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LAFCO
San Bernardino County

Ms. Kathleen Rollings-McDonald
Local Agency Formation Commission
215 North "D" Street, Suite 204
San Bernardino, CA 92415-0490

Dear Kathy:

LAFCO 3134 consists of a municipal service review for the Town of Yucca Valley (Town) pursuant to Government Code Section 56430 and Sphere of Influence Study pursuant to Government Code 56425. At the present time there appear to be three options for the sphere boundary of the Town. These are: expand the Town's Sphere to encompass the Yucca Valley Community as defined by the Commission; affirm the Town's Sphere as currently configured with the understanding that the Yucca Valley Community as defined by the Hi-Desert Water District includes the town of Yucca Valley sphere of influence; or expand the Sphere into either the Yucca Mesa area or the Pioneertown area. As we have learned from previous sphere modifications, the designation of a sphere, which is a planning boundary, does not by itself cause any modifications to the physical environment. Only when the subsequent step is taken to physically revise the boundary of a service area does a potential for physical changes in the environment occur. Staff supports the affirmation of the existing Sphere of Influence, while recognizing the Yucca Valley community would be defined as the Water District's Sphere, which includes the smaller Town Sphere.

Based on this information, it appears that LAFCO 3134 can be implemented with any of the three boundary options without causing any physical changes to the environment or any adverse environmental impacts. Therefore, I recommend that the Commission find that a Statutory Exemption (as defined in the California Environmental Quality Act, CEQA) applies to LAFCO 3134 regardless of sphere boundary configuration under Section 15061 (b) (3) of the State CEQA Guidelines, which states: "A project is exempt from CEQA if the activity is covered by the general rule that CEQA applies only to projects which have the potential for causing significant effect on the environment. Where it can be seen with certainty that there is no possibility that the activity in question may have a significant effect on the environment, the activity is not subject to CEQA." It is my opinion, and recommendation to the Commission, that this circumstance applies to LAFCO 3134. In this case, assigning any of the three sphere boundary options, does not alter their existing operations or obligations, it only indicates that the Commission has the opinion that in the future the Town should, <u>not must</u>, consider reassessing its boundaries (not if the existing sphere is retained).

Based on this review of LAFCO 3134 and the pertinent sections of CEQA and the State CEQA Guidelines, I conclude that LAFCO 3134 does not constitute a project under CEQA and adoption of the Statutory Exemption and filing of a Notice of Exemption is the most appropriate determination to comply with CEQA for this action. The Commission can approve the review and findings for this action and I recommend that you notice LAFCO 3134 as statutorily exempt from CEQA for the reasons outlined in the State CEQA Guideline sections cited above. The Commission needs to file a Notice of Exemption with the County Clerk to the Board for this action once the hearing is completed.

A copy of this exemption should be retained in LAFCO's project file to serve as verification of this evaluation and as the CEQA environmental determination record. If you have any questions, please feel free to give me a call.

Sincerely,

Tom Dodson

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