

CEQA Implementing Procedures  
of the  
Local Agency Formation Commission of Nevada County

As adopted by Resolution No. 12-07

Effective September 20, 2012

(Adopted pursuant to [California Code of Regulations, Section 15022\(d\)](#))

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1. MINISTERIAL AUTHORITY 15268(c)

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

2. EXEMPTIONS 15063

- a. The Executive Officer will determine which projects are exempt from CEQA;
- b. Specific LAFCO activities which are generally exempt are detailed in Sections 15306, 15319 and 15320 of the State CEQA Guidelines.

3. INITIAL STUDIES 15063

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

4. NEGATIVE DECLARATIONS 15070 - 15075

- a. The Executive Officer will determine, based upon the initial study, whether to prepare a proposed Negative Declaration.
- b. The Commission will consider a proposed Negative Declaration and any public review comments received within the timeframes required by the State CEQA Guidelines prior to approving a project, and will approve the Negative Declaration if it finds there is no substantial evidence that the project may have a significant effect on the environment.

5. ENVIRONMENTAL IMPACT REPORTS (EIRs) 15030 - 15096

- a. The Executive Officer will determine, based upon the initial study or application documents, whether to require the preparation of a Draft EIR.
- b. The Executive Officer will prepare responses to public comments submitted on a Draft EIR.
- c. Prior to approving the project, the Commission will review and consider the information contained in any EIR prepared for the project and any public review comments received within the timeframes required by the State CEQA Guidelines prior to approving a project, and will certify the completion thereof, in compliance with CEQA, and will make the findings and statements required by CEQA and the State CEQA Guidelines.

6. CONSULTATION WITH OTHER PUBLIC AGENCIES AND MEMBERS OF THE PUBLIC

In performing the environmental review procedures required by CEQA, the Executive Officer shall informally consult with other interested public agencies and members of the public as to the potential environmental impacts of the project.

7. PUBLIC NOTICE AND REVIEW

- a. CEQA actions contemplated by the Commission shall be publicly noticed by one or more of the methods outlined in the State CEQA Guidelines, and environmental documents shall be made available to the public for review and comment in accordance with the provisions set forth in the State CEQA Guidelines as appropriate for the specific type of document (Negative Declaration, Mitigated Negative Declaration, Draft and Final Environmental Impact Report).
- b. CEQA documents and notices will also be made available within the applicable timeframes (as set forth in the State CEQA Guidelines) to applicants, interested agencies, and the public at the LAFCo office and on the LAFCo website.

8. ADVISORS TO EXECUTIVE OFFICER

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

9. COMMENTING ON ENVIRONMENTAL DOCUMENTS SUBMITTED BY OTHER AGENCIES 15096

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

10. APPEALING A DETERMINATION 15061, 15062

Any person aggrieved by a determination of the Executive Officer may appeal said determination to the Commission. Such appeal must be filed in writing with the Executive Officer within 20 calendar days after the determination and shall give specific reasons for the appeal. If a formal notice of the determination is published or mailed after the date of the determination, the 20 days shall run from the date of publication or mailing. The appeal shall be heard on the next regular agenda of the Commission in the same manner as matters coming regularly before the Commission.

11. FILING DOCUMENTS 15062, 15075

Notices of Completion, Determination, Exemption, and Preparation as required or authorized by CEQA and the State CEQA Guidelines shall be filed by the LAFCO staff.

12. MITIGATION MONITORING

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

13. COST RECOVERY

LAFCo staff time associated with complying with the provisions of CEQA, including reviewing and commenting on environmental documents for projects for which LAFCo is a Responsible Agency, shall normally be charged to proposal applicants at the staff charge-out

Exhibit A  
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rates listed on the most recent Nevada County LAFCo Schedule of Fees and Deposits. Applicants will also be responsible for payment of any additional fees charged by state or local agencies for review or processing of the project.

14. AMENDMENTS AND POSTING

- a. Amendments to these Environmental Review Procedures will be made in accordance with the Nevada LAFCo Bylaws.
- b. Upon approval by the Commission, these Environmental Review Procedures will be posted on the LAFCo website.

**Resolution 12-07**  
**of the**  
**Local Agency Formation Commission**  
**of**  
**Nevada County, California**

*Adopting the State CEQA Guidelines for Implementing the California Environmental Quality Act ([California Code of Regulations, Title 14, Chapter 3.](#)) and Adopting Nevada LAFCo Environmental Review Procedures*

WHEREAS, Section 21082 of the Public Resources Code and Section 15022 of the California Code of Regulations require each California public agency to adopt specific procedures for administering the California Environmental Quality Act; and,

WHEREAS, Section 15022 of the California Code of Regulations permits a public agency to adopt the California Code of Regulations, Chapter 3, Guidelines for Implementation of the California Environmental Quality Act, referenced hereinafter as the *State CEQA Guidelines* through incorporation by reference and to then adopt only the procedures which are necessary to tailor the general provisions of the State CEQA Guidelines to the specific operations of the agency;

WHEREAS, the Local Agency Formation Commission (LAFCo) of Nevada County must periodically revise its local guidelines for implementing CEQA to make them consistent with the current provisions and interpretations of CEQA; and,

WHEREAS, the adoption of the State CEQA Guidelines for the Implementation of the California Environmental Quality Act (California Code of Regulations, Title 14, Chapter 3, Sections 15000 et seq.), as currently amended, would ensure Nevada LAFCo's policy is in compliance with the most current version and interpretation of the law; and,

THEREFORE, the Nevada County Local Agency Formation Commission hereby determines the following:

1. The State CEQA Guidelines (California Code of Regulations, Title 14, Chapter 3, Sections 15000 et seq.), as currently amended, are hereby adopted and are incorporated by reference as the "Local Agency Formation Commission of Nevada County California Environmental Quality Act Guidelines."
2. The Nevada County LAFCo *CEQA Implementing Procedures* as shown on **Exhibit A** are hereby adopted in order to tailor the State CEQA Guidelines to the specific operations of the Nevada County LAFCo.
3. All prior actions of the Nevada County LAFCO enacting earlier implementation guidelines for the implementation of the California Environmental Quality Act are hereby repealed.

Ayes: Anderson, Bender, Bergman, Grundel, Norsell, Owens, Weston

Noes:

Abstains:

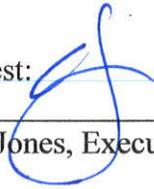
Absent: Beason, Swarthout

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Signed and approved by me after its passage this 20<sup>th</sup> day of September, 2012.

  
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Hank Weston, Chair  
Nevada LAFCo

Attest:

  
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SR Jones, Executive Officer