

# LOCAL AGENCY FORMATION COMMISSION FOR SAN BERNARDINO COUNTY

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**DATE:** OCTOBER 14, 2014   
**FROM:** KATHLEEN ROLLINGS-McDONALD, Executive Officer  
MICHAEL TUERPE, Project Manager  
**TO:** LOCAL AGENCY FORMATION COMMISSION

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**SUBJECT:** Agenda Item #9: Consideration of CEQA Statutory Exemption for Valley Region Service Reviews

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## **RECOMMENDATION:**

Staff recommends that the Commission certify that the Valley Region Service Reviews are statutorily exempt from the provisions of the California Environmental Quality Act and instruct the Executive Officer to file a Notice of Exemption within five (5) days of this action.

## **BACKGROUND:**

The first round of service reviews were conducted on a community-by-community basis and each affected agency received a sphere of influence update. The second round of service reviews, commencing with the Valley Region, are being conducted on a by-service basis which will include, but not be limited to, the following services:

- Water (Retail, Wholesale and Recycle)
- Wastewater (Treatment, Collection, and Reclamation)
- Law Enforcement
- Fire Protection/ Emergency Medical Response/Ambulance
- Park and Recreation
- Streetlights
- Solid Waste
- Other Miscellaneous Urban Services

Sphere updates may be an outgrowth of the service reviews on an "as necessary" basis, based upon the information derived from the service reviews as authorized by Government Code Section 56425(g). Any such sphere update will require a separate environmental assessment as an individual project.

In consultation with the commission's environmental consultant, Tom Dodson of Tom Dodson and Associates, it has been recommended that since a sphere update is not a function of the service review a separate environmental analysis for each service review is not required. The standard process is for the Commission to receive and file the Service

Review with a resolution for the consolidated process adopted; for the second cycle a means for completion and acceptance of the final report will need to be developed. Based upon Mr. Dodson's recommendation, the Valley Region Service Reviews do not constitute a project under CEQA and adoption of the General Rule Statutory Exemption and filing of a Notice of Exemption is recommended by the Commission to comply with CEQA for this action. Sphere of influence updates as an outgrowth of the service process will not fall under this general rule exemption and will require a separate environmental analysis.

Staff is recommending that the Commission determine and certify that the Valley Region service reviews are statutorily exempt from CEQA.

KRM/MT

Attachment: Environmental Analysis from Tom Dodson and Associates

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October 8, 2014

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

Dear Kathy:

The Local Agency Formation Commission (LAFCO) is preparing to embark on the second round of service reviews for the Valley Region of the County. These reviews encompass all of those service providing agencies located in the Valley Region which generally extends from the Los Angeles/Orange County lines eastward to the community of Oak Glen, from the Riverside County line northward to the National Forest Boundary. The service reviews will encompass, but not be limited to the following services: water (retail, wholesale, and reclamation), sewer (treatment, collection), law enforcement, Fire Protection/Emergency Medical Response/Ambulance, Park and Recreation, Streetlights, Solid Waste, and Other Miscellaneous Urban Services.

The LAFCO Staff has requested that the general scope of the Valley Region Service Reviews be considered at one time, instead of individually, because these reviews do not require a formal decision by the Commission. Instead, these reviews are received and filed by the Commissioners, and only when specific actions (recommendations) are considered in the future are actual decisions considered that could have potential effects on the physical environment.

Therefore, after careful review of the Valley Region Service Reviews, I am recommending that the Commission consider the adoption of a General Rule Statutory Exemption. I recommend that the Commission find that a Statutory Exemption (as defined in CEQA applies to all of the Valley Region Service Reviews 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 all of the future Valley Region Service Reviews.

Based on this review of the pertinent sections of CEQA and the State CEQA Guidelines, I conclude that the upcoming Valley Region Service Reviews do not constitute a project under CEQA and adoption of General Rule Statutory Exemption and filing of a Notice of Exemption is the most appropriate environmental 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 the Valley Region Service Reviews 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 blue ink that reads "Tom Dodson". The signature is written in a cursive style with a large, stylized "T" and "D".

Tom Dodson