



A Tradition of Stewardship  
A Commitment to Service

Agenda Date: 12/17/2014

Agenda Placement: 9B

Continued From: 11/19/14

## Napa County Planning Commission Board Agenda Letter

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**TO:** Napa County Planning Commission

**FROM:** Charlene Gallina for David Morrison - Director  
Planning, Building and Environmental Services

**REPORT BY:** Brian Bordona, Supervising Planner - (707) 259-5935

**SUBJECT:** Amendments to County's Local CEQA Guidelines

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### **RECOMMENDATION**

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

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

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

**Staff Recommendation:** That the Planning Commission conduct a public hearing and forward a recommendation of approval to the Board of Supervisors.

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

**CONTINUED FROM NOVEMBER 19, 2014**

### **EXECUTIVE SUMMARY**

**Proposed Action:**

1. That the Planning Commission hold a public hearing and upon close of the hearing, recommend that the Board of Supervisors adopt the proposed resolution, thereby adopting an updated version of Napa County's Local Procedures for Implementing CEQA.

**Discussion:**

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

On November 7, 2014, the proposed revisions were forwarded to the Development Stakeholders group email list and other members of the public for review and comment. Staff has engaged in outreach with stakeholders and other members of the public to provide details on the nature of the proposed updates. Of particular note, stakeholders voiced concerns over the ability of applicants to submit technical reports (i.e. traffic, archaeological reports, etc.) prepared by consultants hired by property owners. As a result, clarifying language was added to the proposed revisions to clearly state the proposed changes apply to the preparation of CEQA documents such as an environmental impact report, negative declaration or mitigated negative declaration.

**FISCAL IMPACT**

Is there a Fiscal Impact?                      No

**ENVIRONMENTAL IMPACT**

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**BACKGROUND AND DISCUSSION**

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

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

responsibilities would be reduced and the project would be managed more efficiently.

The currently proposed revisions also include additions to the Initial Study Checklist and other non-substantive clerical corrections. One such change includes changes to the Initial Study Checklist to incorporate a "Background/Project History" section in the project description, define the term "expansive soil" pursuant to the California Building Code versus the Uniform Building Code (Section VI Geology and Soils), and incorporate standard checklist language for any future use of a subsequent negative (or mitigated) declaration.

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#### **SUPPORTING DOCUMENTS**

- A . Resolution
- B . Revised CEQA Guidelines (redlined)
- C . Sierra Club - Comment

Napa County Planning Commission: Approve

Reviewed By: John McDowell