

CALIFORNIA ENVIRONMENTAL QUALITY ACT FAQ

WHAT IS THE CALIFORNIA ENVIRONMENTAL QUALITY ACT?

The California Environmental Quality Act (CEQA), which became law in 1970, is California's landmark environmental law. Its purpose is to foster transparency and integrity in public decision-making, while ensuring land use decisions take the full impacts of development on our natural and human environments into account. It is one of the most powerful environmental protection laws in the nation and was modeled after the federal National Environmental Policy Act.

CEQA applies to all projects that require discretionary approval, unless the project is determined to be exempt. A discretionary project is one that requires the exercise of judgment or deliberation by a public agency in determining whether the project will be approved, or if a permit will be issued. For example, if you want to subdivide your property or build a commercial building, these are discretionary projects because the County must review the proposal before issuing an approval or permit.

WHY IS CEQA IMPORTANT?

CEQA gives the community a voice in land use decisions. It requires decision-makers to adopt alternatives or mitigation measures to reduce significant adverse environmental impacts. As such, it plays a critical role in preserving and enhancing California's public health, safety, and the environment.

The Act was designed to ensure that a project applicant—not the public—bears the costs of providing necessary infrastructure to support a project. It also provides the public and decision-makers with “the big picture” and helps ensure that many small projects are not considered separately, only to overwhelm a community when taken as a whole.

CEQA is used to reduce or eliminate any significant negative impacts or effects on the environment which could occur from an approved project.

HOW DOES CEQA WORK?

CEQA provides a process through which public agencies, the public, and project developers can evaluate a project, understand its environmental impacts, and develop measures to reduce these impacts. CEQA applies to projects that may result in a change in the environment; a full environmental review is only required where the project could result in a significant adverse impact.

The CEQA process requires the public agency in charge of permitting the project, known as the “lead agency,” to conduct an environmental review. This review is pulled together in one document, either a negative declaration if no adverse impact is projected, or an environmental impact report. CEQA documents include information about the project, the areas where it may cause environmental impacts, whether the proposed project complies with applicable environmental laws and plans, and how the impacts can be avoided or mitigated.

The public is involved in CEQA at many stages. Public involvement starts during the scoping process, which is used to determine what environmental impacts will be studied and what type of environmental document will be needed. Next there is a formal comment period after the initial environmental

document is circulated. Finally, there are hearings, sometimes during and always after the public comment period. Ultimately, the decision remains with the agency on whether or not to permit a project.

TERRA VI PROJECT FAQ

IS THE PROJECT ALREADY APPROVED?

No. The County received the application on December 2018. Pursuant to County policy, stakeholder interest groups were notified of the project. Further, land owners within 2,000 feet of the project site were notified of the proposed project. The purpose of this notification is to assist the County in identifying issues that should be evaluated in the environmental review process.

HOW WERE THE STAKEHOLDERS SELECTED WHO RECEIVED THE LETTER FROM THE COUNTY?

Notifications were sent to the address on file with the County Assessor within 2,000 feet of the project site. In addition the County sent notification letters to government agencies and other stakeholder groups who have requested notification of new project applications. Typically the notification distance, pursuant to Tuolumne County Ordinance Code, is 1,000 feet. However, this distance left off a few of the smaller parcels to the northwest of the project site, therefore the County decided to expand the notification distance to include these additional parcels.

WILL THE PROJECT REQUIRE AN ENVIRONMENTAL IMPACT REPORT (EIR)?

There are several levels of environmental documentation that a discretionary project uses. These include a Categorical Exemption, an Initial Study/Mitigated Negative Declaration, and an Environmental Impact Report. The regulations of the California Environmental Quality Act (CEQA) provide guidance on the appropriate level of environmental documentation that should be prepared for a project. A project's location, size, or structure do not automatically trigger a specific level of documentation. The County will follow CEQA guidelines to ensure that the appropriate level of environmental documentation will be prepared.

WHEN WILL THE NEXT PUBLIC MEETING OCCUR?

There is no scheduled public meeting for this project. Any individual or group that has provided written or verbal comments on the proposed project will receive notification of future public hearings.

IS THE COUNTY PROPOSING TO BUILD A HOTEL?

The County is not proposing to build a hotel. The applicant, Hardin Flat LLC, has submitted an application to the County for a Site Development Permit. This permit is required for a commercial construction project under the County's Zoning Ordinance. A hotel is a permitted land use on the proposed project site. The project site is zoned Commercial Recreation, and under the County's zoning ordinance, a hotel is a permitted use. However, while the hotel is a permitted use, a Site Development Permit is still required to analyze how the property is developed with the hotel. Because the hotel is a permitted use, the County is not evaluating if a hotel is an appropriate land use on the project site. The findings that are required to be made for the Site Development Permit are:

- A. The proposed project is consistent with the Tuolumne County General Plan.
- B. The proposed project is in accordance with the Tuolumne County Ordinance Code.
- D. The proposed use will not overburden existing municipal facilities.
- E. The size and terrain of the project site are suitable for the proposed use.
- F. Under the circumstances of the particular case, the proposed use will not be substantially detrimental to the health, safety or general welfare of the persons residing or working in the neighborhood of such proposed use, or be substantially detrimental or injurious to property and improvements in the neighborhood.

WHY IS THE COUNTY APPROVING A HOTEL SO FAR FROM GROVELAND?

The County has not approved the project. The project is undergoing evaluation by the Planning Division staff. At the conclusion of the evaluation, which includes a CEQA environmental review document, it will be brought to the Planning Commission for evaluation and a decision. The hotel is proposed on a property that has the zoning of Commercial Recreation. The C-K zoning designation was approved by the Board of Supervisors and went into effect in 2001.

WHAT DOES COMMERCIAL RECREATION ZONING MEAN?

The purpose of the Commercial Recreational (C-K) district is to encourage well-planned and integrated resort and vacation-oriented commercial complexes in which the developer may incorporate innovative design techniques.

WILL THE PROJECT BE HEARD BY THE BOARD OF SUPERVISORS?

Because the project is applying for a Site Development Permit, the decision making body is the Planning Commission. In general, Site Development Permits can be acted on by the Director of the Community Resources Agency, but based on the interest demonstrated by the public to date, the application will be referred to the Planning Commission for final decision.

WHAT IF I DON'T LIKE THE DECISION BY THE PLANNING COMMISSION?

The decision of the Planning Commission can be appealed to the Board of Supervisors after payment of an appeal fee. This fee is currently \$1,000 and can be submitted to the Clerk of the Board of Supervisors. Once an appeal is filed, the Board of Supervisors will consider the project within 45 days.

HOW CAN I FIND OUT MORE INFORMATION ABOUT THE PROJECT?

The County has established a project website, which will be updated as necessary with project information (<https://www.tuolumnecounty.ca.gov/1158/Terra-Vi-Lodge-Yosemite>). For people who wish to receive notification of meetings and public environmental documents, please send an email to communityresources@tuolumnecounty.ca.gov with the request.