

RESOLUTION NO. 74-38

RESOLUTION OF THE COUNCIL OF THE CITY OF RIDGECREST ESTABLISHING REGULATIONS, OBJECTIVES, CRITERIA AND PROCEDURES FOR THE EVALUATION OF PROJECTS AND THE PREPARATION OF ENVIRONMENTAL IMPACT REPORTS UNDER THE ENVIRONMENTAL QUALITY ACT OF 1970 AND GUIDELINES ADOPTED BY THE SECRETARY OF THE RESOURCES AGENCY.

WHEREAS:

I. Section 21082 of the Environmental Quality Act of 1970, required the City to adopt objectives, criteria and procedures for the evaluation of projects and the preparation of environmental impact reports no later than April 4, 1973, consistent with such Act and the Guidelines adopted by the Secretary of the Resources Agency on February 3, 1973; and II. The City did adopt objectives, criteria, and procedures for evaluating projects and preparation of environmental statements on March 15, 1973; and

III. The California Resources Agency amended these guidelines on December 17, 1973 (Section 15014, b); and

IV. The City must bring its objectives, criteria, and procedures into conformity with the amended guidelines of the California Resources Agency by February 15, 1974.

NOW, THEREFORE, BE IT RESOLVED by the Council of the City of Ridgecrest:

I. The regulation establishing objectives, criteria, and procedures adopted on March 15, 1973, be repealed in its entirety; and

II. The following shall constitute the regulations governing the evaluation of projects and the preparation of environmental statements in the City of Ridgecrest.

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DEFINITIONS

For the purpose of these regulations, the following words, terms and phrases are defined as hereinafter set out unless it is apparent from the context that a different meaning is intended.

The following words are used to indicate whether a particular subject is mandatory, advisory, or permissive:

(a) "Must" or "shall" identifies a mandatory element which the land agency is required to follow.

(b) "Should" identifies guidance provided by the Secretary for Resources based on policy considerations contained in CEQA, in the legislative history of the statute, or in federal court decisions which California courts can be expected to follow. The lead agency is advised to follow this guidance in the absence of compelling, countervailing considerations.

(c) "May" identifies a permissive element which is left fully to the discretion of the lead agency.

1. Applicant. Applicant means a person who purposed to carry out a project which needs a lease, permit, license, certificate, or other entitlement to use or financial assistance from one or more public agencies when that person applies for the governmental approval or assistance.

1.1 Approval means the decision by the City which commits it to a definite course of action in regard to a public project intended to be carried out. The exact date of approval of any such project shall be determined by the City according to its rules and laws. In connection with private activities, approval occurs upon the earliest commitment to issue or the issuance by the City of a discretionary lease, permit, license, certificate, or other entitlement for use of the project.

2. Categorical Exemption means an immunity (exemption, exception) from the provisions of the Environmental Quality Act of 1970, of a class of projects and the specific activity listed within such class, based upon a finding by the City Council that such project does not have a significant effect on the environment.

3. Discretionary Project means an activity defined as a project which requires the exercise of judgment, deliberation, or decision on the part of the City in the process of approving or disapproving a particular activity, as distinguished from situations where the City merely has to determine whether there has been conformity with applicable statutes, ordinances, Municipal Code sections, or regulations.

4. Emergency means a sudden, unexpected occurrence demanding immediate action to prevent or mitigate loss or damage to life, health, property or essential public services.

5. Environment means the physical conditons which exist in the area which will be affected by a proposed project including land, air, water, minerals, flora, fauna, ambient noise, objects of historic or aesthetic significance. The general term "environment" is divided into the following categories:

(1) The physical or inorganic environment, comprising such factors as climate and soil.

(2) The biological environment, comprising wild plants and animals, including bacteria and other germs.

(3) The social environment, comprising things due to human activity and divisble into:

(a) The physiocial environment, comprising buildings, streets, and manufactured objects.

(b) The biosocial environment, comprising domesticated plants and animals.

5.1 Environmental Impact means the physical conditons which will be effected by a proposed project, including land, air, water, minerals, flora, fauna, ambient noise, objects of historical or aesthetic significance.

Primary Impacts are the uninterrupted effects of a project. The emission of a nauseous odor from a processing plant incinerator is an example.

Secondary Impacts are indirectly caused by a project. A freeway, by reducing the time and effort to reach the beach can cause an overcrowded condition.

Direct Impacts are those that affect man's senses, health, and intellect; e.g., odor, noise, toxic gases.

Indirect Impacts are those that affect parts of the environment rather than man; e.g., vegetation, wildlife.

Problematical Impacts are impacts that have not been tested and their significance is not known or the proposed controls or mitigations are not proven. Problematical impacts are often associated with new processes or machinery. The interest responsible for the proposed project should know that monitoring will be required and possible modification or even cessation of his project could result.

Adverse Impacts are those that detract in some way from the environment. These may be divided further into acceptable or unacceptable categories. If a project adds noise to an area, it creates an adverse impact, but if the noise level meets the noise ordinance, it may legally be considered an acceptable adverse impact. Similarly, if the waste discharged from a plant meets duly set standards, the discharge may be officially judged an acceptable adverse impact.

Beneficial Impacts are those impacts that in some way improve or enhance man's environment. An action may have both adverse and beneficial impacts. Chlorination of a waste discharge to a stream containing fish may be such a case. The chlorine protects man from disease, but it may also kill the fish in the stream.

- 5.2 Environmental Documents means Draft and Final E.I.R.'s Initial Studies, Negative Declarations, Notices of Completion, and Notices of Determination.
6. E.I.R. Environmental Impact Report means a detailed statement setting forth the environmental effects and considerations pertaining to a project as specified in Section 21100 of the Environmental Quality Act of 1970. It is an informational document which informs public decision makers and the general public of the environmental effects of projects proposed to be carried out or approved.
- (a) Draft E.I.R. means an initial E.I.R. containing the information specified in Paragraph XII of this Resolution, entitled "The Final Environmental Impact Reports."
- (b) Final E.I.R. means an E.I.R. containing the information specified in said Paragraph XII, a section for comments received in the consultation process, and the response of the Responsible Agency (usually the City) to the comments received.
7. E.I.S. Environmental Impact Statement means an environmental impact report prepared pursuant to the National Environmental Policy Act (NEPA). The Federal Government uses the term E.I.S. in the place of the term E.I.R., which is used in the California Environmental Quality Act of 1970.

8. Feasible means capable of being accomplished in a successful manner by reasonably available, economic, and workable means.

8.1 Initial Study means a preliminary analysis prepared by the lead agency pursuant to Section 15080 to determine whether an E.I.R. or a Negative Declaration must be prepared.

9. Lead Agency means the public agency which has the principal responsibility for preparing environmental documents and for carrying out or approving a project which may have a significant effect on the environment.

10. Ministerial Projects as a general rule, include those activities defined as projects which are undertaken or approved by a governmental decision which the Responsible Officer or public agency makes upon a given state of facts in a prescribed manner in obedience to the mandate of legal authority. With these projects, the officer or agency must act upon the given facts without regard to his own judgment or opinion concerning the propriety or wisdom of the act, although the statute, ordinance, Municipal Code section, or regulation may require, in some degree, a construction of its language by the officer.

11. Negative Declaration means a statement that project, although not categorically exempt, would not have a significant effect on the environment, and therefore, does not require an E.I.R. (also known as Exemption Declaration).

12. Notice of Completion means a brief report filed with the Secretary for Resources as soon as the City has completed a draft E.I.R. and is prepared to send out copies for review. The contents of this report are explained in Paragraph XI (d), entitled "Notice of Completion".

13. Notice of Determination means a brief notice to be filed by the City with the Kern County Clerk, when the City approves or determines to carry out a project which is subject to the requirements of the Environmental Quality Act of 1970. The contents of this report are explained in Paragraph X(j) and XIII (b), entitled "Notice of Determination".

14. Person includes any person, firm, association, organization, partnership, business, trust, corporation, company, district, county, city and county, city, town, the State, and any of the agencies political subdivisions of such entities.

15. Project

(a) means the whole of an action, resulting in physical impact on the environment, directly or ultimately, that is any of the following:

(1) An activity directly undertaken by the City including, but not limited to public works construction and related activities, clearing or grading of lands, improvements to

existing public structures, enactment and amendment of zoning ordinances (initiated by the City) and the adoption of General Plans or elements thereof.

(2) An activity undertaken by a person other than the City, which is supported in whole or in part through contracts, grants, subsidies, loans, or other forms of assistance from the City.

(3) An activity involving the issuance to a person of a lease, permit, license, certificate, or other entitlement for use by the City.

(b) Project does not include:

(1) Anything specifically exempted by state law.

(2) Proposals for legislation to be enacted by the State Legislature.

(3) Continuing administrative or maintenance activities, such as purchases for supplies, personnel-related actions, emergency repairs to public service facilities, general policy and procedure making, feasibility or planning studies.

(4) The submittal of measures to a vote of the people of the City.

(c) The term "project" refers to the underlying activity and not to the governmental approval process.

16. Responsible Agency means the public agency (City) which purposes to undertake or approve a project, but is not the lead agency for the project. It includes all public agencies other than the lead agency which have approval power over the project.

16.1 Responsible Official means the person appointed by the City Council to be responsible for the administration of the E.I.R. process.

17. Significant Effect means a substantial adverse impact on the environment.

## II

### GENERAL PROVISIONS

Purpose. The purpose of these regulations is to provide public agencies with principles, objectives, criteria, and definitions of statewide application to be used in the implementation of the California Environmental Quality Act of 1970. Implementation of the act includes the orderly evaluation of projects and the preparation of environmental impact reports.

Authority. These regulations are prescribed by the Secretary for Resources pursuant to authority granted in Public Resources Code Section 21083 to be followed by political subdivisions of the State in the implementation of the Environmental Quality Act of 1970. They deal with environmental quality, the evaluation of projects, and the preparation and evaluation of environmental impact reports. These regulations are patterned after guidelines developed by the Office of Planning and Research for adoption by the Secretary for Resources in accordance with Section 21083.

The City shall coordinate the procedures outlined with procedures they have been using in undertaking or approving projects. In doing so, however, the City is not free to compromise the basic principles, objectives, criteria, and definitions included here.

Information Document. An Environmental Impact Report is an informational document which, will inform public decision-makers and the general public of the environmental effects of projects they propose to carry out or approve. The E.I.R. process is intended to:

- enable public agencies to evaluate a project to determine whether it may have a significant effect on the environment,
- Examine and institute methods of reducing adverse impacts, and consider alternatives to the project as proposed.

These things must be done prior to approval or disapproval of the project.

An E.I.R. may not be used as an instrument to rationalize approval of a project, nor do indications of adverse impact, as enunciated in an E.I.R., require that a project be disapproved -- public agencies retain existing authority to balance environmental objectives with economic and social objectives.

Early Preparation. E.I.R.'s should be prepared as early in the planning process as possible to enable environmental considerations to influence project program or design. It is a useful planning tool to enable environmental constraints and opportunities to be considered before project plans are finalized.

The E.I.R. may be prepared as a separate document, or as part of a project report. If prepared as a part of the project report, it must still contain in one separate and distinguishable section the elements required of an E.I.R., including the seven elements specified in Section XII, b.c.

All of the procedure is subject to modification according to the regulations governing the lead agency principle, that not more than one E.I.R. shall be prepared in connection with the underlying activity.

Determining Significant Effect. The determination of whether a project may have a significant effect on the environment calls for careful judgment on the part of the City involved, based to the extent possible on scientific and factual data. An iron clad definition of significant effect is not possible because the significance of an activity may vary with the setting. For example, an activity which may not be significant in an urban area may be significant in a rural area. There may be a difference of opinion on whether a particular effect should be considered adverse or beneficial, but where there is, or anticipated to be, a substantial body of opinion that considers or will consider the effect to be adverse, the City should prepare an E.I.R. to explore the environmental effects involved.

In evaluating the significance of the environmental effect of a project, the City shall consider both primary and secondary consequences.

Primary consequences are immediately related to the project (the construction of a new treatment plant may facilitate population growth in a particular area)

Secondary consequences are related more to primary consequences than to the project itself (an impact upon the resource base, including land, air, water and energy use of the area in question may result from the population growth).

E.I.R. Combined with Existing Planning and Review Process. To the extent possible, the E.I.R. process should be combined with the existing planning, review, and project approval process being used by the City. The City shall include the E.I.R. as a part of the regular project report where such a report is used in the existing review and budgetary process.

Categorical Exemptions. Included in the regulations is a list of classes of projects which have been determined not to have a significant effect on the environment and which shall, therefore, be exempt from the provisions of the Environmental Quality Act of 1970.

Revisions to List of Categorical Exemptions. Any public agency may, at any time, request that a new class of Categorical Exemptions be added, or an existing one deleted. This request must be made in writing to the Office of Planning and Research.

Application by Public Agencies. The classes listed in these regulations are broadly drawn, as are the examples given with each. The City shall, in the course of establishing its own procedures, list those specific activities which fall within each class, subject to the qualification that these lists must be consistent with both the letter and the intent expressed in the classes.

Relation to Ministerial Projects. All ministerial projects and activities of public agencies are also exempt from application of the CEQA. The matter of what is or is not a ministerial project is up to the determination of the City, based on an examination of the applicable laws and ordinances. Thus, while the Categorical Exemptions listed contain classes or examples of projects which in many cases will be ministerial, the inclusion of them is not intended to imply any finding that, in any particular jurisdiction, they are ministerial or discretionary. The exemptions, naturally, only apply where the project in question is found to be discretionary.

Review of Environmental Impact Reports. The City must develop procedures to ensure that project sponsors obtain and receive adequate comments on their E.I.R. 's from public agencies which have jurisdiction by law with respect to the project. Such procedures should include provisions for consultation with persons who have special expertise in environmental matters.

### III

#### PRELIMINARY ENVIRONMENTAL ASSESSMENT

(a) Determine Whether Activity is Exempt. The responsible City official shall first evaluate or assess the proposed activity to ascertain whether it is categorically exempt (listed in Paragraph IX), whether it is covered by an emergency exemption (listed in Paragraph VII), whether it is covered by the ministerial exemption (listed in Paragraph VIII) or whether the activity is covered by these regulations at all. If such responsible City official ascertains that the activity is covered by one of the above exemptions, he shall record it in writing and file it with the papers pertaining to that activity. Exhibit A.

(b) Initial Study If Activity Not Exempt - Negative Declaration or E.I.R. If the responsible City official ascertains that the activity or project is not exempt, he shall conduct an initial study to determine if the project may have a significant effect on the environment. If any of the effects of the project may have a substantial adverse effect on the environment, regardless of whether the overall effect of the project is adverse or beneficial, then an E.I.R. must be prepared. Exhibit B.

If it is determined that the project will not have a substantial adverse effect on the environment due to circumstances of the specific project, a Negative Declaration shall be prepared. (Exhibit E) Section X-Negative Declaration.

MANDATORY FINDINGS OF SIGNIFICANCE

In every case where any of the following conditions are found to exist as a result of a project, the project will be found to have a significant effect on the environment.

1. Impacts which have the potential to degrade the quality of the environment, curtail the range of the environment.

2. Impacts which achieve short-term, to the disadvantage of long-term, environmental goals. A short-term impact on the environment is one which occurs in a relatively brief, definitive period of time, while long-term impacts will endure well into the future.

3. Impacts for a project which are individually limited, but cummulativey considerable. A project may impact on two or more separate resources where the impact on each resource is relatively small. If the effect of the total of those impacts on the environment is significant, an E.I.R. must be prepared. This mandatory finding of significance does not apply to two or more separate projects where the impact of each is insignificant.

4. The environmental effects of a project will cause substantial adverse effects on human being, either directly or indirectly.

RESPONSIBILITY

(a) The E.I.R. - Responsibility. For public projects, the Planning Director shall ordinarily do the study and write the draft E.I.R.; or upon City Council approval, a consultant may do the study and write the draft E.I.R., or the Public Works Director may write the draft E.I.R., based upon a consultant's study, or the Public Works Director may write the draft E.I.R. and utilize a consultant where desirable for expertise. The Planning Director shall be responsible for preparing the final E.I.R.

For private projects, subject to approval, financial support or other involvement by a public agency which may have a significant effect on the environment, the sponsor of the project or his consultant will ordinarily write the draft E.I.R. and the Planning Director will prepare the environmental documents by its own efforts or by contract. In any event, the City is responsible entirely for the adequacy and objectivity of the E.I.R. However, the City may require the person to supply data and information, both to determine whether the project may have a significant effect on the environment, and to assist in the preparation of an E.I.R. by the agency. This information may be submitted in the form of a draft E.I.R. if the agency desires. If information is provided in the form of a draft E.I.R., the lead agency will not use the draft E.I.R. as its own without independent evaluation and analysis. The draft E.I.R. which is sent out for public review must reflect the independent judgment of the lead agency. The lead agency should require an applicant to specify to the best of his knowledge which other public agencies will have approval authority over the project.

(b) Application to Projects Where No Effects is Certain. The requirements set forth in these regulations apply to projects which may have a significant effect on the environment, and which involve discretionary governmental action. Where it can be seen with certainty that the activity in question will not have a significant effect on the environment, the activity is not covered by the requirements set forth in these regulations concerning the evaluation of projects and the preparation and review of environmental impact reports do not apply. The Planning Director for public works, and for private projects, are authorized to list such activities when they find that it is certain such activities will not have a significant effect on the environment. Such activities shall not be covered by these requirements upon posting of a description of such activities for two weeks upon a bulletin board near the office of the Planning Department in the City Hall, provided no objections are received by the City during such two week period.

(c) Redevelopment Plan. All public and private activities or undertakings pursuant to or in furtherance of a redevelopment plan constitute a single project, which shall be deemed approved at the time of adoption of the redevelopment plan by the City Council. The E.I.R. in connection with the redevelopment plan shall be submitted in accordance with Section 33352 of the Health and Safety Code.

(d) Public Projects. When the City plans to carry out a project which may have a significant effect on the environment, the City shall prepare an E.I.R. through its own efforts or through contract.

(e) Private Projects. Projects undertaken by a person other than the City which are supported in whole or part through contracts, grants, subsidies, loans, or other forms of assistance from one or more public agencies or which involve the issuance to a person of a lease, permit, license, certificate, or other entitlement to use by the City require the preparation of an E.I.R., if the project may have a significant effect on the environment and the project involves discretionary governmental action, unless the project is otherwise exempted by these regulations.

(f) Federal Projects. Section 15063 of the "Guidelines for Implementation of the California Environmental Quality Act of 1970" are hereby adopted by reference as if fully set forth herein.

(g) Lead Agency. Sections 15064, 15065, 15065.5 and 15066 of the "Guidelines" as revised are hereby adopted by reference as if fully set forth herein.

(h) Subsequent E.I.R. Section 15067 of the "Guidelines" are hereby adopted by reference as if fully set forth herein.

(i) Use of Single E.I.R. Section 15068 of the "Guidelines" are hereby adopted by reference as if fully set forth herein.

(j) Multiple and Phases Projects. Section 15069 of the "Guidelines" are hereby adopted by reference as if fully set forth herein.

(k) Ongoing Project. Section 15070 of the "Guidelines" are hereby adopted by reference as if fully set forth herein.

(l) Feasibility and Planning. A project involving only reasibility or planning studies for possible future actions which the agency, board, or commission has not approved, adopted,

or funded does not require the preparation of an environmental impact report but does require consideration of environmental factors as required by Section 21102 of CEQA.

## VI

### DETERMINING SIGNIFICANT EFFECT (GUIDELINES)

(a) Intent of Environmental Quality Act. It is impossible to list all projects which may have a significant effect on the environment. In making a determination in a particular case, the determining authority must assess the expected environmental effects of the action in conjunction with the intent of the Environmental Quality Act of 1970. In determining whether or not the effects of a project on the environment are significant, the determining authority must evaluate the nature and degree of all effects on the environment.

(b) Cumulative Impact. The phrase "which may have a significant effect on the environment" shall also be interpreted with a view to the overall cumulative impact of the project proposed, and of further related projects, which may be contemplated.

(c) Effect on the Site and the Community. A major consideration as to whether a project may have a significant effect on the environment is the significance of the potential effect of the completed project on the site and on the community, including its compatibility with the site and its environment (aesthetics, rationality of land use, etc.) and the project's pollution potential. The cost and physical size of the project may be an important, but not the sole, criteria for determining whether it may have a significant effect on the environment.

(d) Matters to Consider. In addition to cost and size, the determining authority shall consider whether the project would:

1. Lead to a noticeable increase in the ambient noise level for a substantial number of people.
2. Result in a substantial detrimental effect on air and water quality.
3. Divide an established community as to its historic or natural aspects, including places of unique interest or scenic beauty.
4. Has a substantial and demonstrable negative aesthetic effect.
5. Destroy important recreational resources.

6. Interfere with important breeding, nesting or feeding grounds for birds, or animals.
7. Disturb the ecological balance of a land or water area.
8. Involve a reasonable possibility of the contamination of, or the removal of contaminants from, water courses, water supply sources, or water treatment or distribution systems.
9. Be a part of a larger or long-range project and is likely to be followed by other projects.
10. Result in the draining, tilling or alteration of an existing creek bed or stream bed.
11. Involve the grading, cutting or filling of an area in excess of five years, or which would adversely effect the scenic quality of the community or the city.
12. Involve the development of a parcel of land, which has no building pad and which has an average slope in excess of 40%.
13. Involve changes in population having a substantial effect on the need for public facilities, such as requiring more or different schools, fire stations, hospitals, shopping facilities, water distribution facilities, streets, or sewage treatment capacity; or the demand for public service.
14. Have a substantially adverse effect on traffic patterns.
15. Have a substantially adverse effect on neighborhoods.
16. Substantially increase urban congestion or threaten public health.
17. Be in conflict with the objectives, goals and policies of the general plan.
18. Substantially effect a rare or endangered species of animal or plant, or habitat of such a species.
19. Cause substantial interference with the movement of any resident fish or migratory fish or wildlife species.

20. Breaches any published national, state, or local standards relating to solid waste or litter control.

21. Involve the possibility of contaminating a public water supply system or adversely affecting the ground water.

22. Could cause substantial flooding, erosion or siltation.

23. Be subject to major geologic hazards.

24. Arouse substantial community opposition or concern.

VII

EMERGENCY PROJECTS

The following emergency projects are exempt from the requirement for an environmental impact report:

1. Projects undertaken, carried out, or approved by the City to maintain, repair, restore, demolish or replace property or facilities damaged or destroyed as a result of a disaster stricken area in which a state of emergency has been proclaimed by the Governor pursuant to Chapter 27, (commencing with Section 8550) of Division 1, Title 2 of the Government Code.
2. Emergency repairs to public service facilities necessary to maintain service.
3. Projects undertaken as immediate action necessary to prevent or mitigate an emergency.

## VIII

### MINISTERIAL PROJECTS

Ministerial projects do not require the preparation of environmental impact reports. Ministerial activities include, but are not limited to the following:

1. Issuance of building permits. Unless the staff determines otherwise.
2. Issuance of plumbing permits. Unless the staff determines otherwise.
3. Issuance of electrical permits. Unless the staff determines otherwise.
4. Issuance of mechanical permits. Unless the staff determines otherwise.
5. Issuance of sign permits under Volume V of the Uniform Building Code as adopted by the City. Unless the staff determines otherwise.
6. Issuance of trailer park operating permits.
7. Issuance of occupancy permits for commercial and industrial uses.
8. Issuance of business licenses.
9. Approval of final subdivision maps.
10. Approval of final parcel maps.
11. Approval of individual utility service connections and disconnections in the City.
12. Issuance of demolition permits, except for buildings constructed before 1895 or buildings of historical, archeological or architectural consequence as officially designated by Federal, State or local governmental action.
13. Issuance of non-discretionary sign permits.

IX

CATEGORICAL EXEMPTIONS

A. The following projects are hereby found and determined not to have a significant effect on the environment and are, therefore, exempt from the provisions of the Environmental Quality Act of 1970 and from the provisions of these regulations.

E.I.R. may not be required for projects described in the following classes and examples except under provisions of sub-section B (Exception by Location) of this section.

The Council shall prepare a list of specific activities which of all within each of these exempt classes and which is consistent with both the letter and intent expressed in each class.

Classes and examples of activities may be omitted from the implementation procedure if they do not apply.

Class 1: Existing Facilities. The operation, repair, maintenance or minor alteration of existing public or private structures, facilities, mechanical equipment, or topographical features, involving negligible or no expansion of use beyond that previously existing, which projects are discretionary in nature, including but not limited to:

1. Interior or exterior alterations involving such things as interior partitions, plumbing, and electrical conveyances.
2. Existing facilities of both investor, and publicly owned utilities used to convey or distribute electric power, natural gas, sewage, etc.
3. Existing highways and streets, (within already established rights-of-way) sidewalks, gutters, curbs, driveway approaches, bicycle and pedestrian trails, and similar facilities.
4. Restoration or rehabilitation of deteriorated or damaged structures, facilities or mechanical equipment to meet current standards of public health and safety, unless it is determined that the damage was substantial and resulted from an environmental hazard such as earthquake, landslide or flood.

5. Additions to existing structures provided that the addition will not result in an increase or more than 50 percent of the floor area of the structure before the addition or alteration, or 2500 square feet, whichever are less.

6. Addition of safety or health protection devices for use during construction of or in conjunction with existing structures, facilities or mechanical equipment, or topographical features where these devices do not have or result in an adverse environmental impact.

7. New copy on existing on and off-premise signs.

8. Maintenance of existing landscaping, nature growth and sumps and water supply reservoirs (excluding the use of economic poisons, as defined in Division 7, Chapter 2, California Agricultural Code).

9. Division of existing multiple family rental units into condominiums.

Class 2: Replacement or Reconstruction. Replacement or reconstruction of existing structures and facilities where the new structure will be located on the same site as the structure replaced and will have substantially the same purpose and capacity as the structure replaced, which projects are discretionary in nature.

Class 3: New Construction of Small Structures. Discretionary projects consisting of construction and location of single, new facilities or structures and installation of new equipment and facilities, including, but not limited to:

1. Single family residence not in conjunction with the building of two or more such units.

2. Motels and apartments designed for not more than six dwelling units and duplexes, if not in conjunction with the building of two or more such structures.

3. Stores, offices, and restaurants, if designed for an occupant load of 20 persons or less, if not in conjunction with the building of two or more such structures.

4. Water main, sewage, electrical, gas and other utility extensions of reasonable length to serve such construction.

5. Accessory (appurtenant) structures including garages, carports, patios, swimming pools and fences.

6. Permitted signs.

See sub-section B below.

Class 4: Minor Alterations to Land. Alterations in the condition of land, water and/or vegetation of a minor degree by public or private for forestry and agricultural purposes. Examples include but are not limited to:

1. Grading on land with a slope of less than 10 percent, except where it is to be located in a waterway, in any wetland, in an officially designated by (by Federal, State or local governmental action) scenic area, or in officially mapped areas of severe geologic hazard.

2. New gardening or landscaping.

3. Filling of earth into previously excavated land with material compatible with the natural features of the site.

4. Minor alterations in land, water and vegetation on existing officially designated wildlife management areas or fish production facilities which result in improvement of habitat for fish and wildlife resources or greater fish production.

5. Minor temporary uses of land having negligible or no permanent effects on the environment, including carnivals, sales of Christmas trees, etc.

6. Minor trenching and backfilling where the surface is restored.

See sub-section B below.

Class 5: Alterations in Land Use Limitations. Discretionary projects, consisting of minor alterations in land use limitations, except zoning, including, but not limited to:

1. Lot line adjustments.

2. Minor modification of zoning development standards.

3. Different but similar commercial and industrial uses.

4. Issuance of encroachment permits.

5. Parcel map divisions and subdivisions of land into fewer than 10 lots.

6. Conditional use permits for day nurseries with six children or less.

7. Home Occupation permits.

See sub-section B below.

Class 6: Information Collection. Basic data collection, research, experimental management and resource evaluation activities, which do not result in a serious or major disturbance to an environmental resource. These may be for strictly information gathering purposes, or as part of a study leading to an action, which the City has not yet approved, adopted or funded.

Class 7: Actions by Regularory Agencies for Protection of Natural Resources. Actions taken by regulatory agencies as authorized by state law or local ordinance to assure the maintenance, restoration, or enhancement of a natural resource where the regulatory process involves procedures for protection of the environment. Examples include but are not limited to wildlife preservation activities of the State Department of Fish and Game. Construction activities are not included in this exemption.

Class 8: Actions by Regulatory Agencies for Protection of the Environment. Actions taken by regulatory agencies, as authorized by state or local ordinance, to assure the maintenance, restoration, enhancement, or protection of the environment where the regulatory process involves procedures for protection of the environment. Construction activities are not included in this exemption.

Class 9: Inspections. Activities limited entirely to inspection, to check for performance of an operation, or quality, health or safety of a project, including related activities such as inspection for possible mislabeling, misrepresentation or adulteration of products.

Class 10: Loans. Loans made by the Department of Veterans Affairs under the Veterans Farm and Home Purchase Act of 1943.

Class 11: Accessory Structures. Discretionary projects, consisting of construction, or placement of minor structures accessory to (appurtenant to) existing commercial, or institutional facilities, including but not limited to:

1. On-premise signs.
2. Small parking lots.

See sub-section B below.

Class 12: Surplus Government Property Sales. Sales of surplus government property, except for parcels of land.

B. Exception by Location: Class 3,4,5, and 11 are qualified by considerations of where the project is to be located. A project that is ordinarily insignificant in its impact on the environment, may in a particularly sensitive environment be significant. Therefore, these classes are considered to apply in all instances, except where the project may impact an environmental resource, or hazard of critical concern as may be hereafter designated, precisely mapped, and officially adopted pursuant to law. Moreover, all exemptions for these classes are inapplicable when the cumulative impact of successive projects of the same type, in the same place, over time is significant.

NEGATIVE DECLARATION

If the responsible authority determines that the project will not have a substantial adverse effect on the environment, in accordance with Paragraphs III, IV and VI, a Negative Declaration shall be prepared and signed by the responsible official. (Not to exceed one page in length)

(a) Description of the Project. A Negative Declaration must include a description of the project as proposed, and a finding that the project will not have a significant effect on the environment.

(b) Consultation. The responsible official must consult with, and obtain the comments, if any, of any public agency which has jurisdiction by laws with respect to the project and may consult with any person who has special expertise with respect to any environmental impact involved.

(c) Statement Supporting Findings. A brief statement of reasons to support the finding that no significant environmental effect will result from the project shall be made by the responsible official.

(d) Filing and Posting. The Negative Declaration shall constitute a Notice and shall be contemporaneously filed with the County Clerk of Kern County and posted on a bulletin board provided for this purpose near the office of the Planning Department, 139 Balsam Street. Such notice shall be given a number, which shall correspond to the number of the file on such project on file in the city department affected.

(e) Notice Time. The Negative Declaration shall be filed and posted at least 10 days before the project is approved. Negative Declaration to be reviewed by State agencies shall be submitted to the State Clearinghouse, 1400 Tenth Street, Sacramento, CA 95814.

(f) Challenge. The Negative Determination may be challenged by any officer or agency of the City or by any interested person or organization by notifying the Planning Director of such challenge in writing at any time during the period of required posting of the Negative Determination. Such written challenge shall contain the reasons why the project would have a significant effect on the environment.

(g) Jurisdiction of the Planning Commission. Upon the making of a proper challenge to the Negative Determination as required

by subparagraph (f) jurisdiction for determining whether the subject project would have a significant effect on the environment is transferred to the City Planning Commission. Such determination shall be made by the Planning Commission at the earliest practicable time. Any interested person shall have the privilege of presenting oral and documentary evidence or opinions on the question. The applicant shall be given written notice of the meeting of the Planning Commission, at which such determination shall be made. The Planning Commission shall follow the guidelines set forth in these regulations in the determination as to whether the project would have a significant effect on the environment.

(h) Appeal to City Council. The determination of the Planning Commission shall become final three working days after its decision unless the applicant shall within such period appeal to the City Council, which at its next regular meeting, shall set the same for hearing to be held not later than its next regular meeting thereafter. Such hearing may be continued from time to time by the City Council. The Notice of Appeal shall state in detail wherein the decision of the Planning Commission is contrary to these regulations. The decision of the City Council shall be final and conclusive.

(i) Official May Prepare E.I.R. Notwithstanding any provision herein to the contrary, challenges or appeals shall not be heard if the responsible city official determines to prepare and file an E.I.R. on the subject project.

(j) Notice of Determination. After completing the Negative Declaration, the responsible authority shall file a Notice of Determination with the County Clerk of Kern County. The Notice of Determination shall include the decision of the City to approve or disapprove the project, the determination whether the project will have a significant effect on the environment, and whether an E.I.R. has been prepared pursuant to the provisions of the Environmental Quality Act of 1970.

(k) Availability of Reports. Copies of the E.I.R. may be obtained from the office of the City Clerk.

XI

DECISION TO PREPARE E.I.R. - PROCESS FOR DRAFT E.I.R.

(a) Decision to Prepare. If the responsible official or agency finds, after an initial study, that the project may have a significant effect on the environment, the responsible official must prepare or cause to be prepared an Environmental Impact Report. The preparation should not cause undue delay in the processing of applications for permits or other entitlements uses.

(b) Notice of Intent. A Notice of Intent shall be prepared by the responsible officer, announcing that an E.I.R. will be prepared on the project. The purpose of such notice is to alert other agencies and the general public that the project is contemplated or being planned so that comments may be forthcoming, which may be included in the E.I.R. Such notice shall include the location, description and purpose of the project. The responsible officer shall file such Notice of Intent with the City Council, and post it on the Bulletin Board mentioned in Paragraph IX.

(c) Preparation of Draft E.I.R. -By Whom.

(1) As to projects defined in Paragraph I, 15(a) of this Resolution, the draft E.I.R. shall be undertaken by the Planning Director and his staff or by private experts pursuant to contract with the City.

(2) As to projects defined in Paragraph I, 15(a), 2 and 3, the person or entity proposing to carry out the project shall submit a draft E.I.R. containing the information required by Paragraph XII, for review and consideration by the Planning Director and his staff, who shall analyze the draft E.I.R. to verify its accuracy and objectivity. In all instances the City may require additional information and data from the person or entity proposing to carry out the project as may be deemed necessary or desirable for amendment and completion of the draft E.I.R., and information regarding other public agencies having approval authority over the project.

(3) The content of any E.I.R. is described in Paragraph XII of this Resolution. Each element of a draft E.I.R. required must be covered and these elements should be separated into distinct sections.

(4) After completing a draft E.I.R. consisting of the information specified in Paragraph XII, Sections 15141, 15142, and 15143 of the State Guidelines, the responsible

official must consult with, and obtain the comments, if any, of any public agency which has jurisdiction by laws with respect to the project and may consult with any person who has special expertise with respect to any environmental impact involved.

(d) Notice of Completion. As soon as the draft E.I.R. is completed, but before copies are sent out for review, an official notice stating that the draft E.I.R. has been completed, shall be filed with the Secretary of the Resources Agency. This Notice shall be referred to as a Notice of Completion and shall contain the following:

- (1) A brief description of the project.
- (2) The proposed location of the project.
- (3) Information indicating where copies of the draft E.I.R. available for review.

Said Notice of Completion shall also be posted on the Bulletin Board referred to above.

(e) Review of Draft E.I.R. by other Public Agencies and Persons with Special Expertise.

(1) Upon the filing and posting of a Notice of Completion, the responsible authority shall submit copies of the draft E.I.R. for review and comment to all public agencies having jurisdiction by law over the proposed project. The identity of those public agencies having jurisdiction by law over the project shall be determined on a case-by-case basis predicated upon the nature and location of the proposed project.

(2) Copies of the draft E.I.R. may also be submitted to public agencies, organizations or persons with special expertise whose comments relative to the draft E.I.R. would be desirable.

(f) Time for Review. At the time of the draft E.I.R. are submitted for review pursuant to sub-paragraph (e), the responsible authority shall establish a time period so as to permit adequate review of and comment on the draft E.I.R. by such public agencies, organizations or persons. Such period of time shall be based upon the size and scope of the proposed project; however, in no event shall the review period be less than 30 days, nor longer than 90 days, in unusual situations. The responsible authority may grant successive 30 day extension. Planning activities related to the project should continue during the review period.

(g) Failure to Comment - Evaluation of Comments. In the event a public agency, organization or person whose comments on a draft E.I.R. are so solicited fails to comment within the time period established pursuant to sub-paragraph (f) above, it shall be presumed that such agency, organization or person has no comment to make..

(h) Availability of the Draft E.I.R. for Review. Following the filing of the Notice of Completion as required by sub-paragraph (d) above, copies of the draft E.I.R. shall be made available at the Planning Director's office for acquisition by members of the general public. Any person requesting a copy of the draft E.I.R. shall be charged the actual cost of reproducing it.

(i) Public Hearing. The draft E.I.R. shall be used as the outline for discussion at any public hearings or meetings for projects defined under paragraph I, 15 (a) 2 and 3, notice of public hearing shall be given in the same form and time as notice for other regularly conducted public hearings and such hearings will be held in conjunction with and as a part of the normal planning activities. For applications which are normally decided or first heard by the Planning Commission (for example: rezonings, tentative maps for subdivisions) the Commission shall consider the environmental impact reports along with all other evidence pertaining to the application.

For projects defined under Paragraph I, 15 (a) 1, (public projects) depending upon the nature and location of a proposed project, the Planning Director, with the approval of the Ridgecrest City Council may require, a public hearing before the Planning Commission on the environmental impact thereof. In such event the public hearing shall be conducted subsequent to the filing and posting of the Notice of Completion, but in no event sooner than 30 days thereafter. For such projects not requiring a public hearing, such draft E.I.R. shall be heard, upon request of the Planning Director at a regular or special meeting of the Planning Commission as an agenda item.

(j) Focus of Review. Reviewers should focus on the sufficiency of the E.I.R. in discussing possible impacts upon the environment, ways in which adverse effects might be minimized, and alternatives to the project, in light of the intent of the Environmental Quality Act of 1970 to provide decision-makers with useful information about such factors.

The lead agency will not use the draft E.I.R. as its own without independent evaluation and analysis.

The lead agency shall evaluate comments received from persons who reviewed the draft E.I.R.

Comments received through the consultation process shall be kept on file for a reasonable period and available for public inspection at an address given in the Final E.I.R. Comments which may be received independently of the review of the Draft E.I.R. shall also be considered and kept on file.

XII

THE FINAL ENVIRONMENTAL IMPACT REPORT

A. General Contents. The responsible official shall finally prepare the E.I.R. The contents of a final E.I.R. are specified in this paragraph and in Article 9 of the "Guidelines for Implementation of the California Environmental Quality Act of 1970."

The final E.I.R. shall consist of the draft E.I.R. containing the elements described above, a section containing a statement of the comments received through the consultation process, either verbatim or in summary, and the response of the responsible agency, which reflects the independent judgement of the lead agency, to the significant environmental points raised in the review and consultation process. The response of the responsible agency to comments received may take the form of a revision of the draft E.I.R. or may be an attachment to the draft E.I.R. The response shall describe the disposition of significant environmental issues raised (e.g., revisions to the proposed project to mitigate anticipated impacts of objections). In particular the major issues raised when the responsible agency's position is at variance with recommendations and objections raised in the comments must be addressed in detail giving reasons why specific comments and suggestions were not accepted, a factor of overriding importance warranting an override of the suggestions.

Degree of Specificity. The degree of specificity required in an E.I.R. will correspond to the degree of specificity involved in the underlying activity which is described in the E.I.R.

(a) An E.I.R. on a construction project will necessarily be more detailed in the specific effects of the project than will be an E.I.R. on the adoption of a local general plan or comprehensive zoning ordinance because the effects of the construction can be predicted with greater accuracy.

(b) An E.I.R. on projects such as the adoption of amendment of a comprehensive zoning ordinance or a local general plan should focus on the secondary effects that can be expected to follow from the adoption, but the E.I.R. need not be as detailed as an E.I.R. on the specific construction projects that might follow.

(c) The requirements for an E.I.R. on a local general plan or element thereof will be satisfied by the general plan or element document, i.e., no separate E.I.R. will be required, if: (1) the general plan addresses all points required to be in an E.I.R. by section B of this paragraph and

(2) the document contains a special section or a cover sheet indentifying where the general plan document addresses each of the points required.

B. Specific Contents of E.I.R. Required. Environmental Impact Reports shall contain the following information:

(a) Description of Project. The description of the project shall contain the following information, but should not supply extensive detail beyond that needed for evaluation and review of the environmental impact.

(1) The precise location and boundaries of the proposed project shall be shown on a detailed map, preferably topographic. The location of the project shall also appear on an appropriately regional or county map.

(2) A statement of the objectives sought by the sponsor of the proposed project in terms of the goods and services and other benefits produced for the public.

(3) A general description of the project's technical, economic, and environmental characteristics, considering the principal engineering proposals.

(b) Description of Environmental Setting. An E.I.R. must include a description of the environment in the vicinity of (area of impact) the project, as it exists before commencement of the project, from both a local and regional perspective. Knowledge of the regional setting is critical to the assessment of environmental impacts. Special emphasis should be placed on environmental resources that are rare or unique to that region. Specific reference to related projects, both public and private, both existent and planned, in the region should also be included, for purposes of examining the possible cumulative impact of such projects.

(c) Environmental Impact. All phases of a project must be considered when evaluating its impact on the environment: Planning, acquisition, development and operation. The following subjects shall be discussed, preferably in separate sections or paragraphs.

(1) The Environmental Impact of the Proposed Action: Describe the direct and indirect impacts of the project on the environment, giving due consideration to both the short-term and long-term effects. It should include specifics of the area, the resources involved, physical changes, alterations to ecological systems and changes induced in population distribution, population concentration, the human use of the land

(including commercial and residential development) and other aspects of the resource base, such as water, scenic quality and public services.

(2) Any Adverse Environmental Effects Which Cannot Be Avoided if the Proposal is Implemented: Describe any adverse impacts, including those which can be reduced to an insignificant level, but not eliminated. Where there are impacts that cannot be alleviated without imposing an alternative design, their implications and the reasons why the project is being proposed, notwithstanding their effect, should be described. Do not neglect impacts on any aesthetically valuable surroundings, or on human health.

(3) Mitigation Measures Proposed to Minimize the Impact: Describe any mitigation measures written into the project plan to reduce significant environmentally adverse impacts to insignificant levels, and the basis for considering these levels acceptable. Where a particular mitigation measure has been chosen from among several alternatives, this should be discussed and reasons should be given for the choice made.

(4) Alternatives to the Proposed Action: Describe any known alternatives to the project, or to the location of the project, which could feasibly attain the basic objectives of the project, and why they were rejected in favor of the ultimate choice. The specific alternative of "no project" must also always be evaluated, along with the impact. Attention should be paid to alternatives capable of substantially reducing or eliminating any environmentally adverse impacts, even if these alternatives substantially impede the attainment of the project objectives, and are more costly.

(5) The Relationship Between Local Short-Term Uses of Man's Environment and the Maintenance and Enhancement of Long-Term Productivity: Describe the cumulative and long-term effects of the proposed project which adversely affect the state of the environment. Special attention should be given to impacts which narrow the range of beneficial uses of the environment or pose long-term risks to health or safety. In addition, the reasons why the proposed project is believed by the sponsor to be justified now, rather than reserving an option for further alternatives, should be explained.

(6) Any Irreversible Environmental Changes Which Would be Involved in the Proposed Action Should it be Implemented: Uses of nonrenewable resources during the initial and continued phases of the project may be irreversible, since a large commitment of such resources makes removal or non use thereafter unlikely. Primary impacts and, particularly, secondary impacts (such as a highway improvement which provides access to a nonaccessible area) generally commit future generations to similar uses. Also irreversible damage can result from environmental accident associated with the project. Irretrievable commitments of resources should be evaluated to assure that such current consumption is justified.

(7) The Growth-Inducing Impact of the Proposed Action: Discuss the ways in which the proposed project could induce or foster economic or population growth, either directly or indirectly, in the surrounding environment. Included in this are projects which would remove obstacles to population growth (a major expansion of a waste water treatment plant might, for example, allow for more construction in the service areas). Increases in the population may further tax existing community service facilities so consideration must be given to this impact. Also discuss characteristics of some projects which may encourage and facilitate other activities that could significantly affect the environment, either individually or cumulatively. It must not be assumed that growth in any area is necessarily beneficial, detrimental, or of little significance to the environment.

(d) Organizations and Persons Consulted. The identity of all federal, state, or local agencies, other organizations and private individuals consulted in preparing the E.I.R., and the identity of the persons, firm or agency preparing the E.I.R., by contractor or other authorization must be contained in the E.I.R.

(e) Water Quality Aspects. With respect to water quality aspects of the proposed project, which have been previously certified by the appropriate state or interstate organization as being in substantial compliance with applicable water quality standards, reference to the certification should be made in the E.I.R.

XIII

CERTIFICATION OF FINAL E.I.R. -APPROVAL OR DISAPPROVAL OF THE PROJECT

(a) Adoption of Final E.I.R. Following the meetings or hearings on the draft E.I.R. the final Environmental Impact Report shall be prepared. After completion there shall be sufficient time for public review and comment. The responsible official shall determine the length of the review period but not to exceed 30 days. Shorter periods may be permitted when less time will still allow adequate review.

When E.I.R.'s are to be reviewed by state agencies they shall be submitted to the State Clearinghouse (1400 Tenth Street, Sacramento, California 95814). The review periods set by the City shall be at least as long as the period provided in the state review system operated by the State Clearinghouse. (generally 30 days)

The final E.I.R. shall be presented to the decision making body at a regular or special meeting (Planning Commission, Board of Zoning Adjustment or City Council). The decisionmaking body having final approval of the project shall certify that the Final E.I.R. has been completed in compliance with CEQA and the State Guidelines and consider the contents thereof when it makes a decision on the project.

(b) Notice of Determination. After making a decision on the project, the responsible authority shall file a Notice of Action taken on the project. This notice shall be referred to as a Notice of Determination. Such Notice shall include (1) the decision of the agency to approve or disapprove the project, (2) the determination of the agency whether the project will or will not have a significant effect on the environment, and (3) whether an E.I.R. has been prepared pursuant to the provisions of the Environmental Quality Act of 1970.

(c) Statement of Overriding Considerations. If the responsible agency decides to approve a project for which serious adverse environmental consequences have been identified in an E.I.R., the agency may wish to make a statement identifying the other interests that warrant approval in its point of view. If such a statement is made, it could be included in the record of the project approval and may be attached to the Notice of Determination.

(d) Filing and Posting of Notice of Determination. The Notice of Determination shall be filed with the County Clerk of Kern County, and posted on the Bulletin Board referred to herein.

XIV

STATUTE OF LIMITATIONS - FORM OF ACTION

(a) No Determination of Significant Effect. An action of proceeding alleging that the City is carrying out or has approved a project, which may have a significant effect on the environment shall be commenced within 180 days of the City's decision to carry out or approve the project.

(b) Without Formal Decision. If a project is undertaken without a formal decision by the City, such action or proceeding must be commenced within 180 days after the commencement of the project.

(c) Improper Determination. Any action or proceeding alleging that the City has improperly determined whether a project may have a significant effect on the environment shall be commenced within 30 days after the filing of the Notice of Determination with the County Clerk of Kern County.

(d) Form of Action or Proceeding. Any action or proceeding to attach review, set aside, void or annul a determination or decision of the City, made as a result of a proceeding in which by law a hearing is required to be given, evidence is required to be taken and discretion in the determination of facts is vested in the City, on the grounds of noncompliance with the Environmental Quality Act of 1970 shall be in accordance with the provisions of Section 1094.5 of the Code of Civil Procedure. In any such action, the court shall not exercise its independent judgment on the evidence, but shall only determine whether the act or decision is supported by substantial evidence in the light of the whole record.

(e) Actions Other Than Under Section 1094.5. In any action or proceeding under sub-paragraph (d) above, to attach, review, set aside, void or annul a determination or decision of the City on the grounds of non compliance with the provisions of the environmental Quality Act of 1970, the inquiry shall extend only to whether there was a prejudicial abuse of discretion. Abuse of discretion is established if the City has not proceeded in a manner required by law or if the determination or decision is not supported by substantial evidence.

(f) Non-Applicability of Act. The Environmental Quality Act of 1970 and these regulations shall not apply to the issuance of any lease, permit, license, certificate or other entitlement for use for any project defined in Paragraph I, 15 (a) 2 and 3 until April 5, 1973.

XV

FEEES

(a) Preliminary Environmental Assessment. There shall be no fee for a preliminary environmental assessment: provided, however, that the costs of making such assessment may be reflected in any other fee required for processing the project.

(b) Environmental Assessment. The fee for an environmental assessment of a project sponsored entirely by a person other than the City shall be \$20.00 and shall be paid prior to such environmental assessment.

(c) Environmental Impact Report. The fee for the preparation of an environmental impact report for a project sponsored entirely by a person other than the city shall be a minimum of \$150.00 and shall be paid at the time the preliminary draft E.I.R. is presented to the city by such sponsor.

If a Negative Declaration has been prepared and a fee of \$20.00 has been paid to the city, the fee for preparing an E.I.R. will be \$130.

(d) Excess Costs. Where the estimated cost to the city to be incurred in preparing the E.I.R. is substantially in excess of \$150.00, a reasonable fee may be charged and collected from such sponsor, in order to recover the estimated costs, which fee must be paid at the time the preliminary draft E.I.R. is presented to the city by such sponsor. If any dispute arises over the amount of such fee, the City Council shall decide which decision is final.

(e) Copies to Public. The city shall charge and collect a fee from members of the public for the actual cost of reproducing a copy of an E.I.R. requested by the member of the public.

APPROVED AND ADOPTED THIS 2nd DAY OF May, 1974, by the following vote:

AYES: Mayor Shacklett, Councilwoman Green, Councilmen Edwards, Mettenburg, and Wilson

NOES: None

ABSENT: None

ATTEST:

by *Ernest A. Thompson*  
GEORGE N. WEAMER, City Clerk  
By ERNEST A. THOMPSON, City  
Administrator



*Rex E. Shacklett*  
\_\_\_\_\_  
REX E. SHACKLETT, Mayor

City of Ridgecrest

PRELIMINARY ENVIRONMENTAL DETERMINATION

Name of Project:

Location:

Entity or Person Undertaking Project:

- |             |          |
|-------------|----------|
| 1. Name:    | File No. |
| 2. Address: | Phone    |

Staff Determination:

City staff, having undertaken and completed a preliminary review of this project in accordance with City Resolution No. 74-38, particularly Paragraph VI thereof, has concluded that this project does not require further environmental assessment because:

1. The proposed action does not constitute a project within the meaning of Paragraph I, 15 (a).
2. The project is a Ministerial Project under Paragraph I, 10 and Paragraph VIII.
3. The project is an Emergency Project under Paragraph I, 4 and Paragraph VII.
4. The project is categorically exempt under Paragraph I, 2 and Paragraph IX.

Applicable Exemption Class:

5. The project is exempt [under Paragraph V (b)] because the CEQA does not apply.
6. The project involves another public agency which constitutes the lead agency.

Name of lead agency:

Date

---

JOSEPH L. CLOONAN  
Planning Director

Exhibit B

City of Ridgecrest  
ENVIRONMENTAL IMPACT ASSESSMENT

Name of Project:

Location:

Entity or Person Undertaking the Project

1. Name \_\_\_\_\_ File No. \_\_\_\_\_
2. Address \_\_\_\_\_ Phone \_\_\_\_\_

Staff Determination

The City's staff, having undertaken and completed an initial study of this project in accordance with Paragraph III b and Paragraph IV and VI of Resolution No. 74-38 for the purpose of ascertaining whether the proposed project might have a significant effect on the environment, has reached the following conclusion:

1. The project would not have a significant effect on the environment; therefore a negative declaration should be prepared which should not be more than one page.
2. The project could have a significant effect on the environment; therefore, an environmental impact report will be required. This document may constitute the Notice of Intent provided for in Paragraph XI b of Resolution No. 74-38. Fee minimum \$150.00 ( Additional charges may be made in accordance with Section X V (d).

Date:

Fee \$ \_\_\_\_\_

CITY OF RIDGECREST  
NOTICE OF DETERMINATION  
ENVIRONMENTAL IMPACT

RESPONSIBLE AGENCY: City of Ridgecrest

FILE NO.: PROJECT TITLE:

ADDRESS:

CONTACT PERSON:

TELEPHONE:

The City Council on \_\_\_\_\_, 197\_\_\_\_, took the following  
action concerning the above project:

1. Determined to (approve) (disapprove) the project: and
2. Determined that the project (will) (will not) have  
a significant effect on the environment.

An environmental impact report (has) (has not) been  
prepared pursuant to the provisions of the California Environmental  
Quality Act of 1970, as amended.

Date:

JOSEPH L. CLOONAN, Planning Director

Exhibit D

City of Ridgecrest  
NOTICE OF COMPLETION  
ENVIRONMENTAL IMPACT  
STUDY

File No.

Lead Agency

Division

Project Title

Address

City

County

Zip

PROJECT DESCRIPTION OF NATURE, PURPOSE, AND BENEFICIARIES

Project Location City:

Project Location County:

Time Period Provided for Review:

Address Where Copy of Draft EIR is Available:

CITY OF RIDGECREST  
NEGATIVE DECLARATION  
ENVIRONMENTAL IMPACT

Name of Project:  
Location:

File No.

Entity or person undertaking project:

Name:  
Address:

Telephone No.

Description of Project:

Mr. Joseph L. Cloonan, on \_\_\_\_\_ 1974, prepared the initial study and made the following determination concerning the above project, which could potentially have a significant effect on the environment.

1. The project will not have a significant effect on the environment.
2. No Environmental Impact Report is required by City regulations.
3. The reason for these conclusions:

Copies of this study may be obtained from 139 Balsam Street

<u>CHALLENGE</u>	By Address Date	Planning Commission Hearing Date Phone Hearing notice mailed to Challenger- Date
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(Challenge in writing must state why project will have significant environmental effect)

<u>APPEAL</u>	By Address Date	City Council hearing date Phone Hearing notice mailed to Appellant Date
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(Appellant must state in writing if Planning Commission decision is contrary to regulations)

EIR is to be prepared  
YES

NO