

**DIVISION V  
DETERMINING THAT A PROJECT WILL HAVE A SIGNIFICANT EFFECT  
ON THE ENVIRONMENT**

**Section 501 - EIR Must Be Prepared**

- a. If the Planning Director finds that the project may have a significant effect on the environment, an EIR shall be prepared in accordance with Division VI of these rules.
  
- b. A project shall be found to have a significant effect on the environment if:
  1. An EIR is required by State CEQA Guideline 15081.5.
  2. The project has 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 an endangered, rare or threatened species, or eliminate important examples of the major periods of California history or prehistory.
  3. The project has the potential to achieve short-term environmental goals to the disadvantage of long-term environmental goals.
  4. The project has possible environmental effects which are individually limited, but cumulatively considerable. "Cumulatively considerable" means that the incremental effects of an individual project are considerable when viewed in connection with the effects of past projects, the effects of other current projects, and the effects of probable future projects as defined in State CEQA Guideline 15130.
  5. The environmental effects of a project will cause substantial adverse effects on human beings, either directly or indirectly.

## **Section 502 - EIR May Be Prepared**

The Planning Director should require an EIR if:

- a. It can be fairly argued on the basis of substantial evidence that the project may have a significant effect on the environment, or
- b. There is serious public controversy concerning the environmental effects of a project, or
- c. There is or it can be anticipated that there will be a substantial body of opinion that considers or will consider a project to have adverse environmental effects.

## **Section 503 - Thresholds of Significance**

[To be completed as a supplemental guide]

## **Section 504 – Notice of Preparation (NOP)**

- a. If the Planning Director determines that an EIR will be required for a project, a NOP shall immediately be sent by certified mail or any other method of transmittal which provided a record that notice was received to the Project Sponsor, all responsible and trustee agencies, and all federal agencies involved in approving or funding the project. If one or more of the responsible agencies so notified is a state agency, the Planning Director shall also send a copy of this notice to the State Clearinghouse. When the NOP is submitted to the State Clearinghouse, the state identification number issued by the Clearinghouse shall be the identification number for all subsequent environmental documents on the project. The identification number should be referenced on all subsequent correspondence regarding the project specifically on title pages of the draft and final EIR and on the NOD.
- b. For projects identified in State CEQA Guideline 15083.5, the NOP shall also be sent to all affected public water systems.
- c. The Planning Director, the Project Sponsor, a Responsible Agency or a trustee agency may request one or more meetings between representatives of the above-named agencies to determine the scope and content of the

environmental information any agency may require. The Planning Director shall schedule any such meeting within 30 days if requested to do so by the Project Sponsor or any of the above-named agencies.

- d. The notice required by this section shall provide the above-named agencies and the federal agencies with sufficient information describing the project and the environmental effects to enable said agencies to make a meaningful response. Such notice shall include:
1. A description of the project;
  2. The location of the project, indicated either on an attached topographical map, or by a street address in an unbanded area; and
  3. The probable environmental effect of the project.

### **Section 505 - Revised Projects**

Upon receipt of the Planning Director's determination that an EIR will be required, the project's sponsor may revise the project. If one or more of the significant effects on the environment are mitigated by the revised project, a revised Initial Study shall be prepared and the Planning Director shall make a new determination as to whether the project may have a significant effect on the environment. Where the significant effects of a project are clearly mitigated to a point where no significant environmental effects would occur, a MND shall be prepared instead of an EIR.

## **DIVISION VI PREPARATION OF AN EIR AND APPROVAL OF PROJECT**

### **Section 601 - Fees**

- a. If, pursuant to Division V of these rules, the Planning Director determines that an EIR will be required, the Planning Director shall prepare or cause to be prepared an EIR.
- b. The Planning Director shall notify the Project Sponsor of the amount of the required deposit and that the deposit and any data required by the Planning Director must be submitted not more than 30 days after receipt of the notice.