MARIPOSA COUNTY RESOLUTION NO. 86-151

A RESOLUTION ADOPTING COMPREHENSIVE MARIPOSA COUNTY ENVIRONMENTAL REVIEW POLICIES AND PROCEDURES FOR THE PURPOSE OF IMPLEMENTING THE CALIFORNIA ENVIRONMENTAL QUALITY ACT (CEQA) AND THE CEQA GUIDELINES.

The Board of Supervisors, County of Mariposa, a political subdivision of the State of California, does hereby resolve as follows:

WHEREAS, Section 15022(a) of Title 14, Division 6, Chapter 3 of the California Administrative Code requires public agencies to adopt objectives, criteria and specific procedures consistent with CEQA and the CEQA Guidelines for administering its responsibilities under CEQA, including the orderly evaluation of projects and the preparation of environmental documents.

NOW THEREFORE, this Board does hereby adopt the attached comprehensive Mariposa County Environmental Review Policies and Procedures for the purpose of implementing CEQA and the CEQA Guidelines within the County of Mariposa.

BE IT FURTHER RESOLVED, that adoption of the attached comprehensive Mariposa County Environmental Review Policies and Procedures supercedes those Policies and Procedures adopted by Mariposa County Resolution No. 81-64.

PASSED AND ADOPTED by the Mariposa County Board of Supervisors on the 13th day of May, 1986 by the following vote:

AYES: BARRICK, DALTON, ERICKSON, RADANOVICH, TABER

NOES: NONE

NOT VOTING: NONE

EXCUSED: NONE

BEVERLY BARRICK, Chairman
Mariposa County Board of Supervisors

GERALD Mc CATHY, County Clerk and Ex Officio Clerk of the Board
APPROVED AS TO FORM AND LEGAL SUFFICIENCY:

JEFFREY G. GREEN
County Counsel
MARIPOSA COUNTY

ENVIRONMENTAL REVIEW

POLICIES AND PROCEDURES

Adopted pursuant to the California Environmental Quality Act (CEQA) and the CEQA Guidelines as amended through Jan. 1, 1986. Prepared by Mariposa County Planning Department
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SECTION 1.000
APPLICATION AND GENERAL ADMINISTRATION

1.100 REFERENCE

These policies and procedures are written for the purpose of implementing the requirements of the California Environmental Quality Act (CEQA) as contained in Division 13, Section 21000 et seq of the Public Resources Code and the CEQA Guidelines as contained in Title 14, Division 6, Chapter 3, Section 15000 et seq of the California Administrative Code.

1.200 PURPOSE

The following policies and procedures are set forth for the purpose of implementing CEQA and the CEQA Guidelines within the County of Mariposa. Nothing contained within these policies and procedures is intended to supersede or otherwise avoid the intent or express letter of applicable State law. When a stated policy or procedure is found to be inconsistent with a mandatory provision of CEQA or the CEQA Guidelines, State law and the Administrative Code shall govern. These policies and procedures therefore are intended to supplement the provisions of State law and the Administrative Code and provide the necessary administrative rules to carry out the intent of the law within Mariposa County. Nothing contained within the following policies and procedures is intended to limit the lead agency from establishing alternative procedures for processing a project's environmental review where either specific policies and procedures are not set forth herein or where an alternative procedure will expedite review consistent with State law and the purpose of CEQA.

1.300 DEFINITION OF TERMS AND REFERENCE

All terms and phrases utilized herein shall be defined in accordance with CEQA and such administrative guidelines established by the Resources Agency of the State of California pursuant to the requirements of CEQA. In all cases, such terms or phrases not specifically defined as provided above will be subject to such definitions as applicable in Mariposa County Code or policy.

1.400 INTERPRETATION

All questions regarding the specific application or interpretation of procedures, standards and policies set forth herein shall be determined by the lead agency as defined in Section 2.000 of these policies and procedures.

1.500 SUPPLEMENTAL POLICIES

In the event that such policies, standards and procedures as described herein require supplemental policies for application to an agency or board not identified herein, or any other board, commission, or public official operating under the authority of the Mariposa County Board of Supervisors, such supplemental policies, procedures and standards may be adopted by the affected agency for specific application to
that agency and shall not affect these policies, procedures and standards as they apply to the County of Mariposa.

1.600 **Administrative Appeal Provisions**

In the event that a determination is made, subject to the provisions of CEQA, CEQA Guidelines and the policies, procedures and standards contained herein by a board, commission or public official acting under the authority of the County of Mariposa (a political subdivision of the State of California) as set forth in Section 2.100, then the Mariposa County Board of Supervisors shall be the Administrative Appeal Review Board. Wherein the Mariposa County Board of Supervisors is responsible for determinations under the provisions of CEQA, as set forth in Section 2.100, there shall be no administrative appeal provisions.

1.610 **Administrative Appeals Generally**

All decisions or determinations made pursuant to these policies and procedures, which are subject to appeal under Section 1.600, may be appealed to the Appeal Review Board provided that such appeal is filed in accordance with Mariposa County's adopted appeals procedures. Public notification of an appeal hearing shall be conducted in accordance with established County policy.

1.700 **Public Notification Standards**

This section is intended to supplement the provisions of Section 3.000 of this document and established Mariposa County policy for purposes of public notification.

1.710 **Affected Property Owner Notification**

Affected property owners shall be notified of environmental review actions and/or pending actions in accordance with the following standards:

A. Affected property owner shall mean:

1. Adjacent property owners within 600 feet of the boundaries of a project site.

2. All property owners adjacent to, or utilizing as primary access, any road, street or easement of record (as described on a recorded subdivision map) not included in the Mariposa County Road System or State/Federal highway system where such access is affected by the project.

3. Such other persons and property owners where it is determined by the lead agency that such persons or property owners could be affected due to the unique or unusual characteristics of the project under review.
B. Affected property owners, as defined in Section 1.710 A above, shall be notified of a pending environmental review action a minimum of 15 days prior to the scheduled date of the final environmental review action by direct first-class mailing. Other means of notification, as described in No.'s 1 and 2 below, may be used if the Lead Agency finds that reasonable public notification will be provided or if more than one thousand notices are to be prepared. Any combination of notification methods may be used to achieve reasonable public notice.

1. Publication at least one time by the Lead Agency in a newspaper of general circulation in the area affected by the proposed project.

2. Posting of notices by the Lead Agency on and off site in the area where the project is to be located.

C. All public notification, as outlined in Section 1.710 (B) above, shall include the following information:

1. The project or permit application number and the name of the project applicant or proponent.

2. A general description of the project and its location.

3. The contemplated action with respect to the environmental determination.

4. The closing date of the public review period.

5. The location where initial studies, staff reports and other relevant information on the project may be reviewed.

6. Options an affected property owner may have with respect to the proposed project including comments and public hearing request.

1.800 PUBLIC HEARINGS

A. A public hearing may be requested on a pending environmental review determination by an affected property owner, or other interested party, or on motion of the Lead Agency.

B. A request for a public hearing shall be made in writing and must be filed with the Lead Agency prior to the close of the public review period as shown on the public review notice required under Section 1.710 B.
C. Any affected property owner, or other interested party, who requests a public hearing shall be responsible for a minimum fee to be specified in accordance with Section 1.900 of this document. The project proponent shall be responsible for such additional costs of a public hearing which is in excess of the fee provided by the party which requests the public hearing. Where the Lead Agency requires a public hearing, the project proponent shall be responsible for the entire public hearing fee as established in accordance with Section 1.900.

D. Such public hearing shall be conducted in accordance with established Lead Agency policy. If a Lead Agency does not have an established policy for the conduct of public hearings, then the policy of the Board of Supervisors shall be used. Notification of the public hearing shall be provided to all affected property owners, the party who requests the public hearings if not an affected property owner, and the project proponent. The public hearing shall also be advertised in a newspaper of general circulation. Such public notification and advertisement shall be done at least 10 days prior to the hearing date and shall advise of the date, time, place and matter to be heard. The public hearing may be continued from time to time at the pleasure of the Lead Agency.

1.900 ENVIRONMENTAL REVIEW COSTS AND FEES

A. The lead agency may establish reasonable fees for the review of environmental documents. Such fees may include the costs of legal notices and affected property owner notifications, the costs of preparing and reviewing initial studies, notices of preparation, notices of determination, environmental impact reports and other environmental review documents, the cost of conducting public hearings or appeal hearings before the lead agency or other designated Board, Commission or Public Official charged with the responsibility for reviewing and acting on environmental documents on behalf of the lead agency.

B. Fee amounts and administrative procedures for collecting and depositing fees, if required, shall be established by separate resolution, adopted by the Board of Supervisors, which shall become part of these CEQA policies and procedures.
SECTION 2.000

GENERAL LEAD AGENCY PROVISIONS

2.100 LEAD AGENCY

In accordance with Section 15367 of the CEQA Guidelines, a Lead Agency means the public agency which has the principal responsibility for carrying out or approving a project. The Lead Agency will decide whether a Negative Declaration or EIR will be required for the project and will cause the document to be prepared.

The Lead Agency for each action subject to the requirements of CEQA shall be responsible for making the final environmental determination for that action. The Mariposa County Planning Department, except as otherwise provided, shall be responsible for administering these policies and procedures for all actions requiring CEQA review.

The Lead Agency can be an individual public employee, a public agency, a commission, or a legislative body. In the event that more than one public agency or body has responsibility for carrying out or issuing a permit for the project, the criteria outlined in Section 15051 of the CEQA Guidelines shall be used to determine the Lead Agency.

A Lead Agency may at any time determine that a particular action or permit, even though identified as being ministerial or categorically exempt, has the potential for significant environmental effects and therefore requires environmental review. This Lead Agency determination may be appealed in accordance with Section 1.610 of these procedures.

2.110 Responsible Agencies and Trustee Agencies

Any public agency or body which is not the Lead Agency but still has permit issuing responsibility for a project is called a Responsible Agency. All Responsible Agencies must be consulted and allowed to comment on the environmental documents prepared by the Lead Agency. A good example of a Responsible Agency is the California Dept. of Transportation who must issue an encroachment permit for projects approved by the County which propose access from a state highway.

There may also be Trustee Agencies for a project. A Trustee Agency does not have any permit issuing responsibility for a project but has resources under its jurisdiction which could be affected by the project. An example would be a project located in the migration route of a deer herd under the jurisdiction of the State Dept. of Fish and Game. The Dept. of Fish and Game would not have permit issuing responsibility for the project but its resources (the deer herd) could be affected.
2.120 State Clearinghouse Review

The State Clearinghouse in the Office of Planning and Research was created to ensure that environmental documents are properly distributed to all affected state agencies. All Negative Declarations and draft EIR's for project where a state agency is involved must be sent to the State Clearinghouse for distribution to state agencies. Direct consultation with an affected state agency is encouraged but does not relieve a local agency of the requirement for Clearinghouse review.

In general, Clearinghouse review is required for all CEQA projects where a state agency is a Responsible Agency, Trustee Agency, or otherwise has jurisdiction by law on the project. In addition, Clearinghouse review must also be conducted on projects of statewide, regional or area-wide significance as defined in Section 15207 of the CEQA Guidelines.

State Clearinghouse review typically requires that at least 10 copies of the document be sent to the Clearinghouse. The review periods can vary but are usually 30 days for a Negative Declaration and 45 days for a draft EIR. Section 15205 of the CEQA Guidelines should be carefully reviewed by the Lead Agency prior to submitting any documents to the Clearinghouse. The form for transmitting documents to the State Clearinghouse for review is contained in Appendix J.

2.130 Discretionary Projects and Ministerial Projects

A good understanding of the terms "discretionary project" and "ministerial project" is essential to compliance with CEQA and the CEQA Guidelines. Discretionary projects require CEQA review while ministerial projects do not.

Discretionary projects are those actions where the public agency or body uses independent judgement and deliberation when taking action on the project. That is, the public agency or body uses personal subjective judgement in deciding whether or how the project should be carried out.

Ministerial projects are those actions where the person or agency acting on the project uses little or no personal judgement as to the wisdom or manner of carrying out the project. The action involves merely applying the law to the project facts as presented to determine if there is compliance with relevant codes, statutes and ordinances. Common examples of ministerial projects include vehicle registrations, dog licenses and building permits in compliance with the building codes.

(Sections 15357 and 15369, CEQA Guidelines)
A. Planning Commission

Where the matter before the Planning Commission requires a final environmental determination from the Board of Supervisors, the Planning Commission may provide recommendations on the type of environmental review where appropriate or when requested by the Board of Supervisors.

B. Environmental Review–Technical Advisory Committee (ER–TAC)

Any matter under consideration by a Lead Agency of the County of Mariposa may be referred to ER–TAC for review, comments, and/or recommendations on the appropriate type of environmental review. Meetings of the ER–TAC shall be open and public.

C. Environmental Review Officer

The Board of Supervisors may appoint an Environmental Review Officer to provide technical assistance, comments, and recommendations on CEQA actions within the County of Mariposa. The Environmental Review Officer shall provide comments and recommendations when requested on possible CEQA actions as to the applicability of CEQA and the potential for significant environmental effects. These comments and recommendations may then be used by the Lead Agency in reviewing the project relative to CEQA.

D. Subdivision Committee

Initial Studies on tentative parcel maps shall be reviewed by the Subdivision Committee of the Planning Commission. The Committee shall then provide a recommendation on the appropriate type of environmental review for each project. The Committee may also provide recommendations on the project map itself as to approval, conditional approval, or denial. Meetings of the Committee shall be open and public.

E. Parks and Recreation Commission

The Mariposa County Parks and Recreation Commission, together with the Director of Parks and Facilities, may provide recommendations to the Board of Supervisors on the appropriate type of environmental review for those projects within the Parks and Recreation Department having the Board of Supervisors as Lead Agency.
2.300  RESPONSIBILITIES OF PLANNING STAFF

The responsibilities of the Mariposa County Planning Department Staff in administering these policies and procedures shall be as follows:

1. Providing information and application forms to the general public.

2. Preparing Initial Studies.

3. Preparing and transmitting public notification as appropriate.

4. Setting public hearing dates as needed.

5. Preparing Negative Declarations, Notices of Determination, Notices of Completion and Notices of Preparation as necessary.

6. Reviewing and commenting on Draft EIR's.

7. Overseeing the preparation of Final EIR's.

8. Preparing EIR's only when directed to do so by the Planning Commission or the Board of Supervisors.

9. Notifying project proponents or applicants of pending hearings and/or actions on their application.

10. Attending meetings and or hearings before the Board of Supervisors, Planning Commission, Subdivision Committee, and ER-TAC.


12. Providing general technical assistance to other County Agencies concerning CEQA requirements.

2.400  ENVIRONMENTAL REVIEW TIME LIMITATIONS

A. Time Frames

Article 8 of the CEQA Guidelines, commencing with Section 15100, outlines the mandatory time frames within which the various steps of the CEQA review process must be completed by the Lead Agency. The purpose of these time frames are to provide adequate public review and to ensure that the environmental review process does not cause undue delays in the consideration of projects.

The mandatory time frames contained in CEQA begin when the Lead Agency determines that the project application is complete. An application for a project or permit shall not be
considered complete for processing, pursuant to the time limits in Article 8 of the CEQA Guidelines, until such time as a Negative Declaration has been adopted or Final EIR certified by the Lead Agency and until all other information required by Lead Agency policy has been provided by the applicant. All applicants and/or project proponents shall be notified of the completeness of their application within 30 days of submittal of the application or the application is automatically considered complete on the 30th day (Section 15101, CEQA Guidelines).

B. Suspension of Time Frames

The time frames contained in Article 8 of the CEQA Guidelines shall be suspended when an applicant causes an unreasonable delay in meeting requests by the Lead Agency necessary for the preparation of environmental documents. The Lead Agency may also disapprove a project application where there is unreasonable delay in meeting requests.

C. Statutes of Limitations

The statutes of limitations on the filing of court challenges to CEQA actions are contained in Section 15112 of the CEQA Guidelines. The statutes of limitations vary between 30 days and 180 days depending upon whether or not the Lead Agency has filed a Notice of Determination as discussed in Sections 3.320 and 3.480 of these policies and procedures.

2.410 Criteria for Determining Application Completeness

The following criteria shall be used to determine the completeness of an application to be considered by the Planning Commission and/or Board of Supervisors:

1. Minor Land Divisions
   a. Application Form.
   b. Preliminary Environmental Assessment Form.
   c. Appropriate Fees.
   d. 15 copies of the Tentative Parcel Map.
   e. Verification of Taxes Paid.
   f. Appropriate Deeds, to establish legality of parcel.
   g. Preliminary Title Report or Parcel Map Guarantee.
   h. Reports from all affected agencies as determined by the Lead Agency.
i. Initial Study.

j. Negative Declaration or Certified EIR.

k. Certified property owner list in accordance with affected property owner provisions of Section 1.710-A and described in Appendix "T".

2. **Major Land Divisions**

   a. Application Form.

   b. Preliminary Environmental Assessment Form.

   c. Appropriate Fees.

   d. 20 copies of the tentative map.

   e. Verification of taxes paid.

   f. Preliminary Title Report or Parcel Map Guarantee.

   g. Appropriate deeds to establish legality of parcel.

   h. Grading plan.

   i. Initial Study.

   j. Negative Declaration or certified EIR.

   k. Certified property owners list in accordance with affected property owner provisions of Section 1.710 and described in Appendix "T".

3. **Use Permits and Surface Mining Permits**

   a. Application Form.

   b. Preliminary Environmental Assessment Form.

   c. Appropriate Fees.

   d. 15 copies of the site plan.

   e. A letter, or other written documentation, giving the specifics of the project (including reclamation plans where appropriate).

   f. Initial Study.

   g. Negative Declaration or Certified EIR.

   h. Certified property owner list in accordance with
affected property owner provisions of Section 1.710-A and described in Appendix "T".

4. General Plan Amendments

a. Application Form.

b. Preliminary Environmental Assessment Form.

c. Appropriate Fees.

d. 20 copies of USGS 1:24,000 scale map showing the area of proposed amendment.

e. Initial Study.

f. Negative Declaration or Certified EIR.

g. Certified property owner list in accordance with affected property owner provisions of Section 1.710-A and described in Appendix "T".

5. Zoning Amendments

a. Application Form.

b. Appropriate Fees.

c. Environmental Assessment Form.

d. 20 copies of map or site plan showing location of the property.

e. Deed, to establish legality of parcel.

f. Verification of Taxes Paid.

g. Initial Study.

h. Negative Declaration or Certified EIR.

i. Certified property owner list in accordance with affected property owner provisions of Section 1.710-A and described in Appendix "T".

6. Categorically Exempt Projects which are deemed to have potential for significant impact.

a. Application Form.

b. Appropriate Fees.

c. Deed, to establish legality of parcel.
d. Any written documentation as required by the Planning Department.

e. A site plan (where appropriate).

2.420 Building Office Application Criteria

The following criteria shall be used to determine the completeness of an application to be considered by the Mariposa County Building Office which is subject to the CEQA review:

a. Application Form.

b. Planning Approval Application.

c. Appropriate Fees.

d. Complete plans prepared by a licensed engineer and/or engineering geologist as required by the Chief Building Official or his designee.

e. Negative Declaration or Certified EIR.

f. Any other information required by the Chief Building Official or his representative.

2.430 Catagonically Exempt Project Application Criteria

The following criteria shall be used to determine the completeness of an application for a project within the County of Mariposa that is listed as being catagonically exempt but has the potential for significant environmental effects:

a. Application form (if appropriate) or a detailed project description.

b. Appropriate fees.

c. Project site plan (when appropriate).

d. Other information as required by the Lead Agency.
2.500 CEQA REVIEW PROCEDURES

Wherein it is determined that the County of Mariposa, or any board, commission, or public official acting under the authority of the County of Mariposa (a political subdivision of the State of California) is the Lead Agency as described in Section 2.100, then the responsibilities as set forth herein are established for the purpose of implementing CEQA and the CEQA Guidelines.

The following sections will identify those actions which are subject to the requirements of CEQA for each Lead Agency within the County of Mariposa and outlines the CEQA procedures and responsibilities for each Lead Agency.

Any Lead Agency may determine that a particular project, activity, or action has no potential for causing significant environmental effects and therefore is not subject to environmental review under CEQA.

2.510 Board of Supervisors

A. The Mariposa County Board of Supervisors shall be responsible for the final environmental determinations on those actions listed below as requiring CEQA review. The Mariposa County Planning Department shall be responsible for administering these policies and procedures for those CEQA actions having the Board of Supervisors as Lead Agency.

The Board of Supervisors shall be responsible for determining the applicability of CEQA and the appropriateness of categorical exemptions. Public review and public hearings on CEQA actions shall be conducted by the Board of Supervisors.

The Board of Supervisors shall be responsible for hearing appeals of environmental determinations made by other lead agencies and public officials acting under the authority of the County of Mariposa, including, but not limited to, the Planning Commission, Road Department, Community Services Department, Building Office, Environmental Health Office, Special Districts and the Parks and Facilities Department.

The Board of Supervisors may refer pending Resolutions and Ordinances to the Environmental Review Officer for recommendations on the potential for significant environmental effects and the applicability of CEQA. In all cases however, the final determinations and responsibility for compliance with CEQA shall remain with the Board of Supervisors.

B. The following actions of the Board of Supervisors are subject to the requirements of CEQA:

1. Zonings and Re-zonings.
2. General Plan adoption and amendments.

3. Specific Plan adoption and amendment.

4. Area Plan adoption and amendment.

5. Development of new County structures and facilities.

6. Ordinances and Resolutions having the potential for significant environmental effects as determined by the Board of Supervisors.

7. Other actions having the potential for significant environmental effects, as determined by the Board of Supervisors.

C. The following actions of the Board of Supervisors are categorically exempt from the requirements of CEQA:

1. Authorizing research, data collection and resource evaluation for an action which has yet to be approved, adopted or funded by a public agency (Class 6-Section 15306).

2. The sale of surplus County property (Class 12-Section 15312).

3. The acquisition of property for wildlife conservation purposes (Class 13-Section 15313).

4. The acquisition or sale of land for park purposes when the land will remain in its natural condition (Class 16-Section 15316).

5. The establishment of agricultural preserves, the acceptance of open space easements or land for open space uses, and the making or renewing of Williamson Act Contract (Class 17-Section 15317).

6. Changes in the organization or reorganization of County agencies (Class 20-Section 15320).

7. Actions to enforce or revoke an entitlement for use and/or enforcement of a law, standard, or general rule of the County (Class 21-Section 15321).

8. The transfer of ownership of interest in land to preserve open space (Class 25-15325).

9. Leasing of privately owned facilities where the building was exempt from CEQA (Class 27-Section 15327).

D. The Board of Supervisors also undertakes from time to time actions which are statutorily exempt from CEQA. The actions which are statutorily exempt include, but are not limited to:
1. Emergency projects (Section 15269).

2. Feasibility and planning studies (Section 15262).

3. Timber Preserve Zoning (Section 15264).

4. Establishing, modifying or approving rates, tolls, fares and charges (Section 15273).

5. Development and adoption of a regional transportation improvement program (Section 15276).

6. Ministerial actions such as the approval of final subdivision maps (Section 15268).

2.520 Planning Commission

A. The Mariposa County Planning Commission shall be responsible for the final environmental determination on those actions listed below as requiring CEQA review. The Mariposa County Planning Department shall be responsible for administering these procedures for those CEQA actions having the Planning Commission as Lead Agency.

The Planning Commission shall be responsible for determining the applicability of CEQA, the appropriateness of categorical exemptions, and for hearing appeals of environmental determinations made by the Planning Department Staff. All determinations of the Planning Commission may be appealed to the Appeal Review Board in accordance with Section 1.610 of these procedures. Public review and public hearings on CEQA actions shall be conducted by the Planning Commission.

B. The following actions of the Planning Commission are subject to the requirements of CEQA:

1. Tentative Parcel Maps.
2. Tentative Subdivision Maps.
3. Use Permits.
4. Surface Mining Permits.

C. The following actions of the Planning Commission are categorically exempt from the requirements of CEQA:

1. Division of existing multiple-family rental units into condominiums (Class 1-Section 15301).

2. The approval of new copy on existing on or off-premise signs (Class 1-Section 15301).

3. The conversion of existing commercial units in one structure from single to condominium type ownership (Class
1-Section 15301).

4. Conversion of a single family residence to office use in conformance with existing zoning (Class 1-Section 15301).

5. Minor Zoning Variances which do not result in any changes in land use or density (Class 5-Section 15305).

6. Reversion to acreage in accordance with the Subdivision Map Act (Class 5-Section 15305).

7. Certificates of Compliance (Class 5-Section 15305).

8. Land use determinations in accordance with the Mariposa County General Plan (Class 5-Section 15305).

9. Use Permit Determinations in accordance with Mariposa County Code (Class 5-Section 15305).

10. Extensions for finalizing subdivision maps (Class 5-Section 15305).

11. Information and data gathering, preparation of studies and reports (Class 6-Section 15306).

12. Surface Mining Reclamation Plans (Class 8-Section 15308).

13. Inspections conducted in accordance with permit review procedures and permit compliance (Class 9-Section 15309).

14. Enforcement activities including, but not limited to, revocation of use permits or the referral of violations of State Law or County Code to County Counsel or the District Attorney (Class 21-Section 15321).

2.530 Planning Department

A. The Mariposa County Planning Director shall be responsible for administering these procedures for those actions within the Planning Department that require CEQA review. The Planner II shall be responsible for determining the applicability of CEQA, the appropriateness of categorical exemptions and for final environmental determinations within the Planning Department. The Planner II shall be responsible for conducting public review on CEQA actions with the Planning Director being responsible for conducting public hearings on CEQA actions.

All determinations of the Planning Department Staff may be appealed to the Planning Commission in accordance with the County’s adopted appeals procedures.

B. It does not appear that the Planning Department carries out or issues permits for any action which automatically requires CEQA
C. The following actions of the Mariposa County Planning Department are categorically exempt from the requirements of CEQA:

1. Minor Lot Line Adjustments which do not result in any changes in land use or density (Class 5-Section 15305).

D. The following actions of the Planning Department are ministerial and therefore are not subject to the requirements of CEQA:

1. Home Enterprise Applications,
2. Rural Home Industry Applications,

2.540 Road Department

A. The Mariposa County Road Commissioner shall be responsible for administering these policies and procedures within the Mariposa County Road Department. The Mariposa County Planning Department may provide technical assistance on compliance with CEQA and these policies and procedures if so directed by the Planning Commission or the Board of Supervisors. The Mariposa County Road Commissioner shall act as the Lead Agency on those actions which require CEQA review and shall make the final environmental determination, appealable to the Board of Supervisors in accordance with Section 1.610 of these procedures.

The Mariposa County Road Commissioner shall be responsible for determining the applicability of CEQA and the appropriateness of categorical exemptions within the Road Department.

Public review and public hearings on CEQA actions within the Road Department shall be conducted by the Mariposa County Road Commissioner. The Road Commissioner may refer Initial Studies and/or EIR's to the Environmental Review-Technical Advisory Committee for review, comment, and recommendations on the environmental documents prior to public review and the final environmental determination.

B. The following actions of the Road Department are subject to the requirements of CEQA:

1. New road construction,
2. Substantial road realignments.

C. The following permits issued by the Road Department and projects carried out by the Road Department are categorically exempt from the requirements of CEQA:

1. Minor road encroachment permits (Class 5-Section 15305).
2. Inspections on private road construction (subdivision roads) and grading permits issued by the Mariposa County Building Dept. (Class 9-Section 15309).

3. Basic data collection, research, and information gathering leading to an action which has yet to be approved, adopted, or funded (Class 6-Section 15305).

4. The repair, maintenance, operation, or minor alterations to existing public roads, facilities, mechanical equipment or topographical features involving negligible or no expansion of use beyond that previously existing (Class 1-Section 15301).

5. The replacement or reconstruction of existing roads and facilities in the same location and having substantially the same purpose and capacity as the road or facility being replaced (Class 2-Section 15302).

6. Minor alterations to the condition of land, water and/or vegetation which does not involve the removal of mature scenic trees (Class 4-Section 15304).

7. The maintenance of existing landscaping or native plant growth (Class 1-Section 15301).

D. The following permits issued by the Mariposa County Road Department are ministerial and therefore are not subject to the requirements of CEQA:

1. Transportation permits for overweight and over-sized loads.

2.550 Mariposa County Environmental Health Office

A. The Mariposa County Director of Community Services, or his designee, shall be responsible for administering these policies and procedures for CEQA actions within the Mariposa County Environmental Health Office. The Mariposa County Planning Department may provide technical assistance on compliance with CEQA and these policies and procedures if so directed by the Planning Commission and the Board of Supervisors. The Director of Community Services, as used in this section, shall also include his designee or representative.

The Director of Community Services shall be responsible for determining the applicability of CEQA, the appropriateness of categorical exemptions, and for making final environmental determinations within the Health Department. The Director of Community Services may refer those projects that are subject to environmental review to the ER-TAC for review, comments, and recommendations on the appropriate type of environmental review. The Director of Community Services may at any time determine that a particular project or permit, even though identified a being ministerial or categorically exempt, has the potential to cause significant environmental effects and therefore requires environmental review. Public review and/or public hearings on CEQA actions shall be conducted by the Director of Community
Services. All determinations of the Director of Community Services may be appealed to the Appeal Review Board in accordance with Section 1.610 of these procedures.

B. It does not appear that the Mariposa County Environmental Health Office carries out or issues permits for any action which automatically requires CEQA review.

C. The following actions and permits of the Mariposa County Environmental Health Office are categorically exempt from the requirements of CEQA:

1. Public gathering permits (Class 21-Section 15321).
2. Basic data collection, research, and information gathering (Class 6-Section 15306).
3. Burning permits and solid waste disposal site operating permits (Class 8-Section 15308).
4. Inspections to check the performance, operation, quality, health or safety of a project (Class 9-Section 15309).
5. Actions taken to enforce or revoke any permits, license or other entitlement for use (Class 21-Section 15321).

D. The following permits and actions of the Mariposa County Environmental Health Office are ministerial and therefore are not subject to the requirements of CEQA:

1. Water well installation permits.
2. Septic system installation permits.
3. Restaurant permits.
5. Permits for public pools.
6. Permits for public water systems.
7. Permits for underground storage tanks.
8. Permits for repair of existing systems.

2.560 Building Office

A. The Mariposa County Chief Building Official, or his designee, shall be responsible for administering these policies and procedures within the Mariposa County Building Office. The Mariposa County Planning Department may provide technical assistance on compliance with CEQA and these policies and procedures if so directed by the Planning Commission or the Board of Supervisors. Should an Environmental Impact Report (EIR) be required for a private project or permit, the project proponent shall be responsible for the preparation and completion of the EIR. Chief Building Official, as used in this section, shall also include his designee or representative.

The Chief Building Official shall be responsible for determining
the applicability of CEQA, the appropriateness of categorical exemptions, and for making final environmental determinations. The Chief Building Official may refer Initial Studies and/or EIRs to the Environmental Review—Technical Advisory Committee for review, comments, and recommendations on the environmental documents.

In reviewing permit applications, the Chief Building Official may require a project applicant to provide written input from those state and local agencies which have, or may have, permit responsibility over other aspects of the project. These responsible state and local agencies shall include, but are not limited to, the California Department of Transportation, Mariposa Public Utility District, Mariposa County Special Districts, Mariposa County Road Department, Mariposa County Environmental Health Office, and the Mariposa County Planning Department. Written input can include encroachment permits, septic permits, and can-and-will serve letters for sewer and water service.

The Chief Building Official may also require complete engineered floodplain studies and/or geologic hazard reports for any permit to aid in determining if environmental review will be required. These engineered floodplain studies and/or geologic hazard reports shall be reviewed and approved by the County Engineer prior to acceptance by the Chief Building Official. A permit application will not be considered complete for processing until such time as all written input or engineering studies required by the Chief Building Official have been provided by the applicant.

Public review and public hearings on CEQA determinations within the Building Office shall be conducted by the Chief Building Official. All determinations of the Chief Building Official may be appealed to the Appeal Review Board in accordance with Section 1.610 of these procedures.

The Chief Building Official shall use discretion when reviewing permit applications, including those permits listed as ministerial or categorically exempt, to ensure that such permits do not have a potential for significant environmental effects. Where the Chief Building Official determines that a permit may have a significant effect on the environment, environmental review shall be conducted.

B. The following permits are subject to the requirements of CEQA:

1. Grading and/or construction permits in areas of flood hazard or geologic hazard as determined by the Chief Building Official.

C. The following permits issued by the Building Office and actions carried out by the Building Office are categorically exempt from the requirements of CEQA:

1. Grading permits in accordance with the Mariposa County Grading Ordinance (Class 4—Section 15304 and Class 8—Section 15308).
2. Inspections to check the performance, quality, or health and safety of a project (Class 9-Section 15309).

3. Actions taken to enforce or revoke a permit issued by the Building Office and the enforcement of a law, standard, or general rule that is administered or adopted by the Building Office (Class 21-Section 15321).

D. The following permits issued by the Building Office are ministerial and therefore are not subject to the requirements of CEQA:

1. Single and multiple-family residential construction permits in accordance with the Uniform Building Code (UBC), National Electrical Code (NEC), Uniform Plumbing Code (UPC), and Mariposa County Code.

2. Mobile home installation and utility permits in accordance with State and County Codes.

3. Commercial construction permits in accordance with the UBC, NEC, UPC, and Mariposa County Code.

2.570 Parks and Facilities Department

A. The Mariposa County Director of Parks and Facilities shall be responsible for administering these policies and procedures within the Mariposa County Parks and Facilities Department. The Mariposa County Planning Department may provide technical assistance on compliance with CEQA and these policies and procedures if so directed by the Planning Commission or the Board of Supervisors. The Mariposa County Board of Supervisors shall be the Lead Agency on those actions which require CEQA review and shall be responsible for the final environmental determinations.

The Director of Parks and Facilities shall be responsible for determining the applicability of CEQA and the appropriateness of Categorical Exemptions within the Parks and Facilities Department. The Director may refer possible CEQA actions to the Mariposa County Parks and Recreation Commission for their comments and recommendations on the project.

Public review and public hearings on CEQA actions within the Department of Parks and Facilities shall be conducted by the Mariposa County Parks and Recreation Commission under the direction of the Parks and Facilities Director. The Commission and Director shall then provide comments and recommendations to the Board of Supervisors who will make the final environmental determination. The Board of Supervisors may at any time bypass the Commission and conduct the public review and/or public hearings when they are the Lead Agency.
B. It does not appear that the Parks and Facilities Department is the Lead Agency for any project which is not ministerial in nature or categorically exempt from CEQA.

C. The following projects carried out by the Mariposa County Parks and Facilities Department are categorically exempt from the requirements of CEQA:

1. The operation, repair and maintenance of existing County structures and facilities (Class I-Section 15301).

2. Minor alterations to existing County structures, facilities or topographic features which involve a negligible or no expansion of use (Class I-Section 15301).

3. Restoration and/or rehabilitation of deteriorated or damaged County structures and facilities (Class I-Section 15301).

4. Minor additions to existing County structures and facilities consistent with Section 15301 (e) of the CEQA Guidelines (Class I-Section 15301).

5. Maintenance of existing landscaping and native plant growth (Class I-Section 15301).

6. The replacement or reconstruction of existing County structures and facilities on the same site for substantially the same purpose (Class II-Section 15302).

7. The normal operation of existing facilities for public gatherings (Class 23-Section 15323).

8. The construction or placement of minor structures accessory to existing facilities (Class II-Section 15311).

D. The following actions of the Parks and Facilities Department are ministerial and therefore are not subject to CEQA:

1. Issuance of "Facilities Use Agreements" by the Director of Parks and Facilities.

2.580 Special Districts

A. The Mariposa County Special Districts Manager shall be responsible for administering these CEQA procedures for those actions within the County Special Districts which are subject to CEQA. The Mariposa County Planning Department may provide technical assistance on compliance with CEQA and these policies and procedures if so directed by the Planning Commission or the Board of Supervisors.

The Special Districts Manager shall be responsible for
determining the applicability of CEQA, the appropriateness of
categorical exemptions and for making final environmental
determinations within the County Special Districts. The Special
Districts Manager may refer environmental documents to the
Environmental Review—Technical Advisory Committee for review,
comments and recommendations prior to making a final environmental
determination.

Public review and public hearings on CEQA determinations within
the County Special Districts shall be conducted by the Special
Districts Manager. All determinations of the Special Districts
Manager may be appealed to the Appeal Review Board in accordance
with Section 1.610 of these procedures.

B. The following projects carried out by the Mariposa County
Special Districts are subject to the requirements of CEQA:

1. Construction of new facilities or structures which results in
   an expansion of the amount of service capacity available to an
   area beyond that previously existing. Including but not limited to:

   a. New sewage treatment plants,

   b. New water systems,

   c. Expansion of capacity of existing sewage treatment
      and/or water systems,

   d. Airport expansion to accommodate additional or larger
      aircraft.

C. The following projects carried out or approved by the Mariposa
County Special Districts are categorically exempt from the
requirements of CEQA:

1. Maintenance, repairs or minor alterations to existing
structures or facilities involving negligible or no expansion of
use beyond that previously existing (Class I, Section 15301).

2. Airport expansions involving negligible expansion of use.
   (Class 1—Section 15301).

3. Replacement or reconstruction of existing utility structures
   and facilities involving negligible or no expansion of capacity
   (Class 2—Section 1530).

4. Construction of new small facilities or structures and the
   installation of small new equipment and facilities in small
   structures including but not limited to:
a. Water main extensions to serve new private construction.

b. Sewer main extension to serve new private construction.

c. Appurtenant structures to existing facilities. (Class 3-Section 15303).

5. Minor grading, trenching, backfilling, landscaping and other minor alterations to land (Class 4-Section 15304).

6. Minor encroachment permits (Class 5-Section 15305).
SECTION 3.000
GENERAL ENVIRONMENTAL REVIEW PROCEDURES

3.100 PURPOSE

The basic purposes of CEQA are:

A. Inform governmental decision-makers and the public about the potential significant environmental effects of proposed activities.

B. Identify ways that environmental damage can be avoided or significantly reduced.

C. Prevent significant avoidable damage to the environment by requiring changes in projects through the use of alternatives or mitigating measures when the governmental agency finds the changes to be feasible.

D. Disclose to the public the reasons why a governmental agency approved the project in the manner the agency chose if significant environmental effects are involved (Section 15002 CEQA Guidelines).

For purposes of implementing the provisions of CEQA two primary documents are utilized; (1) Initial Studies and (2) Environmental Impact Reports (EIR). Variations on these primary documents are permitted under CEQA and include Master EIR's, expanded Initial Studies, Focused EIR's, Tiered EIR's, etc. This section shall describe the basic procedures for preparing and reviewing Initial Studies and EIR's and shall apply to the various forms these documents may take.

3.200 INITIAL STUDY

If a project is subject to the requirements of CEQA, an Initial Study shall be prepared. However, if it is determined that the project will have a significant effect on the environment and that an EIR is required, an Initial Study may be prepared to assist in determining the scope of the EIR. For purposes of implementing this section, the Initial Study form contained in Appendix "C" shall be used.

3.210 Purpose of an Initial Study

A. Provide the Lead Agency with information to use as the basis for deciding whether to prepare an EIR or Negative Declaration;

B. Enable the applicant or Lead Agency to modify a project, mitigating adverse impacts before an EIR is prepared, thereby enabling the project to qualify for a Negative Declaration;

C. Assist in the preparation of an EIR, if one is required, by:

1. Focusing the EIR on the effects determined to be significant,
2. Identifying the effects determined not to be significant, and

3. Explaining the reasons for determining that potentially significant effects would not be significant.

D. Facilitate environmental assessment early in the design of a project;

E. Provide documentation of the factual basis for the finding in a Negative Declaration that a project will not have a significant effect on the environment;

F. Eliminate unnecessary EIR's;

G. Determine whether a previously prepared EIR could be used with the project.

(Section 15063 (c) CEQA Guidelines)

3.220 Preparation of Initial Studies

A. The Lead Agency shall conduct an Initial Study (see Appendix "C") with the project proponent completing the preliminary environmental data form. Any information that the project proponent deems relevant and will facilitate the environmental review of a project, should be submitted along with the project application. The Lead Agency may request, and the project proponent shall provide, additional information, studies or reports deemed necessary for the preparation of the Initial Study.

B. The Initial Study conducted by the Lead Agency shall result in the preparation of a written document entitled "Initial Study" in the form provided in Appendix "C" and shall be available for public review and comment in accordance with Section 3.310. The Initial Study shall not be deemed complete until the written documentation is accepted by the Lead Agency.

3.300 NEGATIVE DECLARATIONS

A. A proposed Negative Declaration shall be prepared for a project subject to CEQA when either:

1. The Initial Study shows that there is no substantial evidence that the project may have a significant effect on the environment, or

2. The Initial Study identified potentially significant effects but:

   a. Revisions in the project plans or proposals made or
agreed to by the applicant before the proposed Negative Declaration is released for public review would avoid the effects or mitigate the effects to a point where clearly no significant effects would occur, and

b. There is no substantial evidence before the agency that the project as revised may have a significant effect on the environment.

(Section 15070 CEQA Guidelines)

3.310 Public Notice

Upon completion, review and acceptance of an Initial Study, including the mandatory determinations as contained in Section B of the Initial Study form and written agreement from the project applicant to the mitigation measures contained in the Initial Study, a Lead Agency may approve a Negative Declaration in accordance with the following procedures:

A. Such negative declaration shall be tentatively adopted and accepted for review with public notice for a reasonable period of time sufficient to provide members of the public with an opportunity to respond before the negative declaration is adopted. Final adoption shall not take place until public notification procedures have been followed and the review period has expired.

B. Public notification shall take place in accordance with Section 1.700 of these procedures and established County policy.

C. In the event a formal request for public hearing is received, from a person or persons with a legal right to a hearing, in accordance with Section 1.800 of these procedures, a negative declaration shall not be further acted on until such time as a formal public hearing is held on the matter by the lead agency.

D. Where a formal public hearing is held on the approval of a negative declaration, the lead agency:

1. May approve a negative declaration, revised initial study, conditional negative declaration, may revise or amend the initial study, or may require an environmental impact report based upon information obtained from the public hearing proceedings or other information provided for the proceedings record.

2. Shall maintain a record of the public hearing proceedings for the purpose of review or appeal.
E. Actions of approving a negative declaration on a project shall be considered final following either the closing of the public review process without a public hearing request or upon the holding of a formal public hearing unless such action is appealed.

F. In the event such actions are subject to appealable review proceedings, no action of the lead agency shall be considered final until such times as appeal review periods have expired or appeal proceedings, if initiated, have been completed.

G. Nothing in these provisions shall preclude the lead agency from requiring a public hearing on a negative declaration without formal written request.

3.320 Notice of Determination

A. After deciding to carry out or approve a project for which a Negative Declaration has been approved, the Lead Agency shall file a Notice of Determination.

B. The Notice of Determination shall include:

1. An identification of the project including its common name where possible, and its location.

2. A brief description of the project.

3. The date on which the agency approved the project.

4. The determination of the agency that the project will not have a significant effect on the environment.

5. A statement that a Negative Declaration has been prepared pursuant to the provisions of CEQA.

6. The address where a copy of the Negative Declaration may be examined.

C. If the Lead Agency is a state agency, the Notice of Determination shall be filed with the Secretary for Resources.

D. If the Lead Agency is a local agency, the Notice of Determination shall be filed with the county clerk of the county or counties in which the project will be located. If the project requires a discretionary approval from any state agency, the Notice of Determination also shall be filed with the Secretary for Resources.

E. The filing of the Notice of Determination and the posting on a list of such notices starts a 30-day statute of limitations on court challenges to the approval under CEQA.
3.400 ENVIRONMENTAL IMPACT REPORTS

Where it has been determined that an Environmental Impact Report is required on a project subject to the requirements of CEQA, the project proponent shall cause to be prepared a draft EIR at the project proponent's sole cost and expense. Said draft EIR shall be submitted to the lead agency within a period of time specified by the lead agency.

3.410 Notice of Preparation

A. In accordance with Section 15082, a notice of preparation shall be forwarded to all responsible agencies, trustee agencies responsible for resources affected by the project and federal agencies involved with approving or funding the project. Such notice of preparation shall be forwarded by certified mail to the lead agency and contain:

1. Notice of intent to prepare form (See Appendix "D").

2. Project location on portion of USGS 15' or 7 1/2' topographical map.

3. Brief description of project and probable environmental effects or copy of initial study.

B. A minimum of 30 days shall be allowed for the receipt of responses to a Notice of Preparation.

C. All issues, concerns or responses received on the Notice of Preparation within the appropriate time limits shall be addressed in the draft EIR.

D. Work may begin on the draft EIR prior to receipt of responses to the Notice of Preparation.

E. Additionally those responsible for the preparation of the Draft EIR should consult directly with any individual or organization believed to be concerned with the environmental effects of the project.

3.420 Draft EIR Contents

A. Initial study in accordance with Section 3.220 of these procedures if such initial study was prepared.

B. Description of project in accordance with Section 15124 of CEQA Guidelines.
C. Description of environmental setting in accordance with Section 15125 of CEQA Guidelines.

D. Environmental Impact in accordance with Section 15126 of CEQA Guidelines as follows:

1. The significant environmental effects of the proposed project.

2. Any significant environmental effects which cannot be avoided if the proposal is implemented.

3. Mitigation measures proposed to minimize the significant effects.

4. Alternatives to the proposed action.

5. The growth inducing impact of the proposed action.

6. The relationship between local short term uses of man's environment and the maintenance and enhancement of long term productivity.

7. Any significant environmental changes which would be involved if the proposed action should be implemented.

E. Cumulative Impacts in accordance with Section 15130 of CEQA Guidelines.

F. Economic and social impacts in accordance with Section 15131 of CEQA Guidelines.

G. Effects found not to be significant in accordance with Section 15128 of CEQA Guidelines.

H. Organizations and persons consulted in accordance with Section 15129 of CEQA Guidelines.

I. Water quality aspects in accordance with Section 15064(i) of CEQA Guidelines.

3.430 Notice of Completion

In accordance with Section 15085, a Notice of Completion must be filed with the Office of Planning and Research as soon as the Draft EIR is completed (see section 2.120). The Notice of Completion shall include:

1. A brief description of the project,

2. The proposed location of the project,

3. An address where copies of the draft EIR are available,
4. The period during which comments on the draft EIR will be received.

A copy of a Notice of Completion form is included in Appendix "G".

The Notice of Completion will provide the basis for information published in the California EIR Monitor. Where the EIR will be reviewed through the State Clearinghouse, the cover form required by the State Clearinghouse will serve as the Notice of Completion. A copy of the State Clearinghouse cover form is included in Appendix "J".

3.440 Draft EIR Review

A. Upon submission of a draft EIR to the lead agency by an applicant or a consultant, the lead agency shall review said draft for adequacy prior to acceptance for public review. Any document which is not deemed adequate for public review by the lead agency shall be returned to the applicant or consultant for revision. When the lead agency determines that a draft EIR is adequate, the document shall be submitted for public review as follows:

1. Submit the document to the Mariposa County Environmental Review-Technical Advisory Committee for review and comments.

2. File a Notice of Completion (See Appendix "G") and copies of the draft EIR with the State Clearinghouse, if necessary (see section 2.120).

3. Publish, in a newspaper of general circulation within Mariposa County, a notice briefly describing the project, its general location, addresses where copies of the draft EIR are available for inspection and date when a public hearing will be held on the draft EIR.

4. Direct notification of affected property owners as defined in Section 1.700 by first class mailing; such notification to include information as described in the published notification.

5. Direct notification of public agencies, other than state agencies notified by state clearinghouse procedures, having jurisdiction by law with respect to any environmental impact involved with a project.

B. Copies of draft environmental impact reports shall be deposited in at least one County library located near the project site and/or the area affected by the project.
C. A public hearing shall be conducted on a draft environmental impact report, such hearing to be conducted in accordance with established lead agency policy, all costs of such hearing or hearings to be reimbursed to the lead agency in accordance with Section 1.900 of these procedures; such required hearing may be conducted simultaneously with any required hearing to approve the project provided that such project hearing is continued to a date certain to permit the preparation and certification of the final EIR prior to any action on the project.

D. The public review period for an EIR shall be at least 30 days, which period is to commence upon the acceptance of a draft EIR for public review and filing of notice of completion as set forth in Section 3.430-A except where state review is required as per Section 15206 of CEQA Guidelines in which case the minimum public review period shall be 45 days but not longer than 90 days.

3.450 Final EIR

A. A final EIR shall be prepared, under the supervision and at the direction of the lead agency, following a public hearing.

B. A final EIR shall contain:

1. The Draft EIR or a revision of the Draft EIR.

2. Comments and recommendations received on the draft EIR either verbatim or in summary.

3. A list of persons, organizations and public agencies commenting on the Draft EIR.

4. The responses of the lead agency to significant environmental points raised in the review and consultation process of the Draft EIR.

5. Any other information added by the Lead Agency.

3.460 EIR Findings by the Lead Agency

A. As provided in Section 15091 of CEQA Guidelines no public agency shall approve or carry out a project for which an environmental impact report has been completed which identifies one or more significant effects of the project unless the public agency makes one or more of the following written findings for each of those significant effects, accompanied by a statement of the facts supporting each finding.

1. Changes or alterations have been required in, or incorporated into, the project which mitigate or avoid
the significant environmental effects thereof as identified in the final EIR.

2. Such changes or alterations are within the responsibility and jurisdiction of another public agency and not the agency making the finding. Such changes have been adopted by such other agency or can and should be adopted by such other agency.

3. Specific economic, social, or other considerations make infeasible the mitigation measures or project alternatives identified in the final EIR.

B. The findings required by subsection A above shall be supported by substantial evidence in the record.

C. The finding in subsection A (2) above shall not be made if the agency making the finding has concurrent jurisdiction with another agency to deal with identified feasible mitigation measures or alternatives.

3.470 EIR Statement of Overriding Considerations

A. CEQA requires the decision-maker to balance the benefits of a proposed project against its unavoidable environmental risks in determining whether to approve the project. If the benefits of a proposed project outweigh the unavoidable adverse environmental effects, the adverse environmental effects may be considered "acceptable".

B. Where the decision of the public agency allows the occurrence of significant effects which are identified in the final EIR but are not at least substantially mitigated, the agency shall state in writing the specific reasons to support its action based on the final EIR and/or other information in the record. This statement may be necessary if the agency also makes a finding under Section 15091(a)(2) or (a)(3).

C. If an agency makes a statement of overriding considerations, the statement should be included in the record of the project approval and should be mentioned in the Notice of Determination.

3.480 Notice of Determination

A Notice of Determination shall be filed for those projects for which a Final Environmental Impact Report has been certified in accordance with Section 15094 of the CEQA Guidelines. This Notice of Determination shall include a statement that the Final EIR is available to the public and where it can be reviewed.
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APPENDIX A
CEQA PROCESS FLOW CHART

Public agency determines whether the activity is a project. — Not a project —

Project

Public agency determines if the project is exempt. — Statutory exemption —

Categorical exemption

Not exempt

Public agency evaluates project to determine if there is a possibility that the project may have a significant effect on environment.

Possible significant effect

Determination of lead agency where more than 1 public agency is involved.

Responsible agency

Lead agency

Respond to informal consultation.

Consultation

Lead agency prepares initial study.

Lead agency decision to prepare EIR or Negative Declaration.

(45 DAYS MAXIMUM FROM RECEIPT OF COMPLETE APPLICATION)

EIR

NEGATIVE DECLARATION

Lead agency prepares draft EIR.

Lead agency files Notice of Completion and gives public notice of availability of draft EIR.

Consultation

Public review period (45 DAYS MINIMUM)

Lead agency prepares final EIR including responses to comments on draft EIR.

Consideration and approval of final EIR by decision making body.

Findings on feasibility of reducing or avoiding significant environmental effects.

Decision on project

State agencies Local agencies

File Notice of Determination with Secretary for Resources.

File Notice of Determination with County Clerk.

File Notice of Determination with Secretary for Resources.

File Notice of Determination with County Clerk.

NOTE: This flow chart is intended merely to illustrate the EIR process contemplated by these Guidelines. The language contained in the Guidelines controls in case of discrepancies.

A-1
APPENDIX B

It is important to remember that CEQA is mostly administrative procedures. Therefore, the most likely area that an error will be made is in the processing of paperwork and the filing of documents. This is also the easiest and most used point of legal challenges to CEQA actions. Following are some of the most important points to remember in the CEQA process and any relevant court cases.

** Always maintain complete written documentation on the project. This is particularly important to show compliance with the time frames in CEQA in the event of a legal challenge.

** Be sure to file the necessary documents with the County Clerk and/or the Office of Planning and Research whenever an environmental determination is made. This filing, and the posting of the document by the County Clerk, begins the statute of limitations for court challenges to CEQA actions. (Citizens of Lake Murray Area Assoc. vs. City Council; 129 Cal App 3d 436).

** Provide adequate public notice and a sufficient public review period. One of CEQA's main purposes is to encourage public involvement. Insufficient notice will invalidate any subsequent government actions. (Plaggmier vs. City of San Jose; 101 Cal App 3d 842).

** Make adequate findings whenever a determination is made under CEQA. This is especially important when determining that a project will not have a significant effect on the environment and that a Negative Declaration is appropriate. Findings must be supported by facts in the record. (Topanga Assn. for a Scenic Community vs. County of Los Angeles; 113 Cal Rptr 836) and (Myers vs. Board of Supervisors; 129 Cal Rptr 902).

** Conduct public review through the State Clearinghouse, in addition to local review, whenever a state agency is involved or may be affected. Direct consultation with state agencies does not relieve you of the requirement for Clearinghouse review. (Rural Land Owners Assn. vs. Lodi City Council; 192 Cal Rptr 325).

** Do not break up a large project, or a group of permits, into smaller projects or individual permits for environmental review purposes. Consider the entire project and related permits at the same time. (Citizens Assoc. for Sensible Development of Bishop Area vs. County of Inyo; 85 Daily Journal D.A.R. 3189).

** Try to consider the cumulative impacts of related projects. For example, individually minor projects on the same street may have a significant impact when considered together. (Whitman vs. Board of Supervisors; 88 Cal App 3d 397) and (San Franciscans vs. City and County of San Francisco; 198 Cal Rptr 634).

** Do not take action on the project itself until the environmental review process has been completed. (Rural Land Owners Assn. vs. City
** If new information or circumstances are identified during the public hearings and/or review of an environmental document, you must revise the document or prepare a supplemental document and re-initiate public review on the new information or circumstances. (Mira Monte Homeowners vs. City of San Buena Ventura; 165 Cal App 3d 357).
APPENDIX C

INITIAL STUDY

ENVIRONMENTAL CHECKLIST FORM "B"

(To be Completed by Lead Agency)

Revised 1/1/81
Approved 1/15/81

File No. ____________________________
Date of Preparation __________________
Date of Action ______________________

SECTION A

(To Be Prepared by Lead Agency Staff)

I. Background

1. Name of Project Proponent ____________________________
2. Address and Phone No. of Project Proponent
________________________________________________________________________
3. Lead Agency Title ____________________________
4. Project Title (if applicable) ____________________________

II. Description of Project (brief): ____________________________

III. Description of Environmental Setting (brief):

IV. Environmental Effects Checklist:

(Explanations of all "Yes" or "Maybe" answers are required on attached sheets)

EARTH Could the project result in:

1. The destruction, covering of any unique geologic or physical features? (1) ______ ______ ______
2. Substantial acceleration in wind or water erosion of soils, either on or off the site? (2) ______ ______ ______
3. Unnecessary or unusual exposure of people or property to geological hazards such as earthquakes, landslides, mudslides, ground failure, or similar hazards? (3) ______ ______ ______

AIR Could the project result in:

4. Creation of substantial air emissions or major deterioration of ambient air quality? (4) ______ ______ ______
5. The creation of objectionable odors? (5) ______ ______ ______
6. The creation of substantial amounts of air-borne particulate matter? (6) ______ ______ ______
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<thead>
<tr>
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<tbody>
<tr>
<td></td>
<td>Yes</td>
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<tr>
<td>7. Major changes in absorption rates, drainage patterns, or the rate and amount of surface runoff? (7)</td>
<td></td>
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<tr>
<td>8. Major alterations to the course of flow of flood waters? (8)</td>
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<td>9. Major discharge into surface waters or any major alteration of surface water quality, including but not limited to temperature, dissolved oxygen or turbidity? (9)</td>
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<tr>
<td>10. Major alteration or reduction of available subsurface water supplies necessary to support existing development? (10)</td>
<td></td>
</tr>
<tr>
<td>11. PLANT LIFE Could the project result in a substantial reduction of the numbers of any rare or endangered species of plants? (11)</td>
<td></td>
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<tr>
<td>12. Major reduction of the numbers of any unique, rare or endangered species of animals? (12)</td>
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<tr>
<td>13. Major introduction of new species of animals into an area, or result in a barrier to the migration or movement of animals? (13)</td>
<td></td>
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<tr>
<td>14. Major deterioration of existing fish or wildlife habitat? (14)</td>
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<tr>
<td>15. NOISE Could the project result in increases in existing noise levels detrimental to existing uses? (15)</td>
<td></td>
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<tr>
<td>16. LIGHT AND GLARE Could the project produce new light or glare abnormal to existing uses? (16)</td>
<td></td>
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<tr>
<td>17. LAND USE Could the project result in a substantial alteration of the present or planned use of an area? (17)</td>
<td></td>
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<tr>
<td>18. Major increases in the rate of use of any natural resource excluding water? (18)</td>
<td></td>
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<tr>
<td>19. Substantial depletion of any non-renewable natural resource or preclude development of a natural resource? (19)</td>
<td></td>
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<tr>
<td>20. RISK OF UPSET Could the project involve a risk of an explosion or release of hazardous substances? (20)</td>
<td></td>
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<tr>
<td>21. POPULATION Could the project substantially alter the existing or planned location, distribution, density or growth rate of human populations of an area? (21)</td>
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</table>
### Environmental Checklist Form "B"

**TRANSPORTATION/CIRCULATION** Could the project result in:

<table>
<thead>
<tr>
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<th>Maybe</th>
<th>No</th>
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<tr>
<td>22.</td>
<td>Major effects on existing parking facilities, or demand for new parking?</td>
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<td>23.</td>
<td>Major alterations to present or planned patterns of circulation or movement of people and/or goods?</td>
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<td>24.</td>
<td>Major increase in traffic that may be hazardous to motor vehicles, bicyclists, pedestrians, or livestock?</td>
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**PUBLIC SERVICES** Could the project have an effect upon, or result in a need for new or altered governmental services in any of the following areas?

<table>
<thead>
<tr>
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<th>Description</th>
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<tr>
<td>25.</td>
<td>Fire Protection</td>
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<td>26.</td>
<td>Police Protection</td>
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<td>27.</td>
<td>Schools</td>
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<td>28.</td>
<td>Parks and Other Recreation Facilities</td>
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<td>29.</td>
<td>Maintenance in public facilities including streets and roads</td>
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<td>30.</td>
<td>Other governmental or public services or facilities</td>
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**HUMAN HEALTH** Could the project result in:

<table>
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<th>Description</th>
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<th>Maybe</th>
<th>No</th>
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<tr>
<td>31.</td>
<td>Creation of any health hazard or potential health hazard (excluding mental health)?</td>
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<td>32.</td>
<td>Exposure of people to potential health hazards?</td>
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**AESTHETICS** Could the project result in:

<table>
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<tr>
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<th>Description</th>
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<th>Maybe</th>
<th>No</th>
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<tr>
<td>33.</td>
<td>The destruction of any scenic vista or view open to the public?</td>
<td></td>
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<td>34.</td>
<td>The creation of an aesthetically offensive site open to public view/</td>
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**CULTURAL RESOURCES** Could the project result in:

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<th>Description</th>
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<th>Maybe</th>
<th>No</th>
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<td>35.</td>
<td>The alteration of or the destruction of a prehistoric or historic archaeological site?</td>
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<td>36.</td>
<td>Adverse physical or aesthetic effects to a prehistoric or historic building, structure or object?</td>
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V. DISCUSSION OF ENVIRONMENTAL CHECKLIST FINDINGS:

VI. Suggested mitigating measures deemed appropriate to reduce or eliminate possible environmental effects:
**VII. ANALYSIS OF SIGNIFICANCE:**

<table>
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<th>Identified Potential Impact (No.)</th>
<th>Mitigation Possible</th>
<th>Impact Significant</th>
<th>Explanation (continue on separate page if necessary)</th>
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<tr>
<td></td>
<td>Yes</td>
<td>No</td>
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<td>Yes</td>
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**VIII. MANDATORY FINDINGS OF SIGNIFICANCE** (As per Section 15082 of the CEQA Guidelines, requires EIR if "Yes") Does the project have:

A. 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?

B. The potential to achieve short term, to the disadvantage of long term, environmental goals?

C. Impacts which are individually limited but cumulatively considerable?

D. Environmental effects which will cause substantial adverse effects on human beings, either directly or indirectly?

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C-5
IX. DETERMINATION:

On the basis of this initial study:

A. ___ It is found on the basis of this initial study that the proposed project WILL NOT have a significant effect on the environment and a NEGATIVE DECLARATION WILL BE PREPARED.

B. ___ It is found on the basis of this initial study that the potential environmental effects of this project WILL NOT be significant in this case because the mitigation measures described in Section VI will be added to the project proposal as conditions of approval and will mitigate environmental effects entirely or to an acceptable level. A NEGATIVE DECLARATION will be prepared.

C. ___ It is found on the basis of this initial study, that the proposed project MAY have a significant effect on the environment, and an Environmental Impact Report is required. (This determination may be based upon Section VII, Analysis of Significance or Section VIII, Mandatory Findings of Significance)

D. ___ It is found that it can be argued on the basis of substantial evidence that the project may have a significant environmental impact. An Environmental Impact Report is required.

E. ___ It is found that there is a serious public controversy concerning the potential environmental effects of the project and an Environmental Impact Report is required.

F. ___ It is found that the project cannot be approved or conditionally approved and no further action is required under the provisions of the California Environmental Quality Act.

X. ACTIONS:

A. Section "A" of this Initial Study was:
   Prepared by ___________________________ Date ________________________
   Assisted by ___________________________ Date ________________________
   Reviewed by __________________________ Date ________________________
   Reviewed by __________________________ Date ________________________

B. Section "B" of this Initial Study was:
   Prepared by __________________________ Date ________________________
   at the direction of __________________________
   Approved by __________________________ Date ________________________

C. Authority:
   __________________________
   Signature
   Date ________________________
   Title ________________________
   For ________________________

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APPENDIX D

NOTICE OF PREPARATION

TO: ______________________ (Responsible Agency)  FROM: ______________________ (Lead Agency)

_________________________ (Address)  ___________________________ (Address)

SUBJECT: Notice of Preparation of a Draft Environmental Impact Report

_________________________ will be the Lead Agency and will prepare an environmental impact report for the project identified below. We need to know the views of your agency as to the scope and content of the environmental information which is germane to your agency's statutory responsibilities in connection with the proposed project. Your agency will need to use the EIR prepared by our agency when considering your permit or other approval for the project.

The project description, location, and the probable environmental effects are contained in the attached materials. A copy of the Initial Study ____ is, ____ is not, attached.

Due to the time limits mandated by State law, your response must be sent at the earliest possible date but not later than 30 days after receipt of this notice.

Please send your response to __________________________ at the address shown above. We will need the name for a contact person in your agency.

Project Title:

Project Applicant, if any:

DATE ___________________________ Signature ___________________________

Title ___________________________ Telephone ___________________________

Reference: California Administrative Code, Title 14, Sections 15035.7, 15054.3, 15066.
TO: County Clerk  
County of Mariposa  
Mariposa County Courthouse  
Mariposa, California 95338  

Office of Planning and Research  
1400 Tenth Street, Room 121  
Sacramento, CA  95814  

SUBJECT: Filing of Notice of Determination in Compliance with  
Section 21108 or 21152 of the Public Resources Code  

PROJECT TITLE  

STATE CLEARINGHOUSE NUMBER (if submitted to State Clearinghouse)  

CONTACT PERSON  
TELEPHONE NUMBER  

PROJECT LOCATION  

PROJECT DESCRIPTION  

This is to advise that has made the following determinations regarding the above described project. The Negative Declaration or EIR and Record of Project Approval may be examined at  

1. The Project:  
☐ Has had an Environmental Impact Report prepared pursuant to the provisions of CEQA.  
☐ Has had a Negative Declaration prepared pursuant to the provisions of CEQA.  

2. On the basis of the above, it has been determined:  
☐ The project will not have a significant effect on the environment.  
☐ Mitigation measures have been applied as conditions of project approval and as a result the project will have no significant effect on the environment.  
☐ On the basis of an EIR, Findings have been made pursuant to Section 15088 of CEQA Guidelines.  
☐ On the basis of an EIR, a statement of overriding concerns has been adopted pursuant to Section 15089 of CEQA Guidelines.  

Date Received for Filing  

SIGNATURE  
TITLE  
DATE  

E-1
No significant effect is based on the following findings:

(1) No unique or significant natural features including but not limited to animal life, fish life or plant life, or its habitat or movement are to be adversely affected; (2) No known archeological, cultural, historical, recreational or scenic sites are to be adversely affected; (3) The project will not result in a significant dislocation of people; (4) The project will not result in a substantial detrimental effect on air or water quality or on ambient noise levels; (5) The project will not breach any published national, state or local standards relating to solid waste or litter control; (6) The project will not have a substantial and demonstrable negative aesthetic effect; (7) The project will not create hazards including but not limited to flooding, erosion or siltation; (8) The project is not subject to major known geologic hazards; (9) The project will not result in the need for public services beyond those presently available or proposed in the near future; (10) The project will not have a significant growth-inducing impact; (11) The project does not appear to generate major environmental controversy.

No significant effect is based on review procedures of the following County Departments or Divisions:

_____Building Department
_____Planning Commission

_____County Health Department
_____County Road Department

Other

No significant effect is based on additional conditions as follows:

Initial Study prepared by
and on file at Mariposa County Planning Commission
5101 Jones Street
Mariposa, California 95338

Chairman, Mariposa County Planning Commission

Date
NOTICE OF COMPLETION FORM

Project Title

Project Location-Specific

Project Location-City

Project Location-County

Description of Nature, Purpose, and Beneficiaries of Project

Lead Agency

Division

Address Where Copy of EIR is Available

Review Period

Contact Person

Area Code

Phone

Extension
APPENDIX H

NOTICE OF EXEMPTION

To: Office of Planning and Research
1400 Tenth Street, Room 121
Sacramento, California 95814

County Clerk
County of _________________

Project Title

Project Location - Specific

Project Location - City

Project Location - County

Description of Nature, Purpose, and Beneficiaries of Project

Name of Public Agency Approving Project

Name of Person or Agency Carrying Out Project

Exempt Status: (Check One)

___ Ministerial (Sec. 15073)
___ Declared Emergency (Sec 15071 (a) )
___ Emergency Project (Sec 15071 (b) and (c) )
___ Categorical Exemption. State type and section number:

Reasons why project is exempt:

Contact Person ____________________ Area Code ______ Telephone ______ Extension ______

If filed by applicant:
1. Attach certified document of exemption finding.
2. Has a notice of exemption been filed by the public agency approving the project? Yes____ No____

Date Received for Filing

Signature ___________________________

Title ______________________________

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APPENDIX "I"

CERTIFIED AFFECTED PROPERTY OWNERS' LIST

AFFIDAVIT

STATE OF CALIFORNIA  
COUNTY OF MARIPOSA

Pursuant to the Mariposa County Environmental Review Procedures, I, ____________________________, hereby certify that the list attached hereto contains the names and addresses of property owners as they appear on the most recent available assessment roll: (1) Within a minimum distance of six hundred (600) feet from the exterior boundaries of the property as described in the attached application; and (2) Adjacent to or utilizing, as primary access, any road, street or easement of record (as described on a recorded subdivision map) not included in the Mariposa County Road System or state or Federal highway system as described in the attached application.

I certify under penalty of perjury that the foregoing is true and correct.

(Signed) ____________________________

Date ____________________________

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(Attach additional sheets as necessary)
APPENDIX J

Mail to: State Clearinghouse, 1400 Tenth Street, Rm. 121, Sacramento, CA 95814 -- 916/445-0613
NOTICE OF COMPLETION AND ENVIRONMENTAL DOCUMENT FORM

1. Project Title:

2. Lead Agency:

3a. Street Address:
3b. City:
3c. County:
3d. Zip:
3e. Phone:

4. PROJECT LOCATION
4a. City/Community:
4b.(optional) Assessor's Parcel No.
4c. Section, Twp., Range
5a. Cross Streets:
5b. For Rural,
5c. Nearest Community:

7. DOCUMENT TYPE
CEQA
01__NEP
02__Early Cons
03__Neg Dec
04__Draft EIR
05__Supplement/ Subsequent EIR (if so, prior SCH #)

NEPA
06__Notice of Intent
07__Envr. Assessment/ FONS!
08__Draft EIS

OTHER
09__Information Only
10__Final Document
11__Other

8. LOCAL ACTION TYPE
01__General Plan Update
02__New Element
03__General Plan Amendment
04__Master Plan
05__Annexation
06__Specific Plan
07__Redevelopment
08__Rezone
09__Land Division (Subdivision, Parcel Map, Tract Map, etc.)
10__Use Permit
11__Cancel Ag Preserve
12__Other

9. TOTAL ACRES:

10. DEVELOPMENT TYPE
01__Residential: Units Acres
02__Office: Sq.Ft. Employees
03__Shopping/Commercial: Sq.Ft. Employees
04__Industrial: Sq.Ft. Employees
05__Sewer: MG
06__Water: MG
07__Transportation: Type
08__Mineral Extraction: Mineral
09__Power Generation: Wattage
10__Other

11. PROJECT ISSUES DISCUSSED IN DOCUMENT
00__Geologic/Seismic
01__Aesthetic/Visual
02__Agricultural Land
03__Air Quality
04__Archaeological/Historical
05__Coastal Zone
06__Fire Hazard
07__Flooding/Drainage
08__Geologic/Seismic
09__Jobs/Housing Balance
10__Minerals
11__Noise
12__Public Services
13__Schools
14__Septic Systems
15__Sewer Capacity
16__Soil Erosion
17__Solid Waste
18__Toxic/Hazardous
19__Traffic/Circulation
20__Vegetation
21__Water Quality
22__Water Supply
23__Wetland/Riparian
24__Wildlife
25__Growth Inducing
26__Incompatible Landuse
27__Cumulative Effects
28__Other

12. FUNDING (approx.) Federal $ State $ Total $

13. PRESENT LAND USE AND ZONING:

14. PROJECT DESCRIPTION:

15. SIGNATURE OF LEAD AGENCY REPRESENTATIVE: __________________________ Date __________________

NOTE: Clearinghouse will assign identification numbers for all new projects. If a SCH Number already exists for a project (e.g. from a Notice of Preparation or previous draft document) please fill it in.

FORM REVISED 1/83 - REPLACES CA189

MARK DISTRIBUTION ON REVERSE
REVIEWING AGENCIES

- Resources Agency
- Air Resources Board
- Conservation
- Fish and Game
- Coastal Commission
- Caltrans District
- Caltrans - Planning
- Caltrans - Aeronautics
- California Highway Patrol
- Boating and Waterways
- Forestry
- State Water Resources Control Board - Headquarters
- Regional Water Quality Control Board, Region
- Division of Water Rights (SWRCB)
- Division of Water Quality (SWRCB)
- Department of Water Resources
- Reclamation Board
- Solid Waste Management Board
- Colorado River Board
- CTRPA (CalTRPA)
- TRPA (Tahoe RPA)
- Bay Conservation & Dev't Comm
- Parks and Recreation
- Office of Historic Preservation
- Native American Heritage Comm
- State Lands Comm
- Public Utilities Comm
- Energy Comm
- Food and Agriculture
- Health Services
- Statewide Health Planning (hospitals)
- Housing and Community Dev't
- Corrections
- General Services
- Office of Local Assistance
- Public Works Board
- Local Government Unit (OPR)
- Santa Monica Mountains Conservancy
- Other

FOR SCH USE ONLY

Date Received at SCH
Date Review Starts
Date to Agencies
Date to SCH
Clearance Date
Notes:

Catalog Number
Proponent
Consultant
Contact Phone
Address

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