

County of El Dorado

ENVIRONMENTAL MANUAL

**FOR
IMPLEMENTATION OF THE
CALIFORNIA ENVIRONMENTAL
QUALITY ACT
(CEQA)**

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COUNTY OF EL DORADO
ENVIRONMENTAL MANUAL
FOR
IMPLEMENTATION OF THE
CALIFORNIA ENVIRONMENTAL QUALITY ACT
(CEQA)

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CHAPTER ONE - GENERAL PROVISIONS

1.1 – Authority and Purpose

- A. The following implementing procedures are adopted by the El Dorado County Board of Supervisors pursuant to Section 21082 of the California Public Resources Code. The procedures set forth herein are intended to provide local implementing procedures and definitions for environmental evaluation of projects approved or undertaken by the County of El Dorado.
- B. This document supplements Title 14 of the California Administrative Code, Guidelines for the Implementation of the California Quality Act (hereinafter referred to as the State CEQA Guidelines). All definitions and requirements of the State CEQA Guidelines are incorporated and made part of these implementing procedures by reference.
- C. It is the intent of the Board of Supervisors in adopting this document to provide a quality environment for the people of El Dorado County, and to regulate activities of private individuals, corporations, and public agencies so that major consideration is given to preventing environmental damage, while providing a decent home and satisfying living and working environment for every resident and employee of El Dorado County.

1.2 – Definitions

- A. COUNTY: Refers to the County of El Dorado, its political and administrative divisions, and any district adopting the CEQA implementing procedures of El Dorado County.
- B. ENVIRONMENTAL DOCUMENT: Refers to an Environmental Impact Report, Negative Declaration, Notice of Preparation, or Initial Study.
- C. IMPLEMENTING PROCEDURES: Refers to this document which describes the specific objectives, criteria, and procedures for administering the responsibilities of CEQA by the County of El Dorado as required by Section 15022 of the State CEQA Guidelines.
- D. LEAD AGENCY: Means the entity which has the principal responsibility for approving or carrying out a project. Lead Agency may be the Board of Supervisors, Planning Commission, Zoning Administrator, department head, or individual within the County with approval authority over a project as defined in various sections of the El Dorado County Code.

- E. LEAD DEPARTMENT: Means the Department, Commission, Committee, or individual which has responsibility for processing a project prior to approval of initiation of the project by the Lead Agency. In the event of conflict, the Board of Supervisors shall designate the Lead Department.
- F. PRIVATE PROJECT: Means a project which will be carried out by a project proponent other than a governmental agency, and the private project requires discretionary approval for one or more governmental agencies.
- G. PROJECT PROPONENT: Includes any person, firm, association, organization, partnership, business, trust, corporation, or company proposing to carry out a private project. Any Board, Commission, department or agency of El Dorado County proposing to carry out a project shall be considered the project proponent.
- H. OTHER DEFINITIONS: Other definitions not herein described are hereby incorporated by reference from Article 20 of the State CEQA Guidelines.

1.3 – Lead Agency Authority

- A. With regard to the County Implementing Procedures, the Lead Agency has approval authority for the following functions:
 - 1. Making of findings in support of issuance of a Negative Declaration.
 - 2. Making of findings as required in Section 15091, 15092, and 15093 of the State Guidelines for Environmental Impact Reports.
 - 3. Review and consideration of the Negative Declaration or the Final Environmental Impact Report prior to approving a project.

1.4 – Delegation of Responsibilities

- A. The County Board of Supervisors has assigned the following specific functions to the Lead Department to assist in the administration of these implementing procedures on behalf of the Lead Agency. Functions which are delegated include but are not limited to:
 - 1. Determination of whether a project is exempt from CEQA.
 - 2. Conducting the Initial Study.
 - 3. Determination of whether an Environmental Impact Report or Negative Declaration is required for a project, unless said determination is appealed.

4. Preparation and circulation of a Negative Declaration or Environmental Impact Report.
 5. Selection and retention of consultants for the purposes of preparing Environmental Impact Reports.
 6. Preparation of responses to public comments.
 7. Recommendation as to the adequacy of an Environmental Impact Report.
 8. Certification that the Lead Agency has reviewed and considered a Negative Declaration or Environmental Impact Report.
 9. Filing of notices as required by CEQA.
 10. Review and recommendation of environmental documents prepared by a Lead Agency where El Dorado County is a Responsible Agency.
- B. Responsibility for performance of Lead Department duties as delegated in subdivision (A) above shall rest with the designated department head of the Lead Department as defined in Section 2.57.020(H) of the County Code.

1.5 – County Projects

- A. Any project proposed to be carried out by any board, commission, department, or agency of El Dorado County shall be subject to the implementing procedures of this Manual. For the purposes of processing environmental documents as required by these implementing procedures, the entity within the County initiating a County project shall be considered both the project proponent and the Lead Department.

1.6 – Responsible Agency

- A. When a project is proposed in which El Dorado County has discretionary approval in a minor capacity, the El Dorado County Board of Supervisors shall be considered the Responsible Agency. When environmental documents are submitted for review from a lead agency, the appropriate department, commission, committee, or individual with responsibility for processing the County's discretionary approval, shall review and comment on the environmental document within the time lines as defined in the State CEQA Guidelines. Comments should focus on the adequacy of the environmental document within the County's area of discretionary authority.

1.7 – Recommending Body

- A. Where an advisory body such as the Planning Commission is required to make a recommendation on a project to the Lead Agency, the advisory body shall also review, consider, and make recommendations on the environmental document.

1.8 – Appeals

- A. Where an appeal is made on the decision for a project, the Lead Agency reviewing the appeal may also review the environmental document filed for the project; however, unless otherwise determined by the Lead Agency, the environmental document need not be readopted or recertified if the appeal is not based upon issues of the environment (for definition of “environment” refer to Section 15360 of the State CEQA Guidelines)

1.9 – Fees

- A. El Dorado County, in preparing environmental documents for private projects, may charge and collect a reasonable fee from the project applicant in order to recover the estimated cost incurred in preparing the environmental documents.
- B. El Dorado County may charge and collect a reasonable fee, not to exceed the actual cost of reproduction, from members of the public for a copy of an environmental document. However, environmental documents shall be available for public review free of cost at designated locations within the County.

1.10 – Severability of Provisions

- A. If any Chapter, section, subsection, sentence, clause or phrase of the El Dorado County Environmental Manual is for any reason held to be invalid or unconstitutional, such holding shall not affect the validity or constitutionality of the remaining portions of this document. It is expressly declared that these provisions would have been prepared and adopted irrespective of the fact that any one or more chapters, sections, subsections, sentences, clauses, or phrases be declared invalid or unconstitutional.

CHAPTER TWO – PRELIMINARY REVIEW-EXEMPTION REVIEW

2.1 – Review for Completeness

- A. The Preliminary Review shall include a review for completeness of all applications for permits or other entitlements. If the application is deemed incomplete, the Lead Department shall notify the applicant in writing of additional information required before the application can be processed. The determination of completeness shall be made within thirty (30) calendar days from the receipt of the application. If no written determination is made, the application will be deemed complete on the thirtieth (30th) day from receipt of the application. In any case, accepting the application as complete does not limit the Lead Department from requiring additional information for environmental evaluation, or as may be required by general plan policies or the County zoning code.

2.2 – Review for Exemption

- A. The Lead Department shall conduct a preliminary review to determine whether a project is exempt from, or subject to, CEQA. If it is found that the project is exempt from CEQA, a Notice of Exemption may be prepared; if the project is subject to CEQA, an Initial Study shall be performed.

2.3 – Projects Subject to CEQA

- A. Except as otherwise provided herein, these implementing procedures shall apply to all discretionary projects, as defined by Section 15357 of the State CEQA Guidelines, proposed to be carried out or approved by El Dorado County.

2.4 – Projects Exempt from CEQA

- A. The implementing procedures contained herein shall not apply to the following:
 - 1. Projects which are determined to be exempt by the statutory or categorical exemptions as identified in Article 18 and Article 19 of the State CEQA Guidelines.
 - 2. Projects which are determined to be ministerial projects, as defined in Section 15268 of the State CEQA Guidelines. The following activities are determined to be ministerial projects by El Dorado County:
 - a. Issuance of building permits.

- b. Issuance of Environmental Health permits such as sewage system disposal, food establishment, small water systems, swimming pool and spa, and underground storage tank permits.
- c. Issuance of business licenses.
- d. Approval of final maps or parcel maps.
- e. Approval of boundary line adjustments, reversions to acreage, or certificates of compliance, when in conformance with the County zoning code and the Subdivision Map Act, and when no condition other than payment of fees pursuant to the County Code is required.
- f. Encroachment permits.
- g. Design reviews for projects located within the Barnett Business Park (Resolution 179-99, July27, 1999).

2.5 – Notice of Exemption

- A. When preliminary review of the project shows it to be exempt from CEQA, the Lead Department may file a Notice of Exemption with the County Clerk upon approval of the project. A list of Notices of Exemption shall be posted for public review for a period of thirty (30) calendar days. The Notice of Exemption shall include information as described in Section 15062 of the State Guidelines.

CHAPTER THREE – INITIAL STUDY-DETERMINATION OF SIGNIFICANCE

3.1 – Initial Study

- A. If it is determined through the Preliminary Review process that a project is subject to CEQA, the Lead Department shall conduct an Initial Study to determine whether a Negative Declaration or Environmental Impact Report is to be prepared.
- B. If the Lead Department can determine that an Environmental Impact Report will clearly be required for a project, an Initial Study is not required but may still be desirable.

3.2 – Submission of Data

- A. To assist in preparing the Initial Study, the project proponent shall provide environmental information to the Lead Department. The environmental information shall be submitted in accordance with environmental forms as provided by the Lead Department.
- B. Notwithstanding subdivision (A) above, the Lead Department may require additional information which is deemed necessary for environmental analysis of a project.

3.3 – Environmental Analysis

- A. Upon submittal of the environmental information by the project proponent, the Lead Department shall supplement the information with the following environmental analysis:
 - 1. Identification of potential environmental effects;
 - 2. Discussion of ways to mitigate the significant effects identified; and,
 - 3. Discussion regarding consistency with existing zoning, general plan and other applicable land use regulations.
- B. Upon completion of the environmental analysis, the Lead Department shall prepare an Initial Study package containing information necessary for environmental review of a project.

3.4 – Consultation

- A. Upon completion of the environmental analysis, the Lead Department shall circulate the Initial Study to all responsible, trustee, and concerned agencies as to whether an EIR or Negative Declaration should be prepared.
- B. A period of fifteen (15) working days shall be provided for review of the Initial Study.

3.5 – Determination of Initial Study

- A. Upon completion of the Initial Study consultation, the Lead Department shall make a Determination of Significance for a project as to whether a Negative Declaration or Environmental Impact Report is to be prepared. In making this determination, the Lead Department shall employ the criteria and guidelines described in Section 15064 and 15065 of the State CEQA Guidelines. If an EIR is required, the applicant shall be notified in writing of this determination.
- B. The Lead Department shall make the Determination of Significance within thirty (30) calendar days after accepting the application as complete. The thirty day period may be extended by fifteen (15) calendar days upon consent of the project proponent and the Lead Department.

3.6 – Appeal of Determination

- A. Upon determination by the Lead Department that an EIR is required, the project proponent may appeal the determination to the Board of Supervisors by filing an appeal with the Board Clerk within ten (10) calendar days of the determination.
- B. Filing of an appeal pursuant to subdivision (A) above, shall suspend preparation of the environmental document by the Lead Department. Following the Board of Supervisor's determination, the Lead Department shall begin preparation of the required environmental document.

CHAPTER FOUR – NEGATIVE DECLARATION PROCESS

4.1 – Authority

- A. Upon completion of the Initial Study, the Lead Department shall prepare a Negative Declaration for a project when the Initial Study shows that there is no substantial evidence that the project will have a significant effect on the environment, or when an appeal to the Board of Supervisors directs the preparation of a Negative Declaration.

4.2 – Mitigation

- A. Where the Lead Department determines that a project may have a significant effect on the environment, the Lead Department may propose revisions to project design features, conditions of approval, or other measures which mitigate the potential effects to a point where it is determined no significant effect would occur. If such mitigation measures are agreed to by the project proponent and are incorporated into the project, the Lead Department shall prepare a Negative Declaration.

4.3 – Contents

- A. A Negative Declaration circulated for public review shall include the contents as required by Section 15071 of the State Guidelines.

4.4 – Public Review of a Negative Declaration

- A. The Lead Department shall provide at least a ten (10) calendar day public review period for a proposed Negative Declaration. The proposed Negative Declaration shall be kept on file at the Lead Department to provide an opportunity for public review.
- B. Where one or more State agencies will be a responsible or trustee agency for a project, the Negative Declaration shall be submitted to the State Clearinghouse for review. In this case, the public review period shall be no less than thirty (30) calendar days unless a shorter period is approved by the State Clearinghouse.

4.5 – Public Notice of a Negative Declaration

- A. The Lead Department shall provide notice of public review for a proposed Negative Declaration. Said notice shall be published at least once in a newspaper of general circulation in El Dorado County prior to the public review period. Said notice shall contain the name of the applicant, location of the project,

location where the proposed Negative Declaration can be reviewed, and the date ending the public review period. Notice may be published separately or concurrently with a public hearing notice for the same project.

- B. The notice requirements specified in subdivision (A) above shall not preclude the Lead Department from providing other notice as provided in Section 15072 of the State CEQA Guidelines.

4.6 – Consideration by Lead Agency

- A. Prior to approving a project, the Lead Agency shall consider the proposed Negative Declaration together with any comments received during the public review process. The Lead Agency shall approve the Negative Declaration if it finds, on the basis of Initial Study and comments received, that there is no substantial evidence that the project will have a significant effect on the environment.

4.7 – Time Limit

- A. Environmental review of a project for which a Negative Declaration has been filed shall be completed within one hundred five (105) calendar days from the date the application is accepted as complete. The Negative Declaration may be approved at a later time when the permit or other entitlement is approved.

4.8 – Notice of Determination

- A. After deciding to carry out or approve a project for which a Negative Declaration has been approved, the Lead Department shall file a Notice of Determination with the County Clerk. Contents of the Notice of Determination shall comply with Section 15075 of the State CEQA Guidelines.

CHAPTER FIVE – ENVIRONMENTAL IMPACT REPORT (EIR) PROCESS

5.1 – Authority

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

5.2 – Notice of Preparation

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

5.3 – Preparation of a Draft EIR

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

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

- E. Acceptance of the draft EIR: Upon completion of the draft EIR, the project proponent shall submit five (5) copies of an administrative draft for approval by the Lead Department. Upon submittal of the administrative draft EIR, any EIR processing fees shall be paid as established by the County. The Lead Department shall review the administrative draft and make changes as

necessary to reflect the independent judgment of the County. Where corrections or changes are found necessary by the Lead Department, a revised administrative draft EIR shall then be returned to the project proponent for final preparation. As soon as the revised draft EIR is prepared by the project proponent and accepted by the Lead Department as adequate under CEQA, fifty (50) copies of the accepted draft EIR shall be filed by the project proponent with the Lead Department. Additional copies may be requested by the Lead Department. In accepting the draft EIR, the Lead Department shall ensure that the document adequately and objectively discloses any potential environmental effects of the proposed project and reflects the independent judgment of the County.

- F. Contents: Any draft EIR accepted by the Lead Department shall comply with the content requirements of Article 9 and Section 15362 of the State CEQA Guidelines.
- G. Notice of Completion: As soon as the draft EIR is accepted by the Lead Department, a Notice of Completion shall be filed with the State Clearinghouse pursuant to Section 15085 of the State CEQA Guidelines.

5.4 – Public Review of a Draft EIR

- A. The Lead Department shall provide at least a thirty (30) calendar day public review period for a draft EIR. If a state agency is a responsible or trustee agency, the public review period shall be no less than forty-five (45) calendar days unless a shorter period is approved by the State Clearinghouse.
- B. The Lead Department shall provide notice of public review for a draft EIR upon filing the Notice of Completion to the State Clearinghouse. Direct notice shall be given to all organizations or individuals who have previously requested such notice. Notice shall be given through publication at least once in a newspaper of general circulation in the County. ~~Notice may shall also be given by posting of site or direct mailing as provided in Section 15087 of the State CEQA Guidelines~~ direct mailing to all property owners within one mile of the boundaries of the project site, as determined by the Community Development Department.
- C. The Lead Department shall provide copies of the draft EIR to all known responsible or trustee agencies for review. If a State agency is a responsible or trustee agency, the Lead Department shall provide ten (10) copies of the draft EIR to the State Clearinghouse. In addition, the Lead Department shall provide a copy of the draft EIR to the Community Development Department and El Dorado County Public Library for public review.
- D. Comments received as a part of the public review should be in writing and should focus on environmental issues related to the project. Commenting responsible or trustee agencies shall make comments related to areas which are within the

agency's field of expertise, or permits which are required to be carried out or approved by the agency.

- E. The Lead Department may hold public hearings with the Planning Commission or Board of Supervisors, or both, for the purposes of receiving public comments on the draft EIR.

5.5 – Evaluation and Response to Comments on a Draft EIR

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

5.6 – Preparation of a Final EIR

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

5.7 – Certification of a Final EIR

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

5.8 – Findings

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

5.9 – Statement of Overriding Considerations

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

5.10 – Time Limits

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

5.11 – Notice of Determination

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

5.12 – Distribution of a Final EIR

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