



**2020 STANDARD CEQA  
AGENDA STAFF REPORT  
TEMPLATE LANGUAGE**

**COUNTY OF ORANGE  
OC PUBLIC WORKS  
OC DEVELOPMENT SERVICES/PLANNING**

**FINAL**

# **2020 STANDARD CEQA AGENDA STAFF REPORT TEMPLATE LANGUAGE**

## **COUNTY OF ORANGE OC PUBLIC WORKS OC DEVELOPMENT SERVICES/PLANNING**

**Adopted by the Orange County Board of Supervisors  
Month, 2020**

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**INTRODUCTION**

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**CHAPTER 1 - INTRODUCTION**

The purpose of the 2020 California Environmental Quality Act (CEQA) Agenda Staff Reports (ASR) Template Language is to guide County of Orange (County) staff during the preparation and review of ASRs to comply with CEQA statutes and the CEQA Guidelines. This document is meant to be used in conjunction with the 2020 Local CEQA Procedures Manual (Manual), as both currently exist or may be amended.

Each project is individually assessed to determine the level of environmental review required. OC Development Services/Planning has the primary responsibility of coordinating the local implementation of CEQA for private and public projects. Potential benefits of early involvement of OC Development Services/Planning in CEQA ASR review may include reduced number of iterations and reduced duration to completion.

Template language has been developed by the County to assist in providing examples of appropriate CEQA findings to be placed in ASRs for review and consideration by the Board of Supervisors (BOS). Due to periodic changes in the CEQA statutes (Public Resources Code Section 21000, et. seq.), and the CEQA Guidelines (14 California Code of Regulations, Chapter 3, §§15000 et. seq.), as well as reported case law, changes to the template language are required from time to time.

As mandated by the BOS, all ASRs for County departments/agencies are to be cleared for CEQA by OC Development Services/Planning and approved by County Counsel.

This template is intended to serve as a guide and does not replace thoughtful consideration of CEQA issues. It is meant to provide uniform language and a consistent methodology to assist in analyzing proposed activities to determine what, if any, CEQA findings need be made prior to any BOS approval of such activities. Similar activities occur repeatedly in the business of the County, thus, the use of standard language on a countywide basis is critical.

CEQA language should always be placed first in the Recommended Action section of the ASR as the first item, or finding. CEQA requires that the BOS or other decision-making

body with authority to approve a project make CEQA findings, if needed, prior to granting discretionary approval of a proposed project. The “Compliance with CEQA” paragraph is typically included towards the end of the ASR.

This template includes findings required for Not a Projects, Exemptions, Negative Declarations/Mitigated Negative Declarations, Environmental Impact Reports, and use of other agency CEQA documents as required by a proposed project.

## CHAPTER 2 – NOT A PROJECT

### Section 2.1 – NOT A PROJECT

Use this language when there is a discretionary approval of a proposed activity, which does not trigger CEQA review. CEQA Guidelines Section 15378(b) provides that certain categories of proposed activities do not constitute a “project” as defined in Section 15378(a). CEQA Guidelines Section 15352(a) further provides that “approval” of a project by a public agency is the decision which commits the agency to a definite course of action in regards to the project intended to be carried out by any person. The ASR template language allows the public to know that there has been an initial CEQA due diligence analysis, which resulted in a determination that the proposed activity is not a “project” for CEQA purposes (not subject to CEQA, and does not commit the County or agency to a definite course of action).

Some proposed actions are clearly not a project, and therefore no CEQA finding is needed in the ASR (as opposed to the “not a project finding”). An example is an Architect-Engineer service contract in which there is no potential for causing a significant effect on the environment. Neither the use of the “not a project” finding, nor the “common sense” objection is employed used for such proposed actions. If uncertain, please consult with OC Development Services/Planning.

As applicable, note if the proposed project and environmental reports would be subject to a future Board action.

References in *2020 Local CEQA Procedures Manual*

- “Chapter 9.0 Determining Whether Something is a Project”
- Appendix D - List of Activities Considered Not a Project

### **Not A Project ASR Template Language**

#### **RECOMMENDED ACTION(S):**

Find that the subject activity is not a project within the meaning of CEQA Guidelines Section 15378 and is therefore not subject to review under CEQA.

**NOT A PROJECT**

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**Compliance with CEQA:** This action is not a project within the meaning of CEQA Guidelines Section 15378 and is therefore not subject to CEQA, since it does not have the potential for resulting in either a direct physical change in the environment, or a reasonably foreseeable indirect physical change in the environment. The approval of this agenda item does not commit the County to a definite course of action in regard to a project since (fill in appropriate explanation; for example, the action authorized herein may lead to the negotiation of an agreement) \_\_\_\_\_.

This proposed activity is therefore not subject to CEQA. Any future action connected to this approval that constitutes a project will be reviewed for compliance with CEQA.

**EXEMPTIONS****CHAPTER 3 - EXEMPTIONS**

The following sets forth standard ASR language for the use of categorical and statutory exemptions. Several specific examples are included for illustration purposes, but these examples are not exhaustive of all the exemptions that may be available under CEQA for a specific project.

References in *2020 Local CEQA Procedures Manual*

- “Chapter 10.0 Exemption Process”
- Appendix E - List of Ministerial Exempt projects
- Appendix F - List of Categorical Exemptions
- Appendix G - Notice of Exemption and filing instructions (Public Projects)
- Appendix H – Notice of Exemptions and filing instructions (Private Projects)

**Section 3.1 – COMMON SENSE EXEMPTION**

An activity may be covered by the common sense exemption when the activity is a project defined by CEQA, but it can be seen with *certainty* that there is no possibility that the activity in question may have a significant effect on the environment (Guidelines Section 15061(b)(3)0). See “Section 10.1 Common Sense Exemptions” in *2020 Local CEQA Procedures Manual* for additional information.

The “common sense” exemption is used when the proposed activity is deemed a project subject to CEQA requirements, is not covered or described in the statutory or categorical exemptions, but with certainty, does not have a potential for causing a significant effect on the environment. As a result, the finding would be made that the proposed activity is exempt under the “common sense” exemption. An example is the approval of an airport land use plan which simply incorporated the existing county general plan and zoning provisions that were already in place. This project approval qualified under the common sense exemption in the case of *Muzzy Ranch Co. v. Solano County Land Use Comm.* (2007) 41 Cal. 4th 372.

Key points when considering the “common sense” Exemption:

- Distinguish from “not a project.”



## EXEMPTIONS

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- The exemption is used in cases where the proposed activity could qualify as a “project” as defined in CEQA.
- When a proposed action does not qualify as a “project” under CEQA, the appropriate template language to use would be the “not a project” language.
- **Certainty**
  - The exemption requires “certainty,” which is a very high standard to meet. As a result, reliance solely on the common sense exemption is generally not recommended. Try to identify other categorical or statutory exemptions that may also be applicable to the project.

If it appears that the “common sense” exemption is applicable to the specific set of facts, please contact OC Development Services/Planning to verify this determination.

### **Common Sense Exemption ASR Template Language**

#### **RECOMMENDED ACTION(S):**

Find that the proposed project is exempt from the provisions of CEQA pursuant to Guidelines Section 15061 (b) (3) since this project has no potential for causing any significant effect on the environment.

**Compliance with CEQA:** The proposed project is exempt from CEQA since there is no possibility that the project or activity to be carried out may have a significant effect on the environment. (Set forth facts in the record which support this conclusion, such as: The airport land use plan proposed for approval incorporates the existing County of Orange General Plan, and certain County zoning provisions which are already in place. The incorporation of these existing plans, documents and provisions in the airport land use plan has no potential to cause any significant effect on the environment.)

### **Section 3.2 – STATUTORY EXEMPTIONS**

Statutory exemptions are specific exemptions from CEQA granted by the State Legislature. See “Section 10.2 Statutory Exemptions” in *2020 Local CEQA Procedures Manual* for additional information.

**EXEMPTIONS****Statutory Exemption ASR Template Language****RECOMMENDED ACTION(S):**

Find that the proposed project is Statutorily Exempt from CEQA pursuant to Section \_\_\_\_\_ of the Public Resources Code and Section \_\_\_\_\_ of the CEQA guidelines. (Example: The description may be: “feasibility and planning study pursuant to Section 15262 of the CEQA Guidelines.”)

**Compliance with CEQA:** The proposed project is Statutorily Exempt from review under CEQA as an \_\_\_\_\_ (insert description, such as, feasibility and planning project) pursuant to Section \_\_\_\_\_ (insert section number) of the Public Resources Code or Section \_\_\_\_\_ (insert section number) of the CEQA Guidelines.

**Examples of Specific Statutory Exemptions:****RATES, TOLLS, FEES AND OTHER CHARGES**

Among the types of projects that have been granted a statutory exemption from CEQA review are those projects that are specifically identified as rates, tolls, fares, and charges.

**Rates, tolls, fees and other charges ASR Template Language****RECOMMENDED ACTION(S):**

Find that the subject project is Statutorily Exempt from the provisions of CEQA pursuant to Section 21080(b)(8) of the Public Resources Code and Section 15273 of the CEQA Guidelines as the establishment or modification, structuring, restructuring or approval of rates, tolls, fares, and other charges by a public agency which are for the purpose of meeting operating expenses, including employee wage rates and fringe benefits; purchasing or leasing supplies, equipment, or materials as set forth herein.

**Compliance with CEQA:** The subject activity is statutorily exempt from review under CEQA pursuant to Section 21080(b)(8) of the Public Resources Code and Section 15273 of the CEQA Guidelines as the establishment or modification of rates fees and charges which are for the purpose of meeting operating expenses, including employee wage rates and fringe benefits; purchasing or leasing supplies, equipment, or materials.

**EXEMPTIONS**

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**EMERGENCY EXEMPTION**

Projects which are necessary to prevent or mitigate an emergency can qualify for a particular statutory exemption called “the emergency exemption” (CEQA Guidelines 15269). An emergency exemption under CEQA only exempts the project from having to comply with CEQA and does not necessarily remove the Agency’s responsibility to comply with applicable state laws or federal laws. See “Section 10.2 Statutory Exemptions” in *2020 Local CEQA Procedures Manual* for additional information.

**Emergency Exemption ASR Template Language****RECOMMENDED ACTION(S):**

Find that the subject project is statutorily exempt from CEQA pursuant to Section 15269 of the CEQA Guidelines.

**Compliance with CEQA:** The subject activity is statutorily exempt from review under CEQA pursuant to Section 15269 of the CEQA Guidelines as an emergency project because it (set forth circumstances per Section 15269 a) b) c) d) or e)).

**Section 3.3 - CERTIFIED REGULATORY PROGRAMS**

A Certified Regulatory Program is another type of statutory exemption available for projects undertaken by a local agency to implement a rule or regulation imposed by a state agency, board or commission under a state regulatory program certified pursuant to Public Resources Code Section 21080.5.

**Example of Certified Regulatory Programs**

- Pesticide regulatory program administered by the Department of Pesticide Regulation and the county agricultural commissioners as provided in CEQA Guidelines Sections 15250 and 15251((i).)

**Certified Regulatory Programs ASR Template Language****RECOMMENDED ACTION(S):**

Find that the proposed project is exempt from CEQA pursuant to Public Resources Code Section 21080(b)(15), because it implements a rule or regulation imposed by a state

## EXEMPTIONS

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agency, board or commission, under a Certified State Regulatory Program as provided in CEQA Guidelines Sections 15250 through 15253.

**Compliance with CEQA:** The proposed project is exempt from the provisions of CEQA pursuant to Public Resources Code Section 20180(b)(15), because it implements a rule or regulation imposed by a state agency, board or commission, under a Certified State Regulatory Program as provided in CEQA Guidelines Sections 15250 through 15253 (describe program and administering state agency, and Guidelines sub-section if practicable)

### Section 3.4 - CATEGORICAL EXEMPTION

Categorical exemptions refer to classes of activities/projects which are exempt from CEQA, based on a finding that certain classes of projects do not have a significant effect on the environment. See “Section 10.3 Categorical Exemptions” in *2020 Local CEQA Procedures Manual* for additional information.

#### **Categorical Exemption ASR Template Language**

##### **RECOMMENDED ACTION(S):**

Find that the project is categorically exempt from the California Environmental Quality Act (CEQA), Class X (insert title of exemption) pursuant to CEQA Guidelines section 153XX (insert section number).

**Compliance with CEQA:** The proposed project is Categorically Exempt (Class X) from the provisions of CEQA pursuant to Section 153XX, because it (insert explanation of why the exemption applies).

### Section 3.5 – PRIOR STATUTORY OR CATEGORICAL EXEMPTIONS

Categorical or statutory exemptions apply to projects that are not determined to have a significant environmental impact. A prior categorical or statutory exemption finding is valid only to the extent that no substantial changes have been made in the project, no substantial changes in the circumstances have occurred under which the project is being undertaken, and no new information of substantial importance to the project which was not known or could not have been known since the prior environmental document was prepared. The passage of time between the initial adoption of the categorical or statutory

**EXEMPTIONS**

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exemption and the current discretionary action should be considered when relying on a prior categorical or statutory exemption. Depending on how much time has lapsed, there is no need to file a new NOE when making prior categorical or statutory exemption findings. However, if any such changes have occurred since the prior categorical or statutory exemption finding, further environmental review is required.

**Prior Statutory or Categorical Exemption ASR Template Language**

**No Recommended Action Needed:** In the event that a prior categorical or statutory exemption finding was made by the Board of Supervisors and is applicable to the new proposed activity, no new finding, and no “continuing finding” language should be placed in the Recommend Actions section of the ASR. A CEQA Compliance paragraph in the text of the ASR will be sufficient to prove prior CEQA compliance encompasses the new proposed activity.

**Compliance with CEQA:** The proposed project was previously determined to be Statutorily/Categorically Exempt from CEQA pursuant to Section 153XX (Class\_\_\_) of the CEQA Guidelines, on (Month Day, Year) when it originally approved. CEQA Guidelines Section 153XX provides for the exemption of (insert description of exemption type and why the exemption applied, if known).

## **CHAPTER 4 – NEGATIVE DECLARATION/MITIGATED NEGATIVE DECLARATION**

The following sets forth standard ASR language for a Negative Declaration/Mitigated Negative Declaration. Once a decision-maker has approved the project, a NOD will be filed (Guidelines Section 15164).

References in *2020 Local CEQA Procedures Manual*

- “Chapter 11.0 Negative/Mitigated Negative Declaration Process”
- Appendix I - Notice of Determination and filing instructions (Public Projects)
- Appendix J - Notice of Determination and filing instructions (Private Projects)

### **Section 4.1 – NEGATIVE DECLARATION/MITIGATED NEGATIVE DECLARATION**

A Negative Declaration (ND) is prepared for projects that are subject to CEQA, which may have potential environmental impacts, but are shown to have no significant effects on the environment. An ND is appropriate when the initial study shows there is no substantial evidence, in light of the whole record before the County, to support a fair argument that the project may have a potentially significant effect.

A Mitigated Negative Declaration (MND) is prepared for projects, that are subject to CEQA, which may have potential impacts, but mitigation measures are identified to avoid, reduce or otherwise mitigate the impacts to less than significant. An MND is appropriate when the initial study shows there is no substantial evidence, in light of the whole record, to support a fair argument that the project may have a potentially significant effect on the environment.

### **ND/MND ASR Template Language**

#### **RECOMMENDED ACTION(S):**

1. Find that (Mitigated) Negative Declaration No. IP/PP (provide number) \_\_\_\_\_ reflects the independent judgment of the County of Orange as lead agency (or the independent judgment of the Orange County Flood Control District as lead agency), and satisfies the requirements of CEQA for the \_\_\_\_\_ (name of project).

**NEGATIVE/MITIGATED NEGATIVE DECLARATION**

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Adoption of (Mitigated) Negative Declaration No. IP/PP (provide number) \_\_\_\_ is recommended for the proposed project based upon the following findings:

- a. The (Mitigated) Negative Declaration and comments on the (Mitigated) Negative Declaration received during the public review period have been considered and (Mitigated) Negative Declaration No. IP/PP (provide number) \_\_\_\_ is adequate in addressing potential impacts related to the project;
- b. On the basis of the whole administrative record, there is no substantial evidence that the project (if adopting an MND, add: “with the implementation of the mitigation measures included in the Mitigation Monitoring and Reporting Program”) will have a significant effect on the environment;
- c. if adopting an MND, add: Pursuant to Public Resources Code Section 21081.6 and CEQA Guidelines Section 15074 (d), the Mitigation Monitoring and Reporting Program is adopted;
- d. (Mitigated) Negative Declaration No. IP/PP (provide number) \_\_\_\_ is adequate to satisfy the requirements of CEQA for the \_\_\_\_ (name of project).

**Compliance with CEQA:** Adoption of the (Mitigated) Negative Declaration No. IP/PP (provide number)\_\_\_\_ will satisfy the requirements of CEQA for the \_\_\_\_ (name of project).

Note: Final ND/MND may include a response to comments. At the discretion of the County Lead Agency for the project, responses to comments received during the public comment period for an ND or MND may be responded to through a) a stand-alone response to comments document; b) a separate response to comments section in the ND or MND; c) a response to comments attachment to the Agenda Staff Report (ASR); and/or d) a summary of comments and responses under the 'Compliance with CEQA' section in the Agenda Staff Report.

**NEGATIVE/MITIGATED NEGATIVE DECLARATION**

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**Section 4.2 - PRIOR NEGATIVE DECLARATION/MITIGATED NEGATIVE DECLARATION**

A prior environmental document can be used for a proposed project if the proposed projects implements or consists of activities which are necessarily included elements of the project which was studied in the prior environmental document, and there have been no significant changes in the facts, circumstances and environmental impacts since the prior environmental document was prepared.

**Prior ND/MND ASR Template Language****RECOMMENDED ACTION(S):**

1. Find that (Mitigated) Negative Declaration No. IP/PP (provide number) \_\_\_\_, previously adopted by Board of Supervisors on (Month Day, Year) for the (insert name of project for which MND was adopted), reflects the independent judgment of the County of Orange and is adequate to satisfy the requirements of CEQA for the \_\_\_\_\_ project based on the following additional findings:
  - a. The circumstances of the project are substantially the same and (Mitigated) Negative Declaration No. IP/PP (provide number)\_\_\_\_ adequately addressed the effects of the proposed project. No substantial changes have been made in the project, no substantial changes have occurred in the circumstances under which the project is being undertaken and no new information of substantial importance to the project which was not known or could not have been known when the previous (Mitigated) Negative Declaration No. IP/PP (provide number) \_\_\_\_, was adopted has become known; therefore no further environmental review is required.
  - b. (Mitigated) Negative Declaration No. IP/PP (provide number) \_\_\_\_ is adequate to satisfy the requirements of CEQA for the \_\_\_\_\_ (name of project).

**Compliance with CEQA:** This project is a necessarily included element of the project considered in (Mitigated) Negative Declaration No. IP/PP (provide number) \_\_\_\_, (describe project, for example: “approved by the BOS on March 6, 2007, for the Los Alamitos Pump Station Project which adequately addressed the effects of the proposed



**NEGATIVE/MITIGATED NEGATIVE DECLARATION**

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project”.) No substantial changes have been made in the project, no substantial changes have occurred in the circumstances under which the project is being undertaken and no new information of substantial importance to the project which was not known or could not have been known when the (Mitigated) Negative Declaration No. IP/PP (provide number)\_\_\_\_\_ was approved has become known; therefore no further environmental review is required.

**Section 4.3 – PRIOR ND/MND AND (NEW) ADDENDUM**

In cases where some changes or additions are necessary with no additional significant impacts, but the conditions for the preparation of a subsequent or supplemental ND/MND are not met, an addendum to the original ND/ MND may be prepared, rather than a new ND/MND. The County will analyze the scope of the changes and their disposition in relationship to the original ND/MND in order to determine whether a project will trigger the requirements of CEQA by identifying substantial changes in the project or the circumstances under which the project will be carried out that require major revisions in the ND/MND, or new information of substantial importance is discovered. Addenda are not circulated for public review, but will be considered by an applicable decision-maker with authority to approve the proposed project.

References in *2020 Local CEQA Procedures Manual*

- “Chapter 11.0 Negative/Mitigated Negative Declaration Process”
- “Section 13.2.1 Addendum to Negative/Mitigated Negative Declaration and Environmental Impact Report”

**ND/ MND and (NEW) ADDENDUM ASR Template Language****RECOMMENDED ACTION(S):**

1. Find that (Mitigated) Negative Declaration No. IP/PP (provide number)\_\_\_\_\_ and Addendum No. IP/PP (provide number) \_\_\_\_\_ adequately address the effects of the proposed project, reflect the independent judgment of the County of Orange and are approved for the proposed project based on the additional findings that the circumstances of the project are substantially the same and (Mitigated) Negative Declaration No. IP/PP (provide number)\_\_\_\_\_ and Addendum No. IP/PP (provide number) \_\_\_\_\_ adequately address the effects of

**NEGATIVE/MITIGATED NEGATIVE DECLARATION**

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the proposed project; no substantial changes have been made in the project; no substantial changes have occurred in the circumstances under which the project is being undertaken; and no new information of substantial importance to the project which was not known or could not have been known when the (Mitigated) Negative Declaration No. IP/PP (provide number)\_\_\_\_\_ and Addendum No. IP/PP (provide number)\_\_\_\_\_ were adopted has become known; therefore no further environmental review is required.

- a. (Mitigated) Negative Declaration No. IP/PP (provide number)\_\_\_\_\_ and Addendum No. IP/PP (provide number)\_\_\_\_\_ are adequate to satisfy the requirements of CEQA for the \_\_\_\_\_ (name of project).
- b. All mitigation measures fully enforceable pursuant to Public Resources Code Section 21081.6(b) have either been adopted as conditions, or incorporated as part of the project design, or included in the procedures of project implementation.

**Compliance with CEQA:** The circumstances of this project are substantially the same as (Mitigated) Negative Declaration No. IP/PP (provide number) \_\_\_\_\_, and Addendum No. IP/PP (provide number)\_\_\_\_\_ which includes minor changes or additions necessary, and both documents adequately address the effects of the proposed Project. No substantial changes have been made in the Project, no substantial changes have occurred in the circumstances under which the Project is being undertaken, and no new information of substantial importance to the Project which was not known or could not have been known when (Mitigated) Negative Declaration No. IP/PP (provide number)\_\_\_\_\_ and Addendum No. IP/PP (provide number) \_\_\_\_\_ were adopted have become known; therefore no further environmental review is required.

**ENVIRONMENTAL IMPACT REPORT**

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**CHAPTER 5.0 – ENVIRONMENTAL IMPACT REPORT**

An EIR is prepared when there may be significant direct or indirect environmental impacts associated with a project, as described in Guidelines Section 15358(a)(1-2). A thorough environmental analysis is undertaken when there is substantial evidence that a project may have a significant effect on the environment. Once a decision-maker has acted on the project, a NOD will be filed (Guidelines Section 15164).

References in *2020 Local CEQA Procedures Manual*

- “Chapter 12.0 Environmental Impact Reports”
- Appendix I - Notice of Determination and filing instructions (Public Projects)
- Appendix J – Notice of Determination and filing instructions (Private Projects)

**Section 5.1 - EIR**

An EIR is an informational document which provides public agencies and the general public with detailed information about the effects that a proposed project is likely to have on the environment. The EIR also lists the ways in which these environmental effects might be minimized and whether there are any alternatives to the project.

A Final EIR shall consist of the draft EIR or a revision of the draft, comments and recommendations received on the draft EIR either verbatim or in summary, list of persons, organizations, and public agencies commenting on the draft EIR, responses of the Lead Agency to significant environmental points raised in the review and consultation process and any other information added by the Lead Agency (per CEQA Guidelines Section 15132).

**EIR ASR Template Language****RECOMMENDED ACTION(S):**

1. Receive and consider (Department/Staff Report, if submitted) \_\_\_\_\_.
2. Adopt Resolution certifying Final EIR No. \_\_\_\_ for (Project Name) \_\_\_\_\_.

**ENVIRONMENTAL IMPACT REPORTS**

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3. Adopt Statement of Facts and Findings for Final EIR No. \_\_\_\_ for (Project Name) \_\_\_\_\_.
4. Adopt Mitigation Monitoring and Reporting Program for Final EIR No. \_\_\_\_ for (Project Name) \_\_\_\_\_.
5. Adopt Statement of Overriding Considerations for Final EIR No. \_\_\_\_.
6. Adopt Resolution approving (Project Name) \_\_\_\_\_.

Alternative recommendations that may be added as needed with appropriate insertion points:

After or part of item 1 (when EIR is being recommended for certification by the Planning Commission):

- Receive Orange County Planning Commission Resolution No. \_\_\_\_ (Exhibit A) recommending certification of adequacy of Final Environmental Impact Report (Final EIR No. \_\_\_\_\_) and selection of the proposed Project as the preferred alternative for the (project name) \_\_\_\_\_.

Instead of 6 (where not project approval resolution is proposed)

Approve (substantive action proposed) \_\_\_\_\_.

**Compliance with CEQA:** Proposed Final EIR No. \_\_\_\_ for (Project Name) \_\_\_\_\_, has been prepared and circulated for public review. The DEIR was posted for public review and comment from (insert date). The Responses to Comments on the DEIR were made available to the public online on (insert date). The Response to Comments portion of the FEIR No. \_\_\_\_ includes responses which provide a comprehensive review and response to the most common questions or comments received on the DEIR and is summarized in the Planning Commission Staff Report. FEIR No. \_\_\_\_ was presented to the Planning Commission on (insert date), at which time the Commission recommended certification of FEIR No. \_\_\_\_ by the Board. No additional or new comments were raised at the Planning Commission public hearing that had not been adequately addressed in the proposed FEIR. In addition to certifying FEIR

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No. \_\_\_\_\_, the resolution presented for consideration [insert specifics of the resolution, such as, but not limited to adopting the mitigation monitoring and reporting plan] for the Project.

**Section 5.2 - PRIOR EIR**

A prior environmental document can be used for a project if the environmental document includes activities which constitute or are necessarily included elements of the project and there have been no significant changes in the facts, circumstances and environmental impacts since the prior environmental document was prepared. If a previously approved prior environmental document is adequate for the subsequent proposed project, the determination may be noted in the project file and all required public notices which are required, and, as appropriate under the circumstances may be presented to a decision maker as appropriate. Please consult with OC Development Services and County Counsel to assure the new proposed activity falls within the prior EIR.

**Prior EIR ASR Template Language**

**No Recommended Action Needed:** In the event that a prior EIR was made by the BOS and is applicable to the new proposed activity, no new finding, and no “continuing finding” language should be placed in the Recommend Actions section of the ASR. A CEQA Compliance paragraph in the text of the ASR will be sufficient to prove prior CEQA compliance encompasses the new proposed activity.

**Compliance with CEQA:** This project is a necessarily included element of the project considered in Final EIR No. \_\_\_\_\_, certified by the BOS on (Month Day, Year), which adequately addressed the effects of the proposed project. No substantial changes have been made in the project, no substantial changes have occurred in the circumstances under which the project is being undertaken, and no new information of substantial importance to the project which was not known or could not have been known when the Final EIR No. \_\_\_\_\_ was certified and the Mitigation Monitoring and Reporting Program was adopted; therefore no further environmental review is required.

## ENVIRONMENTAL IMPACT REPORTS

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### Section 5.3 - PRIOR EIR AND NEW ADDENDUM

Use when approving a prior EIR and new addendum together for the first time.

#### **EIR Plus (New) Addendum ASR Template Language**

##### **RECOMMENDED ACTION(S):**

1. Receive and consider (Department/ Staff Report, if submitted) \_\_\_\_\_.
  
2. Find that Final EIR No. \_\_\_\_\_, certified by [certifying body, usually BOS] on [Month Day, Year], and Addendum No. IP/PP (provide number) \_\_\_\_\_, adequately address the effects of the proposed Project, reflect the independent judgment of the County of Orange and are approved for the proposed project based on the following additional findings:
  - a. The circumstances of the project are substantially the same and Final EIR No. \_\_\_\_\_ and Addendum No. IP/PP (provide number) \_\_\_\_\_ adequately address the effects of the proposed Project. No substantial changes have been made in the Project, no substantial changes have occurred in the circumstances under which the Project is being undertaken, and no new information of substantial importance to the Project which was not known or could not have been known when Final EIR No. \_\_\_\_\_ was certified has become known; therefore no further environmental review is required.
  
3. Adopt Addendum No. IP/PP (provide number) \_\_\_\_\_ for (project name) \_\_\_\_\_.

**Compliance with CEQA:** The circumstances of this project are substantially the same as Final EIR No. \_\_\_\_\_, but changes or additions have been made as set forth in Addendum No. IP/PP (provide number) \_\_\_\_\_. Together, Final EIR No. \_\_\_\_\_ and Addendum No. IP/PP (provide number) \_\_\_\_\_ adequately address the effects of the proposed Project. No substantial changes have been made in the Project, no substantial changes have occurred in the circumstances under which the Project is being

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undertaken, and no new information of substantial importance to the Project which was not known or could not have been known when Final EIR No. \_\_\_\_\_ was certified, or through the date of approval and adoption of Addendum No. IP/PP (provide number) \_\_\_\_\_ has become known; therefore no further environmental review is required.

**USE OF OTHER AGENCY CEQA DOCUMENT BY COUNTY AS RESPONSIBLE AGENCY**

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**CHAPTER 6.0 – USE OF OTHER AGENCY CEQA DOCUMENT BY COUNTY AS RESPONSIBLE AGENCY**

In instances where the County is a Responsible Agency under CEQA, the County can use and rely on environmental documents prepared and approved by other (lead) agencies, jurisdictions or special districts

**Use of Other Agency CEQA Document ASR Template Language**

**RECOMMENDED ACTION(S):**

1. Make the following California Environmental Quality Act (CEQA) findings:
  - a. The City of (or other lead agency as appropriate) \_\_\_\_\_, as lead agency under CEQA for [insert name of project], certified Final Environmental Impact Report (EIR) number \_\_\_\_\_ (or SCH #) [or adopted (Mitigated) Negative Declaration (MND) No. IP/PP \_\_\_\_] on (Month Day, Year). The (County of Orange or Orange County Flood Control District, or County Agency, as appropriate), \_\_\_\_\_ as a responsible agency under CEQA Guidelines Section 15381, has reviewed and considered the Final Environmental Impact Report [or MD, MND, or other document] prepared by the City (or other lead agency as appropriate) \_\_\_\_\_, and certifies that it has done so, pursuant to CEQA Guidelines Section 15050(b).
  - b. There are no significant environmental effects within the jurisdiction of the (County of Orange or Orange County Flood Control District) which require a finding on the part of the (County of Orange or Orange County Flood Control District, or County Agency, as appropriate).
  - c. The circumstances of the project are substantially the same as described in EIR No. \_\_\_\_\_ [or adopted (Mitigated) Negative Declaration (MND) No. IP/PP \_\_\_\_] and no substantial changes have been made in the project, no substantial changes have occurred in the circumstances under which the project is being undertaken, and no new information of substantial importance to the project which was not known or could not have been known when EIR No. \_\_\_\_\_ [or adopted (Mitigated) Negative Declaration (MND) No. IP/PP (provide number) \_\_\_\_] was certified has become known.



**USE OF OTHER AGENCY CEQA DOCUMENT BY COUNTY AS RESPONSIBLE AGENCY**

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- d. There are no feasible alternatives or feasible mitigation measures within the separate authority of the (County of Orange or Orange County Flood Control District) to impose, which would substantially lessen or avoid any significant effect the project would have on the environment, pursuant to CEQA Guidelines section 15096 (g)-(h).
- e. As a responsible agency, the (County of Orange or Orange County Flood Control District, or County Agency, as appropriate) is authorized, pursuant to Guidelines section 15096, to rely on the EIR \_\_\_\_\_ [or adopted (Mitigated) Negative Declaration (MND) No. IP/PP (provide number) \_\_\_\_] certified or adopted by the \_\_\_\_\_ (name of other agency.)

Note: If there is ever an instance where there are significant effects associated with the project, which are within the jurisdiction of the County/Orange County Flood Control District, additional findings may be necessary. In these instances, OC Development Services and County Counsel should be consulted.

**Compliance with CEQA:** The City of (or other lead agency as appropriate) \_\_\_\_\_, as lead agency under CEQA for this project, certified Final EIR No. [or adopted (Mitigated) Negative Declaration (MND) No. IP/PP (provide number)\_\_\_\_] on (Month Day, Year) The (County of Orange or Orange County Flood Control District, or County Agency, as appropriate) \_\_\_\_\_, as a responsible agency under CEQA Guidelines section 15381, has reviewed and considered the Final EIR prepared and certified by the City (or other lead agency as appropriate) [or adopted (Mitigated) Negative Declaration (MND) No. IP/PP (provide number) \_\_\_\_] and certifies it has done so. As a responsible agency, the (County of Orange or Orange County Flood Control District, or County Agency, as appropriate) is authorized by Guidelines section 15096 to rely on the Final EIR certified or adopted by the \_\_\_\_\_ City of (or other lead agency as appropriate).

## CHAPTER 7.0 –JOB ORDER CONTRACT

For CEQA purposes, Job Order Contracts and On Call Contracts are treated identically.

A job order contract is a subset of an on-call contract. Generally, the BOS approves the underlying job order contract with a particular contractor or slate of contractors (to have contractors available for future projects), without a specific project. Individual job orders are subsequently issued against these contracts, for specific projects. Where a project is proposed to be approved using a contractor/vendor under a “job order contract” (JOC) or an “on call contract,” the approving body for that project, whether it is the BOS the Purchasing Agent, or any other authorized person, shall ensure that each job/Task Order issued undergoes separate and individual CEQA review as necessary to comply with CEQA.

When the BOS approves the underlying job order contract, without regard to a specific project, the “not a project” finding is used. But a subsequent discretionary action may require that a different CEQA determination and finding be made, depending on whether that subsequent discretionary action is a project under CEQA. For example, the approval of a bidder and a contract award for an on-call Architect-Engineer (A-E) contract, or for a JOC, without any specific job or task called out, will justify the “not a project” finding. However, if the approval references a contract for a specific task or job description, or, if later, a specific job order is issued for a specific project, a CEQA determination must be made in the ASR (e.g. possibly a categorical or statutory exemption finding). Please consult with OC Development Services/Planning to identify an appropriate exemption.

References in *2020 Local CEQA Procedures Manual*

- “Chapter 14.0 On-Call and Job Order Contracts Process” for additional information.

**JOB ORDER CONTRACT**

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**Job Order Contract ASR Template Language (when no specific task or job is described)****RECOMMENDED ACTION(S):**

Find that the subject activity is not a project within the meaning of CEQA Guidelines Section 15378 and is therefore not subject to review under CEQA.

**Compliance with CEQA:** This action is not a project within the meaning of CEQA Guidelines Section 15378 and is therefore not subject to CEQA, since it does not have the potential for resulting in either a direct physical change in the environment, or a reasonably foreseeable indirect physical change in the environment. The approval of this agenda item does not commit the County to a definite course of action in regard to a project since (fill in appropriate explanation; for example, the action authorized herein may lead to the negotiation of an agreement). This proposed activity is therefore not subject to CEQA. Any individual, specific work authorized pursuant to this contract will be reviewed for compliance with CEQA.

**End of ASR Template Language**