



LOCAL AGENCY FORMATION COMMISSION

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Established by the State of California to serve the Citizens, Cities, Special Districts and the County of San Bernardino

February 13, 2012
(Sent via e-mail and U.S. Mail)

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Jacob Lieb
Planning and Programs – Environmental Planning
Southern California Association of Governments (SCAG)
818 West Seventh Street, 12th Floor
Los Angeles, CA 90017-3435

RE: Notice of Availability for the Draft Program Environmental
Impact Report for the 2012-2035 Regional Transportation
Plan and Sustainable Communities Strategy

Dear Mr. Lieb:

The Local Agency Formation Commission (LAFCO) for San Bernardino County acquired a copy of the Notice of Availability (NOA), Draft Program EIR, and Draft 2012-35 RTP/SCS from the SCAG website. A copy of the material has also been forwarded to the Commission's Environmental Consultant, Tom Dodson and Associates, which may provide a response under separate cover. The following are our comments or concerns on this document:

Executive Summary -- Mitigation Monitoring Plan

MM-GEO12 – Due to the significance of mineral resources in many parts of the SCAG region, it is the opinion of LAFCO staff that this mitigation measure should be expanded and strengthened. This is especially true for San Bernardino County as the home of some deposits of rare earth metals/minerals of significance to the nation. The expansion would be to require that areas designated as MRZ2 by the State Geologist for significant minerals shall be protected and preserved. While many elements of the SCS will provide protection through its transfer and/or transition to other more urban areas, the importance of these resources should be elevated in the discussion for proactive response.

MM-LU8 – This measure identifies that SCAG shall use its Intergovernmental Review Process to provide review and comment on large development projects. The only reference to this process in the RTP/SCS that I could discover was on page 204 which is the listing of acronyms in the document. As a mitigation measure to assure that inconsistencies with the implementation of the RTP/SCS do not occur, in the LAFCO staff opinion, its function should be more clearly outlined and referenced in the document.

MM-LU16 – This measure identifies in the last sentence the term “urban growth boundaries” for the transfer of development rights away from rural areas. However, I can find no definition of an “urban growth boundary” in the RTP/SCS or the Draft Program EIR. If these terms are to be used for mitigation purposes they should be clearly outlined as to process to establish and implementation strategy. As an example, LAFCO law provides for a statutory definition of “Urban Service Area” (Government Code Section 56080) which reads:

“Urban service area” means developed, undeveloped, or agricultural land, either incorporated or unincorporated, within the sphere of influence of a city, which is served by urban facilities, utilities, and services or which are proposed to be served by urban facilities, utilities, and services during the first five years of an adopted capital improvement program of the city if the city adopts that type of program for those facilities, utilities, and services. The boundary around an urban area shall be called the “urban service area boundary” and shall be developed in cooperation with a city and adopted by a commission pursuant to policies adopted by the commission in accordance with Sections 56300, 56301, and 56425.

If this is the type of process contemplated by this reference, it should, in the LAFCO staff view, be identified in the SCS section of the 2012-2035 report and evaluated, and affected and interested agencies should be provided the policy implementation criteria.

MM-LU21; MM-LU33 – Again there is a reference to the Intergovernmental Review process. Our comments, as outlined for MM-LU8, apply.

MM-LU42 – This measure identifies that local jurisdictions and agencies should establish an urban growth boundary (UGB) without identification of legal status or definition criteria. As outlined in our concern to MM-LU16 above, if this is a measure SCAG identifies as “can and should” be implemented by local agencies or jurisdictions, the methodology should be clearly outlined in the RTP/SCS and evaluated. In LAFCO’s typical role of responsible agency, we will be evaluating whether a jurisdiction has provided this definition, and in the case of a special district whether its definition is consistent with the overlaying

City's criteria. As the regional determiner of these activities, in the LAFCO staff opinion, SCAG's document should provide the evaluation criteria for its required UGB.

MM-LU44 – It appears that the context of this measure should remove the “can and” language to read – “The improvement and expansion of one urban public facility or service should not stimulate development that significantly precedes...”

Potential to change patterns of growth beyond the SCAG Region – the reference should be “MM-LU1 through MM-LU85”. The numbering of mitigation measures preceding ends at 85.

The mitigation measures identified in the DEIR are outlined as being recommended to become policies of SCAG through implementation of the RTP/SCS being evaluated. If this is the case, LAFCO staff believes further explanation of the processes should be included in the documents evaluated. In addition, every LAFCO is now required to include a discussion of any change of organization's consistency with regional transportation plans. Therefore, the measures in this DEIR for the RTP/SCS which identify that local agencies or jurisdictions “can and should” take certain actions which will affect future LAFCO considerations should be clarified.

If you have any questions concerning the information outlined above, please do not hesitate to contact me or Samuel Martinez, Assistant Executive Officer, at (909) 383-9900. Please add LAFCO for San Bernardino County to your distribution list to receive further information related to this process. We look forward to working with SCAG on this important document for the future.

Sincerely,



KATHLEEN ROLLINGS-McDONALD
Executive Officer

cc: Local Agency Formation Commission

Ty Schuiling, Interim Executive Director, San Bernardino Associated Governments (SANBag)

Tom Dodson, Tom Dodson & Associates, LAFCO for San Bernardino County
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representing Los Angeles, Orange, San Bernardino, Riverside, San Diego and Imperial LAFCOs