Tom Dodson's Environmental Response for LAFCO 3194

Attachment 3

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

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LAFCO
San Bernardino County

Dear Kathy:

LAFCO 3194 consists of a request by the Phelan Pinion Hills Community Services District (District) for a Reorganization that includes annexation of 480 acres to the District . The proposed Reorganization also includes Detachments from County Service Area (CSA) 70, Zone P-6. The territory proposed for Annexation consists of property owned by the District (solely park and recreation services), for which it has no current proposals for physical modification.

- Area 1 encompasses approximately 160 acres that are bordered by Plato Street to the north, Sheep Creek Road to the east, El Mirage Road to the south and Meridian Road to the west.
- Area 2 encompasses approximately 160 acres generally bordered by El Mirage Road to the north, Meridian Road to the East, a parcel line (natural extension of Brian Street) to the south, and a parcel line (natural extension of Tanner Road) to the west.
- Area 3 encompasses approximately 160 acres generally bordered by the natural extension of Bartlett Avenue on the north, Sheep Creek Road to the east, Parkdale Road to the south, and Meridian Road to the west.

If LAFCO 3194 is approved by the Commission and CSA70 Zone P-6 is detached the previously described property would be annexed into the Phelan Pinion Hills Community Services District. The District would provide park and recreation services in the future in place of CSA 70 Zone P-6. In addition, the District could also provide

other services such as water, street and lighting, solid waste and recycling where these services are not currently available. As noted above the District has no current proposal for physical modifications to these parcels and any such proposals would require a subsequent environmental determination to comply with the California Environmental Quality Act (CEQA).

Based on the above proposal, it appears that the proposed Reorganization and Detachment would allow the District to assume responsibility for provision park and recreation services in place of CSA 70 Zone P-6. In general the replacement of one service agency (CSA 70 Zone P-6) with another (District) that assumes the service responsibilities will not result in any new physical impacts on the environment. However, based on previous analyses for similar assumptions of responsibility, a potential exists for the agency being detached to incur economic impacts that can adversely impact other operations. In this case San Bernardino County Special District's, and CSA-70's ability to provide service at other locations, will incur only a small reduction in property taxes that will not adversely impact the financial capability of the remainder the CSA 70 Zone P-6. Thus, it appears the proposed actions can be implemented without causing significant physical changes to the environment or any significant adverse environmental impacts. The approval of LAFCO 3194 does not appear to have any potential to significantly alter the existing physical environment in any manner different from the existing environmental setting.

Therefore, I recommend that the Commission find that a General Rule Statutory Exemption, as defined in CEQA under Section 15061 (b) (3) of the State CEQA Guidelines, applies to LAFCO 3194. This Section 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 the General Rule exemption applies to LAFCO 3194.

Based on this review of LAFCO 3194 and the pertinent sections of CEQA and the State CEQA Guidelines, I conclude that the proposed LAFCO action does not constitute a project under CEQA and adoption of the General Rule Statutory Exemption and filing of a Notice of Exemption is the most appropriate environmental determination to comply with CEQA for this action. Therefore, the Commission can approve the review and findings for this action as the appropriate CEQA environmental determination, and I recommend that you notice LAFCO 3194 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 and assuming LAFCO 3194 is approved.

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,

Tom Dodson

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