

**RESOLUTION NO. 671 (10)**

**A RESOLUTION OF THE PLANNING COMMISSION OF THE CITY OF LOMPOC RECOMMENDING THAT THE CITY COUNCIL APPROVE A TEXT AMENDMENT TO THE ZONING ORDINANCE AND ADOPT AMENDED ENVIRONMENTAL REVIEW GUIDELINES (Planning Division File No. TA 10-02)**

**WHEREAS**, the Planning Commission has considered making a recommendation to the City Council for a Text Amendment to Chapter 17.148 – Application of Environmental Guidelines to Zoning Matters to amend the Zoning Ordinance as shown in the attached draft Ordinance and for the Council to adopt amended City of Lompoc Environmental Review Guidelines (Planning Division File No. TA 10-02);

**WHEREAS**, the matter was considered by the Planning Commission at a duly-noticed public hearings on April 14, 2010; and

**WHEREAS**, at the meeting, City staff was present and answered Planning Commissioners' questions and addressed their concerns; and

**WHEREAS**, at the meeting of April 14, 2010, Morris Sobhani addressed the Planning Commission regarding the proposed Text Amendment; and

**WHEREAS**, the Planning Commission has recommended City Council adoption of the Negative Declaration prepared for the Text Amendment, pursuant to the California Environmental Quality Act (CEQA).

**NOW, THEREFORE, THE PLANNING COMMISSION OF THE CITY OF LOMPOC RESOLVES AS FOLLOWS:**

**SECTION 1:** After hearing testimony, considering the evidence presented, and due deliberation of the matters presented, the Planning Commission finds that:

- A. The Proposed Text Amendment (TA 10-02) recommended in this Resolution will provide environmental review in conformance with the requirements of the California Environmental Quality Act (CEQA) which better suit new development and re-development of existing uses in the City of Lompoc that reflect the currents needs of the community.
- B. The Planning Commission has received input from the community and has incorporated the recommendations into the Ordinance where possible.

**SECTION 2:** Pursuant to Public Resources Code Section 21089 and Section 15074 of the California Environmental Quality Act Guidelines, the Initial Environmental Study and Negative Declaration which have been prepared for the proposed Text Amendment show that there is no substantial evidence that the project may have a significant effect on the environment, and therefore it can be found that:

- C. The proposed Text Amendment will not result in an adverse impact on the environment.

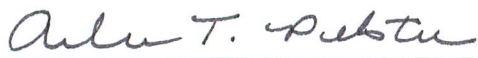
**SECTION 3:** The Planning Commission resolves that this Resolution shall be forwarded to the City Council, pursuant to Section 17.132.040 of the Lompoc City Code, with the Commission's recommendation that the Council adopt the attached draft Ordinance approving TA 10-02 amending the Zoning Ordinance and adopt the attached Resolution amending the City of Lompoc Environmental Review Guidelines.

The foregoing Resolution, on motion by Commissioner Hain, seconded by Commissioner Griffith, was adopted at the Planning Commission meeting of April 14, 2010 by the following vote:

**AYES:** Commissioner Hain, Griffith, Rodenhi

**NOES:** None

**ABSENT:** Commissioner Free, Gonzales

  
Arleen T. Pelster, AICP, Secretary

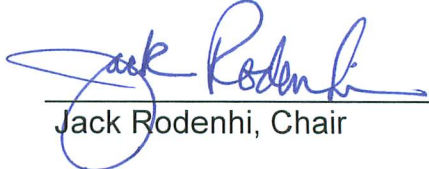
  
Jack Rodenhi, Chair

Exhibit A – Draft Ordinance No. XXXX (10)  
Exhibit B – Draft Resolution No. XXXX (10)

# ENVIRONMENTAL REVIEW GUIDELINES



City of Lompoc

Community Development Department

Adopted April 21, 1981  
Resolution No. 3024(81)

Amended July 18, 1995  
Resolution No. 4464(95)

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## INTRODUCTION

*The City of Lompoc Environmental Review Guidelines provide an overview of the California Environmental Quality Act (CEQA) as implemented in the City of Lompoc.* The City ~~of Lompoc~~ has adopted and incorporated by reference the principles, objectives, criteria, and definitions contained in the State CEQA Guidelines, “Guidelines for Implementation of the California Environmental Quality Act” as adopted and filed by the California Resources Agency on February 3, 1973, and all revisions thereafter adopted. Specific procedures and provisions ~~which designed to~~ tailor the general provisions of the review guidelines to the operations of the City of Lompoc are contained within this document as mandated by CEQA Guidelines Section 15022.

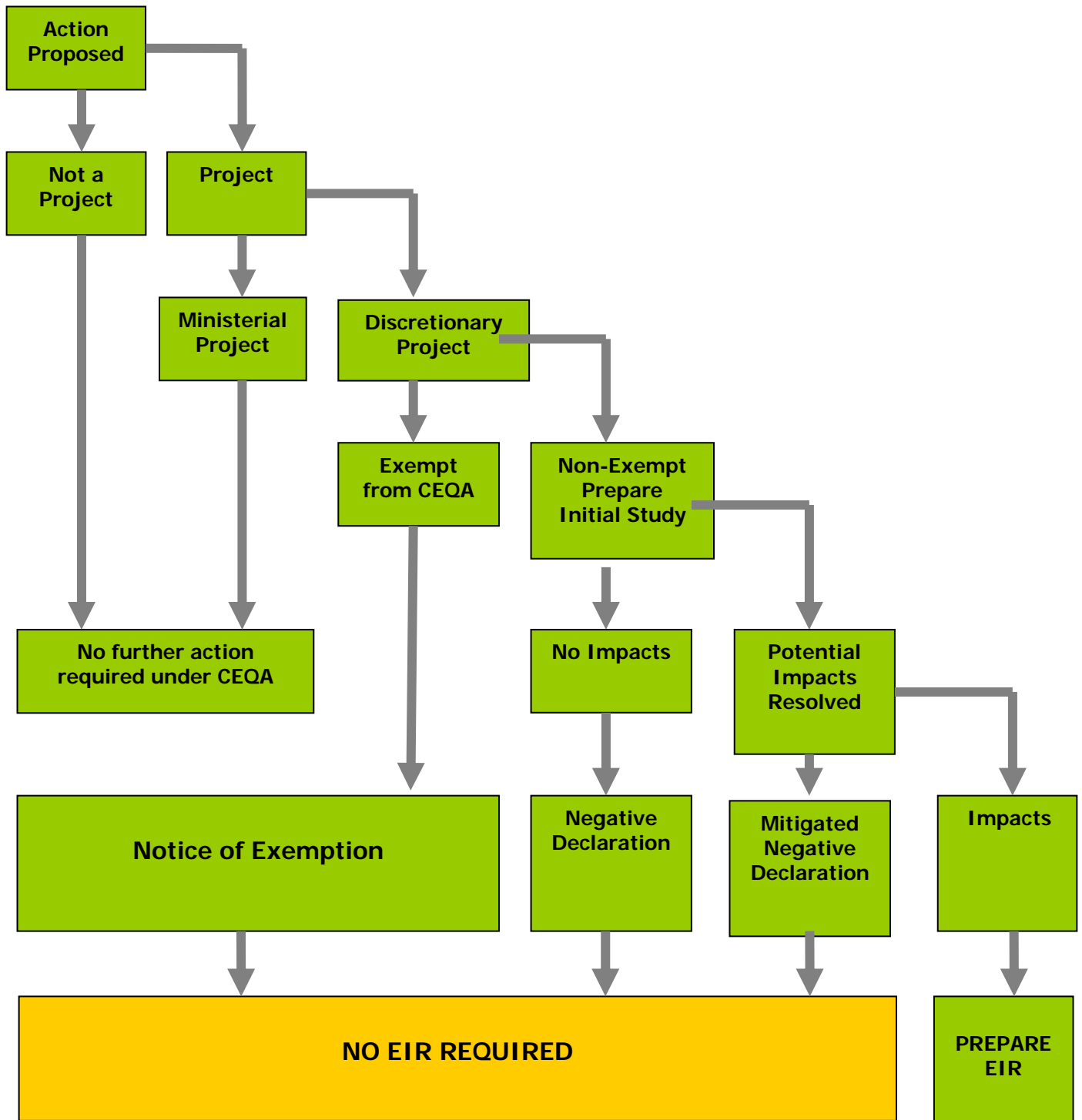
## CEQA APPLICATION TO PROJECTS

*“The purpose of CEQA is to inform governmental decision-makers and the public about the potential, significant environmental effects of proposed activities.”*  
*(Section 15002)*

The requirements set forth in this document apply to all projects which may have a significant effect on the environment and which involve discretionary governmental action by the City. ~~The definition—This~~ includes ~~both~~ projects carried out by various City Departments and private project proponents. Where it can be seen with certainty that the activity in question will not have a significant impact on the environment or is *otherwise exempt from* ~~not covered under~~ the requirements set forth in CEQA, these requirements do not apply.

*The City staff evaluates each potential project as shown on the following chart:*

**Lead Agency Decision to Prepare an EIR**





*An Action (project) is proposed by a private developer or a City department. Planning staff review the application materials that are submitted to determine if the action is a “project” under CEQA.*

*Following the determination that an action is a “project”, staff evaluates the project to determine if it is exempt from CEQA review. Exempt actions include those which are statutory exemptions, typically ministerial projects (i.e. building permits), categorical exemptions, “general rule” exemptions, and disapproved project.*

*Discretionary projects are generally subject to CEQA review. Project applicants are required to submit a completed City Environmental Information Form. Planning staff will prepare an Initial Study and determine the level of environmental review required:*

*If No Environmental Impact is identified, a Negative Declaration (ND) will be prepared;*

*If Environmental Impacts are identified which can be mitigated to a level of insignificance, a Mitigated Negative Declaration (MND) is prepared; and Mitigation Measures are imposed upon the project; or*

*If there are potentially significant environmental impacts identified, an Environmental Impact Report (EIR) is prepared.*

In addition to the foregoing, an EIR shall be prepared for the following actions and permits processed and issued by the City of Lompoc because of their potential for substantial environmental impacts, unless a Negative Declaration is made thereon:

1. General plan and specific plans and amendments thereto;
2. Zone changes;

3. Variances;
4. ~~Conditional Use Permits;~~
5. Planned Development Permits
6. Subdivision tract maps and parcel maps;
7. ~~Grading permits for land with a slope greater than ten percent;~~
8. ~~Building or construction permits for residential developments in excess of four units and other developments in excess of 10,000 square footage; and/or~~

An EIR shall be prepared for any of the following actions taken by *the* City ~~Department~~, unless a Negative Declaration is made thereon:

1. Projects not listed in Annual Maintenance Plan;
2. Projects involving impacts to local waterways;
3. New construction or expansion of public facilities;
4. Acquisition of property for public facilities or use;
5. Public projects that exceed City Thresholds of Significance.



## DELEGATION OF RESPONSIBILITIES

Section 15022(a)(12) of the CEQA Guidelines requires the public agency to assign responsibility for specific functions to particular units of the public agency. The ~~Community Development Planning Division staff is City Planner and the Environmental Coordinator of the City of Lompoc~~ are assigned the ~~function of administering~~ *administration of* these functions. Functions include but are not limited to:

1. Acceptance of the completed application;
2. Determination ~~of~~ whether a project is ministerial or discretionary;
3. Determination ~~of~~ whether a project is exempt, requires a Negative Declaration or an EIR;
4. Preparation of a Negative Declaration or EIR;
5. Assistance with preparation of responses to public comments;
6. Preparation of staff report to decision-making body regarding certification of the environmental document;
7. Preparation and filing notices (of preparation, completion, determination, exemption); and
8. Entering into contractual agreements for preparation of Negative Declarations, EIRs and special studies.

The City Council and/or Planning Commission of the City of Lompoc are/is assigned the following functions:

1. Hear testimony from public hearings, regarding the adequacy of the environmental document;
2. Review and certify the final environmental document for completeness; and
3. Approve the project and certify the environmental document.

When an advisory body such as the Planning Commission is required to make a recommendation on a project to the decision-making body, the ~~advisory body~~ *Planning Commission* shall also review and consider the environmental document. City projects will be reviewed by the Planning Division to determine if the project requires architectural or development plan review.

For all projects requiring City entitlement and for which an EIR or *ND Negative Declaration* is determined to be necessary, the ~~Community Development Planning Division staff Director, Utility Director,~~ or designee of the City, ~~at his/her option,~~ may prepare a Request for Proposal for use of private consulting services. In the selection of the method by which the EIR or Negative Declaration is prepared, ~~Community Development Planning Division staff City Planner and/or Environmental Coordinator~~ shall consult with and advise the *project* proponents as to the most expeditious method of preparing the *environmental document EIR* consistent with the review guidelines for the analysis and protection of environmental quality in the City of Lompoc and *CEQA, including the proposed cost and timeline.* ~~the California Environmental Quality Act. The City Planner and/or Environmental Coordinator shall also advise~~

~~the project proponent of the time required to prepare an EIR or Negative Declaration.~~

## **CHARGES FOR ENVIRONMENTAL REVIEW**

Section 15045 of CEQA Guidelines enables the City of Lompoc to charge and collect a reasonable fee from the project applicant, to recover the incurred cost of preparation of environmental documents.

To defray the cost of the preparation, processing, and revision of environmental review documents, the Planning Division shall charge and collect a deposit from the project proponent of the estimated costs prior to preparation of the document. Upon completion of environmental review any surplus in the amount of deposit over preparation, processing, and revision costs shall be ordered refunded by the *Planning Division* ~~City Planner~~ to the proponent. If any deficiency between the deposit and total costs exist, the remaining costs shall be paid by the proponent to the City of Lompoc. The fees to be charged by the Planning Division for the processing of environmental matters shall be as established by Council resolution.

Costs related to the preparation of environmental documentation for City Projects will be paid by the department or division considered to be the proponents of the project. Costs will cover the preparation, processing, and revisions to the environmental documentation, as well as staff time of the ~~Environmental Coordinator and~~ Planning Division staff to oversee project management and presentation of the project to the decision-making body. If mitigation monitoring is required, additional costs will be charged for monitoring activities.

## CONSULTANT SELECTION AND MANAGEMENT

EIRs shall be prepared directly by the City or by a qualified consultant under contract to the City. The City may require the project applicant to supply data and information to determine whether the project may have a significant effect on the environment and to assist the City/consultant in preparing the draft EIR. Prior to using a draft prepared by a consultant, the City shall subject the draft to the City's own review and analysis. EIRs which are sent out for public review must reflect the independent judgment of the City. The City is responsible for the adequacy and objectivity of EIRs.

The City maintains a list of qualified consultants for EIRs, environmental studies, and reports based on solicited and unsolicited qualifications information. This list is periodically updated and is used to formulate a list of qualified consultants to contact to bid on proposed projects.

*A Planning Division staff member is assigned* ~~The City assigns a Planner or the Environmental Coordinator~~ to act as project manager to administer the EIRs and associated contracts. The project manager acts as the primary point of contact to the consultant. Contracts include a list of deliverable products at key stages of the environmental review process. Payments are made based upon submittal of a satisfactory deliverable. The project manager determines when a deliverable is satisfactory and initiates contract payments. Payments are made from a City account in which monies from the project applicant have been deposited. The project applicant shall not have direct contact with the consultant at any time during the environmental review process, to ensure objective analysis.

## LEAD AGENCY TIME FRAME

Section 15100(a) provides that public agencies shall adopt time limits to govern their implementation of CEQA consistent with this article. The following are time limits for CEQA projects.

- When the City is acting as Lead Agency for a project for which the agency will grant a lease, license, permit, certificate, or other entitlement for use, the City shall complete and certify an EIR in not more than one year or complete a Negative Declaration in not more than 105 days from the date the application is accepted as complete.
- The City shall review an application for a permit or other entitlement for use *and make a determination regarding its completeness as complete* within thirty (30) days from the receipt of the application, except as provided in Section 15111 of CEQA Guidelines. If no written determination is made, the application will be deemed complete on the thirtieth (30<sup>th</sup>) day.
- Within thirty (30) days after accepting an application as complete for a project involving issuance of a lease, permit, license, certificate, or other entitlement for use, the City shall make an initial determination of whether the project will require an EIR or a Negative Declaration. The time frame for completion of documents will begin once a consultant has been chosen. Time frames established above also pertain to public projects requiring environmental review.

The time frames set forth in this section may be waived if all of the following conditions occur:

1. The project will require both CEQA and NEPA environmental documentation;
2. Additional time will be required to prepare a combined EIR/*Environmental Impact Statement (EIS)*, or a combined Negative Declaration/Finding of No Significant Impact, under both laws;
3. The time required to prepare such a combined document would be less than the time required to prepare each document separately, and/or
4. The applicant has requested or consented to a waiver.

~~If the City waives t~~The time periods *are waived* as provided above, the City must approve or disapprove the project within 60 days after the combined document under CEQA and NEPA has been completed. (Government Code Section 65961).

The City shall notify Responsible Agencies of the scope and content of a proposed EIR as soon as possible but no later than thirty days after the meeting is requested as provided in the Consultation section of this resolution.

Time records relating to the preparation, processing and revision of EIRs and EISs shall be kept and maintained by Planning Division staff, ~~Environmental Coordinator~~ and every consultant employed. Upon demand by the proponent, the City ~~Planner or Environmental Coordinator~~ will furnish a detailed billing of the costs attributable to the document preparation, processing and revision.

Time frames set forth in this document may be extended for a reasonable period of time in the event that compelling circumstances justify additional time and if the project applicant agrees to the time extension.

## **PUBLIC PARTICIPATION**

Public participation will be encouraged throughout the environmental review process in order to properly receive and evaluate public reactions based on environmental issues.

A public hearing on the environmental impact of a project shall be held when the City determines it would facilitate the purposes and goals of CEQA and this Resolution to do so. The hearing shall be held in conjunction with and as a part of normal planning activities. To as great a degree as possible, these hearings shall include comments from review agencies made pursuant to this Resolution.

A draft EIR should be used as the outline for discussion at public hearings provided in this section.

Notices shall be given of all public hearings in a timely manner. This notice shall be given in the same form and time as noticed for other regularly conducted public hearings of the City. Comments received shall be kept on file for a reasonable period of time and available for public inspection at the ~~City Community Development Department~~ *Planning Division*.

## **PUBLIC REVIEW AND NOTIFICATION**

Time periods for public review will be consistent with applicable CEQA statutes and guidelines, as well as the State Clearinghouse review periods as discussed in Section 15203 of the CEQA Guidelines.



Public notice shall be given to all organizations and individuals who have previously requested such notice and shall also be given by at least one of the following procedures:

1. Publication, no fewer times than required by Section 6061 of the Government Code, by the City, in a newspaper of general circulation in the area affected by the proposed project;
2. Posting of notice by the City on and off site in the area where the project is located; or
3. Direct mailing to owners of property *within 300' of* ~~contiguous to~~ the project *boundary*.

The alternatives for providing notice specified above shall not preclude the City from providing additional notice by other means if it so desires, nor shall the requirements of this section preclude the City from providing the public notice required herein at the same time and in the same manner as public notice otherwise required by law for such project.

The City should compile listings of other agencies, particularly local agencies, which have jurisdiction by law and/or special expertise with respect to various projects and project locations. Such listings should be a guide in determining which agency should be consulted with regard to a particular project.

Public hearings may be conducted on the environmental documents, either in separate proceedings or in conjunction to other proceedings of the City, but will be held in accordance with section 15202 of CEQA Guidelines.

## RESPONSE TO COMMENTS

The City or consultant shall evaluate comments on environmental issues and prepare a written response. All responses shall be in accordance with Section 15088 of CEQA Guidelines.

## CATEGORICAL EXEMPTIONS

The City will utilize the classes of projects listed in Article 19 of the CEQA Guidelines to determine categorical exemptions for public and private projects.

## ANNUAL MAINTENANCE PLAN

The City will ~~also~~ provide a listing of ~~yearly~~ *annual* exemptions for *planned* public projects in the City of Lompoc's Annual Maintenance Plan. The intended use of the Annual Maintenance Plan is to list ~~categorically~~ exempt projects in one document for public notice, review, *and* approval ~~and certification~~. Revisions to this document will be made annually ~~and included additions or changes to existing project descriptions~~. The Annual Maintenance Plan is on file in the ~~Community Development Department~~ *Planning Division* ~~Environmental Coordinator's~~ office for public review.

## MITIGATION MONITORING

Mitigation approved by the decision-making body in either a Mitigated Negative Declaration or an EIR, will be carried out and monitored in accordance with the informal guidelines published by OPR and in Section 21081.6 of the CEQA Statutes.

Mitigation measures shall address the stated objective of the measure, including why it is recommended, the specific location of the measure, an explanation of the specific measure and description of how the measure will be designed and implemented, identify the agency, organization or individual responsible for implementing the measure, and develop a schedule for implementation to be included in the environmental document prior to certification and approval. Mitigation measures shall be implemented prior to final approval or issuance of final permits.

Mitigation Monitoring plans will be approved by the decision-making body at the time that the final environmental document is approved. Any changes to mitigation measures may require additional public review.

## **APPEALS**

The City of Lompoc shall allow for administrative appeals in accordance with Section 15185 of the CEQA Guidelines. Such appeals shall be subject to the following:

The decision-making body shall announce its decision in regard to an EIR by minute action or ~~other written order~~ *resolution*. ~~An order~~ *A resolution* which certifies an EIR and makes a finding (or includes as part of said ~~order~~ *resolution* a finding) that a project proposed by an application for permit either does or does not have a substantial adverse effect on the environment shall be effective upon its adoption but shall be subject to the right of appeal to the City Council as provided herein. In the event of a decision made by the City Council, in the first instance, said decision shall be final.

Within ten (10) calendar days after the day of the rendition of a decision by the Planning Commission, an appeal to the City Council may be made by the applicant, or any person or group aggrieved, or by any Officer, Department, Board or Commission of the City affected by the decision. An appeal may be commenced only by filing with the City Clerk an original and two copies of the Notice of Appeal, which specifies the grounds of appeal, and the action which the appellant requests the City Council to take, along with a filing fee established by Council resolution. Said appeal shall be scheduled and heard by the City Council at a regular meeting within thirty (30) days following the date the appeal is filed with the City Clerk. The City Council shall announce its decision, by minute action, within thirty (30) days following hearing of said appeal.

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