



COMMITTEE FOR
GREEN FOOTHILLS

NEWS RELEASE

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Environmental group stops secret County-developer contacts

SANTA CLARA COUNTY ENDS PRACTICE OF SHARING PRELIMINARY ENVIRONMENTAL DOCUMENTS ONLY WITH APPLICANTS

SAN JOSE, CA – This week Santa Clara County ended its practice of providing preliminary environmental documents to project applicants while refusing public access to the documents and refusing to show how developers had affected the assessment of their projects' environmental impacts.

Concerned that negotiations were going on behind closed doors, grassroots environmental group Committee for Green Foothills challenged that practice months ago, but County staff denied that the group had a right to see the drafts.

At Tuesday's Board of Supervisors' meeting, County Counsel admitted that the County's practice might be found illegal by a judge, and the County announced it would change its policy.

County shared preliminary drafts with Stanford

Committee for Green Foothills Legislative Advocate Brian Schmidt discovered the illegal practice in the course of his review of the Draft Environmental Impact Report (Draft EIR) for Stanford University's S1 trail. When he found that the County had shared preliminary drafts with Stanford officials -- allowing them to review and argue for changes -- Schmidt became concerned that the County had been in back-room discussions with Stanford, one of the County's largest landowners, as well as other developers.

The County released the records from its Stanford trail documents to Committee for Green Foothills in January after the organization filed a formal request under the Public Records Act, but the County still maintained that it didn't need to change its practice.

“Not only was this practice illegal because it excludes citizen review and biases decision-making in favor of development, it made for bad planning,” says Schmidt. “Developers have no special right to influence the government's analysis, and allowing just one side to argue its case sets the stage for an incomplete analysis.”

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Public Records Act request leads to change in policy

County staff argued that it was appropriate to limit access of preliminary versions of Draft EIRs because a later, publicly available Draft EIR allowed public access. Committee for Green Foothills disagreed, as it becomes much more difficult to change an environmental analysis after a Draft EIR has been published. The organization asked for a change in policy so that the playing field would be equal for developers, environmentalists, and the public.

Schmidt also argued that this policy biased the planning process and was illegal under the Public Records Act. The policy also violated Proposition 59, a recent voter amendment to the state constitution that maximizes public access to government records.

This week the County decided to end the previous policy, and will study choices on how to replace it.

“Committee for Green Foothills is dedicated to ensuring that the land use planning process is fair and open to the public, especially so that it allows the public to learn about and become involved in issues that might pose environmental concerns,” Schmidt said. “This is a win for open decision-making in Santa Clara County. We know that other governments including San Jose, Morgan Hill, and San Mateo County, also share draft documents with developers, and we will be working to ensure fair access in those jurisdictions as well.”

Santa Clara County may choose to make the preliminary drafts of environmental documents available to all who request them. Alternatively, the County could keep all preliminary drafts confidential (to the extent allowed under the Public Records Act), sharing them with no one. Either of these practices would end the previous unfair practice, which allowed developers and applicants unequal access, input and influence in the process.

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About the Committee for Green Foothills

Committee for Green Foothills is a regional grassroots organization working to establish and maintain land-use policies that protect the environment throughout San Mateo and Santa Clara Counties. Committee for Green Foothills, established in 1962, is a Bay Area leader in the continuing effort to protect open space and the natural environment of our Peninsula.

For more information about the Committee for Green Foothills or about our work on this issue, visit www.GreenFoothills.org.