



A Tradition of Stewardship
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Napa County's Local Procedures for Implementing the:



California



Environmental



Quality



Act

Revised September 2010

Napa County's
Local Procedures
For Implementing the
California Environmental Quality Act

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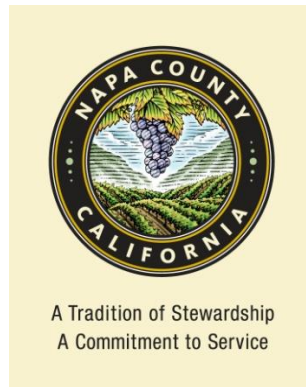


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NAPA COUNTY'S LOCAL PROCEDURES FOR IMPLEMENTING THE CALIFORNIA ENVIRONMENTAL QUALITY ACT

State CEQA Guidelines Section 15022(a) requires that each public agency issue local procedures for implementing the *State CEQA Guidelines* in order to ensure the orderly evaluation and preparation of environmental documents. Such procedures shall be revised when needed to be kept current with changes to the *State CEQA Guidelines*; however, *State CEQA Guidelines* shall take precedence even if the local procedures are not updated.

CHAPTER 1. INTENT AND GENERAL PROVISIONS

Section 100. Intent.

These local County CEQA guidelines are established, adopted and intended to meet the requirements of Section 15022(a) of the *State CEQA Guidelines* and to provide the public with information on the procedures used by the County in the environmental review process.

Section 101. Applicability. [*State CEQA Guidelines §15022(b)*]

The procedures established in these guidelines are applicable to both public and private projects under the jurisdiction of the County and may be used by districts whose boundaries are coterminous with or are entirely encompassed by the County.

Section 102. Compliance Required Prior to Project Approval. [*State CEQA Guidelines §15004*]

No application for a permit shall be approved nor shall any permit be issued or approval given by any County official or body until all procedures required by the *State* and *County CEQA Guidelines* have been completed, including if required the preparation and certification of a Final Environmental Impact Report (FEIR) by the County. Compliance with CEQA shall be included in the planning process as early as possible in order to allow incorporation of environmental considerations into the design of the project.

Section 103. Public Records. [*Public Records Act*]

- (a) All final documents prepared pursuant to these procedures shall be available for public inspection in the Planning Department. Drafts and working papers shall not be considered final documents.
- (b) All reports and documents submitted other than proprietary reports, confidential archaeological and special status species location studies and other confidential information shall be available for public inspection in the Planning Department.

Section 104. Use of Consultants.

- (a) The County may from time to time use consultants to fulfill its obligations under CEQA including, but not limited to, the preparation of Initial Studies,

Negative/Mitigated Negative Declarations, and EIRs. The County Planning Director shall maintain a list of qualified consultants, which shall be periodically updated by soliciting and evaluating responses to a Request for Qualifications (RFQ).

- (b) All consultant-prepared environmental documents utilized shall either be prepared under contract with the County using the most current version of the County's Professional Services Agreement or prepared under contract with the project sponsor. For documents prepared under contract with the project sponsor, the project sponsor shall:
 - (1) Submit a deposit to cover the cost of staff time and materials associated with County oversight and review of the consultant's work at the time of application in conformance with applicable sections of the County Policy Manual. The deposit shall be paid no later than thirty (30) days after the project sponsor notifies the County that he/she will contract directly with the consultant for preparation of the project environmental document;
 - (2) Submit the consultant's proposed scope of work and any amendments thereto to the Planning Director for review and approval prior to the commencement of consultant work,
 - (3) Submit a standard Memorandum of Understanding (form provided in Appendix D) documenting the consultant's and the project sponsor's agreement to abide by requirements of this Section 104;
 - (4) Select one of the consultants listed on the County's list of qualified environmental consulting firms; and
 - (5) Ensure that all administrative drafts, reports, correspondence and other documents prepared by the consultant for the project are provided to the County prior to or at the same time as they are provided to the project sponsor.
- (c) For private projects where the consultant is under contract with the County, the project sponsor shall pay the full costs of draft and final document preparation including both consultant and County oversight and review costs. A deposit to cover County oversight and review costs shall be paid at the time of application in conformance with applicable sections of the County Policy Manual. The deposit shall be made prior to the County contracting with a consultant and prior to commencement of document preparation and in no case later than thirty (30) days after issuance of the letter from the Planning Director indicating the estimated cost to produce the document(s) involved.
- (d) When the Planning Director determines that it is necessary to contract with a consultant to prepare an environmental document or document(s) for a public project, the Planning Director may select a consultant from the list of qualified consultants, or, at the Planning Director's discretion, may select a consultant through a separate Request for Proposals (RFP) process.
- (e) No firm or person having a financial interest in a project shall be employed to prepare environmental documents on that project.
- (f) Environmental consultants shall work at the direction of County staff whether they are under contract to the County or to a private project sponsor, and the County shall accept consultant-prepared work products as final only when the

Planning Director determines them to be impartial and complete. The County decision-makers shall confirm that the environmental documents reflect the lead agency's independent judgment and analysis. (History: Reso 06-176)

Section 105. Notice Generally. [*State CEQA Guidelines §§15072 and 15087*]

- (a) The Planning Director should make a concerted effort to provide early notice and solicit comments on environmental documents from the public and interested organizations so that a broad range of interests and opinions are available to decision-makers regarding the impacts of projects.
- (b) Any required notice shall be deemed given on the date of mailing, the date of posting or the first day of publication, whichever is later.
- (c) Errors, irregularities or neglect in the preparation of any required notice shall not in any way affect the validity or legality of the adoption or certification of environmental documents or approval or disapproval of a project unless such error, irregularity or neglect is clearly substantial and prejudicial and that by reason of such error, irregularity or neglect the party complaining suffered substantial injury and that a different result would have been probable if such error, irregularity or neglect had not occurred.
- (d) In addition to providing notice to those property owners required to receive notice under State law, planning staff shall endeavor to notice additional property owners and residents who may have an interest in the project, such as those who share a private, dead-end road with a proposed project.

CHAPTER 2. DEFINITIONS

Section 200. General.

The following definitions which are specific to Napa County are intended to supplement the definitions found in Article 20 of the *State CEQA Guidelines*:

“Baseline Data Report” (BDR) refers to the comprehensive inventory of the environmental and resource conditions completed in 2005 and updated as needed to describe the baseline for analysis of environmental impacts in a given area of the County. Information from the BDR may be incorporated by reference into future environmental documents consistent with *State CEQA Guidelines* Section 15150.

“Board” means the Board of Supervisors of the County of Napa or when a referral has been received from a district listed in Section 101, the governing board of said district.

“County” means the County of Napa.

“County Official” means the department head or other county staff member or, when a referral has been received from an outside agency, agency staff member, responsible for approving the permit under consideration.

“Days” means business days, Saturdays, Sundays and County-recognized holidays, unless otherwise stated.

“Decision-Making Body” means the Board, Commission, or County Official that has the ultimate responsibility for approving the permit/project under consideration.

“Environmental Resource Mapping System” means a set of hardcopy and electronic maps and related information maintained by the Planning Department delineating, among other things, environmental resources and hazards within the County.

“Environmentally Sensitive Area” means an area containing one or more environmental resources or hazards that may affect or be affected by the specific project involved.

“General Rule Finding” means a finding that 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. [*State CEQA Guidelines §15061(b)(3)*]

“Groundwater Deficient Area” means the area shown on Map 13-1 (as may be amended), in Chapter 13.15 of the Napa County Code as well as any additional area formally identified by an ordinance adopted by the Board of Supervisors.

“Permit” means any permit, lease, license, certificate, approval, or other entitlement for use.

“Planning Commission” means the Conservation, Development and Planning Commission of the County.

“Planning Department” means the Conservation, Development and Planning Department of the County.

“Planning Director” means the Director of the Conservation Development and Planning Department of the County or his/her designee.

CHAPTER 3. RESPONSIBILITIES

The responsibilities for implementation of CEQA in Napa County are as follows:

Section 300. Board of Supervisors.

When the Board of Supervisors is the decision-making body on a project, the Board is responsible for certifying the Final EIR, adopting a Negative/Mitigated Negative Declaration, or determining that the project is exempt from environmental review; considering the environmental document prepared prior to taking action on the project; and for making the findings required by *State CEQA Guidelines* Sections 15091 (Findings) and 15093 (Statement of Overriding Considerations).

The Board of Supervisors shall also act as the appeal board for Planning Commission, Zoning Administrator and staff actions on environmental determinations, Negative/Mitigated Negative Declaration adoptions, determinations that an EIR is required, and Final EIR certifications. In addition, the Board shall set the procedures for implementing CEQA in the County by adopting *County CEQA Guidelines*, and shall be

responsible for adopting thresholds of significance pursuant to State *CEQA Guidelines* Section 15064.7 if desired.

Section 301. Planning Commission.

When the Planning Commission is the decision-making body on a project, the Planning Commission is responsible for certifying the Final EIR, adopting a Negative/Mitigated Negative Declaration, or determining that the project is exempt from environmental review; considering the environmental document prepared prior to taking action on the project; and for making the findings required by *State CEQA Guideline* Sections 15091 (Findings) and 15093 (Statement of Overriding Considerations).

When the Planning Commission is required to make a recommendation on a project to the Board of Supervisors, the Planning Commission shall hold any hearings required on the proposed environmental documents produced, review all comments made and the responses prepared, and make a recommendation regarding certification of the Final EIR or adoption of the Negative/Mitigated Negative Declaration involved. If the Planning Commission believes that the project is exempt from environmental review, it shall recommend that the Board make such a finding.

Section 302. Zoning Administrator, Planning Director, or County Official.

When the Zoning Administrator (ZA), Planning Director, or other County Official is the decision-making body on a project, he/she is responsible for certifying the Final EIR, adopting a Negative/Mitigated Negative Declaration, or determining that the project is exempt from environmental review; considering the environmental document prepared prior to taking action on the project; and for making the findings required by *State CEQA Guidelines* Sections 15091 (Findings) and 15093 (Statement of Overriding Considerations).

Section 303. Conservation, Development and Planning Department.

The Planning and Conservation Divisions of the Planning Department are responsible for:

- (a) carrying out all environmental reviews undertaken by the County including those requested on behalf of other agencies;
- (b) obtaining comments from other agencies on the expected environmental effects of a project;
- (c) identifying appropriate measures to reduce the potentially significant effects of a project to non-significant levels;
- (d) preparing and processing all environmental documents prepared by the County;
- (e) preparing Mitigation Monitoring and Reporting Programs where required;
- (f) reviewing and commenting on environmental documents submitted to the County by other public agencies;
- (g) preparing, distributing and filing applicable environmental notices, including a Notice of Intent, Notice of Preparation, and Notice of Completion, and those

- Notices of Exemption and Notices of Determination for projects approved by the Board, Planning Commission, Zoning Administrator, or Planning Director;
- (h) collecting State Fish and Game fees and recording fees for transmittal to the County Clerk/Recorder;
 - (i) developing, coordinating and implementing the County's environmental review procedures consistent with policy direction provided by the Board of Supervisors;
 - (j) establishing informal working thresholds of significance and proposing formal thresholds; **AND**
 - (k) maintaining the County Environmental Resource Mapping System and updating the Baseline Data Report as needed.

Section 304. County Clerk/Recorder.

The County Clerk/Recorder is responsible for filing and posting all Notices of Intent, Completion, Exemption, and Determination for projects approved by: (a) the County; (b) cities and districts within the County; and (c) other state and local agencies carrying out projects effecting lands within the County. In addition, the Clerk/Recorder receives all Fish and Game fees collected by the Conservation, Development and Planning Department and distributes them to the State.

CHAPTER 4. INITIAL ENVIRONMENTAL REVIEW

Section 400. Project Submittal.

- (a) A copy of any application for a permit that requires environmental review shall be promptly forwarded to the Planning Department along with copies of all plans and other associated information.
- (b) Whenever any County Official or employee proposes to engage in an activity with possible CEQA implications, such as a public construction project or the adoption of any County ordinance, rule or regulation or has a more general question with respect to the applicability of CEQA to a particular governmental activity, that individual shall consult with the Planning Director.

Section 401. Project Completeness and Acceptance for Filing. [*State CEQA Guidelines §§15101 and 15111*]

- (a) No application for a permit shall be deemed complete until:
 - (1) all information required by the Planning Director to complete an Initial Study or make a determination that the underlying project is categorically exempt has been received, **OR**
 - (2) the Planning Director has determined pursuant to these and the *State CEQA Guidelines* that the underlying project is not a project under CEQA, is ministerial rather than discretionary in nature, clearly has no potential to have a significant effect on the environment, or is statutorily exempt from environmental review.

The Planning Director shall develop, disseminate, and update as necessary an Application Completeness Checklist listing information that is typically required for the types of permits normally requested.

- (b) If the Planning Director determines that adequate information has not been submitted to complete a preliminary environmental review and, if necessary, an Initial Study, the project sponsor shall be notified in writing within thirty (30) days of application receipt that the application is incomplete. Any such notification shall state what additional information including fees must be submitted before the application can be considered complete.
 - (1) This preliminary determination of incompleteness may be challenged by the project sponsor in writing within ten (10) working days and appealed to the Board if re-confirmed by the Planning Director.
 - (2) Failure to provide the required information within one-hundred twenty (120) days of issuance of a Completeness Determination or thirty (30) days of issuance of a Request For Deposit Submission shall cause the application to be deemed “abandoned” without further notice or action unless the Planning Director gives a written extension to the deadline involved. Once an application is deemed abandoned, no further work shall be done on the project without submission of a new application and payment of new fees.
- (c) Notwithstanding subsection (a), accepting an application as complete does not limit the County’s authority to require the applicant to submit additional information needed for environmental evaluation of the project if the applicant makes changes to the project or if there are changes in circumstances that could not be anticipated during the initial review. Failure to provide this information within one hundred twenty (120) days of issuance of a Request For Additional Environmental Information or a Request For Additional Deposit Submission shall be treated in the same manner as failure to provide the information requested in a Completeness Determination (see Section 401(b)(2) above).

Section 402. Project Segmenting. *[State CEQA Guidelines §15378]*

A project is defined as the “whole of an action” and may not be segmented nor divided into smaller parts in an attempt to avoid full consideration of its environmental impacts. Thus, all of the separate permits and approvals for a particular project shall be considered together (along with the underlying activity itself) when determining the project’s environmental effects. The environmental review of a project must include an analysis of the environmental effects of future expansion or other action if: (a) such future expansion or other action is a reasonably foreseeable consequence of the initial project; and (b) the future expansion or action will be significant in that it will likely change the scope or nature of the initial project or its environmental effects. When actions are remote or speculative, so that meaningful information regarding their impacts is unavailable, they are not reasonably foreseeable parts of a particular project and therefore need not be considered at the same time.

Section 403. Project Revisions.

Any revised or amended project shall be treated as a new project for purposes of determining the time period within which CEQA processing must be completed and the project approved or denied unless the revision is found by the Planning Director to be minor and/or technical. Project revisions shall be documented via submission of a Project Revision Statement.

Section 404. Early Consultation. *[State CEQA Guidelines §15063(g)]*

The Planning Department shall distribute a request for comments on the expected environmental effects of the project to all responsible agencies, trustee agencies, and other agencies and organizations that in the opinion of the Planning Director have an interest in the project or applicable special expertise. The request may occur before or after an application is deemed complete, and may be combined with the request for comments on the project itself. At a minimum, such requests shall include a request to identify potential impacts, possible mitigation measures, and needed project revisions. At the discretion of the Planning Director, submission of a Project Revision Statement by the project applicant may result in additional consultation.

Section 405. Preliminary Environmental Evaluation. *[State CEQA Guidelines §§15060 and 15061]*

The Planning Director is responsible for conducting a preliminary evaluation to decide whether or not an Initial Study is required, or whether the project is excluded or exempt from review under CEQA. A list of non-discretionary (ministerial) projects for the County is contained in Appendix A. The County projects that are typically categorically exempt are identified in Appendix B.

If the Planning Director determines that a proposal is excluded or exempt from review under CEQA, no further environmental review is required and the Planning Department shall document this finding in the record. The Department may also prepare and file a Notice of Exemption.

Section 406. Initial Study Preparation. *[State CEQA Guidelines §§15063 and 15064]*

If a proposed project is not excluded or exempt from review under CEQA, the Planning Department shall prepare an Initial Study to determine whether a Negative/Mitigated Negative Declaration or an EIR is required for the proposed project. If it is clear that the project may have an unavoidable significant effect on the environment, the Planning Department may proceed with preparation of an EIR without preparing an Initial Study if desired. A standard Initial Study checklist form is contained in Appendix C.

If the Initial Study determines, based on substantial evidence in light of the whole record, that the project has no potential to have a significant effect on the environment then a negative declaration must be prepared (see Chapter 6). If the project may have one or more significant impacts on the environment, then preparation of an EIR (see Chapter 7) is required. However, if revisions or mitigation measures can be applied to the project that would clearly reduce all impacts to a level of insignificance, **AND** the applicant

agrees to these in writing via submittal of a Project Revision Statement, then a mitigated negative declaration may be prepared (see Chapter 6).

Section 407. [Reserved]

Section 408. Previous Prepared County Environmental Document. *[State CEQA Guidelines §15162(a)]*

- (a) If a previous EIR or Negative/Mitigated Negative Declaration has been certified/adopted by the County and the Planning Director determines that none of the circumstances requiring the preparation of a subsequent environmental document exist, the Planning Department shall document that determination in the record, and the decision-making body shall utilize the earlier document. Documentation of the Planning Director's determination may take the form of a memorandum, and may be based on preparation of an Initial Study if desired.

CHAPTER 5. EXEMPT PROJECTS

Section 500. General.

Projects that are ministerial in nature, meet General Rule findings, are statutorily exempt, are categorically exempt, or are denied do not require the preparation of an Initial Study, an EIR, or a Negative/Mitigated Negative Declaration.

Section 501. Ministerial Projects. *[State CEQA Guidelines §15268]*

Appendix A contains the list of projects in the County that the Board has found to be ministerial in nature. However, when a project involves elements, some of which are ministerial in nature and some of which are discretionary, the overall project will be deemed discretionary and subject to CEQA review.

Section 502. General Rule. *[State CEQA Guidelines §15061(b)(3)]*

CEQA does not apply to a project where it can be seen with certainty that there is no possibility that the activity may have a significant effect on the environment.

Section 503. Statutory Exemptions. *[State CEQA Guidelines §15260]*

Those exemptions granted by the State legislature are listed in *State CEQA Guidelines* sections 15260 through 15285, and as may be amended.

Section 504. Categorical Exemptions. *[State CEQA Guidelines §15301-15332]*

In addition to those specific projects listed above, the Board has found several other kinds of projects that typically do not have a significant impact on the environment. Therefore pursuant to Section 15300.4 of the *State CEQA Guidelines*, Napa County hereby adds the activities and permits listed in Appendix B to the list of Class Numbers 1, 3, 4, and 5 activities that are categorically exempt in the County.

Section 505. Categorical Exemption Use Limitations. *[State CEQA Guidelines §15300.2]*
A categorical exemption shall not be used if the conditions in State CEQA Guidelines Section 15300.2 apply.

Section 506. Denial of Projects. *[State CEQA Guidelines §15061(b)(4)]*
Projects that the County rejects or disapproves are not subject to CEQA. This provision, however, does not relieve an applicant from paying the costs for an EIR, Negative/Mitigated Negative Declaration, Initial Study, or preliminary environmental evaluation if prepared.

CHAPTER 6. NEGATIVE/MITIGATED NEGATIVE DECLARATION PROCESS

The following provisions are added as procedural clarifications of *State CEQA Guidelines* Sections 15070 - 15075 with respect to Negative/Mitigated Negative Declarations in the County.

Section 600. Negative Declaration. *[State CEQA Guidelines §15070]*
If the Planning Director finds, based on the Initial Study that there is no substantial evidence, in light of the whole record, that the project may have a significant effect on the environment, the Planning Director shall direct the Planning Department to prepare a Negative Declaration for consideration by the decision-making body for the permit(s) involved.

Section 601. Mitigated Negative Declaration. *[State CEQA Guidelines §15070]*
If the Planning Director finds, based on the Initial Study that the proposed project may have possible adverse significant impacts on the environment, but through revisions to the project or imposition of mitigation measures, such impacts would be mitigated or avoided so that no significant impacts remain, **AND** there is no substantial evidence in the record as a whole that significant impacts would result from the revised project; then the Planning Director shall notify the project sponsor(s) and provide them with a copy of the list of proposed mitigation measures that the project could incorporate to avoid all potentially significant effects. If the project sponsor agrees to these or functionally equivalent revisions/mitigation measures by signing a Project Revision Statement so indicating, the Planning Department will then prepare a Mitigated Negative Declaration for public review and consideration by the decision-making body on the permit(s) involved.

Section 602. Contents. *[State CEQA Guidelines §15071]*
The Negative/Mitigated Negative Declaration must contain all items required by *State CEQA Guidelines* Section 15071.

Section 603. Public Notice and Review. [State CEQA Guidelines §15072 and 15073]

A Notice of Intent to Adopt a Negative/Mitigated Negative Declaration shall be provided in accordance with *State CEQA Guidelines* Section 15072.

- (a) The County shall provide such notice in the following manner:
 - (1) Publication at least one time in a newspaper of general circulation in the area potentially impacted;
 - (2) Mailing of the notice to the owners of all parcels within 300 feet of the boundaries of the parcel(s) on which the project is located plus those parcel owners adjacent to areas to be disturbed by off-site work at their last known address on the latest equalized assessment roll;
 - (3) Mailing of the notice to responsible agencies, trustee agencies, the State Clearinghouse, and the County Clerk/Recorder; **AND**
 - (4) Mailing of the notice to organizations and individuals who have requested notice in writing.

- (b) If a comment is not received during the public review period from an agency or person, it shall be assumed, absent a request for a specific extension of time that said agency or person has no comment to make.

Section 604. Notice of Determination. [State CEQA Guidelines §15075]

- (a) Whenever the Board, Planning Commission, Zoning Administrator, or Planning Director approves a permit or authorizes a project for which a Negative/Mitigated Negative Declaration has been prepared, the Planning Department shall file within 5 **working** days of their action a Notice of Determination with the County Clerk/Recorder.
- (b) In instances where multiple approval actions are required, the Notice of Determination shall be filed after the final decision to approve a project.
- (c) If the project requires discretionary approvals from one or more state agencies, the Notice of Determination shall also be filed with the State Office of Planning and Research within this same 5-day period.
- (d) Payment of any Fish and Game fees due to the State at the time a Notice of Determination is filed is the responsibility of the project sponsor. Payment must be received by the Planning Department before the decision-making body holds a hearing on or decides on the adequacy of the Negative/Mitigated Negative Declaration prepared. The Planning Department shall forward the fee to the Clerk/Recorder with a filing fee. The Clerk/Recorder in turn forwards the fee to the State.

CHAPTER 7. ENVIRONMENTAL IMPACT REPORT (EIR) PROCESS

The following provisions are added as procedural clarifications of *State CEQA Guidelines* Sections 15080–15097, 15120–15132, and 15140–15154 with respect to the preparation and processing of EIRs in the County.

Section 700. EIR Preparation. *[State CEQA Guidelines §§15081 and 15081.5]*

If the Planning Director finds during preliminary review or based on an Initial Study that there is substantial evidence in the record as a whole that a project may have a significant adverse effect on the environment, or if an EIR is required by statute, the Planning Director shall notify the project sponsor in writing within thirty (30) days that an EIR must be prepared. The Planning Director's decision may be appealed pursuant to Napa County Code Section 2.88.

Section 701. Contents of an EIR. *[State CEQA Guidelines §15120-15132]*

An EIR produced by/for the County must contain all items required by *State CEQA Guidelines* Sections 15120-15132, and must meet the requirements of *State CEQA Guidelines* Sections 15140-15152 and 15154.

Section 702. Notice of Preparation (NOP). *[State CEQA Guidelines §15082]*

A Notice of Preparation notifying responsible and interested agencies about the project and soliciting their comments on the scope and content of the EIR shall be prepared by the Planning Department. This notice shall be sent by certified mail to the project sponsor, all responsible and trustee agencies, and all federal agencies involved in approving or funding the project. If State agencies are involved then the NOP shall also be sent to the State Clearinghouse. A copy of the NOP shall also be delivered to the County Clerk/Recorder for posting for thirty (30) days. A list of agencies that are typically sent the NOP shall be maintained by the Planning Department.

Section 702.1 Scoping. *[State CEQA Guidelines §15083]*

The scope of the EIR prepared is determined using the following sources: the Initial Study, if one is produced, previous environmental documents, responses to the NOP, consultation with other agencies, and public scoping meetings, if held. A public scoping meeting may be incorporated into the NOP process and is typically held by the consultant preparing the EIR with assistance from the Planning Department.

Section 702.2 Preparation of Administrative Draft EIR.

The pre-circulation draft of an EIR is referred to as the administrative draft. This draft is considered a working document to be circulated among County staff for their comment on its accuracy and adequacy. It is not available for public review and shall be destroyed upon release of the DEIR.

Section 702.3 Public Review of Draft EIR. *[State CEQA Guidelines §§15085, 15087, 15105]*

- (a) The Planning Director shall provide public notice of the availability of the Draft EIR for review and comment in the same manner as specified in Section 603(a)-(c) for a Negative Declaration. In addition, a copy of the Draft EIR shall be sent to the nearest branch of the Napa City/County Library at the same time a Notice of Completion is sent to the State Office of Planning and Research. The contents of the public notice shall be as specified in *State CEQA Guidelines* Section 15087(c).

- (b) The normal public review period for a Draft EIR in the County shall be 45 days unless a shorter period of not less than 30 days is approved by the State Clearinghouse. *[State CEQA Guidelines §15105]* In special circumstances, the Planning Director may require a public review period of 60 days.
- (c) Requests for extensions of time shall be considered and either granted or denied by the Planning Commission. Planning Commission decisions regarding requests for extensions of time are not appealable to the Board of Supervisors pursuant to Napa County Code Section 2.88.
- (d) A public hearing on a Draft EIR is not required under CEQA and is not typically held by the County when the decision-making body is a department head or other staff member. When the decision-making body is a board or commission, a public hearing should be held during the public review period to solicit public comments.

Section 702.4 Final EIR. *[State CEQA Guidelines §15132]*

The Final EIR consists of the text of the Draft EIR revised as necessary to reflect those comments received that require text changes, all comments received on the Draft EIR, the County's responses to said comments, a list of all persons and agencies that were asked to comment or commented on the Draft EIR, and any other information added by the County.

Section 702.5 Notice of Determination (NOD). *[State CEQA Guidelines §15094]*

After certification of the final EIR and approval of the project, the Planning Department or decision-making body shall prepare and file a Notice of Determination with the County Clerk/Recorder following the same procedure and with the same restrictions as specified in Section 604.

CHAPTER 8. MITIGATION MONITORING AND REPORTING PROGRAM
(MMRP)

Section 800. General. *[State CEQA Guidelines §15097]*

Pursuant to Public Resources Code Section 21081.6, all jurisdictions must have a method for monitoring compliance and implementation of adopted mitigation measures. The County Mitigation Monitoring and Reporting programs (i.e., MMRPs) shall be in conformance with *State CEQA Guidelines* Section 15097 as augmented by the provisions listed below.

Section 801. Adoption. *[State CEQA Guidelines §15097]*

- (a) At the time the County makes the required CEQA findings regarding the Mitigated Negative Declaration or EIR being used, the decision-making body shall adopt a program for monitoring and reporting on the mitigation measures as part of the project. Conformance with this program shall be a condition of project approval.

- (b) The resultant adopted MMRP shall be distributed to all agencies, departments, and parties with monitoring or review responsibility thereunder.

Section 802. Contents.

MMRPs shall include at a minimum the following information for each mitigation measure:

- (a) identification of the individual, department, agency, or other entity responsible for performing the mitigation measure;
- (b) identification of the timing for implementation of the mitigation measure;
- (c) identification of the specific results or performance standards that the mitigation is intended to accomplish if not clearly stated in the mitigation measure;
- (d) identification of the individual, department, agency, or other entity responsible for ensuring implementation of the mitigation measure;
- (e) identification of the frequency of inspections or other monitoring activities;
- (f) identification of when compliance completed;
- (g) a statement that the project sponsor shall pay all monitoring costs including but not limited to those incurred by the County; **AND**
- (h) a signature block for the project sponsor and the property owner (for private projects only).

Section 803. Compliance Assurance Responsibilities.

- (a) Overall compliance shall be coordinated by the Project Planner unless otherwise indicated in the adopted MMRP.
- (b) The Planning Department may hire an outside consultant where mitigation measure compliance cannot be verified through the planning clearance process, where monitoring requires specialized expertise, or when County staff is unavailable to do the necessary work. The cost of said consultant shall be paid by the project sponsor.
- (c) Mitigation measure compliance shall be monitored by the appropriate County Department, generally through the County's existing building clearance issuance and finalization process. This process allows the Planning Department and other County departments to review the building plans and the "as built" project for compliance with the mitigation measures imposed.
- (d) Other agencies shall monitor the mitigation measures that they request or that are within their area of expertise. The Project Planner shall notify these agencies of the mitigation monitoring required. These agencies shall inform the County in writing when each of their mitigation measures has been complied with completely.

Section 804. Fees. *[State CEQA Guidelines §15045]*

- (a) The County shall charge and collect from the project sponsor a fee in an amount equal to the actual costs to the County of implementing the adopted MMRP. This includes the costs associated with use of an outside consultant where the Planning Director finds said use to be either necessary and/or convenient.

- (b) An initial deposit in an amount equal to the County's total estimated costs of implementing the adopted MMRP for the first three (3) years shall be submitted to the Planning Department prior to issuance of the first building permit needed to commence work on the project. Any unused portion of this initial deposit that is not needed to pay for permanent or long-term monitoring will be refunded to the project sponsor upon fulfillment of all those MMRP provisions that do not involve such monitoring.
- (c) The project sponsor shall replenish the initial deposit every two (2) years so that the balance is high enough to pay for the estimated costs of monitoring compliance for three (3) years for those measures that require long-term or ongoing monitoring.

CHAPTER 9. NAPA COUNTY AS A RESPONSIBLE AGENCY
[State CEQA Guidelines §§15096 and 15253]

The following provisions are added as procedural clarifications of *State CEQA Guidelines* Sections 15096 and 15253 with respect to the responsible agency process in the County.

Section 900. Commenting on a Lead Agency's Environmental Document. *[State CEQA Guidelines §15096]*

- (a) The Planning Department shall make every effort to provide written comments on the draft Negative/Mitigated Negative Declaration, Notice of Preparation and/or Draft EIR prepared by the Lead Agency within the time frames specified in the *State CEQA Guidelines*.
- (b) The comments provided shall be limited to activities within the County's area of expertise or jurisdiction. They shall at a minimum identify County permit requirements, potentially significant impacts, alternatives to be analyzed, and any mitigation measures to be considered. In addition, a recommendation as to whether a Negative/Mitigated Negative Declaration, or EIR is the appropriate document for the Lead Agency to prepare may be provided. The focus of the comments shall be to assist the Lead Agency in producing a defensible environmental document that meets the County's needs.

Section 901. Failure of Lead Agency to Consult With County or Adequately Respond to Comments Provided. *[State CEQA Guidelines §15096]*

- (a) If the Lead Agency fails to consult with the County prior to adopting a Negative/Mitigated Negative Declaration or certifying an EIR for a project over which the County has permit authority, the Planning Department will review the document prepared. If the Planning Director finds based on the review that the document is adequate for County purposes, the County shall follow the procedures specified in Sections 903 and 904 below. However, if the Planning Director finds that the document is inadequate for County purposes then the County may take over the role of Lead Agency. The Planning Department shall in

that case follow the procedures specified herein in Chapters 4, 5 and 6 to prepare and process the environmental document needed.

- (b) If the Lead Agency fails in the opinion of the Planning Director to adequately respond to the comments provided, the Planning Director shall consult with County Counsel and jointly recommend a course of action pursuant to CEQA Guidelines Section 15096(e)

Section 902. [Reserved]

Section 903. Approval of Project By County Acting as a Responsible Agency. *[State CEQA Guidelines §15096]*

- (a) In issuing approvals or taking any other discretionary action on a project for which the County is a responsible agency, the County shall certify that it has reviewed and considered the environmental effects of the project as shown in the Negative/Mitigated Negative Declaration or EIR prepared by the Lead Agency.
- (b) If an EIR has been produced, the County decision-making body shall adopt findings as set forth in *State CEQA Guidelines* Sections 15091 and 15093, if necessary.
- (c) Where the County decision-making body requires the implementation of mitigation measures or other project changes to substantially lessen or avoid significant environmental effects of activities under its statutory control, a MMRP consistent with Chapter 8 of these guidelines covering those changes and measures shall be adopted at the time of project approval.

Section 904. Limitations on the Power of County as a Responsible Agency to Require Changes in Project.

- (a) When the County acts as a responsible agency for a project, it may only require those changes in a project that lessen or avoid the effects, either direct or indirect, of that part of the project that the County will be called upon to carry out or approve.
- (b) When the County acts as a responsible agency, it may refuse to approve a project only in order to avoid direct or indirect adverse environmental effects of that part of the project the County must carry out or approve.

Section 905. Certified Equivalent Program: Use of Environmental Document Prepared In Lieu of a Negative/Mitigated Negative Declaration or EIR. *[State CEQA Guidelines §§15250-15253]*

An environmental analysis document prepared for a project pursuant to a certified equivalent program shall be used by the County as a substitute for an EIR or Negative Declaration/Mitigated Negative Declaration and no additional environmental document shall be required if the conditions in *State CEQA Guideline* Section 15253(b) are met.

CHAPTER 10. APPEALS

Section 1000. Appeals Permitted. [Local Procedure]

- (a) Any interested person may appeal the determination that a project is/is not exempt from review, or that an EIR is required at the time that such determination is issued by the Planning Director. Appeals procedures and requirements are provided by Chapter 2.88 of the County Code.
- (b) Any decision by the Planning Director, the Planning Commission, or other directors/commissions to adopt a negative declaration, to adopt a mitigated negative declaration, or to certify a Final EIR may also be appealed to the Board pursuant to Chapter 2.88 of the County Code.
- (c) Appeal of an environmental determination, adoption of a negative declaration, adoption of a mitigated negative declaration, or certification of a Final EIR will suspend any further consideration of the project until a decision on the appeal is made by the Board.

APPENDICES

- A. Ministerially Exempt Projects in Napa County**
- B. Additional Categorically Exempt Projects in Napa County**
- C. Initial Study Checklist**
- D. Memorandum of Understanding between EIR/Environmental Consultants and Project Applicants**

APPENDIX A

MINISTERIALLY EXEMPT PROJECTS IN NAPA COUNTY

Pursuant to Sections 15022 and 15268 of the *State CEQA Guidelines* issuance/approval of the following permits in the County shall be conclusively presumed to be ministerially exempt from the requirements of CEQA and thus preparation of an environmental document is not required. However, where a project involves an approval that contains elements of both a ministerial action and a discretionary action, the project will be deemed discretionary and will be subject to the requirements of CEQA.

Building and Related Permits:

1. Building and related permits, including driveways up to 300 feet (e.g. demolition, plumbing, electrical, solar panels).
2. Any permits for historic structures, as defined by the Secretary of Interior, are exempt only if the Secretary of Interior's Standards for Rehabilitation and Guidelines for Rehabilitating Historic Buildings are met.
3. Any permits subject to the Viewshed Ordinance are exempt only if the standards in County Code Section 18.106.040 for administrative review are met.
4. (Reserved)

Environmental Health Permits:

5. Class 1 well permit (outside groundwater deficient area).
6. Reconstruction/destruction of a well permit.
7. Groundwater permit exemption finding.
8. Single family dwelling or agricultural re-development groundwater permit if it meets the requirements of County Code Section 13.15.030(c).
9. Septic system permit (non-experimental systems only).
10. Mobilehome park operating permit.
11. Refuse disposal site operating permit.

Grading and Related Earth Disturbing Permits:

12. A grading permit; that meets the following criteria:
 - (a) Is not located in an environmentally sensitive area; and
 - (b) Does not involve grading in excess of 2,000 cubic yards if the average slope is less than 10% or 1,000 cubic yards if the average slope is 10% or greater; and
 - (c) Does not result in a new driveway over 300 feet in length.
13. Structural Erosion Control measures and Best Management Plan (BMPs) processed in accordance with the requirements of the National Pollution Discharge Elimination System (NPDES) program, as implemented by Napa County, where slopes involved are less than 30% as calculated by County Code Chapter 18.108.

14. Conservation Regulation Exemptions (County Code Section 18.108.050).
15. Track II vineyard replant.
16. Vineyard replant under 1-acre.

Planning Permits:

17. Agricultural preserve contract non-renewals.
18. Entry structure permit.
19. Fence permit.
20. Home occupation permit.
21. Landmark designation.
22. Off site parking plan.
23. Peddlers permit.
24. Sign permit (including directional, identification, temporary off-site and /or agricultural signs, and comprehensive sign plans).
25. Site plan.
26. Farmworker housing (where permitted by right).
27. Telecommunication facility maintenance/removal agreement.
28. Telecommunication facility minor antenna standards compliance finding.
29. Temporary event license.
30. Temporary trailer permit.
31. Time extension.
32. [Reserved]

Land Divisions:

33. Final land division maps.
34. Recorded map technical modification.
35. Lot line adjustments involving four or fewer parcels, except when processed concurrently with a related application that is discretionary (e.g. variance, use permit).
36. Unconditional certificate of compliance.
37. Voluntary merger of parcels.
38. Record of survey map recording.

APPENDIX B

ADDITIONAL CATEGORICALLY EXEMPT PROJECTS IN NAPA COUNTY

In addition to the exemptions contained in the *State CEQA Guidelines*, pursuant to Sections 15022(a)(1)(C) and 15300.4 of the *State CEQA Guidelines* the Board has found that the following types of projects typically do not have a significant effect on the environment and therefore qualify for a categorical exemption under the class of categorical exemptions listed below:

Class 1: Existing Facilities [*State CEQA Guidelines §15301*]

1. Existing roads, streets, highways, bicycle and pedestrian paths, and appurtenant facilities. Repair, maintenance, reconstruction, replacement and minor expansion including, but not limited to:
 - (a) reconstructing, resurfacing and/or seal coating of the pavement;
 - (b) paving existing unpaved shoulders;
 - (c) widening the paved roadway by less than 8 feet or adding up to 4-foot wide unpaved shoulders;
 - (d) adding short auxiliary lanes when required for localized purposes such as weaving, turning, climbing, lane changing or accelerating or decelerating;
 - (e) adding non-motorized trails and walkways parallel to the existing roadway to separate such non-motorized uses from motorized traffic;
 - (f) installing landscaping within road right-of-ways that involves minimal earth disturbing activities;
 - (g) working on clear-span bridge structures, reconstructing existing stream crossings and making minor operational improvements to drainage facilities, provided that the construction of temporary stream bypasses is not involved;
 - (h) modifying to improve existing roadside safety features such as curbs, pikes, headwalls, slopes and ditches within the right of way, adding or replacing devices such as fencing, guardrails, safety barriers, guideposts, and markers, or installing, removing, or modifying regulatory, warning, or informational signs;
 - (i) adding, removing and/or replacing distinctive roadway, runway, or taxiway markings such as painted stripes, raised pavement markers thermoplastic, tape or raised bars; **OR**
 - (j) abandoning dead-end roads when provisions for ongoing, long-term maintenance have been made or the road right-of-way has been returned to a natural state from a hydrologic standpoint.
2. Existing telecommunication facilities: Modification and renewal of the permits thereof.
3. Very Minor and Minor modifications of existing use permits in conformance with Section 18.124.130 of the County Code.

4. Existing erosion control plans: Modification thereof when:
 - (a) the footprint of the area disturbed is not expanded;
 - (b) the amount of sediment delivered from the site as calculated by a qualified professional is not increased; **AND**
 - (c) groundwater use is not increased.
5. Vineyard replants: Replantings or other modifications to existing vineyards under a Track I Erosion Control Plan process when:
 - (a) the footprint of the area to be replanted is within the footprint of the vineyard on June 16, 1993 or as on an approved erosion control plan;
 - (b) the amount of sediment delivered from the site as calculated by a qualified professional is not increased; **AND**
 - (c) groundwater use is not increased.
6. Tentative map revisions: Revisions to approved maps that do not involve the relocation of either building sites or access roads.
7. Approved oil, gas, and geothermal wells: Revisions that do not involve disturbance of previously undisturbed areas.
8. Existing mining operations: Temporary cessation thereof.

Class 3: New Construction or Conversion of Small Structures [State CEQA Guidelines §15303]

9. Farmworker housing: Construction and operation thereof where not permitted by right.
10. Construction and operation of small wineries, other agricultural processing facilities, and farm management uses that:
 - (a) are less than 5,000 square feet in size excluding caves;
 - (b) will involve either no cave excavation, or excavation sufficient to create no more than 5,000 additional square feet with all of the excavated cave spoils to be used on site;
 - (b) will produce 30,000 gallons or less per year;
 - (c) will generate less than 40 vehicle trips per day and 5 peak hour trips except on those days when marketing events are taking place;
 - (d) will hold no more than 10 marketing events per year, each with no more than 30 attendees, except for one wine auction event with up to 100 persons in attendance; **AND**
 - (e) will hold no temporary events.
- 10.5 Construction and operation of small public/emergency service facilities, including sheriff's communication towers and power generators and buildings of less than 5,000 feet on less than 30% slopes involving less than 2,000 cubic yards of grading/excavation.
11. Wells: Installation and/or operation thereof pursuant to a groundwater permit when the amount of groundwater proposed to be used in total on the parcel is less than or equal to the amount of groundwater historically used (i.e., during the last 3 years).

Class 4: Minor Alterations to Land [State CEQA Guidelines §15304]

12. New vineyards: Installation and operation of new vineyards that would:
 - (a) disturb less than 5½ acres of land and have an average slope of 15% or less;
 - (b) are located in a drainage 5½% or less of which is known to have been converted to vineyard since 1993;
 - (c) do not increase overall groundwater use on the parcel, if the parcel is within a groundwater deficient area. In all other areas would not consume in total with all other uses on the parcel groundwater exceeding the Phase 1 groundwater standard determined by the Department of Public Works;
AND
 - (d) are located more than half a mile from a designated Mineral Resource Area, or an active or potentially active mine or quarry.
13. New access roads and driveways (longer than 300 feet and resulting in less than 2,000 cubic yards of grading) that would:
 - (a) not disturb more than 2 acres of land;
 - (b) not traverse slopes that are steeper than 29.9%; **AND**
 - (c) not discharge concentrated runoff within a stream setback area.

Class 5: Minor Alterations in Land Use Limitations [State CEQA Guidelines §15305]

14. Zone changes: Implementation of zone changes that do not increase the maximum intensity of land use allowed.
15. Parcel mergers: Implementation of parcel mergers pursuant to sections of the County Code implementing the Subdivision Map Act.
16. Temporary public road closures: Closures for special events pursuant to Chapter 10.24 of the County Code.
17. Variances to standards for projects that are allowed by right under zoning.

COUNTY OF NAPA
CONSERVATION, DEVELOPMENT & PLANNING DEPARTMENT
1195 THIRD ST., SUITE 210
NAPA, CA 94559
(707) 253-4416

Initial Study Checklist
(form updated July 2010)

1. **Project Title:**
2. **Property Owner:**
3. **County Contact Person, Phone Number and email:**
4. **Project Location and APN:**
5. **Project sponsor's name and address:**
6. **General Plan description:**
7. **Zoning:**
8. **Description of Project.**

9. **Describe the environmental setting and surrounding land uses.**

9. **Other agencies whose approval is required** (e.g., permits, financing approval, or participation agreement).

ENVIRONMENTAL IMPACTS AND BASIS OF CONCLUSIONS:

The conclusions and recommendations contained herein are professional opinions derived in accordance with current standards of professional practice. They are based on a review of the Napa County Environmental Resource Maps, the other sources of information listed in the file, and the comments received, conversations with knowledgeable individuals; the preparer's personal knowledge of the area; and, where necessary, a visit to the site. For further information, see the environmental background information contained in the permanent file on this project.

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

Name: _____

Napa County Conservation, Development & Planning Department

	Potentially Significant Impact	Less Than Significant With Mitigation Incorporation	Less Than Significant Impact	No Impact
I. AESTHETICS. Would the project:				
a) Have a substantial adverse effect on a scenic vista?	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
b) Substantially damage scenic resources, including, but not limited to, trees, rock outcroppings, and historic buildings within a state scenic highway?	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
c) Substantially degrade the existing visual character or quality of the site and its surroundings?	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
d) Create a new source of substantial light or glare which would adversely affect day or nighttime views in the area?	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>

Discussion:

	Potentially Significant Impact	Less Than Significant With Mitigation Incorporation	Less Than Significant Impact	No Impact
II. AGRICULTURE AND FOREST RESOURCES.¹ Would the project:				
a) Convert Prime Farmland, Unique Farmland, or Farmland of Statewide Important (Farmland) as shown on the maps prepared pursuant to the Farmland Mapping and Monitoring Program of the California Resources Agency, to non-agricultural use?	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
b) Conflict with existing zoning for agricultural use, or a Williamson Act contract?	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
c) Conflict with existing zoning for, or cause rezoning of, forest land as defined in Public Resources Code Section 12220(g), timberland as defined in Public Resources Code Section 4526, or timberland zoned Timberland Production as defined in Government Code Section 51104(g)?	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
d) Result in the loss of forest land or conversion of forest land to non-forest use in a manner that will significantly affect timber, aesthetics, fish and wildlife, biodiversity, water quality, recreation, or other public benefits?	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
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.	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>

Discussion:

	Potentially Significant Impact	Less Than Significant With Mitigation Incorporation	Less Than Significant Impact	No Impact
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¹ "Forest land" is defined by the State as "land that can support 10-percent native tree cover of any species, including hardwoods, under natural conditions, and that allows for management of one or more forest **resources**, including timber, aesthetics, fish and wildlife, biodiversity, water quality, recreation, and other public benefits." (Public Resources Code Section 12220(g)) The Napa County General Plan anticipates and does not preclude conversion of some "forest land" to agricultural use, and the program-level EIR for the 2008 General Plan Update analyzed the impacts of up to 12,500 acres of vineyard development between 2005 and 2030, with the assumption that some of this development would occur on "forest land." In that analysis specifically, and in the County's view generally, the conversion of forest land to agricultural use would constitute a potentially significant impact only if there were resulting significant impacts to sensitive species, biodiversity, wildlife movement, sensitive biotic communities listed by the California Department of Fish and Game, water quality, or other environmental resources addressed in this checklist.

		Potentially Significant Impact	Less Than Significant With Mitigation Incorporation	Less Than Significant Impact	No Impact
III.	AIR QUALITY. Where available, the significance criteria established by the applicable air quality management or air pollution control district may be relied upon to make the following determinations. Would the project:				
	a) Conflict with or obstruct implementation of the applicable air quality plan?	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
	b) Violate any air quality standard or contribute substantially to an existing or projected air quality violation?	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
	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)?	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
	d) Expose sensitive receptors to substantial pollutant concentrations?	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
	e) Create objectionable odors affecting a substantial number of people?	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>

Discussion:

		Potentially Significant Impact	Less Than Significant With Mitigation Incorporation	Less Than Significant Impact	No Impact
IV.	BIOLOGICAL RESOURCES. Would the project:				
	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?	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
	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 US Fish and Wildlife Service?	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
	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?	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
	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?	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
	e) Conflict with any local policies or ordinances protecting biological resources, such as a tree preservation policy or ordinance?	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
	f) Conflict with the provisions of an adopted Habitat Conservation Plan, Natural Community Conservation Plan, or other approved local, regional, or state habitat conservation plan?	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>

Discussion:

		Potentially Significant Impact	Less Than Significant With Mitigation Incorporation	Less Than Significant Impact	No Impact
V.	CULTURAL RESOURCES. Would the project:				
	a) Cause a substantial adverse change in the significance of a historical resource as defined in CEQA Guidelines §15064.5?	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
	b) Cause a substantial adverse change in the significance of an archaeological resource pursuant to CEQA Guidelines §15064.5?	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>

Project Name:

	Potentially Significant Impact	Less Than Significant With Mitigation Incorporation	Less Than Significant Impact	No Impact
c) Directly or indirectly destroy a unique paleontological resource or site or unique geological feature?	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
d) Disturb any human remains, including those interred outside of formal cemeteries?	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>

Discussion:

	Potentially Significant Impact	Less Than Significant With Mitigation Incorporation	Less Than Significant Impact	No Impact
VI. 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.	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
ii) Strong seismic ground shaking?	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
iii) Seismic-related ground failure, including liquefaction?	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
iv) Landslides?	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
b) Result in substantial soil erosion or the loss of topsoil?	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
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?	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
d) Be located on expansive soil, as defined in Table 18-1-B of the Uniform Building Code (1997), creating substantial risks to life or property?	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
e) Have soils incapable of adequately supporting the use of septic tanks or alternative waste water disposal systems where sewers are not available for the disposal of waste water?	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>

Discussion:

	Potentially Significant Impact	Less Than Significant With Mitigation Incorporation	Less Than Significant Impact	No Impact
VII. GREENHOUSE GAS EMISSIONS. Would the project:				
a) Generate a net increase in greenhouse gas emissions in excess of applicable thresholds adopted by the Bay Area Air Quality Management District or the California Air Resources Board which may have a significant impact on the environment?	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
b) Conflict with a county-adopted climate action plan or another applicable plan, policy or regulation adopted for the purpose of reducing the emissions of greenhouse gases?	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>

Discussion:

	Potentially Significant Impact	Less Than Significant With Mitigation Incorporation	Less Than Significant Impact	No Impact
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Project Name:

	Potentially Significant Impact	Less Than Significant With Mitigation Incorporation	Less Than Significant Impact	No Impact
VIII. HAZARDS AND 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?	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
b) Create a significant hazard to the public or the environment through reasonable foreseeable upset and accident conditions involving the release of hazardous materials into the environment?	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
c) Emit hazardous emissions or handle hazardous or acutely hazardous materials, substances, or waste within one-quarter mile of an existing or proposed school?	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
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?	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
e) For a project located within an airport land use plan or, where such a 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?	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
f) For a project within the vicinity of a private airstrip, or, where such a 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?	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
g) Impair implementation of or physically interfere with an adopted emergency response plan or emergency evacuation plan?	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
h) Expose people or structures to a significant risk of loss, injury or death involving wild-land fires, including where wild-lands are adjacent to urbanized areas or where residences are intermixed with wild-lands?	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>

Discussion:

	Potentially Significant Impact	Less Than Significant With Mitigation Incorporation	Less Than Significant Impact	No Impact
IX. HYDROLOGY AND WATER QUALITY. Would the project:				
a) Violate any water quality standards or waste discharge requirements?	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
b) Substantially deplete groundwater supplies or interfere substantially with groundwater recharge such that there would be a net deficit in aquifer volume or a lowering of the local groundwater table level (e.g., the production rate of 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)?	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
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?	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
d) Substantially alter the existing drainage pattern 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?	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
e) Create or contribute runoff water which would exceed the capacity of existing or planned stormwater drainage systems or provide substantial additional sources of polluted runoff?	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>

Project Name:

	Potentially Significant Impact	Less Than Significant With Mitigation Incorporation	Less Than Significant Impact	No Impact
f) Otherwise substantially degrade water quality?	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
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?	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
h) Place within a 100-year flood hazard area structures which would impede or redirect flood flows?	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
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?	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
j) Inundation by seiche, tsunami, or mudflow?	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>

Discussion:

	Potentially Significant Impact	Less Than Significant With Mitigation Incorporation	Less Than Significant Impact	No Impact
X. LAND USE AND PLANNING. Would the project:				
a) Physically divide an established community?	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
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?	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
c) Conflict with any applicable habitat conservation plan or natural community conservation plan?	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>

Discussion:

	Potentially Significant Impact	Less Than Significant With Mitigation Incorporation	Less Than Significant Impact	No Impact
XI. 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?	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
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?	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>

Discussion:

	Potentially Significant Impact	Less Than Significant With Mitigation Incorporation	Less Than Significant Impact	No Impact
XII. 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?	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
b) Exposure of persons to or generation of excessive groundborne vibration or groundborne noise levels?	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>

Project Name:

	Potentially Significant Impact	Less Than Significant With Mitigation Incorporation	Less Than Significant Impact	No Impact
c) A substantial permanent increase in ambient noise levels in the project vicinity above levels existing without the project?	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
d) A substantial temporary or periodic increase in ambient noise levels in the project vicinity above levels existing without the project?	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
e) For a project located within an airport land use plan or, where such a plan has not been adopted, within two miles of a public airport or public use airport, would the project expose people residing or working in the project area to excessive noise levels?	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
f) For a project within the vicinity of a private airstrip, would the project expose people residing or working in the project area to excessive noise levels?	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>

Discussion:

	Potentially Significant Impact	Less Than Significant With Mitigation Incorporation	Less Than Significant Impact	No Impact
XIII. POPULATION AND 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)?	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
b) Displace substantial numbers of existing housing, necessitating the construction of replacement housing elsewhere?	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
c) Displace substantial numbers of people, necessitating the construction of replacement housing elsewhere?	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>

Discussion:

	Potentially Significant Impact	Less Than Significant With Mitigation Incorporation	Less Than Significant Impact	No Impact
XIV. PUBLIC SERVICES. Would the project result in:				
a) 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:				
Fire protection?	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
Police protection?	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
Schools?	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
Parks?	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
Other public facilities?	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>

Discussion:

	Potentially Significant Impact	Less Than Significant With Mitigation Incorporation	Less Than Significant Impact	No Impact
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Project Name:

	Potentially Significant Impact	Less Than Significant With Mitigation Incorporation	Less Than Significant Impact	No Impact
XV. RECREATION. Would the project:				
a) 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?	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
b) Does the project include recreational facilities or require the construction or expansion of recreational facilities which might have an adverse physical effect on the environment?	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>

Discussion:

	Potentially Significant Impact	Less Than Significant With Mitigation Incorporation	Less Than Significant Impact	No Impact
XVI. TRANSPORTATION/TRAFFIC. Would the project:				
a) Cause an increase in traffic which is substantial in relation to the existing traffic load and capacity of the street system and/or conflict with General Plan Policy CIR-16, which seeks to maintain an adequate Level of Service (LOS) at signalized and unsignalized intersections, or reduce the effectiveness of existing transit services or pedestrian/bicycle facilities?	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
b) Conflict with an applicable congestion management program, including, but not limited to level of service standards and travel demand measures, or other standards established by the Napa County Transportation and Planning Agency for designated roads or highways?	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
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?	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
d) Substantially increase hazards due to a design feature, (e.g., sharp curves or dangerous intersections) or incompatible uses (e.g., farm equipment)?	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
e) Result in inadequate emergency access?	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
f) Conflict with General Plan Policy CIR-23, which requires new uses to meet their anticipated parking demand, but to avoid providing excess parking which could stimulate unnecessary vehicle trips or activity exceeding the site's capacity?	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
g) Conflict with adopted policies, plans, or programs regarding public transit, bicycle, or pedestrian facilities, or otherwise decrease the performance or safety of such facilities?	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>

Discussion:

	Potentially Significant Impact	Less Than Significant With Mitigation Incorporation	Less Than Significant Impact	No Impact
XVII. UTILITIES AND SERVICE SYSTEMS. Would the project:				
a) Exceed wastewater treatment requirements of the applicable Regional Water Quality Control Board?	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
b) Require or result in the construction of a new water or wastewater treatment facilities or expansion of existing facilities, the construction of which could cause significant environmental effects?	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>

Project Name:

	Potentially Significant Impact	Less Than Significant With Mitigation Incorporation	Less Than Significant Impact	No Impact
c) Require or result in the construction of a new storm water drainage facilities or expansion of existing facilities, the construction of which could cause significant environmental effects?	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
d) Have sufficient water supplies available to serve the project from existing entitlements and resources, or are new or expanded entitlements needed?	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
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?	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
f) Be served by a landfill with sufficient permitted capacity to accommodate the project's solid waste disposal needs?	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
g) Comply with federal, state, and local statutes and regulations related to solid waste?	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>

Discussion:

	Potentially Significant Impact	Less Than Significant With Mitigation Incorporation	Less Than Significant Impact	No Impact
XVIII. MANDATORY FINDINGS OF SIGNIFICANCE				
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?	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
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)?	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
c) Does the project have environmental effects that will cause substantial adverse effects on human beings, either directly or indirectly?	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>

Discussion:

**MEMORANDUM OF UNDERSTANDING REGARDING
PREPARATION AND HANDLING OF CEQA DOCUMENTS
FOR PROJECTS IN NAPA COUNTY**

This AGREEMENT, hereinafter referred as the “MOU,” is made and entered into on this ____ day of _____, 20__, by and between the _____ [Applicant’s name] (“APPLICANT”) and _____ [Consultant’s Name] (“CONSULTANT”), for the purpose of establishing rights and responsibilities regarding preparation and handling of certain environmental documents under the California Environmental Quality Act (“CEQA”) including, but not limited to, Negative Declarations, Mitigated Negative Declarations, Environmental Impact Reports and/or technical studies for the project described as _____ and located at _____ (“PROJECT”).

WHEREAS, the County of Napa is the Lead Agency with the land use and planning jurisdiction for the PROJECT as it pertains to CEQA;

WHEREAS, the APPLICANT has submitted an application to the County for development of the above-referenced PROJECT;

WHEREAS, the County has determined that the PROJECT necessitates the preparation of a _____ [state type of CEQA Document] (the “CEQA DOCUMENT”);

WHEREAS, the CONSULTANT represents and warrants that he/she/it is qualified, willing and able to provide the services described herein;

WHEREAS, the CONSULTANT is a professional environmental consultant included on the County of Napa’s list of qualified CEQA Consultants;

WHEREAS, the APPLICANT and CONSULTANT understand and agree that CONSULTANT has the primary responsibility to ensure that the CEQA DOCUMENT is adequate and that the County’s review is for the benefit of the public generally and not for the benefit of the APPLICANT or CONSULTANT; and

NOW, THEREFORE, in view of the foregoing, the APPLICANT and CONSULTANT do hereby agree as follows:

I. SUBMISSION OF DOCUMENTS AND DISCLOSURE OF INFORMATION

A. The APPLICANT and CONSULTANT shall submit all CEQA DOCUMENTS prepared under this MOU to the County pursuant to the terms and conditions set forth herein and in accordance with the County of Napa’s Local CEQA Guidelines and State CEQA Guidelines.

B. The APPLICANT and CONSULTANT shall: (1) provide the County with copies of all draft CEQA DOCUMENTS and relevant correspondence; 2) copy the County on all correspondence related to the CEQA DOCUMENT; and 3) provide the County written or emailed (instead of verbal) reports of disclosures as requested and determined by the County. The documents shall be provided to the County at the same time as they are

provided by the CONSULTANT to the APPLICANT or by the APPLICANT to the CONSULTANT.

II. CERTIFICATIONS

By executing this MOU:

A. The APPLICANT and CONSULTANT certify and acknowledge that they each have an ongoing obligation and commitment to the County to disclose all information that is relevant to the environmental consequences of the PROJECT and preparation of the CEQA DOCUMENT. The APPLICANT further certifies that no relevant information has been or will be omitted or withheld from the County, the CONSULTANT, or any sub-consultant(s).

B. The CONSULTANT certifies that it is included on the County's list of qualified CEQA Consultants and understands that it may be removed from the list for failure to adhere to the standards, conditions and requirements set forth herein.

III. APPLICANT'S RIGHTS AND RESPONSIBILITIES

A. Subject to the terms and conditions of this MOU and the County's Local CEQA Guidelines, the APPLICANT may select and retain the undersigned CONSULTANT for preparation of the CEQA DOCUMENT provided that the County approves the scope of work and any amendment prior to the CONSULTANT commencing any work. The APPLICANT further agrees to provide the County with an executed copy of this MOU prior to the CONSULTANT commencing any work.

B. The APPLICANT shall be responsible for one hundred-percent (100%) of all costs associated with the CONSULTANT's work and for the County's staff costs as set forth by the County's most current fee policy and resolution.

C. The APPLICANT shall ensure that any consultant(s) or subconsultant(s) hired in conjunction with the preparation of the CEQA DOCUMENTS and related to the PROJECT comply with the County's Local CEQA Guidelines and all relevant terms and conditions set forth in this MOU.

D. The APPLICANT shall not enter into any form of confidentiality agreement with the CONSULTANT or any other consultant hired to assist with the preparation of the CEQA DOCUMENT, which prohibits disclosure of information related to substantive land use or environmental issues to the County.

IV. CONSULTANT'S RIGHTS AND RESPONSIBILITIES

A. The CONSULTANT shall have an ongoing obligation and commitment to the County to disclose all information that is relevant to the environmental consequences of the PROJECT and the preparation of the CEQA DOCUMENT. The CONSULTANT shall not omit or withhold any relevant information from the County at the request of the APPLICANT or for any other reason. The CONSULTANT shall require any CONSULTANT-hired sub-consultant(s) to certify these same obligations and commitments to the County as a condition of their contract or by signing a copy of this MOU and shall provide a copy of such certification to the County within ten (10) days of retaining such sub-consultant(s).

B. The CONSULTANT's responsibility is to provide a complete, accurate and legally adequate CEQA DOCUMENT. The CONSULTANT's accountability shall be solely to the County, and not to the APPLICANT or to any other person or entity.

C. The CONSULTANT shall verify and ensure that all documents prepared under its contract with the APPLICANT utilize accurate and verifiable field techniques and generally accepted professional work performance standards, and are in conformance with all applicable CEQA requirements, and all applicable County, State, and Federal rules, regulations and laws.

D. The CONSULTANT shall verify and ensure that all CEQA DOCUMENTS prepared under its contract with the APPLICANT, including the draft, final and response to comments (as applicable), represent its complete and independent professional judgment including all County direction and provide an analysis of the specific environmental issues, setting, potential impacts, and mitigation measures associated with the PROJECT. Notwithstanding the above responsibility, all CEQA documents shall reflect the independent judgment of the County.

E. The CONSULTANT shall disclose any revisions made to the draft CEQA DOCUMENT and specifically identify any revisions made at the request of the APPLICANT. Unless waived by the County, all revisions to CEQA documents prior to submittal for public review shall be shown in strikeout/underline.

F. The CONSULTANT shall maintain a record of communications with the APPLICANT related to substantive land use or environmental issues, and such record shall be submitted to the County for review upon request.

G. The APPLICANT and CONSULTANT agree that the County shall retain the right to attend, or participate in, meetings (including conference calls) between the APPLICANT and the CONSULTANT when such meetings include discussion of substantive land use or environmental issues and the County has the right to request such meetings. The CONSULTANT shall provide the County with reasonable notice of all such meetings at the earliest time possible and no less than one business day. Upon the request of the County, the CONSULTANT shall disclose all substantive land use and environmental issues discussed at meetings the County does not attend. At the discretion of the County, notice of meetings may be waived in lieu of periodic summary reports disclosing issues discussed.

H. The CONSULTANT may not be a subsidiary or division of the APPLICANT or have an ownership or financial interest in the proposed PROJECT or any other property or development in which the APPLICANT has a financial interest. Additionally, the CONSULTANT shall not accept performance incentives associated with a certain density, intensity, or configuration of development. This prohibition does not preclude performance incentives related to project schedules.

I. The CONSULTANT shall disclose to the County's Project Manager all PROJECT related emails and written correspondence between the APPLICANT and CONSULTANT regarding substantive land use or environmental issues, unless waived in writing by the County.

J. The CONSULTANT shall submit all field notes, resource documents and supplemental technical studies used in the preparation of the CEQA DOCUMENT on or before submittal of the final screen check version of the document to the County for review.

K. The CONSULTANT shall provide the County with all reports, cites, records, documents and information relied on by the CONSULTANT in reaching its conclusions in the CEQA DOCUMENT. Said information shall be submitted to the County with an index no later than at the same time the screen check draft document is submitted to the County for review.

V. EXPIRATION

This MOU shall expire upon any of the following:

A. The PROJECT and the CEQA DOCUMENT becomes final by decision of the authorized County decision-maker, all appeal timelines have expired, and all legal challenges associated with the PROJECT and the CEQA DOCUMENT have been finally adjudicated; or

B. The PROJECT is withdrawn or denied and all appeal timelines have expired; or

C. Written notice from the APPLICANT or CONSULTANT to the other party terminating the MOU. Notwithstanding expiration of the MOU, all information obtained prior to said expiration shall be disclosed to the County pursuant to the MOU disclosure requirements. Expiration of the MOU does not relieve the parties of their responsibilities under the MOU for activities that took place prior to the expiration date.

IN WITNESS WHEREOF, the APPLICANT and the CONSULTANT have caused this Agreement to be executed. Further, the APPLICANT and CONSULTANT, under penalty of perjury, agree that all documents submitted to the County shall be in conformance with all requirements set forth in this MOU.

ATTEST:

APPLICANT

Dated: _____

Principal

Company Name (if applicable)

CONSULTANT

FIRM

Dated: _____

Firm Name

Principal of Firm