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PROJECTS SUBJECT TO CEQA

The California Environmental Quality Act (or CEQA) is a state law that requires lead agencies such as Placer County to analyze the potential impacts of projects for which they may issue a discretionary permit. A discretionary permit is a type of permit where agency staff can use their judgment in deciding whether and how to carry out or approve a project.

The purpose of CEQA is to inform governmental decision makers and the interested public about the potential significant environmental effects of a project. During CEQA review, a lead agency can require changes to project design and/or incorporation of feasible mitigation measures, if warranted, in order to reduce a project's potentially significant impacts.

There are several types of CEQA documents that could apply to a given project. They include Categorical Exemption, Negative Declaration, Mitigated Negative Declaration, and Environmental Impact Report. These documents increase in complexity and necessary supporting documentation from a Categorical Exemption to an EIR.

A Categorical Exemption (or Cat Ex) applies to specific classes of projects which the State's Secretary of Resources has pre-determined have no potential for significant effects on the environment. Typical projects that qualify as a Cat Ex include operation or maintenance of existing facilities, replacement of existing structures, new construction of small structures, and conversion of small structures from one use to another. A typical example of a Cat Ex includes construction of one single-family residence or one secondary dwelling in a residential zone. It is important to note that a Cat Ex can only apply to a project if there is no potential for significant effects on the environment. Coverage under a Cat Ex may not be granted if there is potential for a significant effect on the environment, regardless of whether a project appears to meet one of the classes of Categorical Exemptions.

A Negative Declaration (or Neg Dec) is the appropriate level of CEQA document when a project is not exempt from CEQA but can be determined not to have the potential for a significant effect of the environment. A Mitigated Negative Declaration (or Mitigated Neg Dec) applies to a project that may have a significant effect on the environment but those significant effects can be adequately mitigated to a less than significant level. Negative Declarations and Mitigated Negative Declarations typically take between four and six months to process.

An Environmental Impact Report (or EIR) applies when there is substantial evidence that a project may cause a significant effect on the environment and there may, or may not, be feasible mitigation that can reduce the impact to a less than significant level. Where a project is determined to have an impact that cannot be fully mitigated, the County's decision-making body must consider whether the benefits of a project outweigh its associated impacts. EIRs typically take between 12 and 18 months to process.

All mitigation measures that are adopted with a Mitigated Neg Dec or certified with an EIR become conditions of approval of the project and are fully enforceable through County verification of compliance.

In order to ensure that County staff has appropriate supporting technical information to adequately analyze the potential impacts of a proposed project, a variety of specialized studies prepared by subject matter experts may be required in support of a project application. These studies may include, but are not limited to:

- Biological resource reports (including resources such as sensitive species and sensitive habitats)
- Cultural and/or historical resource reports
- Hazardous materials reports
- Acoustical analyses
- Traffic impact studies
- Geotechnical studies
- Sewer studies
- Hydrology and water quality studies

There are many federal, state, and local laws that will be considered during preparation of any CEQA analysis, including laws that protect wildlife, sensitive habitats, water quality, and many other natural resources. One law that is likely to be of particular interest to applicants is AB 52. This is a recently passed law that requires the County to consult with culturally-affiliated Native American Tribes regarding the potential for projects to impact Tribal Cultural Resources. Not every project site will be of interest to local tribes; however, Placer County has a vibrant Native American history and local tribes often ask to conduct a brief reconnaissance on project sites. There are statutory timelines that must be followed to comply with AB 52, and the County has a very cooperative relationship working with the local culturally-affiliated tribes.