponent. A Mitigated Negative Declaration (MND) will be prepared pursuant to CEQA Guidelines Article 6, 15070 through 15075.

c. **MAY have** a significant effect on the environment, which has not been analyzed previously. Therefore, an environmental impact report (EIR) is required.

d. **MAY have** a “potentially significant effect on the environment” or “potentially significant effect unless mitigated” impact on the environment, but at least one effect 1) has been adequately analyzed in an earlier document pursuant to applicable legal standards and 2) has been addressed by mitigation measures based on the earlier analysis as described on the attached sheets. An Environmental Impact Report is required, but it must analyze only the effects that remain to be addressed.

e) **Although the** proposed project could have a significant effect on the environment, because potentially effects 1) have been analyzed adequately in an earlier EIR or ND/MND pursuant to applicable legal standards and 2) have been avoided or mitigated pursuant to that earlier EIR/ND/MND, including revisions or mitigation measures that are imposed upon the project, nothing further is required.

f) **Although the** proposed project could have a significant effect on the environment, because potentially effects 1) have been analyzed adequately in an earlier EIR or ND/MND pursuant to applicable legal standards and 2) have been avoided or mitigated pursuant to that earlier EIR/ND/MND, including revisions or mitigation measures that are imposed upon the project. **However, minor additions and/or clarifications are needed** to make the previous documentation adequate to cover the project which are documented in this Addendum to the earlier CEQA Document (Sec. 15164)
Signature: ______________________________

Planner:
Dept: OC Development Services
Telephone: (714) 667-

NOTE: All referenced and/or incorporated documents may be reviewed by appointment only, at the County of Orange Public Works Department, 300 N. Flower Street, Santa Ana, California, unless otherwise specified. An appointment can be made by contacting the CEQA Contact Person identified above.

Revised 2/4/2014
Appendix H

CEQA Public Information Handout
WHAT IS CEQA?

CEQA is the California Environmental Quality Act of 1970. Enacted by the State Legislature, it provides decision makers and the public with useful information about how public and private actions affect the environment. This Act declares that it is the State’s policy to “Develop and maintain a high-quality environment, now and in the future, and take all action necessary to protect, rehabilitate and enhance the environment quality of the State.”

WHAT DOES CEQA REQUIRE OF ORANGE COUNTY?

CEQA requires the Orange County Environmental Planning staff to make an accurate environmental determination based on the record before the Agency, whether a project is exempt from CEQA. If a project is not determined to be exempt from CEQA, an Initial Study will have to be prepared to identify potential significant impacts of a project on the environment, and if an Environmental Impact Report is necessary, to identify alternatives and to show how potentially significant impact(s) can be mitigated.

KEY TERMS USED IN THE CEQA PROCESS

<table>
<thead>
<tr>
<th>ENVIRONMENT</th>
<th>INITIAL STUDY (IS)</th>
<th>MITIGATED NEGATIVE DECLARATION (MND)</th>
<th>ENVIRONMENTAL IMPACT REPORT (EIR)</th>
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</thead>
<tbody>
<tr>
<td>The physical conditions that exist within the area, which will be affected by a proposed project, including but not limited to land, air, water, minerals, botanical, noise, historical or aesthetic features.</td>
<td>A preliminary analysis prepared by the Lead Agency (the agency with primary responsibility for project approval) to identify potentially significant environmental effects and to determine whether an Environmental Impact Report, a Negative Declaration, or a Mitigated Negative Declaration must be prepared.</td>
<td>The same as an ND, except it requires incorporation of mitigation measures to reduce significant adverse impacts or project design features in the Initial Study to less than significant levels.</td>
<td></td>
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<tr>
<td>CATEGORICAL EXEMPTION (CE)</td>
<td>NEGATIVE DECLARATION (ND)</td>
<td>A detailed report analyzing:</td>
<td></td>
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<tr>
<td>A list of classes that have been determined to not have a significant effect on the environment pursuant to section 15300 of the CEQA Guidelines. These are exempt from CEQA (see County of Orange CEQA Manual for list of CEs). Examples of Categorical Exemptions include minor repairs to existing facilities, building replacement, new construction or conversion of small structures, minor alterations of land, etc.</td>
<td>A written statement describing the reasons why a proposed project will not have a significant adverse effect on the environment and thus does not require the preparation of an Environmental Impact Report.</td>
<td>• The significant adverse environmental effects of a project.</td>
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<td></td>
<td></td>
<td>• Potential measures to mitigate these effects.</td>
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<td>• Alternatives to the project and environmental effects.</td>
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<td>• Growth inducing impacts of the project.</td>
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<td>• Cumulative adverse impact(s).</td>
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</tbody>
</table>
STEPS INVOLVED IN THE CEQA PROCESS FOR THE ORANGE COUNTY PLANNING DEPARTMENTS

I.

Projects exempt from CEQA:
- Non-Projects – Not subject to CEQA because they do not fall under the term “projects” as defined by CEQA.
- Statutory Exemptions – Created by the State Legislature, certain projects fall within a statutory exemption not subject to CEQA (e.g. Emergency Projects)
- Categorical Exemptions – Classes of projects found by the State Secretary of Resources to not have a significant effect on the environment and have been declared exempt from CEQA (e.g. minor repairs to an existing single-family dwelling unit). The Board of Supervisors has also supplemented these classes with specific activities they have determined to not have a significant effect on the environment (e.g. oil drilling permits). If a project falls within any of the above exemption types, it proceeds through the entitlement process without further CEQA analysis.

II.

An Initial Study (IS) is prepared by the Planning staff in conjunction with other technical divisions and any interested parties. Based on the findings of the IS, the Planning staff determines the appropriate environmental document (ND, MND, Addendum or EIR). If an EIR is required, the Planning staff in consultation with the managers will identify what impact issues are to be covered and include them in a public notice called the "Notice of Preparation."

III.

If the Environmental staff decides on an ND, the Environmental planner prepares the appropriate form with little or no additional environmental study undertaken. If an MND is required, usually negotiations are entered into between the County Technical Division(s), affected agencies and the applicant to develop detailed mitigation measures to reduce adverse environmental effects.

If the Planning staff decides an EIR is required, an environmental consultant will be hired by the County or the applicant. The consultant will work with staff to prepare an administrative document, called the "screencheck" EIR, which is reviewed by all applicable County technical divisions for adequacy. All comments received are fully analyzed and incorporated into the screencheck EIR. The screencheck EIR document may be subject to a second or possibly third screencheck review until the environmental staff is assured that all technical comments have been fully addressed and incorporated into the document as requested by the technical division. A draft EIR is then prepared based on the administrative draft and released for public review.

NDs and MND’s receive 20-30 days of public review and EIRs 30-45 days, depending on the need for State review.

IV.

The EIR is reviewed by Trustee agencies, responsible agencies, residents and any interested parties. Every comment received is reviewed and responded to by the Planning staff in consultation with the CEQA consultant. At the end of the 45-day review period, Planning staff prepares the draft EIR, Responses to Comments (RTC), Facts and Findings, Statement of Overriding Consideration (if applicable) and Mitigation Monitoring and Reporting Program (MMRP), for Planning Commission action, who reviews the document for adequacy and makes recommendation to the Board for certification as meeting the requirements of CEQA at the time the project is considered for approval.

V.

For an ND, MND, Addendum or other CEQA document, once completed, it is reviewed by the appropriate decision maker (e.g. Director of Planning, Zoning Administrator, the Subdivision Committee, Planning Commission, or sometimes the Board of Supervisors); and if determined to be adequate, it is approved or certified as meeting the requirements of CEQA at the time the project is considered for approval.