

**SACRAMENTO COUNTY
LOCAL AGENCY FORMATION COMISSION
PROCEDURES
FOR THE
PREPARATION AND PROCESSING
OF ENVIRONMENTAL DOCUMENTS**

As adopted per LAFCo Resolution No. 1001 on March 1, 1989.

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**PROCEDURES FOR THE PREPARATION
AND PROCESSING OF
ENVIRONMENTAL DOCUMENTS**

**ARTICLE I
GENERAL PROVISIONS**

Section 1.10. Purpose

The purpose of these procedures is to implement the requirements of the California Environmental Quality Act (CEQA) and the State CEQA Guidelines adopted by the Secretary for Resources of the State of California.

Section 1.20. Use

These procedures are intended to be used in conjunction with the State CEQA Guidelines for the purpose of processing the environmental impact of projects to be considered by the Local Agency Formation Commission (LAFCo). In the event these procedures conflict with the State CEQA Guidelines, the State Guidelines shall prevail.

Section 1.30. Fees

- A. A fee shall be charged to a project proponent for the preparation of any environmental document. (See Exhibit E.) Said fee shall be sufficient to cover 100% of the costs incurred in the preparation and processing of said document.
- B. A project application shall not be approved by the Commission unless and until any fee, as required herein, is paid in full. Failure to pay fees may be adequate cause for Commission denial of application.

Section 1.40 Definitions

All words and phrases used in these procedures shall have the same meaning as set forth in the State CEQA Guidelines. In addition to the definitions set forth in the State CEQA Guidelines, the following words and phrases shall have the following specified meanings:

Applicant - A person who makes a proposal, as defined by the Cortese/Knox Act which proposes to carry out a project, as defined by CEQA.

Categorical Exemption - An exemption from CEQA for a class of projects based on a finding by the-Secretary for Resources that the class of projects does not have a significant effect on the environment. (Section 15354)

CEQA - The California Environmental Quality Act, California Public Resources Code-Sections 21000 et seq.

Clerk - The Clerk of the Commission. (Section 56026 of the Cortese/Knox Local Government Reorganization Act of 1985.)

Commission - Sacramento Local Agency Formation Commission.

Commission Project - Project which is initiated by the Commission.

EIR or Environmental Impact Report - A detailed statement prepared under CEQA describing and analyzing the significant environmental effects of a project and discussing ways to mitigate or avoid the effects. (Section 15362) The contents of an EIR are discussed in Article 9, commencing with Section 15120 of the State Guidelines. The term EIR may mean either a draft or a final EIR depending on the context.

Environmental Coordinator - Executive Officer of the Local Agency Formation Commission
Initial Study - A preliminary analysis prepared by the Lead Agency to determine whether an EIR or a Negative Declaration must be prepared or to identify the significant environmental effects to be analyzed in an EIR. (Section 15365) Use of the Initial Study is discussed in Article 5, commencing with Section 15060 of the State's CEQA Guidelines.

Lead Agency - The public agency that has the principal responsibility for carrying out or approving a project. The Lead Agency will decide whether an EIR or Negative Declaration will be required for the project and will cause the document to be prepared. (Section 15367) Criteria for determining which agency will be the Lead Agency for a project are contained in Section 15051 of the State's CEQA Guidelines.

A Negative Declaration - A written statement by the Lead Agency briefly describing the reasons that a proposed project, not exempt from CEQA, will not have a significant effect on the environment and therefore does not require the preparation of an EIR. (Section 15371) The contents of a Negative Declaration are described in Section 15071 of the State's CEQA Guidelines.

Notice of Completion - A brief notice filed with the State Office of Planning and Research by a Lead Agency as soon as it has completed a draft EIR and is prepared to send out copies for review. (Section 15372) The contents of this notice are explained in Section 15085 of the State's CEQA Guidelines.

Significant Effect on the Environment - A substantial, or potentially substantial adverse change in any of the physical conditions within the area affected by the project including land, air, water, minerals, flora, fauna, ambient noise, and objects of historic or aesthetic significance. An economic or social change by itself shall not be considered a significant effect on the environment. A social or economic change related to a physical change may be considered in determining whether the physical change is significant. (Section 15382)

State CEQA Guidelines - The Guidelines published by the Secretary for Resources, State of California, pursuant to Public Resources Code Section 21083 and printed in Chapter 3 of Division 6, Title 14, of the California Administrative Code, beginning with Section 15000.

State Clearinghouse - A function of the State Office of Planning and Research. The State Clearinghouse ensures that the state Responsible Agencies and trustees reply to the Lead Agency's Notices of Preparation and Completion within the required time.

Substantial Evidence - Enough relevant information and reasonable inference from pertinent information that a fair argument can be made to support a conclusion, even though other conclusions might also be reached. Whether a fair argument can be made is to be determined by examining the entire record. Mere uncorroborated opinion or rumor does not constitute substantial evidence. (Section 15384)

Trustee Agency - A state agency having jurisdiction by law over natural resources affected by a project which are held in trust for the people of the State of California. (Section 15386)

Section 1.50 Appeals

Any person who is dissatisfied with any decision of the Environmental Coordinator relating to provisions of these procedures, may appeal such decision to the Commission. Such appeal shall be made in writing within ten (10) days of the announcement of the decision, and shall include reasons that justify the appeal. The burden to show why the decision should not be affirmed shall be upon the appellant. The appeal shall be scheduled for hearing by LAFCo at the next regularly scheduled hearing. The appeal shall be granted or denied within 90 days.

Section 1.60 Numbering of Documents

The Environmental Coordinator shall establish a uniform method of numbering or identifying Negative Declarations, Environmental Impact Reports (EIRs), and Exemptions and other required forms and notices.

Section 1.70 History File of Environmental Documents

The Environmental Coordinator is authorized to designate persons who may carry out the functions of the Environmental Coordinator in his absence. The Assistant Executive Officer shall be so designated. The Environmental Coordinator shall be responsible for carrying out the following functions in administering CEQA:

- A. Determination of whether a project is exempt.
- B. Conduct of an Initial Study.
- C. Preparation of a Negative Declaration or an Environmental Impact Report.

- D. Determination that a Negative Declaration has been completed within a period of 105 days.
- E. Preparation of responses to public comments.
- F. Filing of Notices.
- G. Providing information to LAFCo.
- H. Act as the hearing officer for the purpose of receiving public comments on DRAFT EIRs when the Environmental Coordinator determines it to be desirable.
- I. Such other functions as are reasonably required to administer the State CEQA Guidelines.

Section 1.80 Delegation of Responsibilities

The Environmental Coordinator is authorized to designate persons who may carry out the functions of the Environmental Coordinator in his absence. The Assistant Executive Officer shall be so designated. The Environmental Coordinator shall be responsible for carrying out the following functions in administering CEQA:

1. Determination of whether a project is exempt.
2. Conduct of an Initial Study.
3. Preparation of a Negative Declaration or an Environmental Impact Report.
4. Determination that a Negative Declaration has been completed within a period of 105 days.
5. Preparation of responses to public comments.
6. Filing of Notices.
7. Providing information to LAFCo.
8. Act as the hearing officer for the purpose of receiving public comments on DRAFT EIR's when the Environmental Coordinator determines it to be desirable.
9. Such other functions as are reasonably required to administer the State CEQA Guidelines.

Section 1.90 Processing

Project Applications to LAFCo shall be processed as follows:

- A. Project Submittal - The applicant shall submit the project application to LAFCo. LAFCo's staff shall enter the application for a given project in a

log book for the purpose of assigning a control number and a project number to the project. Pursuant to these procedures and the State CEQA Guideline Sections 15060 and 15061, the Environmental Coordinator shall determine whether the application is complete for the purpose of preparing environmental documentation. Following a determination that the application is complete, the Environmental Coordinator shall determine whether the project qualifies for an Exemption from preparation of additional environmental documents. If a project application is received which will be subject to approval by one or more responsible agencies, the Environmental Coordinator shall consult with such agency or agencies prior to determining whether a Negative Declaration or Environmental Impact Report is required for the project. The first step of consultation may be done quickly and informally.

- B. Initial Study - If the Environmental Coordinator determines that a project is not exempt, an Initial Study shall be conducted, by the Executive Officer or under contract, pursuant to Section 15063 of the State CEQA Guidelines. Based on the Initial Study and any consultations, the Environmental Coordinator shall determine which type of environmental document to prepare, and shall provide notice of that decision to the project applicant by certified mail, return receipt requested, if the determination involves the requirement for an Environmental Impact Report.
- C. Appeal Process - In the event that the applicant wishes to appeal a decision requiring the preparation of an Environmental Impact Report, the appeal shall be made within ten days of receiving notice of the requirement for an EIR, which notice shall be given by certified mail, return receipt request- ed. The appeal shall be scheduled for hearing within 30 days. The decision shall not be continued for more than 70 days. The appeal shall be in writing to the Sacramento Local Agency Formation Commission and shall include a statement of justification for the appeal. It shall be the responsibility of the appellant to establish reasons and facts why the decision should not be upheld. In acting upon the appeal, LAFCo shall base its decision upon the facts relating to the appropriateness of the decision and not upon the merits or lack of merits of the project.
- D. Negative Declaration Process
 - 1. A Negative Declaration shall be prepared by the Environmental Coordinator for a project when the Initial Study shows that there is no substantial evidence that the project may have a significant effect. A Negative Declaration shall also be prepared when the Initial Study identified potentially significant effects but changes in the project have been made which would avoid the effects and that it can be demonstrated there is no substantial evidence that the project as revised may have significant effects on the environment.
 - 2. The Negative Declaration shall conform substantially to the sample form described in Exhibit "B" attached to these procedures. The Initial Study shall be attached to the Negative Declaration. The Environmental Coordinator shall consult with and seek to obtain comments from each Responsible Agency and Trustee Agency. The Environmental Coordinator may also consult with persons having special expertise on the impacts of the project.

3. The Negative Declaration shall be made available to the public, and others who have expressed an interest in the project, not less than seven working days before the project is heard by LAFCo.
4. Prior to approval of a project, LAFCo shall determine that the Negative Declaration is adequate, complete and appropriate. In the case of projects which have been modified to reduce or eliminate one or more Significant effects, the Environmental Coordinator shall ensure that the manner in which the project has been modified is made known to LAFCo, and shall ascertain that such modification is a part of the project record, and is included as a condition, or other requirement, of approval.
5. If LAFCo determines to carry out or approve the project, the Environmental Coordinator shall prepare a Notice of Determination substantially in the form prescribed in Exhibit F. The Notice of Determination shall be filed with the County Clerk who shall return an endorsed copy of the Notice to the Environmental Coordinator. If the project requires discretionary approval of a State agency, the Notice of Determination shall also be filed with the State's Office of Planning and Research.
6. If at any time during the processing of the project application, LAFCo requests that an EIR be prepared for a project for which a Negative Declaration has previously been filed, LAFCo shall direct the Environmental Coordinator to prepare a Draft EIR. LAFCo shall continue the hearing on the project to a reasonable future date whereupon the Draft EIR shall be available.

E. Draft Environmental Impact Report Process

1. Submission of Information - If the Initial Study indicates the need for an EIR, the application may be asked to submit to the Environmental Coordinator any information required by the Environmental Coordinator to prepare the Draft EIR. Preparation of the Draft EIR shall not commence until the Environmental Coordinator has determined that the required information has been received and is complete. Accepting the application as complete does not limit the authority of the Lead Agency to require the applicant to submit additional information needed for environmental evaluation of the project.
2. Notice of Preparation - Immediately after deciding that an Environmental Impact Report is required for a project, the Environmental Coordinator shall send to each known Responsible Agency, Trustee Agency, and to the State Clearinghouse, as appropriate, the Notice of Preparation stating that an EIR will be prepared.
 - a) The Notice of Preparation shall provide the Responsible Agencies with sufficient information describing the project and the environmental effects to enable the Responsible Agencies to make meaningful responses. The information shall include:
 - 1) Description of the project;

- 2) Location of the project indicated on an attached map; and
 - 3) Probable environmental effects of the project.
- b. When requested by a Responsible Agency, Trustee Agency, or project applicant, the Environmental Coordinator shall convene a meeting with one or more Agencies to discuss the scope and content of the proposed EIR as soon as possible, but not later than thirty (30) days after the meeting is requested.
3. Preparation - The Environmental Coordinator shall prepare, or cause to be prepared, a Draft EIR containing all the information required by Article 9 of the State CEQA Guidelines.
 4. Notice of Completion - As soon as the Draft EIR is completed, and before copies of the report are distributed for public review, the Environmental Coordinator shall file a Notice of Completion with the Office of Planning and Research as provided in Section 15085 of the State CEQA Guidelines. The Notice of Completion shall conform substantially with the sample form described in Exhibit G attached to these procedures. Where the EIR will be reviewed through the State Clearinghouse, the cover form required by the State Clearinghouse will serve as the Notice of Completion.
 5. Public Review of the Draft EIR.- Subsequent to filing the Notice of Completion, the Environmental Coordinator shall distribute the Draft EIR and provide notice as required in Section 15087 of the State CEQA Guidelines. Public review periods for Draft EIRs shall not be less than thirty (30) days nor more than ninety (90) days except in unusual situations which shall be determined at the discretion of the Environmental Coordinator.

When LAFCo is acting as Lead Agency with respect to a project over which a state agency has legal jurisdiction, or when it is determined to be in the best public interest to seek review of a Draft EIR by State agencies with special expertise or interest in a project, the Environmental Coordinator shall submit the Draft EIR to the State Clearinghouse and the review period shall be determined by the State Clearinghouse. In scheduling project applications for public hearing, these EIR review periods shall be taken into account.

6. Public Hearing
 - a. A public hearing shall be held for any LAFCo project that requires the preparation of an EIR. At the public hearing LAFCo shall consider the contents of the Draft EIR and shall hear a summary of the Draft EIR presented by the Environmental Coordinator or a designated representative; hear any written comments submitted by reviewers of the Draft EIR; and hear any oral testimony relative to the Draft EIR from those in attendance at the hearing. If the Draft EIR is

substantially questioned as to content or if testimony received requires responses, the environmental Coordinator shall be instructed to prepare responses which will be incorporated into a Final EIR. At the initial hearing, if no substantive questions are raised regarding the content or adequacy of the Draft EIR, LAFCo may certify the Draft EIR as a Final EIR.

- b) The following hearing body and individuals are authorized to hear and receive testimony on Draft EIRs:
 - 1) Sacramento Local Agency Formation Commission during public hearings.
 - 2) Environmental Coordinator during comment and response periods or when directed by the Commission.

F. Final Environmental Impact Report Process

- 1. Submission of Information - As a result of questions raised during the Draft EIR process, the Environmental Coordinator may require the project applicant to submit additional information necessary for preparation of the Final EIR.
- 2. Preparation - The Environmental Coordinator shall prepare a Final EIR containing all the information required in Article 9 of the State CEQA Guidelines.
- 3. Distribution - The Environmental Coordinator shall distribute the Final EIR to those agencies and persons who submitted comments on the Draft EIR.
- 4. Public Hearing
 - a. At the public hearing LAFCo shall: hear the Final EIR presented by the Environmental Coordinator; hear any testimony relative to the EIR from those in attendance at the hearing; certify that the Final EIR has been completed in compliance with CEQA and the State EIR Guidelines, and that LAFCo has reviewed and considered the information contained in the EIR; adopt any findings as required by this section. If LAFCo fails to certify the Final EIR, it shall advise by the Environmental Coordinator what further information is desired in the process of completing the Final EIR. Subsequent to certifying the Final EIR, LAFCo may proceed to act upon the project application.
 - b. LAFCo shall certify that the Final EIR has been completed in compliance with CEQA and the State Guidelines, and that the Commission has reviewed and considered the information contained in the EIR prior to the approval of the project.

G. Findings

1. LAFCo shall not approve a project for which a Final EIR has been certified which identifies one or more significant environmental effects of the project unless LAFCo makes one or more written findings for each of those significant effects, accompanied by a brief explanation of the rationale for each finding. The possible findings are:
 - a) Changes or alterations have been required in, or incorporated into, the project which mitigate or avoid the significant environmental effects thereof as identified in the Final EIR.
 - b) Changes or alterations, as described in 1(a) above, are within the responsibility and jurisdiction of another public agency and not LAFCo. Such changes have been adopted by such other agency or can and should be adopted by such other agency and such agency has expressed in writing their intention to implement the changes or alterations.
 - c) Specific economic, social, or other considerations make infeasible the mitigation measures or project alternatives identified in the Final EIR.
2. Each finding shall be supported by substantial evidence in the record.

H. Preparation and Processing of Findings

1. LAFCo shall cause to be prepared and shall adopt written findings substantially in the form prescribed in Exhibit C in each case where a Final EIR identifies a significant effect on the environment. The findings are required as specified in subdivision (G) of this section.
2. LAFCo staff may prepare proposed findings after the conclusion of the public hearing. LAFCo staff may request the assistance of the County Counsel or the applicant in the preparation of the proposed findings.
3. Findings shall be prepared in substantially the form prescribed in Exhibit D if the EIR prepared for the project identifies a significant environmental effect and LAFCo approves the project. The findings to be recommended to be adopted by LAFCo are those specified in subdivision (G) of this section.
4. If LAFCo intends to approve a project for which the Final EIR identifies one or more significant effects, the hearing body may require the proponent of the project to provide and submit evidence into the record to substantiate the need to approve the project notwithstanding the identification of the significant environmental effects of the project as proposed.
5. Continuation of Hearings. LAFCo may continue any hearing on a project to allow a reasonable period for the drafting of proposed findings. Unless otherwise ordered by the hearing body, any public hearing

