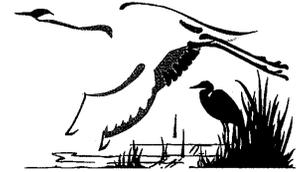


Tom Dodson and Associates Response

Attachment 4

TOM DODSON & ASSOCIATES
2150 N. ARROWHEAD AVENUE
SAN BERNARDINO, CA 92405
TEL (909) 882-3612 • FAX (909) 882-7015
E-MAIL tda@tdaenv.com



August 2, 2012

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



Dear Kathy:

LAFCO SC#367 is an application by the City of San Bernardino for an out-of-area sewer service agreement for the Baker Family Learning Center located in the Sphere of Influence of the City of San Bernardino. This application includes an Irrevocable Agreement to Annex to the City in the future when it becomes feasible in the future. The Baker Family Learning Center has been issued a Minor Use Permit by San Bernardino County for the development of an 11,756 square foot community center that will include a library, day care center and a community meeting room on an approximate 1.67-acre parcel in the community of Muscoy, northwest corner of Darby Street and Macy Street.

When the County approved the Minor Use Permit, it adopted a Categorical Exemption as its environmental determination for compliance with the California Environmental Quality Act (CEQA). In this instance the Commission would normally adopt the same finding as a CEQA "Responsible Agency." However, in this instance it appears that the County's adoption was based on a flawed interpretation of the a Class 32 Exemption. Therefore, after careful review, I am recommending that the Commission consider the adoption of a General Rule Statutory Exemption for SC#367. Although the Baker Family Learning Center has not yet been constructed, a review of the project site indicates that it is an infill project on a lot with no potential sensitive onsite resources. Therefore, I recommend that the Commission find that a Statutory Exemption (as defined in the California Environmental Quality Act, CEQA) applies to LAFCO SC#367 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 SC#367

Based on this review of LAFCO SC#367 and the pertinent sections of CEQA and the State CEQA Guidelines, I conclude that LAFCO SC#367 does not constitute a project under CEQA and adoption of General Rule 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 SC#367 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 recommendation 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,

A handwritten signature in cursive script that reads "Tom Dodson".

Tom Dodson