



A Tradition of Stewardship  
A Commitment to Service

Agenda Date: 11/19/2014

Agenda Placement: 9D

## Napa County Planning Commission Board Agenda Letter

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**TO:** Napa County Planning Commission  
**FROM:** John McDowell for David Morrison - Director  
Planning, Building and Environmental Services  
**REPORT BY:** Brian Bordona, Supervising Planner - (707) 259-5935  
**SUBJECT:** Local CEQA Procedures

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### **RECOMMENDATION**

#### **NAPA COUNTY LOCAL PROCEDURES FOR IMPLEMENTING THE CALIFORNIA ENVIRONMENTAL QUALITY ACT (CEQA)**

**CEQA Status:** Procedures by definition do not change the law, but provide for its implementation. Therefore the proposed action is not a project as defined by 14 California Code of Regulations 15378 (State CEQA Guidelines) and CEQA is not applicable. Also, it can be seen with certainty that there is no possibility the proposed action may have a significant effect on the environment and therefore CEQA is not applicable pursuant to the General Rule contained in the Guidelines For the Implementation of the California Environmental Quality Act, 14 CCR 15061(b)(3).

**Request:** County-sponsored resolution revising Napa County's local procedures for implementing CEQA and the State CEQA Guidelines, removing the County's list of qualified consultants and eliminating the option for projects sponsor's to contract directly with environmental consultants, expanding the radius of public notice provided regarding CEQA documents from 300 feet to 1,000 feet from the project parcel, and other non-substantive clerical corrections.

**Staff Recommendation:** That the Planning Commission continue the item to December 17, 2014 to allow for additional time to conduct stakeholder outreach.

**Staff Contact:** Brian Bordona, Supervising Planner 259-5935 [brian.bordona@countyofnapa.org](mailto:brian.bordona@countyofnapa.org)

**TO BE CONTINUED TO DECEMBER 17, 2014**

### **EXECUTIVE SUMMARY**

**Proposed Action:**

1. That the Planning Commission open the public hearing and then continue this item to December 17, 2014.

**Discussion:**

Currently proposed revisions are intended to improve processing efficiencies from a schedule and cost perspective while maintaining the impartiality of the analysis contained in CEQA documents including Environmental Impact Reports. The revisions also increase the public noticing distance from 300 feet to 1,000 feet from the project parcel as well as other non-substantive changes.

On November 5, 2014, the proposed update to the guidelines were emailed to industry groups and a wide range of other stakeholders in the community. A number of interested parties asked for additional time to review the proposed update as well as further engagement from staff. Therefore, staff is requesting that the Planning Commission open the hearing on this item and continue it to December 17, 2014. Staff will be conducting additional outreach with stakeholders prior to the December 17, 2014 hearing.

**FISCAL IMPACT**

Is there a Fiscal Impact?                      No

**ENVIRONMENTAL IMPACT**

ENVIRONMENTAL DETERMINATION: Procedures by definition do not change the law, but provide for its implementation. Therefore the proposed action is not a project as defined by 14 California Code of Regulations 15378 (State CEQA Guidelines) and CEQA is not applicable. Also, it can be seen with certainty that there is no possibility the proposed action may have a significant effect on the environment and therefore CEQA is not applicable pursuant to the General Rule contained in the Guidelines For the Implementation of the California Environmental Quality Act, 14 CCR 15061(b)(3).

**BACKGROUND AND DISCUSSION**

Napa County's Local Procedures for Implementing the California Environmental Quality Act (Napa County Procedures) were first adopted in 2004, and amended in August 2006 and 2010. The amendment in 2010 included changes that directed planning staff to establish and maintain a list of qualified consultants from which project sponsors could select a consultant and contract with to prepare CEQA documents. Prior to this amendment, the County contracted with consulting firms and administered the contract.

While the 2010 amendment provided another contracting option for project sponsors, maintaining the list to ensure consulting firms remain qualified proved to be time consuming due to frequent employee turn over within firms. In addition, when project sponsors contract directly with consultants, the County has limited control over contract administration which has shown to result in inefficiencies related to costs, maintaining schedule, and consistency with the interpretation and application of County policies in the CEQA analysis. It is anticipated that with this amendment to Napa County's Procedures, processing times and costs related to the County's responsibilities would be reduced and the project would be managed more efficiently.

The currently proposed revisions also include additions to the Initial Study Checklist and other non-substantive

clerical corrections. One such change includes changes to the Initial Study Checklist to incorporate "background/project history" in the project description, define expansive soil pursuant to the California Building Code versus the Uniform Building Code (Section VI Geology and Soils), and incorporate standard language for any future use of a subsequent negative (or mitigated) declaration.

On November 7, 2014, the proposed revisions were forwarded to the Development Stakeholders group email list and other members of the public for review and comment prior to Commission meeting discussion. In response, several interested parties requested that this item be continued several weeks to allow additional time for review, and requested further input from staff on the nature of the proposed updates. Therefore, staff is requesting that the Commission open the hearing and then continue this item to allow staff to engage in more outreach.

### **SUPPORTING DOCUMENTS**

A . Resolution

B . Proposed 2014 Local CEQA Procedures

Napa County Planning Commission: Approve

Reviewed By: John McDowell