

Staff Presentation: Process for Discretionary Projects

MONO BASIN RPAC 4.14.21

Types of Applications

- * Building Permit
- * Director Review
- * Use Permit
- * General Plan Amendment
- * Other types: Variance, Specific Plan Amendments, Planning Commission Interpretations

Building Permit

*Ministerial review

*Project is processed by Community Development staff

*No public hearings (project does not go to Planning Commission or Board of Supervisors)

*Project is exempt from CEQA

- Conforms with a fixed standard and no significant impacts are reasonably foreseen

Director Review

*Discretionary Review by the Community Development Director

*Some uses are subject to a Director Review permit, as stated in the relevant Land Use Designation standards

*Project is reviewed and approved by the Community Development Director

*Project goes to the Land Development Technical Advisory Committee (LDTAC) to accept the application for processing (staff deems the application to be complete) and for review of conditions of approval

*Project must qualify for a CEQA exemption to be processed under a Director Review

*Project is not considered discretionary and does not go to Planning Commission or the Board of Supervisors

Use Permit

*Discretionary Review

- * Some uses are subject to a Director Review permit, as stated in the relevant Land Use Designation standards or as determined by staff
- * Project must be approved by the Planning Commission
 - Public comment is heard at the Planning Commission hearing
- * Project goes to LDTAC for application acceptance and review of conditions prior to Planning Commission
- * Project is subject to CEQA – must qualify for an exemption or be subject to the appropriate CEQA document
- * Project must meet the “findings” required for Use Permit approval

General Plan Amendment (GPA)

- * Discretionary Review

- * A landowner may apply for a GPA if their current Land Use Designation does not support their proposed uses

 - GPAs are also used for amendments to the language in the General Plan

- * GPAs are public hearings are both the Planning Commission and the Board of Supervisors

 - Final approval at the Board of Supervisors

- * The public may comment at either hearing

- * A GPA may be heard concurrently with a Use Permit at the Planning Commission

- * GPAs are subject to CEQA

CEQA – No Separate Public Comment

CEQA documents not requiring separate public comment (comments are taken with the project):

- Exemption
- Addendum
- 15183

Exceptions to exemptions exist, including if a significant impact is identified.

15183 Exemption

*Commonly utilized by staff for larger projects that do not qualify for the standard categorical exemptions, but meet the following criteria:

1. The project is consistent with the development density established by existing zoning or general plan policies for which an EIR was certified.
2. There are no project specific effects which are peculiar to the project or its site, or cumulative impacts.
3. There are no project specific impacts which the GPU EIR failed to analyze as significant effects.

*Does not require circulation period for public comment

CEQA Documents with Public Comment

1. Negative Declaration (ND) or Mitigated Negative Declaration (MND)
2. Environmental Impact Report (EIR)
 - Different types of EIRs: focused, supplemental, subsequent, etc.

Negative Declaration (ND), Mitigated Negative Declaration (MND)

- * An Initial Study (IS) can be used to determine potential impacts, if not already known
- * If IS shows no significant impacts, an ND is performed
- * If IS shows significant impacts that can be mitigated, an MND is performed
- * If IS shows significant impacts that cannot be mitigated to “less than significant”, project is upgraded to an EIR
- * NDs and MNDs must be circulated for 30 days for public review prior to adoption

Environmental Impact Report (EIR)

- * EIR prepared if project has impacts that may not be mitigated to “less than significant”
- * EIR includes analysis from IS, plus a list of reasonable alternatives and analysis of significant effects and cumulative effects
- * A draft EIR is circulated for a 45-day public comment period
- * Comments are included in a Final EIR document

Application Processing: UP & GPA

1. Application is deemed complete and is accepted at LDTAC for processing
2. If the project does not qualify for an exemption, proposals are sought from the County's on-call consultants and contracts with the applicant's choice
3. If an EIR is required, a scoping meeting is held (Notice of Preparation)
4. CEQA evaluation conducted: the initially expected CEQA document can change based on results
5. If a ND, MND, or EIR is required, the CEQA document will be circulated for public review, a public meeting may be held for an EIR
6. If an EIR, a formal response to comments is provided (Final EIR)
7. The Use Permit and GPA are heard at the Planning Commission (concurrently or separately); PC may approve the Use Permit subject to approval of the GPA by the Board, makes recommendation on GPA to Board
8. The GPA is heard at the Board of Supervisors