

ORDINANCE NO. 83-1

AN ORDINANCE OF THE RANCHO MURIETA COMMUNITY SERVICES DISTRICT ADOPTING CHAPTER "11" OF THE DISTRICT CODE, CONCERNING OBJECTIVES FOR CRITERIA AND PROCEDURES FOR ENVIRONMENTAL EVALUATION OF PROJECTS.

BE IT ORDAINED BY THE BOARD OF DIRECTORS OF THE RANCHO MURIETA COMMUNITY SERVICES DISTRICT as follows:

Section 1. Chapter 11 is added to the District Code and reads as follows:

DIVISION I

GENERAL PROVISIONS

Section 1.01. Purposes

These objectives, criteria, and procedures (hereinafter referred to as "Procedures") are adopted pursuant to Public Resources Code Section 21082 to implement the purposes and provisions of the California Environmental Quality Act, as amended (hereinafter referred to as "CEQA" - Public Resources Code Sections 21000, et seq.) and the Guidelines for Implementation of the California Environmental Quality Act of 1970, as amended (hereinafter referred to as "Guidelines" - California Administrative Code, Title 14, Division 6, commencing with Section 15000), respecting the orderly environmental evaluation of projects by the Rancho Murieta Community Services District. These Procedures are supplemental to the Guidelines which are incorporated herein by reference.

Section 1.02. Retention and Availability of Comments

All documents and records relating to the environmental review and the approval or disapproval of a project shall be kept on file by the District for at least one year following approval or disapproval of the project to which they relate. Such comments shall be available for public inspection at all reasonable times.

Section 1.03. Projects Received for Filing with Short Time Periods for Approval

- A. The District may deem that an application for a private project as defined by Section 15037(a)(3) of the Guidelines has not been

received for filing under the permit statute until such time as an environmental documentation required by CEQA has been completed if:

- (1) The enabling legislation related to the project requires the District to take action on the application within a specified period of time that is six (6) months or less, and
 - (2) The enabling legislation provides that the project will become approved by operation of law if the District fails to take any action within such specified time period, and
 - (3) The project involves the issuance of a lease, permit, license, certificate, or other entitlement for use.
- B. In any case described in this section, the environmental document shall be completed or certified and the decision on the application shall be made within one year from the date on which an application requesting approval of such project has been received and accepted as complete for CEQA processing by the District. This one-year time limit may be extended once for a period not to exceed 90 days upon consent of the District and the applicant.

Section 1.04. Partial Invalidity

In the event any part or provision of these procedures shall be determined to be invalid, the remaining portions which can be separated from the invalid portions shall nevertheless continue in full force and effect.

Section 1.05. Coordination With Other Laws

- A. Chapter 4.5 of the Government Code (Gov. Code) (commencing with Section 65920) also requires that:
- (1) Within thirty (30) days of receipt of a private application for approval of a "development project" (Government Code Sections 65927-65928), the District shall determine in writing and notify the applicant whether the application is complete; the District shall specify the

manner in which an incomplete application can be completed (Government Code Sections 65943-65944);

- (2) As a lead agency, the District must approve or disapprove a "development project" within one (1) year of acceptance of a complete application (Government Code Section 65950); and,
 - (3) As a responsible agency, the District must approve or disapprove a "development project" within 180 days of the longer of another lead agency's approval or disapproval, or acceptance of a complete application for District action as a responsible agency. (Government Code Section 65952.)
- B. Although limited time extensions are permissible (Government Code Sections 65951, 65954, 65957), if the District fails to act on a "development project" within the above times, the "development project" will automatically be deemed approved (Government Code Section 65956). Therefore, since these times are shorter than those provided elsewhere in these rules for CEQA review of other private projects, staff must coordinate CEQA actions on "development projects" to meet these shorter times where appropriate.
- C. In the event that a combined EIR/EIS is being prepared on a development project under the National Environmental Policy Act (NEPA; Public Resources Code Section 21083.6), the District may waive the time limit set forth in Sec. A(2) above if all of the following conditions occur:
- (1) The District finds that a combined EIR/EIS cannot be completed within the time limits; and
 - (2) The time necessary to prepare a combined EIR/EIS would be shorter than to prepare each document separately.

If these two conditions have been satisfied, and the District elects to waive the time limit in section A(2) above, the District shall approve or disapprove the project within sixty (60) days after the combined EIR/EIS has been completed and adopted.

DIVISION II

DEFINITIONS

Section 2.01. Adoption of Definitions in Guidelines

Unless otherwise provided for herein, whenever any of the words and phrases explained in Section 15015, or defined in Article 4 of the Guidelines are used in these Procedures, they shall have the same meanings ascribed to them in said section and article.

Section 2.02. District

District means the Rancho Murieta Community Services District.

Section 2.03. District Project

District project means a project directly undertaken by the District as defined in Section 15037(a)(1) of the Guidelines.

Section 2.04. Approval

Approval means a decision by the District which commits it to a definite course of action with regard to a particular project. Approval for any District project shall be deemed to occur on the date when the Board adopts a resolution or minute order determining to proceed with the project, which in no event shall be later than the date of adoption of plans and specifications. Approval for any private project shall be deemed to occur upon the earliest commitment to issue or the issuance by the District of a discretionary contract, grant, subsidy, loan, or other form of financial assistance, lease, permit, license, certificate or other entitlement for use of the project. The mere acquisition of land by the District shall not in and of itself be deemed to constitute approval of a project.

Section 2.05. Board

Board means the Board of Directors of the District.

Section 2.06. Guidelines

Guidelines means the Guidelines described in Section 1.01 above, as they now exist or hereafter may be amended.

Section 2.07. Private Project

Private project means a project defined in Section 15037(a)(2) and (3) of the Guidelines.

Section 2.08. Staff

Staff means the officer, employee, or consultant of the District who is authorized by the Board to perform the functions delegated to staff by these Procedures and who may be authorized by the Board to designate others to perform or assist in performing such functions, in the manner provided by Section 15055 of the Guidelines.

DIVISION III

APPLICATION OF CEQA, GUIDELINES
AND PROCEDURES TO PROJECTS

Section 3.01. General Rule

Unless otherwise specified, these Procedures shall apply to projects in the same manner as CEQA and the Guidelines apply to projects as set forth in Article 6 and Article 6.5 of the Guidelines.

Section 3.02. Ministerial Projects

Ministerial projects are those projects defined and referred to in Sections 15032 and 15073 of the Guidelines. The determination of whether or not a proposed project is ministerial shall be made by the District on a case by case basis.

Section 4.01. Review of CEQA Exemptions

At the outset a proposed activity shall be examined by staff to determine whether it is exempt from further environmental assessment by the District.

- A. If the staff can determine that the project or activity is clearly not exempt from further environmental assessment, the staff may immediately commence the Initial Study Procedures provided in Article 5. In all other cases the staff shall comply with Sections 4.02 and 4.03.
- B. As to applications requesting approval for a private project as defined by Section 15037(a) (3) of the Guidelines for the issuance of a lease, permit, license, certificate, or other entitlement for use from the District, procedures set forth in this Division IV shall be completed within forty-five (45) days after the application is received and accepted as complete by the District. This time may be extended with the project applicant's written consent.
- C. A proposed activity is exempt from further environmental assessment by the District if it falls within one of the following categories:
 - (1) It does not constitute a project as defined by Section 15037 of the Guidelines;
 - (2) It constitutes a ministerial project as defined in Sections 15025 and 15073 of the Guidelines;
 - (3) It constitutes an emergency project as defined in Sections 15025 and 15071 of the Guidelines;
 - (4) It comes within the definition of one of the categorical exemptions as described in Sections 15023 and 15100 of the Guidelines;
 - (5) It involves another agency which is the lead agency as defined and referred to in Sections 15030, 15065.3, 15065.5, and 15066 of the Guidelines, or as determined by the State Guidelines, or as determined

by the State Office of Planning and Research pursuant to its regulations for designation of lead agency for preparation of environmental documents. (California Administrative Code, Title 14, Sections 16000, et seq.).

Section 4.02. Report on Review for CEQA Exemptions

Upon completion of the examination under Section 4.01, staff shall report its conclusions with respect to CEQA exemptions to the Board, which report may be made on the form attached hereto and labelled Exhibit A, and notify any person or entity which has, in writing, requested notice of such report. The report shall be considered by the Board at its next regular meeting or such later meeting to which the matter is continued by the Board. At such consideration members of the public may appear and present their view prior to the Board's action. The Board shall either (1) approve the staff's report, or (2) direct staff to reconsider the matter and resubmit the report to the Board for consideration in accordance with the same procedure as the original report, or (3) make its own determination on the items involved, which action may be reported on Exhibit A.

Section 4.03. Action After Board Determines Applicability of CEQA Exemptions

Upon approval by the Board of the determination of the applicability of CEQA exemptions:

- A. If the determination is that the proposed activity falls within one of the categories (1) through (4) in Section 4.01C, the activity may be carried out in the manner routinely exercised by the District provided, however:
- (1) If the proposed activity falls within categories (2), (3), or (4) and the Board thereafter approves or determines to carry out the exempt project, staff shall file a "Notice of Exemption," in the form attached hereto as Exhibit B, with the county clerk of the county or counties in which the project will be located;

- (2) If the Board thereafter approves a private project which falls within categories (2), (3), or (4), the person or entity proposing to carry out the project may file a Notice of Exemption with the county clerk of the county or counties in which the project will be located. When filed pursuant to this subsection, the notice shall contain a certification by the District that the Board has found the project to be exempt.
- B. If the determination is that the proposed activity falls within category (5) of Section 4.01:
- (1) No further environmental assessment shall be made by the District, but the District shall provide data as required by the Lead Agency to assist it in evaluating the project and shall comply with the requirements of Sections 15054.3, 15064, 15065.3, 15066 and 15085.5 of the Guidelines before approving the proposed project;
 - (2) If the District is a responsible agency for a development project, it shall approve or disapprove such project within the time set forth in Section 1.04A(3).
- C. If the determination is that the proposed activity does not fall within any of the categories in Section 4.01, the evaluation process by the District shall continue as provided for in Section 5.01.

Section 4.04. Statute of Limitations

The filing of a Notice of Exemption starts a 35 day statute of limitations period on legal challenges to the District's decision that the project is exempt from CEQA. If a Notice of Exemption is not filed, a 180 day statute of limitations will apply.

Section 5.01. Undertaking of Initial Study, Submission of Data and Costs

Upon determination that a project is not otherwise exempt and that the District is the lead agency, an initial study shall be undertaken for the purpose of ascertaining whether the proposed project may have a significant effect on the environment, unless the District can determine that the project will clearly have a significant effect, in which case the EIR preparation shall begin immediately as set forth in Division VI.

- A. As soon as the District has determined that an initial study will be required to determine whether a Negative Declaration or an EIR is required, it shall consult with all responsible agencies and all trustee agencies responsible for resources affected by the project.
- B. As to District projects, the initial study shall be undertaken by staff.
- C. As to private projects, the District may require the applicant to submit data and information which will enable the District to prepare the initial study. The person or organization shall complete the Environmental Information Form, in the form attached hereto as Exhibit C, as a part of the required information. Staff shall make an independent analysis of data and information submitted pursuant to this subsection. All costs incurred by the District in reviewing the data and information, or in conducting its own investigation based upon such data and information, for the purpose of determining whether the proposed project might have a significant effect on the environment shall be borne by the person or entity proposing to carry out the project.
- D. Contents of Initial Study. An initial study shall contain in brief form:
 - (1) A description of the project including the location of the project;
 - (2) An identification of the environmental setting;

- (3) An identification of environmental effects by staff completion of the Environmental Checklist Form (Exhibit D, attached hereto);
- (4) A discussion of ways to mitigate the significant effects identified, if any;
- (5) An examination of whether the project is compatible with existing zoning and plans; and
- (6) The name of the person or persons who prepared or participated in the initial study.

Section 5.02. Evaluating Environmental Significance

In determining whether a project may have a significant effect on the environment, the District shall follow the requirements of Sections 15080-15082 of the Guidelines, and shall consult with all responsible agencies and trustee agencies.

Section 5.03. Mandatory Finding of Significant Effect

Whenever any of the conditions described in Section 15082 of the Guidelines is found to exist, a finding that a project may have a significant effect on the environment shall be mandatory.

Section 5.04. Staff Recommendations

After the Initial Study is completed, if the staff recommends a Negative Declaration be filed, the staff shall follow the procedures outlined in Section 5.05. If the staff recommends an EIR be prepared, the procedures outlined in Division VI shall be followed.

Section 5.05. Negative Declarations

If the staff recommends a Negative Declaration be filed, it shall prepare and submit to the Board a Negative Declaration, together with completed copies of Exhibits C and D. The required contents of a Negative Declaration and the procedures to be followed in connection with the preparation and filing thereof are as follows:

- A. Consultation: Before completing the Negative Declaration, the staff shall consult with all responsible agencies (i.e., all the other

public agencies involved in carrying out or approving the project), pursuant to Section 15066(a) of the Guidelines.

- B. Contents: A Negative Declaration shall include:
- (1) A brief description of the project, including a commonly used name for the project, if any;
 - (2) The location of the project and the name of the project proponent;
 - (3) A finding that the project will not have a significant effect on the environment;
 - (4) An attached copy of the Initial Study documenting reasons to support the finding; and
 - (5) Mitigation measures, if any, included in the project to avoid potentially significant effects.
- C. Notice: Notice of the preparation of a Negative Declaration shall be provided to the public at least fifteen (15) days prior to the final adoption by the District of the Negative Declaration. 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) Publications, no fewer times than required by Section 6061 of the Government Code (one time), by the District in a newspaper of general circulation in the area affected by the proposed project;
 - (2) Posting of notice by the District on and off site in the area where the project is to be located;
 - (3) Direct mailing to owners of property contiguous to the project as such owners are shown on the last equalized assessment role.
- D. Comments: Staff shall also provide copies of a proposed Negative Declaration to and seek to obtain comments from other public agencies and trustee agencies having jurisdiction by

law and shall further send ten (10) copies to the State Clearinghouse as required by Sections 15161.5 and 15161.6 of the Guidelines at least fifteen (15) days prior to final adoption by the Board of the Negative Declaration. In the state review system, the normal review period is 30 days for Negative Declarations. In exceptional circumstances, the State Clearinghouse may set shorter review periods when requested by the District.

- E. Supporting Documentation: Documentation supporting a Negative Declaration shall be compiled and included in the District's files on the project.

- F. Completion: A Negative Declaration, if appropriate, for a private project as defined by Section 15037(a)(3), involving the issuance of a lease, permit, license, certificate, or other entitlement for use from the District shall be completed and adopted by the District in not more than one hundred five (105) days from the date on which the application requesting approval of the project is received and accepted as complete by the District.
 - (1) ~~Completion of a Negative Declaration~~ within a 105 day period shall include the conduct of an initial study, public review, and the preparation of a document ready for approval by the Board. Completion within the 105 day period need not include the approval of the Negative Declaration by the Board.

 - (2) A reasonable extension of such time period may be granted in the event that unforeseen circumstances justify additional time and the project applicant consents thereto.

- G. Extension of Time for Completion: The District may waive the time limit set forth in paragraph F above if all the following conditions occur:
 - (1) The project will require both an EIR or a Negative Declaration under CEQA and an EIS or a Finding of No Significant Impact under the National Environmental Policy Act (NEPA), and

- (2) Additional time will be required to prepare a combined EIR-EIS or a combined Negative Declaration under both laws, and
- (3) The time required to prepare such a combined document would be less than the time required to prepare each document separately, and
- (4) The applicant has requested or consented to the waiver.

H. If the District waives the time periods as provided herein, the District must approve or disapprove the project within sixty (60) days after the combined document under CEQA and NEPA has been completed.

Section 5.06. Staff Report and Board Action

The staff recommendation shall be considered by the Board at its next regular meeting after the notice required by Section 5.05C and D or such later meeting to which the matter is continued by the Board. At such meeting, members of the public may appear and present their views prior to the Board's determination on the matter. After considering the matter, if the Board finds that the proposed project will not have a significant effect on the environment, it shall review the proposed Negative Declaration and, if acceptable, order its adoption and filing by the staff. If, on the other hand, the Board finds that the proposed project may have a significant effect on the environment, it shall order the preparation and filing of an EIR.

Section 5.07. Board Approval or Disapproval of Project After Filing Negative Declaration

The Board may consider the proposed project for purposes of approval or disapproval at the same meeting or meetings at which the Negative Declaration is considered or at any meeting thereafter if the Negative Declaration is adopted. Members of the public may appear before the Board and present their views prior to the Board's determination to approve or disapprove the project. Prior to approving the project, the Board shall consider the Negative Declaration together with any comments received during the public review process and approve or disapprove the Negative Declaration. (When a Negative Declaration is prepared by a lead agency other than the District, the Board shall

comply with Sections 15064, 15065.3 and 15085.5 of the Guidelines, and certify that it has reviewed and considered the Negative Declaration prior to acting upon or approving the project.

Section 5.08. Notice of Determination After Filing Negative Declaration

Following approval of the project by the Board, staff shall cause to be prepared a Notice of Determination (Exhibit E), which shall contain an identification of the project including its common name where possible and its location, a brief description of the project, the date on which the District approved the project, the determination of the Board that the project will not have a significant effect on the environment, and a statement that a Negative Declaration has been prepared pursuant to the provisions of CEQA, and the address where a copy of the Negative Declaration may be examined.

Section 5.09. Filing of Notice of Determination

The Notice of Determination with a copy of the Negative Declaration attached or address where a copy of the Negative Declaration may be examined shall be filed with the county clerk of the county or counties in which the proposed project will be located. If the project requires discretionary approvals from a State agency, the Notice of Determination also shall be filed with the Secretary of Resources.

Section 5.10. Costs

As to any private projects, the person or entity proposing to carry out the project shall bear all costs incurred by the District in preparing and filing the Negative Declaration and Notice of Determination.

Section 6.01. Contents and General Procedure for Preparation of EIR

- A. Following the Initial Study described in Section 5.01, an EIR shall be prepared for all projects not otherwise exempt upon a determination by the Board that the project may have a significant effect on the environment. An EIR should be prepared whenever it can be fairly argued on the basis of substantial evidence that the project may have a significant effect on the environment or when there is a serious public controversy concerning the environmental effect of a project. A controversy not related to an environmental issue does not require the preparation of an EIR.
- B. The process to be followed in the preparation of an EIR and the contents thereof shall be as hereinafter set forth and as prescribed in Sections 15011.6, 15012, 15063, 15065.3, 15066-15069.8, 15085, 15086 and Article 9 (commencing with Section 15140) of the Guidelines.

Section 6.02. Preparation of Draft EIR

- A. Immediately upon deciding that an EIR is required for a proposed project, the District shall send a Notice of Preparation in the form attached hereto as Exhibit G by certified mail to each responsible agency soliciting the agency's input as to the scope and content of the environmental information to be included in the EIR. The notice shall also be sent to any federal agency involved in approving or funding the project, to those trustee agencies responsible for natural resources affected by the project and, when one or more state agencies is a responsible agency, to the State Clearinghouse in the Office of Planning and Research. The notice shall have attached sufficient information to enable responsible agencies to make a meaningful response. At a minimum, the information shall include (1) a description of the project; (2) location of the project, indicated either on an attached map (preferably a copy of a U.S.G.S. 15' or 7 1/2' topographical map identified by quadrangle name), or by a

street address in an urbanized area, and (3) probable environmental effects of the project. This information may be provided by attaching a copy of an Initial Study, if one was prepared pursuant to Division V hereof.

- B. When the Notice of Preparation 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 the title page of the draft and final EIR and on the Notice of Determination.
- C. In preparing a draft EIR, the person responsible for its preparation shall consult with all responsible agencies, any public agency which has jurisdiction by law with respect to the proposed project, and with any person or organization who the preparer believes will be concerned with the environmental effects of the project in accordance with Sections 15066(a) and 15085(b) of the Guidelines. In addition, to expedite such consultation, the District, a responsible agency, a trustee agency, or a project applicant may request one or more meetings between representatives of the agencies involved to assist the District in determining the scope and content of required environmental information. When requested, such meeting shall be convened by the District not later than thirty (30) days after the meetings were requested.
- D. As to District projects, the draft EIR shall be prepared by staff.
- E. As to private projects, the person or entity proposing to carry out the project shall submit a suggested draft EIR containing the information required by Section 6.01 for review and consideration by the District. Staff shall make an independent evaluation and analysis of the draft EIR submitted pursuant to this subsection. The draft EIR

which is presented to the Board must reflect the independent judgment of the District. Staff may require additional information and data from the person or entity proposing to carry out the project as it may deem necessary for completion of the draft EIR.

- F. A draft environmental impact report shall normally be less than 150 pages and for proposals of unusual scope or complexity should normally be less than 300 pages.

Section 6.03. Completion of Draft EIR and Notice of Completion or Intent

Upon completion, the draft EIR shall be presented to the Board for its review. If the Board finds the draft EIR to be in order, it shall authorize the staff to file a Notice of Completion (Exhibit F) with the Secretary of the Resources Agency of the State of California. This notice shall contain a brief description of the proposed project, the location of the proposed project, and time provided for review of the draft EIR, and information indicating where copies of the draft EIR are available for review. Where the EIR will be reviewed through the State review process handled by the State Clearinghouse, pursuant to Sections 15161, 15161.5 and 15161.6 of the Guidelines, a Notice of Intent in the form prescribed by the Resources Agency shall be completed and filed with the State Clearinghouse. The Notice of Intent shall serve as the Notice of Completion, and no Notice of Completion need be sent to the Resources Agency.

Section 6.04. Submission and Availability of Draft EIR for Review

- A. After filing the Notice of Completion the staff shall submit copies of the draft EIR to, consult with, and seek to obtain comments from each responsible agency and other public and trustee agencies having jurisdiction by law over the proposed project, and public agencies or persons with special expertise whose comments on the draft EIR would be desirable. The State Clearinghouse and areawide clearinghouses shall be utilized to distribute EIRs for review in accordance with Sections 15161.5 and 15161.6 of the Guidelines. The number of copies of an EIR or Negative Declaration submitted to the State Clearinghouse shall not be less than 10

unless the State Clearinghouse approves a lower number in advance.

B. The staff shall provide public notice of the completion of a draft EIR at the same time it sends a Notice of Completion to the Resources Agency. 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 (one time), in a newspaper of general circulation in the area affected by the proposed project;
- (2) Posting of notice on and off the site in the area where the project is to be located;
- (3) Direct mailing to owners of property contiguous to the project as such owners are shown on the last equalized assessment role.

C. Copies of the draft EIR shall be available at the District's office and at appropriate public libraries for review or acquisition by members of the general public. The Board may set a charge, not in excess of the actual cost of reproducing a copy of the EIR, for all such copies requested by members of the public.

Section 6.05. Time for Review of Draft EIR

At the time the Board authorizes the filing of the Notice of Completion, it shall establish an adequate time period for review and comment on the draft EIR by public agencies and members of the public. The period of time shall be based upon the size and scope of the proposed project. The review period shall not be less than thirty (30) days or the review period provided in the State review system operated by the State Clearinghouse, if the EIR is submitted to the State Clearinghouse, whichever is longer. In the state review system, the normal review period is 45 days for EIRs. In exceptional circumstances, the State Clearinghouse may set shorter review periods when requested by the District. Public agencies and persons to whom

the draft EIR is sent pursuant to Section 6.04 above shall be notified in writing at the time the draft EIR is sent to them of the last day for submission of comments. Any requests for extensions of time for review of a draft EIR shall be given reasonable consideration by the Board under the circumstances, however, no extension of time greater than the time period initially established for review shall be made.

Section 6.06. Failure to Comment

If any public agency or person who is consulted with regard to the draft EIR fails to comment within the time period established for review and comment, or any extensions thereof, it shall be assumed, absent a request for a specific extension of time, that such agency or person has no comment to make.

Section 6.07. Continued Planning Activities

Continued planning activities concerning the proposed project, short of formal approval thereof, may continue during the time set for review of a draft EIR.

Section 6.08. Public Hearings on Draft EIR

- A. General. Depending upon the nature and location of the proposed project, the Board may in its discretion find it desirable to conduct a public hearing on the environmental impact thereof. Such a public hearing shall not be held less than fifteen (15) days after the filing of the Notice of Completion. The draft EIR shall be used as the basis of discussion during any such public hearing.
- B. Notice. Notice of the time and place of the hearing shall be published once in a newspaper of general circulation within the District's boundaries and shall also be posted at the District office at least fifteen (15) days prior to the date set for the hearing. Such notice shall indicate where the copies of the draft EIR are available for review.

Section 6.09. Completion of Final EIR

Following the receipt of comments on the draft EIR and after the public hearing, if one has been

held, a final EIR shall be prepared in accordance with the provisions of Section 15146 of the Guidelines.

- A. The EIR for a private project as defined by Section 15037(a)(3), involving the issuance of a lease, permit, license, certificate, or other entitlement for use from the District, shall be completed and certified by the Board as hereinafter provided within one year from the date on which the application requesting approval of the project is received and accepted as complete by the District. A reasonable extension of such time period may be granted in the event that unforeseen circumstances justify additional time and the project applicant consents thereto.
- B. The District may also waive the time limit set forth in paragraph A above if all the following conditions occur:
 - (1) The project will require both an EIR or a Negative Declaration under CEQA and an EIS or a Finding of No Significant Impact under the National Environmental Policy Act (NEPA), and
 - (2) Additional time will be required to prepare a combined EIR-EIS or a combined Negative Declaration or its equivalent under both laws, and
 - (3) The time required to prepare such combined documents would be less than the time required to prepare each document separately, and
 - (4) The applicant has requested or consented to the waiver.
- C. If the District waives the time periods as provided herein, the District must approve or disapprove the project within sixty (60) days after the combined document under CEQA and NEPA has been completed.

Section 6.10. Adoption of Final EIR and Approval or Disapproval of Project

The final EIR shall be presented to the Board for its consideration and adoption. If the Board

finds the final EIR to be in order, it shall certify its completion and that the Board has reviewed and considered its contents prior to the approval of the project. (When an EIR is prepared by a lead agency other than the District, the Board shall comply with Sections 15064, 15065.3, and 15085.5 of the Guidelines, and shall certify that it has reviewed and considered the information contained therein prior to acting upon or approving the project.) Members of the public may appear before the Board and present their views prior to the Board's determination to approve or disapprove the project.

Section 6.11. Findings

If the completed EIR finds the project to have one or more significant effects, the Board shall make one or more of the findings required by Sections 15088 and 15089 of the Guidelines prior to approving or carrying out the project. Such findings shall be supported by substantial evidence in the record.

Section 6.12. Notice of Determination After EIR

Following approval of the project for which an EIR has been prepared, staff shall cause to be prepared a Notice of Determination in the form attached hereto as Exhibit E which shall contain an identification of the project including its common name where possible and its location, a brief description of the project, the date when the District approved the project, the Determination of the Board whether the project in its approved form will have a significant effect on the environment, a statement that an EIR was prepared and certified pursuant to the provisions of CEQA and whether mitigation measures were made a condition of the approval of the project, whether a Statement of Overriding Considerations was adopted for the project and the address where a copy of the EIR and the record of project approval may be examined.

Section 6.13. Filing of Notice of Determination

The Notice of Determination shall be filed with the county clerk of the county or counties in which the proposed project will be located. If the project requires discretionary approvals from a State agency, the Notice of Determination also shall be filed with the Secretary of Resources.

Section 6.14. Costs

As to any private projects, the person or entity proposing to carry out the project shall bear all costs incurred by the District in preparing and filing the EIR, including all publication costs incidental thereto.

Section 7.01. Specific Activities Within Each Class

Pursuant to the requirements of Section 15100.4 of the Guidelines, the following specific activities have been determined by the Board to fall within the various classes of categorical exemptions as described in Article 8, commencing with Section 15100 of the Guidelines, in addition to those provided in Article 8. A categorical exemption shall not be used for an activity where there is a reasonable possibility that the activity will have a significant effect on the environment due to unusual circumstances.

Section 7.02. Class 1: Existing Facilities

The specific activities which fall within this class, in addition to those set forth in Section 15101 of the Guidelines, include, but are not limited to:

- A. Water diversion, street improvements and all conveyance facilities;
- B. Service connection facilities, including all appurtenances;
- C. Fire hydrants;
- D. Storage reservoirs and disposal areas;
- E. Pumping stations;
- F. Buildings;
- G. Treatment plants and waste disposal facilities.

Section 7.03. Class 2: Replacement or Reconstruction

The specific activities which fall within this class, in addition to those set forth in Section 15102 of the Guidelines, include, but are not limited to:

- A. Water diversion, street improvements, and all conveyance facilities;

- B. Service connection facilities, including all appurtenances;
- C. Fire hydrants;
- D. Storage reservoirs and disposal areas;
- E. Pumping stations;
- F. Buildings;
- G. Treatment plants and waste disposal facilities.

Section 7.04. Class 3: New Construction or Conversion of Small Structures

The specific activities which fall within this class, in addition to those set forth in Section 15103 of the Guidelines, include, but are not limited to:

- A. Service extensions to serve a newly constructed single family residence; and
- B. Connecting facilities, including meter boxes, to serve a newly constructed single family residence.

DIVISION VIII DISTRICT'S ACTIONS AS RESPONSIBLE (NONLEAD) AGENCY

Section 8.01. Statutory Requirements for Responsible Agencies

Whenever another agency is determined to be the lead agency for a project in accordance with Sections 15030, 15064, 15065, and 15065.5, of the Guidelines and Division IV of these procedures, the District shall proceed as a responsible agency in accordance with the procedures set out in Sections 15054.3, 15064, 15085.5, and 15161 of the Guidelines with respect to consulting and meeting with a lead agency, reviewing and commenting on environmental documents prepared by a lead agency, and acting on a project pursuant to environmental documents prepared by a lead agency.

Section 8.02. Responsible Agency as Lead Agency

When the District is called upon to grant an approval to a project subject to CEQA for which another public agency was the appropriate lead agency, the District shall begin to act as the lead agency under the conditions set forth in Section 15065.3 of the Guidelines.

Section 2. To the extent that the terms or provisions of this Ordinance may be inconsistent or in conflict with the terms or conditions of any prior ordinances, resolutions, rules and regulations governing the same subject, the terms of this Ordinance shall prevail with respect to the subject matter thereof and such inconsistent and conflicting provisions or prior ordinances, resolutions, rules and regulations are hereby repealed.

Section 3. If any provision of this Ordinance or the application thereof to any person or circumstances is held invalid, no other provision of this Ordinance shall be affected thereby.

Section 4. This Ordinance shall take effect thirty days after adoption. The Ordinance shall be published in a newspaper of general circulation, printed, published and circulated in the District within 30 days of adoption.

PASSED AND ADOPTED by the Board of Directors of Rancho Murieta Community Services District, County of Sacramento, this 9 day of March, 1983, at a meeting of the Board by the following vote:

AYES: Directors: Brandt, Cravens, Devlyn, Dudley
and Elliott

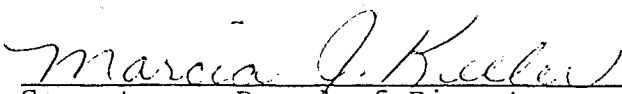
NOES: NONE

ABSENT: NONE

ATTEST:



President, Board of Directors



Secretary, Board of Directors

EXHIBIT A

RANCHO MURIETA COMMUNITY SERVICES DISTRICT
REPORT ON REVIEW FOR CEQA EXEMPTIONS

Name, Location and Brief Description of Project

Entity or Person Undertaking Project

A. RANCHO MURIETA COMMUNITY SERVICES DISTRICT

Contact: 1. Name:
2. Address:
3. Telephone: Area Code

Other:

1. Name:
2. Address:
3. Telephone:

Recommendation

Staff, having undertaken and completed a review of this project for CEQA exemptions in accordance with the District's "Objectives, Criteria and Procedures for Evaluation of Projects and the Preparation of Environmental Impact Reports" has determined:

A. This project does not require further environmental assessment because:

- 1. The proposed action does not constitute a project (Guidelines, Section 15037).
- 2. The project is a ministerial project (Guidelines, Sections 15032, 15073).
- 3. The project is an emergency project (Guidelines, Sections 15025, 15074, 15100).
- 4. The project is categorically exempt (Guidelines, Section 15023, Article 8).

Applicable Exemption Class _____

Brief Statement of Reasons Why Project is Exempt Under 1 Through 4;

B. The project involves another public agency which constitutes the lead agency primarily responsible for carrying out or approval of the project.

Name of Lead Agency _____

Date: _____ (Title)

APPROVED: BOARD OF DIRECTORS

Date: _____ By _____ President/Chairman

EXHIBIT B

RANCHO MURIETA COMMUNITY SERVICES DISTRICT

NOTICE OF EXEMPTION

TO: Secretary for Resources FROM:
1416 Ninth Street
Room 1311
Sacramento, CA 95814

County Clerk
County of Sacramento

Project Title	
Project Location - Specific	
Project Location - City	Project Location - County
Description of Nature, Purpose and Beneficiaries of Project	
Name of Public Agency Approving Project	
Name of Person or Agency Carrying Out Project	

Exempt Status: (Check one)

- Ministerial (Section 15073)
- Declared Emergency (Section 15071(a))
- Emergency Project (Sections 15071(b) and (c))
- Categorical Exemption. (State type and section number)

Reasons Why Project is Exempt:

Contact Person	Area Code	Telephone	Extension
----------------	-----------	-----------	-----------

If Filed by Applicant:

1. Attach certified document of exemption finding.
2. Has a Notice of Exemption been filed by the public agency approving the project? Yes No

Date Receiving for Filing

Signature

Title

15. If commercial, indicate the type, whether neighborhood, city or regionally oriented, square footage of sales area, and loading facilities.
16. If industrial, indicate type, estimated employment per shift, and loading facilities.
17. If institutional, indicate the major function, estimated employment per shift, estimated occupancy, loading facilities, and community benefits to be derived from the project.
18. If the project involves a variance, conditional use or rezoning application, state this and indicate clearly why the application is required.

Are the following items applicable to the project or its effects? Discuss below all items checked yes (attach additional sheets as necessary).

YES NO

- | | | |
|------------|------------|--|
| <u> </u> | <u> </u> | 19. Change in existing features of any bays, tidelands, beaches, lakes or hills, or substantial alteration of ground contours. |
| <u> </u> | <u> </u> | 20. Change in scenic views or vistas from existing residential areas or public lands or roads. |
| <u> </u> | <u> </u> | 21. Change in pattern, scale or character of general area of project. |
| <u> </u> | <u> </u> | 22. Significant amounts of solid waste or litter. |
| <u> </u> | <u> </u> | 23. Change in dust, ash, smoke, fumes or odors in vicinity. |
| <u> </u> | <u> </u> | 24. Change in ocean, bay, lake, stream or groundwater quality or quantity, or alteration of existing drainage patterns. |
| <u> </u> | <u> </u> | 25. Substantial change in existing noise or vibration levels in the vicinity. |
| <u> </u> | <u> </u> | 26. Site on filled land or on slope of 10% or more. |
| <u> </u> | <u> </u> | 27. Use of disposal of potentially hazardous materials, such as toxic substances, flammables or explosives. |
| <u> </u> | <u> </u> | 28. Substantial change in demand for municipal services (police, fire, water, sewage, etc.) |
| <u> </u> | <u> </u> | 29. Substantially increase fossil fuel consumption (electricity, oil, natural gas, etc.). |
| <u> </u> | <u> </u> | 30. Relationship to a larger project or series of projects. |

ENVIRONMENTAL SETTING

31. Describe the project site as it exists before the project, including information on topography, soil stability, plants and animals, and any cultural, historical or scenic aspects. Describe any existing structures on the site, and the use of the structures. Attach photographs of the site. Snapshots or polaroid photos will be accepted.

32. Describe the surrounding properties, including information on plants and animals and any cultural, historical or scenic aspects. Indicate the type of land use (residential, commercial, etc.), intensity of land use (one-family, apartment houses, shops, department stores, etc.), and scale of development (height, frontage, set-back, rear yard, etc.). Attach photographs of the vicinity. Snapshots or polaroid photos will be accepted.

CERTIFICATION

I hereby certify that the statements furnished above and in the attached exhibits present the data and information required for this initial evaluation to the best of my ability, and that the facts, statements and information presented are true and correct to the best of my knowledge and belief.

Date: _____.

(Signature)

For: _____

EXHIBIT D

RANCHO MURIETA COMMUNITY SERVICES DISTRICT

ENVIRONMENTAL CHECKLIST FORM

I. BACKGROUND

1. Name of Applicant or Project _____

2. Date Checklist Submitted _____

II. ENVIRONMENTAL IMPACTS

(Explanations of all "yes" and "maybe" answers are required on attached sheets.)

YES MAYBE NO

1. Earth. Will the proposal result in:

- | | | | |
|---|-------|-------|-------|
| a. Unstable earth conditions or in changes in geologic substructures? | _____ | _____ | _____ |
| b. Disruptions, displacements, compaction or overcovering of the soil? | _____ | _____ | _____ |
| c. Change in topography or ground surface relief features? | _____ | _____ | _____ |
| d. The destruction, covering or modification of any unique geological or physical features? | _____ | _____ | _____ |
| e. Any increase in wind or water erosion of soils, either on or off the site? | _____ | _____ | _____ |
| f. Changes in deposition or erosion of beach sands, or changes in siltation, deposition or erosion which may modify the channel of a river or stream or the bed of the ocean or any bay, inlet or lake? | _____ | _____ | _____ |

	<u>YES</u>	<u>MAYBE</u>	<u>NO</u>
g. Exposure of people or property to geological hazards such as earthquakes, landslides, mudslides, ground failure, or similar hazards?	_____	_____	_____
2. <u>Air</u> . Will the proposal result in:			
a. Substantial air emissions or deterioration of ambient air quality?	_____	_____	_____
b. The creation of objectionable odors?	_____	_____	_____
c. Alteration of air movement, moisture or temperature, or any change in climate, either locally or regionally?	_____	_____	_____
3. <u>Water</u> . Will the proposal result in:			
a. Changes in currents, or the course or direction of water movements, in either marine or fresh waters?	_____	_____	_____
b. Changes in absorption rates, drainage patterns or the rate and amount of surface water runoff?	_____	_____	_____
c. Alterations to the course or flow of flood waters?	_____	_____	_____
d. Change in the amount of surface water in any water body?	_____	_____	_____
e. Discharge into surface waters, or in any alteration of surface water quality, including but not limited to temperature, dissolved oxygen or turbidity?	_____	_____	_____
f. Alteration of the direction or rate of flow or ground waters?	_____	_____	_____
g. Change in the quantity of ground waters, either through direct additions or withdrawals, or through interception of an aquifer by cuts or excavations?	_____	_____	_____

	<u>YES</u>	<u>MAYBE</u>	<u>NO</u>
h. Substantial reduction in the amount of water otherwise available for public water supplies?	_____	_____	_____
i. Exposure of people or property to water related hazards such as flooding or tidal waves?	_____	_____	_____
j. Significant changes in the temperature, flow, or chemical content of surface thermal springs?	_____	_____	_____
4. <u>Plant Life.</u> Will the proposal result in:			
a. Change in the diversity of species, or number of any species of plants (including trees, shrubs, grass, crops, microflora and aquatic plants)?	_____	_____	_____
b. Reduction of the numbers of any unique, rare or endangered species of plants?	_____	_____	_____
c. Introduction of new species of plants into an area, or in a barrier to the normal replenishment of existing species?	_____	_____	_____
d. Reduction in acreage of any agricultural crop?	_____	_____	_____
5. <u>Animal Life.</u> Will the proposal result in:			
a. Change in the diversity of species, or numbers of any species of animals (birds, land animals including reptiles, fish and shellfish, benthic organisms, insects or microfauna)?	_____	_____	_____
b. Reduction of the numbers of any unique, rare or endangered species of animals?	_____	_____	_____
c. Introduction of new species of animals into an area, or result in a barrier to the migration or movement of animals?	_____	_____	_____

	<u>YES</u>	<u>MAYBE</u>	<u>NO</u>
d. Deterioration to existing fish or wildlife habitat?	---	---	---
6. <u>Noise</u> . Will the proposal result in:			
a. Increases in existing noise levels?	---	---	---
b. Exposure of people to severe noise levels?	---	---	---
7. <u>Light and Glare</u> . Will the proposal produce new light or glare?	---	---	---
8. <u>Land Use</u> . Will the proposal result in a substantial alteration of the present or planned land use of an area?	---	---	---
9. <u>Natural Resources</u> . Will the proposal result in:			
a. Increase in the rate of use of any natural resources?	---	---	---
b. Substantial depletion of any nonrenewable natural resource?	---	---	---
10. <u>Risk of Upset</u> . Will the proposal involve:			
a. A risk of an explosion or the release of hazardous substances (including, but not limited to, oil, pesticides, chemicals or radiation) in the event of an accident or upset conditions?	---	---	---
b. Possible interference with an emergency evacuation plan?	---	---	---
11. <u>Population</u> . Will the proposal alter the location, distribution, density, or growth rate of the human population of an area?	---	---	---
12. <u>Housing</u> . Will the proposal affect existing housing, or create a demand for additional housing?	---	---	---

	<u>YES</u>	<u>MAYBE</u>	<u>NO</u>
13. <u>Transportation/Circulation.</u> Will the proposal result in:			
a. Generation of substantial additional vehicular movement?	_____	_____	_____
b. Effects on existing parking facilities, or demand for new parking?	_____	_____	_____
c. Substantial impact upon existing transportation system?	_____	_____	_____
d. Alterations to present patterns of circulation or movement of people and/or goods?	_____	_____	_____
e. Alterations to waterborne, rail or air traffic?	_____	_____	_____
f. Increase in traffic hazards to motor vehicles, bicyclists or pedestrians?	_____	_____	_____
14. <u>Public Services.</u> Will the proposal have an effect upon, or result in a need for new or altered governmental services in any of the following areas:			
a. Fire protection?	_____	_____	_____
b. Police protection?	_____	_____	_____
c. Schools?	_____	_____	_____
d. Parks or other recreational facilities?	_____	_____	_____
e. Maintenance of public facilities, including roads?	_____	_____	_____
f. Other governmental services?	_____	_____	_____
15. <u>Energy.</u> Will the proposal result in:			
a. Use of substantial amounts of fuel or energy?	_____	_____	_____
b. Substantial increase in demand upon existing sources of energy or require the development of new sources of energy?	_____	_____	_____

	<u>YES</u>	<u>MAYBE</u>	<u>NO</u>
16. <u>Utilities.</u> Will the proposal result in a need for new systems, or substantial alterations to the following utilities:			
a. Power or natural gas?	---	---	---
b. Communications systems?	---	---	---
c. Water?	---	---	---
d. Sewer or septic tanks?	---	---	---
e. Storm water drainage?	---	---	---
f. Solid waste and disposal?	---	---	---
17. <u>Human Health.</u> Will the proposal result in:			
a. Creation of any health hazard or potential health hazard (including mental health)?	---	---	---
b. Exposure of people to potential health hazards?	---	---	---
18. <u>Aesthetics.</u> Will the proposal result in the obstruction of any scenic vista or view open to the public, or will the proposal result in the creation of an aesthetically offensive site open to public view?	---	---	---
19. <u>Recreation.</u> Will the proposal result in an impact upon the quality or quantity of existing recreational opportunities?	---	---	---
20. <u>Cultural Resources.</u>			
a. Will the proposal result in the alteration of or the destruction of prehistoric or historic archaeological site?	---	---	---
b. Will the proposal result in adverse physical or aesthetic effects to a prehistoric or historic building, structure, or object?	---	---	---

YES MAYBE NO

- c. Does the proposal have the potential to cause a physical change which would affect unique ethnic cultural values? _____
- d. Will the proposal restrict existing religious or sacred uses within the potential impact area? _____

21. Mandatory Findings of Significance.

- a. Does the project have the potential to degrade the quality of the environment, substantially reduce the habitat of a fish or wildlife species, cause a fish or wildlife population to drop below self-sustaining levels, threaten to eliminate a plant or animal community, reduce the number or restrict the range of a rare or endangered plant or animal or eliminate important examples of the major periods of California history or prehistory? _____
- b. Does the project have the potential to 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.) _____
- c. Does the project have impacts which are individually limited, but cumulatively considerable? (A project may impact on two or more separate resources where the impact on each resource is relatively small, but where the effect of the total of those impacts on the environment is significant.) _____
- d. Does the project have environmental effects which will cause substantial adverse effects on human beings, either directly or indirectly? _____

III. DISCUSSION OF ENVIRONMENTAL EVALUATION

IV. DETERMINATION

On the basis of this initial evaluation:

- I find the proposed project COULD NOT have a significant effect on the environment, and a NEGATIVE DECLARATION will be prepared.
- I find that although the proposed project could have a significant effect on the environment, there will not be a significant effect in this case because the mitigation measures described on an attached sheet have been added to the project. A NEGATIVE DECLARATION WILL BE PREPARED.
- I find the proposed project MAY have a significant effect on the environment, and an ENVIRONMENTAL IMPACT REPORT is required.

DATE _____

(Signature)

For _____

EXHIBIT E
NOTICE OF DETERMINATION

Secretary for Resources
1416 Ninth Street, Room 1311
Sacramento, California 94814

FROM: ~~(Public Resource)~~ Rancho Murieta Community Services District
14813 Jackson Road, Rancho Murieta, CA 95683

or
County Clerk
County of Sacramento

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

Project Title

State Clearinghouse Number (If submitted to Clearinghouse)	Contact Person	Telephone Number
---	----------------	------------------

Project Location

Project Description

This is to advise that on _____, 19__ the _____ (Lead Agency or Responsible Agency) has approved the above described project and made the following determinations regarding the above described project:

1. The project _____ will, _____ will not, have a significant effect on the environment.
2. _____ An Environmental Impact Report was prepared for this project pursuant to the provisions of CEQA.
_____ A Negative Declaration was prepared for this project pursuant to the provisions of CEQA.

The EIR or Negative Declaration and record of project approval may be examined at: _____

3. Mitigation Measures _____ were, _____ were not, made a condition of the approval of the project.
4. A statement of Overriding Considerations _____ was, _____ was not, adopted for this project.

Date Received for Filing _____ Signature _____

Title _____

EXHIBIT F

RANCHO MURIETA COMMUNITY SERVICES DISTRICT

NOTICE OF COMPLETION

Project Title

Project Location - Specific

Project Location - City

Project Location - County

Description of Nature, Purpose and Beneficiaries of Project

Lead Agency

Address Where Copy of EIR Is Available

Review Period

Contact Person

Area Code

Phone

Extension

EXHIBIT G
RANCHO MURIETA COMMUNITY SERVICES DISTRICT
NOTICE OF PREPARATION

TO: _____
(Responsible Agency)

FROM: _____
(District)

(Address)

(Address)

SUBJECT: Notice of Preparation of a Draft Environmental
Impact Report

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

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

Due to the time limits mandated by State law, your response must be sent at the earliest possible date but not later than 45 days after receipt of this notice.

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

PROJECT TITLE:

PROJECT APPLICANT, IF ANY:

Date: _____

Signature _____

I hereby certify that the foregoing is the full, true and correct copy of a ordinance duly adopted and passed by the Board of Directors of the Rancho Murieta Community Services District, Sacramento County, California, at a meeting thereof, held on the 9th day of March, 1983.

A handwritten signature in cursive script that reads "Marcia Keeler". The signature is written in dark ink and is positioned above the printed name.

Marcia Keeler, Secretary