



Section 2: Integrate into the General Plan Update county-wide mitigation programs for development impacts.

The CEQA Guidelines encourage local governments to integrate their CEQA environmental review process with their land use development review process. Unfortunately, Calaveras County's current CEQA and project review procedures are not integrated in a way that facilitates early public involvement, results in feasible impact mitigation, and that processes project efficiently.

A) The clumsy integration of CEQA and project review procedures unnecessarily delays project approvals, frustrates project applicants, needlessly angers concerned members of the public, empowers project opponents to legally challenge projects, and discourages development investment in the County.

There are a number of problems with the current procedure. The GPU should direct the Planning Department to address these issues. The GPU should direct the Planning Department to implement impact mitigation programs. The GPU should put in place some interim mitigation standards pending the development of long-term mitigation programs.

B) The County lacks standard programs to mitigate basic project impacts.

CEQA requires that the County mitigate the potentially significant direct impact of projects it approves, and to mitigate the project impacts that substantially contribute to cumulatively significant impacts. The first problem we note is that the County lacks standard programs to mitigate some of the most basic and frequent development impacts. (See Attachment 4, CEQA Initial Study Checklist.) These include impacts on aesthetics like light and glare impacts, viewshed impacts, and ridgetop development impacts. These include impacts to air quality, including emissions of ozone precursors from project-generated vehicle trips. These include impacts to agricultural lands from conversion to developed uses. These include affordable housing impacts. These include impacts to the human environment associated with declining public services including law enforcement. The list goes on.

Because there are no such mitigation programs, the County does not make an effort to mitigate most of these impacts of smaller projects, on a project by project basis. (For example, see Attachment 11, Letter on Ventana Project.) This results in cumulatively significant impacts from multiple development projects. This angers members of the public who depend upon the County to mitigate the impacts of development projects. This also discourages development investors, who likewise depend upon the county to mitigate future project impacts to protect their investments.

The GPU should direct the Planning Department to develop these impact mitigation programs. The GPU should establish interim impact mitigation standards to apply pending the Planning Department's completion of permanent mitigation programs. The County has zoning codes to address other health, safety, and wellbeing issues. These efforts are well within the County's police powers. After over 40 years since the passage of CEQA, it is time for the County to really implement CEQA, and to integrate it seamlessly into the development review process.



C) The County does not include the public early in the project and environmental review process.

The second problem is that, despite the fact that these projects may take years to get to the Planning Commission, the review of these smaller projects remains closed to the public until the negative declaration notice is issued shortly before the Planning Commission hearing on project approval or denial. The County has not included in its project review procedures any public participation option prior to the Planning Commission hearing near the end of the project approval process. Thus, instead of the public having the opportunity to raise concerns early in the planning process when the developer may have the time to address the issue constructively, the public is excluded from the process until it is too late for the developer to address their concerns.

D) The County's Negative Declarations put investments in legal jeopardy.

The third problem is that the County issues Negative Declarations for these smaller projects without substantial evidence in the record to support the findings of no significant impact. This puts all of these smaller project approvals in legal jeopardy. Because CEQA favors the completion of an EIR rather than reliance on a negative declaration, the standards for proving a negative declaration invalid in court are not difficult to meet. By approving easily challenged negative declarations, the County empowers project opponents who may seek to get project approvals withdrawn in court. This situation is evident to those who consider investing in local development. Thus, the County drives away those development investors who are unwilling to take the risk

associated with an easily challenged project approval. The developers who are willing to invest in the County are those who seek to take advantage of the County's lack of desire to mitigate impacts. As a result, the projects that get proposed in the County are too frequently flawed, and too often controversial.

E) Larger projects get unfair advantages.

The fourth problem is that the process gives a competitive advantage to larger projects that provide better impact mitigation. Larger development projects that prepare Environmental Impact Reports often promise detailed impact mitigation measures. As a result, some Supervisors often favor these larger projects. Another result is that some smaller projects lack the amenities that would enhance their acceptability to nearby residents.

F) Project review is needlessly delayed.

The fifth problem with not having standard mitigation programs for frequently occurring impacts is that each project is treated as a custom project with unique impact challenges. This results in unnecessary delays in project processing. This discourages investment and upset project applicants.

G) The GPU can improve development review for both the public and developers.

Some commenters before the Board of Supervisors have suggested that the County will improve its economy if it reduces its requirements on new developments. We disagree. If the County wants to improve its economy, it should clearly identify up front what is expected of development projects. It should ensure that development approvals can withstand legal challenge. It should establish a development and CEQA review procedure that is efficient. It should create a project review process that provides the time and opportunity to resolve community concerns. Unless the GPU addresses the fundamental flaws in the County's CEQA and project review processes, the GPU will fail to advance both the impact mitigation interests of existing residents, and the project approval interests of the development community.