

# DEVELOPMENT SERVICES DEPARTMENT

Copy to each Board Member 3-11-13

COUNTY OF EL DORADO

<http://www.edcgov.us/devservices>



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March 8, 2013

Joel Korotkin  
San Stino L.P.  
949 Tuscan Lane  
Sacramento, CA 95864

RE: San Stino Subdivision (A12-0005, Z12-0009, PD12-0001, and TM12-1509)  
Preparation of an Environmental Impact Report

RECEIVED  
EL DORADO COUNTY  
MARCH 11 AM 10:30

Dear Mr. Korotkin:

On February 26, 2013 (Legistar No. 13-0139), the Board of Supervisors denied the consultant services agreement with LSA Associates to prepare an Environmental Impact Report (EIR) for the proposed San Stino Project and the companion funding agreement between the County and San Stino L.P.

Development Services will continue to process the San Stino subdivision development application including the Notice of Preparation (NOP) process underway.

Please identify your plans to satisfy the California Environmental Quality Act (CEQA) by either:

1. Contracting directly with LSA Associates for preparation of an EIR;
2. Contracting with another environmental consultant from the County's approved list of consultants; or
3. Amending your application so that the Board may consider a new consultant services agreement for a different project.

Please respond to us in writing by March 29, 2013 with your plan to satisfy the CEQA requirement.

Under options where the developer will be responsible for preparing the EIR, the San Stino Project will need to comply with the County's adopted *Environmental Manual For Implementation of the California Environmental Quality Act* (Resolution No. 61-87), a copy of Chapter Five is attached for your reference (see Sections 5.3.D, E, and F).

Please contact me with any questions.

Sincerely,

A handwritten signature in cursive script that reads "Pierre Rivas".

Pierre Rivas, Principal Planner  
Planning Services

Enclosure: Chapter Five of Environmental Manual

Cc: Board Members  
Kim Kerr, Assistant CAO/Community Development Agency Director  
Ed Knapp, County Counsel  
Roger Trout, Development Services Director

**CHAPTER FIVE**  
**ENVIRONMENTAL IMPACT REPORT (EIR) PROCESS**

**5.1 - AUTHORITY**

- A. Upon completion of the Initial Study and a determination by the Lead Department, or by the Board of Supervisors upon appeal, that an Environmental Impact Report (EIR) is required, the Lead Department shall initiate the EIR process as described in this chapter. The EIR process should be combined, to the extent possible, with the existing planning, review, and approval process used by each of the involved public agencies.

**5.2 - NOTICE OF PREPARATION**

- A. Upon a determination that an EIR is required, the Lead Department shall prepare a Notice of Preparation pursuant to Section 15082 of the State CEQA Guidelines. The Lead Department may require the project proponent to provide information necessary for the preparation of the Notice of Preparation.
- B. Consultation: The Lead Department shall send the Notice of Preparation to each responsible or trustee agency and any known special interest groups or persons for comment. The Lead Department shall use either certified mail or other method of transmittal which provides a record that the Notice of Preparation was received.
- C. Review Period: Each notified agency, group(s), or person(s) shall have the opportunity to respond to the Lead Department. A period of thirty (30) calendar days from receiving the Notice of Preparation shall be provided for comment.
- D. State Clearinghouse: The Lead Department shall send a Notice of Preparation to each State responsible agency and trustee agency with a copy sent to the State Clearinghouse.
- E. Scoping: If requested by the Lead Department, a responsible or trustee agency, or the project proponent, a scoping meeting shall be convened by the Lead Department with involved agencies during the Notice of Preparation review period.

### 5.3 - PREPARATION OF A DRAFT EIR

- A. When an EIR is required for a project, the Lead Department shall be responsible for preparation of the draft EIR. The Lead Department shall determine whether the draft EIR will be prepared by an environmental consultant retained by the project proponent, prepared by the Lead Department directly, or by a consultant retained by the County. If the Lead Department, or a County-retained consultant, is to prepare the EIR, the project proponent shall enter into a contract with the County which specifies the method and timing of payment by the project proponent for Lead Department expenses, or consultant costs, associated with preparation of the EIR.
- B. Selection of Consultants: When the Lead Department determines that the EIR may be prepared by a consultant retained by the project proponent, the project proponent shall select a consultant from the approved list of consultants, or may propose another consultant to be added to the list subject to approval by the Community Development Director.
- C. County Approved List of Consultants: The Community Development Director shall establish a list of environmental consultants for preparation of EIR's. Consultants wishing to be placed on the list shall submit a resume indicating the firm's personnel, work experience, statement of qualifications and any other information deemed necessary by the Community Development Director. Selection to the list will be made by the Community Development Director and shall be based upon experience, knowledge of the County, and available expertise to insure high quality, in-depth and comprehensive environmental documents. Consultants with a possible conflict of interest, either direct or indirect, shall not be considered.
- D. Approval of Work Program: Prior to the initiation of work on the EIR, the project proponent shall submit the name of the consultant and a proposed "work program" to the Lead Department for approval. The work program should include, at minimum, the following information:
1. Primary topics or issues of the environment affected by the project which require detailed exploration and evaluation; and
  2. Task to be performed, and timing of, the preparation of the EIR.

### 5.3 Preparation of a Draft EIR (cont.)

Upon approval of the work program by the Lead Department, the project proponent may proceed with the environmental work.

- E. Acceptance of the draft EIR: Upon completion of the draft EIR, the project proponent shall submit five (5) copies of an administrative draft for approval by the Lead Department. Upon submittal of the administrative draft EIR, any EIR processing fees shall be paid as established by the County. The Lead Department shall review the administrative draft and make changes as necessary to reflect the independent judgment of the County. Where corrections or changes are found necessary by the Lead Department, a revised administrative draft EIR shall then be returned to the project proponent for final preparation. As soon as the revised draft EIR is prepared by the project proponent and accepted by the Lead Department as adequate under CEQA, fifty (50) copies of the accepted draft EIR shall be filed by the project proponent with the Lead Department. Additional copies may be requested by the Lead Department. In accepting the draft EIR, the Lead Department shall ensure that the document adequately and objectively discloses any potential environmental effects of the proposed project and reflects the independent judgment of the County.
- F. Contents: Any draft EIR accepted by the Lead Department shall comply with the content requirements of Article 9 and Section 15362 of the State CEQA Guidelines.
- G. Notice of Completion: As soon as the draft EIR is accepted by the Lead Department, a Notice of Completion shall be filed with the State Clearinghouse pursuant to Section 15085 of the State CEQA Guidelines.

### 5.4 - PUBLIC REVIEW OF A DRAFT EIR

- A. The Lead Department shall provide at least a thirty (30) calendar day public review period for a draft EIR. If a state agency is a responsible or trustee agency, the public review period shall be no less than forty-five (45) calendar days unless a shorter period is approved by the State Clearinghouse.

#### 5.4 Public Review of a Draft EIR (cont.)

- B. The Lead Department shall provide notice of public review for a draft EIR upon filing the Notice of Completion to the State Clearinghouse. Direct notice shall be given to all organizations or individuals who have previously requested such notice. Notice shall be given through publication at least once in a newspaper of general circulation in the County. Notice may also be given by posting of site or direct mailing as provided in Section 15087 of the State CEQA Guidelines.
- C. The Lead Department shall provide copies of the draft EIR to all known responsible or trustee agencies for review. If a State agency is a responsible or trustee agency, the Lead Department shall provide ten (10) copies of the draft EIR to the State Clearinghouse. In addition, the Lead Department shall provide a copy of the draft EIR to the Community Development Department and El Dorado County Public Library for public review.
- D. Comments received as a part of the public review should be in writing and should focus on environmental issues related to the project. Commenting responsible or trustee agencies shall make comments related to areas which are within the agency's field of expertise, or permits which are required to be carried out or approved by the agency.
- E. The Lead Department may hold public hearings with the Planning Commission or Board of Supervisors, or both, for the purposes of receiving public comments on the draft EIR.

#### 5.5 - EVALUATION AND RESPONSE TO COMMENTS ON A DRAFT EIR

- A. The Lead Department shall evaluate comments on environmental issues and shall prepare written responses. The Lead Department shall respond to comments received during the noticed public review period, and any extensions, and may respond to late comments.
- B. The response to comments shall take the form of revisions to the draft EIR, or may be a separate section of the final EIR. Responses shall comply with the requirements described in Section 15088 of the State CEQA Guidelines.



## **5.6 - PREPARATION OF A FINAL EIR**

- A. The Lead Department shall be responsible for preparation of the final EIR. If a consultant was selected for preparation of the draft EIR, the same consultant shall prepare the final EIR. The final EIR shall include contents as specified in Section 15132 of the State CEQA Guidelines.

## **5.7 - CERTIFICATION OF A FINAL EIR**

- A. The final EIR shall be presented to the Lead Agency prior to action on the project. The Lead Agency shall certify that the final EIR has been completed in compliance with CEQA, and that the Lead Agency has reviewed and considered the information contained in the final EIR.

## **5.8 - FINDINGS**

- A. The Lead Agency shall not approve or carry out a project for which an EIR has been prepared which identifies one or more significant environmental effects of the project, unless one or more written findings is made for each of those significant effects. Possible findings are described in Section 15091 of the State CEQA Guidelines.

## **5.9 - STATEMENT OF OVERRIDING CONSIDERATIONS**

- A. If the benefits of a proposed project substantially outweigh the unavoidable adverse environmental effects, the Lead Agency shall make statements of overriding considerations in approving the project. The Lead Agency shall state specific reasons to support its action based on the final EIR and/or other information in the record.

## **5.10 - TIME LIMITS**

- A. The Lead Agency shall complete and certify the final EIR within one (1) year after the date the application was accepted as complete. This time line may be extended by ninety (90) calendar days upon the consent of the Lead Agency and the project proponent.

#### **5.11 - NOTICE OF DETERMINATION**

- A. The Lead Department shall file a Notice of Determination with the El Dorado County Clerk following project approval for which an EIR was prepared. The notice shall include contents as required by Section 15094 of the State Guidelines. If a State agency is a responsible or trustee agency, the Notice of Determination shall also be filed with the State Clearinghouse.
- B. The filing of the Notice of Determination and the posting of such notice starts a thirty (30) calendar day statute of limitation on court challenges to the approval under CEQA.

#### **5.12 - DISTRIBUTION OF A FINAL EIR**

- A. Within fifteen (15) calendar days after action on the final EIR, the Lead Department shall file a copy of the final EIR with the Community Development Department, retain one or more copies of the final EIR as public records for a reasonable amount of time, and require the project proponent to provide a copy of the certified, final EIR to each responsible agency.