

OPTION D(C)

TITLE 16

ENVIRONMENTAL IMPACT

Sections:

Chapter 16.04 General Provisions

Chapter 16.06 Environmental Committee-Review

Chapter 16.08 Environmental Determination

Chapter 16.04

GENERAL PROVISIONS

Sections:

- 16.04.010 - Purpose
- 16.04.020 - Procedure compliance.
- 16.04.030 – Chapter application

16.04.010 - Purpose. The purpose of this Ordinance is to implement the California Environmental Quality Act (CEQA) (PRC §21000-§21178) and the State CEQA Guidelines (CCR §15000-§15387), and specifically to comply with PRC §21082 by providing additional specific objectives, criteria, and procedures for accurate, objective, timely, and orderly evaluation of projects in the County of Madera, the disclosure of potential environmental effects of proposed projects and the preparation of environmental impact reports and negative declarations.

16.04.020 - Procedure compliance.

A. CEQA and the State CEQA Guidelines, as applicable, are incorporated and made a part of this Ordinance as fully as though set forth herein, and all employees of the County of Madera are hereby authorized and directed to enforce and comply with each and every applicable provision of CEQA and the State CEQA Guidelines.

B. This article shall be applied in such manner as to afford the fullest consideration of environmental protection of the environment within the reasonable scope of the statutory language.

C. If any administrative provision of this Ordinance comes into conflict with CEQA and/or the State CEQA Guidelines, CEQA and its Guidelines will govern.

16.04.030 - Chapter application. This Ordinance implements the provisions of the California Environmental Quality Act (CEQA) as contained in Division 13 (commencing at Section 21000) of the Public Resources Code of the State of California and the State CEQA Guidelines, as contained in Chapter 3 (commencing at Section 15000), Division 6, Title 14 of the California Code of Regulations, as adopted by the Secretary of the Resources Agency of the State of California.

Chapter 16.06

ENVIRONMENTAL COMMITTEE-REVIEW

Sections:

- 16.06.010 - Procedure purpose
- 16.06.020 - Committee creation—Membership
- 16.06.030 - Committee functions.
- 16.06.040 - Environmental Review Procedures
- 16.06.050 - Evaluation by committee
- 16.06.060 - Appeal Process
- 16.06.070 - Public hearing—Planning Commission findings
- 16.06.080 - Hearing—Planning Commission
- 16.06.090 - Environmental statements or reports—Evaluation time

16.06.010 - Procedure purpose. The procedures in this chapter have been formulated in order to implement the formation of an Environmental Committee and provide the necessary mechanism for evaluation and decision making regarding compliance with the Madera County General Plan, Madera County Zoning Ordinance and additional environmental requirements as mandated by the California Environmental Quality Act (CEQA) (Res. 720539(part), 1972).

16.06.020 - Committee creation—Membership. The first step is the creation of an Environmental Committee consisting of designees of the Directors of the Madera County Road Department, the Engineering Department, the Environmental Health Department, and the Planning Department with the Planning Department member serving as chair and having the authority to call meetings on a regular or special basis as deemed necessary by the Committee. (Res. 72-539(part), 1972).

16.06.030 - Committee functions. The function of the committee is to review all discretionary entitlement permit applications, to conduct Initial Studies as required by CEQA Guidelines §15063 et seq., to evaluate environmental statements when required, and to prepare findings and recommendations regarding land use and compliance with CEQA, with special concern for any possible adverse environmental impact identified in the CEQA Environmental Checklist. The Committee will submit findings and recommendations to the decision making entity. (Res. 72-539(part), 1972).

16.06.050 - Evaluation by committee. The Planning Director shall be responsible for implementing this Ordinance.

A. The Planning Director, as committee chair for the Environmental Committee, shall have the following powers as required for all projects or activities as defined by CEQA, whether proposed by private applicants, the County, or other public agencies:

1. To conduct environmental reviews including a determination of the information required to perform the review;
4. To determine the type of environmental document required;
5. To prepare environmental documents as required by this Ordinance, CEQA, and the State CEQA Guidelines;
6. To implement any three-party agreement or memorandum of understanding used for preparation of an environmental document and to set standards to help ensure that only qualified environmental consultants prepare these documents;
7. To ensure to the maximum extent possible, that before public review, all environmental documents incorporate the latest pertinent technical or scientific information and

are factually accurate and consistent; and

8. To ensure that applicants incorporate into proposed projects all required environmental mitigation measures or project alternatives as adopted by the decision makers to minimize, if not preclude, adverse impacts to the environment from the project, consistent with CEQA.

9. Environmental determinations that do not require discretionary approval may be issued by the Chair of the Environmental Committee.

B. The Environmental Committee shall establish and maintain that degree of independence in the performance of these functions and duties as will assure that the review and analysis of the environmental consequences of projects, are in accordance with CEQA, are independent and wholly objective, and are not prepared for the purpose of either supporting or detracting from any project, plan, or position, whether advanced by the County, any other governmental agency, or private interest.

C. The Environmental Committee will evaluate each project at a meeting, at which staff members from the various departments will present the results of their own review and of their consultation with responsible and trustee agencies, the applicant, and other pertinent agencies or parties. At this meeting, which is not a public meeting, the Environmental Committee will determine what recommendations it will make to the Planning Director regarding: whether the applicant will be required to fund additional studies prior to determining significance of potential environmental impacts; if the determination can be made without additional studies, whether the project requires an Environmental Impact Report (EIR), a Mitigated Negative Declaration (MND) or a Negative Declaration; and what mitigations if any must be incorporated into the project if it requires an MND.

D. If the applicant fails or refuses to provide the additional studies or the mitigation measures imposed by the Environmental Committee, the project will not move forward administratively unless and until the applicant complies with the directives of the Environmental Committee or the Planning Commission overrules such directives as per 16.06.060.

16.06.060 - Appeal Process. The applicant may appeal any Environmental Committee action to the Planning Commission. Any Planning Commission determination may be appealed to the Board of Supervisors, as per Chapter 18.108.

16.06.070 - Public hearing—Planning Commission findings. At the public hearing, the Planning Commission has the authority to:

A. Find that the application complies with the Madera County General Plan and will not have a significant environmental impact;

B. Find that the application does not comply with the Madera County General Plan and will have a significant environmental impact;

C. Require that a consultant or consultants be hired by the County at the expense of the applicant and that the consultant's report or reports be submitted to the Environmental Committee for evaluation and resubmitted for public hearing before the Planning Commission for a determination as to compliance or noncompliance with the Madera County General Plan and significant environmental impact. (Res. 72-539(part), 1972).

16.06.080. - Hearing—Planning Commission. At the public hearing before the Planning Commission or Board of Supervisors, either body, has the authority to set down certain conditions and requirements which will be required for compliance with the Madera County General Plan/Specific Plan or as mitigation measures for any possible negative environmental

impact. (Res. 72-539(part), 1972).

A. Find that the application complies with the Madera County General Plan and will not have a significant environmental impact;

B. Find that the application does not comply with the Madera County General Plan and will have a significant environmental impact;

C. Require that a consultant or consultants be hired by the County at the expense of the applicant and that the consultant's report or reports be submitted to the Environmental Committee for evaluation and resubmitted for public hearing before the Planning Commission for a determination as to compliance or noncompliance with the Madera County General Plan and significant environmental impact.

16.06.090 - Environmental determination—Evaluation time. Other public agencies and members of the public shall have the following time periods to review and comment on draft environmental documents: Negative Declarations, Mitigated Negative Declarations, and Environmental Impact Reports. The public review period shall be consistent with that established by CEQA and the State CEQA Guidelines, including any extensions the County may allow, as long as such extensions are given with timely statutory notice to the public.

Chapter 16.08

ENVIRONMENTAL DETERMINATION

Environmental determinations, including exemptions, negative declarations and approval of Environmental Impact Reports will be conducted in accord with pertinent provisions of the Public Resources Code and CEQA Guidelines and case authority.