

*Neighbors of Cavitt Ranch v. County of Placer* (2003) 106 Cal.App.4th 1092

Neighbors sued the County over its certification of the EIR for and approval of the Cavitt Ranch Estates (31-lot subdivision) and Bayside Covenant Church (CUP) projects on 209 acres. During preparation of the EIR, the landowner sold a portion of the property to Bayside Covenant Church. The County considered the subdivision and church proposals at separate hearings using what was essentially the same EIR for both projects. The EIR was “reprinted” for each project so that it addressed that project predominantly, and certified separately for each project. Both projects were approved; the church in a smaller form than proposed.

Neighbors alleged that addressing two projects in one EIR and certifying the same EIR twice violated CEQA. The court held that CEQA contains no provisions that prohibit inclusion of two distinct projects in a single EIR where doing so did not result in the omission of information about project impacts. The County was not required to recirculate the EIRs since they did not add any information substantial enough to trigger recirculation under the CEQA Guidelines. The approach taken by the County did not involve “reuse” of an EIR. There is no CEQA provision preventing the County from certifying the Cavitt Ranch portion and the church portion of the EIR separately.