

Attachment 4

Determination of “Non Project” Status

Project Title: Proposed CHERT Ordinance (Establishing Procedures for Appointment, Duties and Compensation)

Lead Agency: Humboldt County Department of Planning and Building
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PROJECT LOCATION: The unincorporated lands in Humboldt County.

PRESENT PLAN DESIGNATIONS, GOALS, POLICIES & STANDARDS:

Inland and Coastal: ALL.

PRESENT ZONING REGULATIONS:

Inland and Coastal: ALL.

LAND USES AND SETTINGS: ALL.

ENVIRONMENTAL FACTORS POTENTIALLY AFFECTED: NONE.

DETERMINATION:

Pursuant to section 15061(b)(3) of the CEQA Guidelines, the Planning Division, as lead agency, has determined that the ordinance establishing local procedures for the consideration, implementation and administration of development agreements is not subject to CEQA because:

- The activity is covered by the general rule that CEQA applies only to projects, which have the potential for causing a significant effect on the environment; and
- There will not be a direct or foreseeable indirect physical change in the environment due to the ordinance revisions; and
- The activity is not a project as defined in Section 15378 of the CEQA Guidelines.

Section 15378(a)(1) specifically states in part that: "Project" means the whole of an action, which has a potential for resulting in either a direct physical change in the environment, or a reasonably foreseeable indirect physical change in the environment, and that is one of the following: (1) An activity directly undertaken by a public agency including but not limited to public works construction and related activities clearing or grading of land, improvements to existing public structures, enactment and amendment of zoning ordinances, and the adoption and amendment of local General Plans or elements thereof pursuant to Government Code Section 55100-65700."

The proposed ordinance would add a section to the Administrative portion of the Humboldt County Code and would not change any zoning or general plan land use designations. Adoption of the ordinance itself, which **the duties, composition, and compensation of CHERT**, 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. Only actual execution of instream gravel mining projects could result in potential environmental effects, and those gravel mining projects that do come forward in the future would be subject to individual project environmental review. Because the proposed ordinance only establishes a regulatory framework, it fails to meet the definition of a "project" on both grounds that it does not have a potential for resulting in either a direct physical change in the environment, or a reasonably foreseeable indirect physical change in the environment, and it is not an activity directly undertaken by a public agency including but not limited to public works construction and related activities clearing or grading

of land, improvements to existing public structures, enactment and amendment of zoning ordinances, and the adoption and amendment of local General Plans or elements thereof pursuant to Government Code Section 55100-65700

The proposed ordinance fails to meet the definition of a project for an additional reason. It is an administrative activity of government that will not result in direct or indirect physical changes in the environment. Section 15378(b)(5) specifically lists: "organizational or administrative activities of governments that will not result in physical changes in the environment" as not meeting the definition of a "project" which is subject to CEQA. The proposed ordinance represents a modification of the administrative section of Humboldt County Code and merely would establish an administrative framework for review of development agreements. Adopting this administrative framework, in and of itself, will not result in physical changes in the environment.

John Ford, Director

Date