Response from Commission Environmental Consultant for CSA 59, 68, and 69

Attachment 7

TOM DODSON & ASSOCIATES
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April 1, 2013

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

RECEIVED
APR 01 2013
LAFCO
San Bernardino County

Dear Kathy:

LAFCO 3119 consists of a service review for County Service Area 59 (CSA 59) pursuant to Government Code Section 56430 and Sphere of Influence Update pursuant to Government Code 56425. The Agency encompasses approximately 123 acres generally located east of Edgecliff Drive, north of Overlook Lane, west of Line Drive and its natural southerly extension, and south of the north line of Section 8, Township 2 North, Range 3 West. CSA 59 currently provides road maintenance and snow removal services within the area identified above which is called Deer Lodge Park. The Commission staff is recommending that the existing Sphere for CSA 59 be reduced to zero and services of the CSA 59 be clarified to include snow removal under its road's function. As an alternative, the CSA 59 Sphere could be affirmed as coterminous to its existing boundary.

As we have learned from previous sphere and service reviews, the designation of a sphere and clarification of existing services, which focuses on 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 jurisdictional boundary or to provide a new range of services of a service agency does a potential for physical change in the environment occur.

The effects of the sphere and service review for CSA 59 do not appear to have any potential to alter the existing physical environment in any manner. Affirmation of the current Sphere or designation of a zero sphere do not have any potential for causing physical changes in the environment. Therefore, I recommend that the Commission find that a Statutory Exemption (as defined in the California Environmental Quality Act, CEQA) applies to LAFCO 3119 under Section 15061 (b) (3) of the State CEQA Guidelines. This is the General Rule exemption 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 3119.

In this case, adopting a zero Sphere designation and clarification of its service scope to include snow removal under its roads function do not alter the existing operations or obligations of the area and does not adversely affect any existing physical facilities. Based on this review of LAFCO 3119 and the pertinent sections of CEQA and the State CEQA Guidelines, I conclude that LAFCO 3119 does not constitute a project under CEQA General Rule exemption 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 this review and finding for this action and I recommend that you notice LAFCO 3119 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 (NOE) with the County Clerk to the Board for this action once the action is completed.

A copy of this memorandum and the NOE 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

Tom Dodson

TOM DODSON & ASSOCIATES
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April 1, 2013

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

RECEIVED
APR 01 2013
LAFCO
San Bernardino County

Dear Kathy:

LAFCO 3121 consists of a service review for County Service Area 68 (CSA 68) pursuant to Government Code Section 56430 and Sphere of Influence Update pursuant to Government Code 56425. CSA 68 encompasses approximately 121 acres generally bordered by a combination of parcel lines along Dart Canyon Road, Cedar and Electra Drives on the east, a portion of the south line of Section 24, Township 2 North, Range 4 West on the south (SBBM), and a combination of section lines and parcel lines generally along Dart Canyon Road and Arosa Driver on the west. CSA 68 currently provides road maintenance and snow removal services within the area identified above, which is called Valley of the Moon. The Commission staff is recommending that the existing Sphere and services of the CSA be retained and consolidated with CSAs 59 and 69. Alternatively, the CSA 68 Sphere could be retained as is or a zero Sphere could be adopted.

As we have learned from previous sphere and service reviews, the designation of a sphere and retention of existing services, which focuses on 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 jurisdictional boundary or range of services of a service agency does a potential for physical change in the environment occur.

The effects of the sphere and service review for the CSA 68 existing sphere and proposed sphere consolidation does not appear to have any potential to alter the existing physical environment in any manner. Verification of the current Sphere or consolidation with CSA 68 does not have any potential for causing physical changes in the environment. Therefore, I recommend that the Commission find that a Statutory Exemption (as defined in the California Environmental Quality Act, CEQA) applies to LAFCO 3121 under Section 15061 (b) (3) of the State CEQA Guidelines. This is the General Rule exemption, 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 3121.

In this case, adopting the existing Sphere and service scope of CSA 68, adopting a zero Sphere, or adopting consolidation does not alter the existing operations or obligations of the area and does not adversely affect any existing physical facilities. Based on this review of LAFCO 3121 and the pertinent sections of CEQA and the State CEQA Guidelines, I conclude that LAFCO 3121 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 General Rule exemption for this action. The Commission can approve this review and finding for this action and I recommend that you notice LAFCO 3121 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 (NOE) with the County Clerk to the Board for this action once the action is completed.

A copy of this memorandum and the NOE 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

Tom Dodson

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November 26, 2010

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

RECEIVED
APR 01 2013
LAFCO
San Bernardino County

Dear Kathy:

LAFCO 3122 consists of a service review for County Service Area 69 (CSA 69) pursuant to Government Code Section 56430 and Sphere of Influence Update pursuant to Government Code 56425. The Agency encompasses approximately 105 acres located generally north and west of Brentwood Drive, south of Amador Lane, and east of Sonoma Driver and Amador Lane. CSA 69 currently provides road maintenance and snow removal services within the area identified above, which is located in the community of Lake Arrowhead. The Commission staff is recommending for CSA 69 that the existing Sphere be reduced to zero and services of CSA 69 be clarified to include snow removal under its roads function. As an alternative, the CSA 69 Sphere could be affirmed as coterminous to its existing boundary.

As we have learned from previous sphere and service reviews, the designation of a sphere and clarification of existing services, which focuses on 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 jurisdictional boundary or to provide a new range of services of a service agency does a potential for physical change in the environment occur.

The effects of the sphere and service review for CSA 69 does not appear to have any potential to alter the existing physical environment in any manner. Affirmation of the current Sphere or designation of a zero sphere does not have any potential for causing physical changes in the environment. Therefore, I recommend that the Commission find that a Statutory Exemption (as defined in the California Environmental Quality Act, CEQA) applies to LAFCO 3122 under Section 15061 (b) (3) of the State CEQA Guidelines. This is the General Rule exemption, 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 3122.

In this case, adopting a zero Sphere designation and clarification of its service scope to include snow removal under its road's function does not alter the existing operations or obligations of the area and does not adversely affect any existing physical facilities. Based on this review of LAFCO 3122 and the pertinent sections of CEQA and the State CEQA Guidelines, I conclude that LAFCO 3122 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 General Rule exemption for this action. The Commission can approve this review and finding for this action and I recommend that you notice LAFCO 3122 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 (NOE) with the County Clerk to the Board for this action once the action is completed.

A copy of this memorandum and the NOE 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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