

SANTA CRUZ LOCAL AGENCY FORMATION COMMISSION
RESOLUTION NO. 2000-5

AMENDING THE SANTA CRUZ LAFCO
ENVIRONMENTAL REVIEW PROCEDURES

WHEREAS, Section 21083 of the Public Resources Code and Section 15022 of the State CEQA Guidelines require each public agency to adopt specific procedures for administering the California Environmental Quality Act; and

WHEREAS, the State CEQA Guidelines were amended in 1999; and

WHEREAS, as a public agency may adopt the State CEQA Guidelines through incorporation by reference (Section 15022(d)) and then only adopt procedures which are necessary to tailor the general provisions of the guidelines to the specific operations of the agency;

NOW, THEREFORE, BE IT RESOLVED that the Santa Cruz Local Agency Formation Commission does hereby determine and order as follows:

- 1) The State of California Guidelines for the Implementation of the California Environmental Quality Act (California Administrative Code, Title 14, Division 6, Sections 15000 et seq.) as currently amended are hereby adopted and are incorporated by reference as the Santa Cruz LAFCO Guidelines for Implementation of CEQA;
- 2) The Santa Cruz LAFCO Environmental Review Procedures are hereby amended as shown on Exhibit A in order to tailor the guidelines to the specific operations of Santa Cruz LAFCO.

PASSED AND ADOPTED by the Local Agency Formation Commission in the County of Santa Cruz this sixth day of September 2000.

AYES: Commissioners Ainsworth, Bell, Beautz, Gualtieri, Levy, and Wormhoudt

NOES: None

ABSENT: Van Houten

SANTA CRUZ LAFCO ENVIRONMENTAL REVIEW PROCEDURES
AS AMENDED BY RESOLUTION NO. 2000-5

Effective September 6, 2000

(Adopted pursuant to California Administrative Code Section 15022(d))

1. MINISTERIAL AUTHORITY 15268(c)

The following LAFCO actions are ministerial and are not considered projects under the State Guidelines: Issuance of Certificates of Filing and Completion by the Executive Officer.

2. EXEMPTIONS 15063

- a. The Executive Officer will determine which projects are exempt from CEQA;
- b. Specific LAFCO activities which are generally exempt are detailed in Sections 15319 and 15320 of the State CEQA Guidelines.

3. INITIAL STUDIES 15063

Projects for which LAFCO is the Lead Agency which are not considered exempt may require the preparation of an initial study. The initial study is prepared by the Executive Officer and may be based in part on information submitted by the proposal applicant on the appropriate LAFCO Initial Study form.

4. NEGATIVE DECLARATIONS 15070 - 15075

- a. The Executive Officer will determine, based upon the initial study, whether to prepare a proposed Negative Declaration.
- b. Proposed Negative Declarations will be noticed in a newspaper of general circulation in the affected area, mailed to individuals and organizations affected who have requested notice in writing, sent to every Responsible Agency and Trustee Agency, and made available for public review at the LAFCO office for a period of at least 20 days.

- c. The Commission will consider a proposed Negative Declaration and any public review comments prior to approving a project, and will approve the Negative Declaration if it finds there is no substantial evidence that the project may have a significant effect on the environment.

5. ENVIRONMENTAL IMPACT REPORTS (EIRs) 15030 - 15096

- a. The Executive Officer will determine, based upon the initial study or application documents, whether to require the preparation of a Draft EIR.
- b. For projects which are not initiated by the Commission, the applicant shall execute a contract with the Commission concerning EIR preparation within 60 days of the date that the Executive Officer decides an EIR is required for the project.
- c. For all projects for which the Commission chooses not to use in-house staff to do an EIR, the Commission shall use an RFP (Request for Proposals) process to select a consultant. The Executive Officer shall maintain, and update as necessary, a list of consultants which the Executive Officer will use to request proposals from at least five firms most qualified to do the specific EIR. The Executive Officer will screen the proposals and make a recommendation on consultant selection. The Commission, before authorizing a contract with a consultant, will review to its satisfaction the scope of work, the qualifications of the consultant, the contract cost, and all other aspects of the contract.
- d. Whenever the Santa Cruz Local Agency Formation Commission is required to prepare an EIR and subsequently contracts with a consultant for EIR preparation, a fee will be charged the applicant, in addition to the cost of the EIR to cover staff time incurred in reviewing and processing the EIR.

This fee will be charged based upon actual staff time involved in, but not limited to:

- I. Consultant selection including bid solicitation and review, and providing consultants with preliminary information;
- II. Review of Administrative Draft EIR and necessary corrections/additions;
- III. Compiling comments for preparation of Final Draft EIR; and
- IV. Meetings with applicant, consultant, and public regarding EIR preparation in relation to the particular project.

- e. Prior to approving the project, the Commission will review and consider the information contained in any EIR prepared for the project, will certify the completion thereof, in compliance with CEQA, and will make the findings and statements required by CEQA and the State CEQA Guidelines.

6. ADVISORS TO EXECUTIVE OFFICER

- a. In performing the environmental review procedures required by these guidelines, the executive Officer may request the assistance of the appropriate persons or agencies.

7. COMMENTING ON ENVIRONMENTAL DOCUMENTS SUBMITTED BY OTHER AGENCIES 15096

- a. The Executive Officer will review and, if necessary, comment on all environmental documents submitted for review which relate to LAFCO projects or policies.

8. COMMENTING ON ENVIRONMENTAL DOCUMENTS SUBMITTED BY OTHER AGENCIES 15096

- a. Any person aggrieved by a determination of the Executive Officer may appeal said determination to the Commission. Such appeal must be filed in writing with the Executive Officer within 20 calendar days after the determination and shall give specific reasons for the appeal. The appeal shall be heard on the next regular agenda of the Commission in the same manner as matters coming regularly before the Commission.

9. FILING DOCUMENTS 15062, 15075

- a. Notices of Completion, Determination, Exemption, and Preparation as required or authorized by CEQA and the State CEQA Guidelines shall be filed by the LAFCO staff. The notices to be filed with the County Clerk shall be filed with the "Clerk of the Board" in Room 500, County Governmental Center, 701 Ocean Street, Santa Cruz CA 95062.

10. MITIGATION MONITORING

- a. The Executive Officer is responsible for implementing a mitigation monitoring program adopted by the Commission.