

# CEQA Study Session

Amador LAFCO

March 28, 2007

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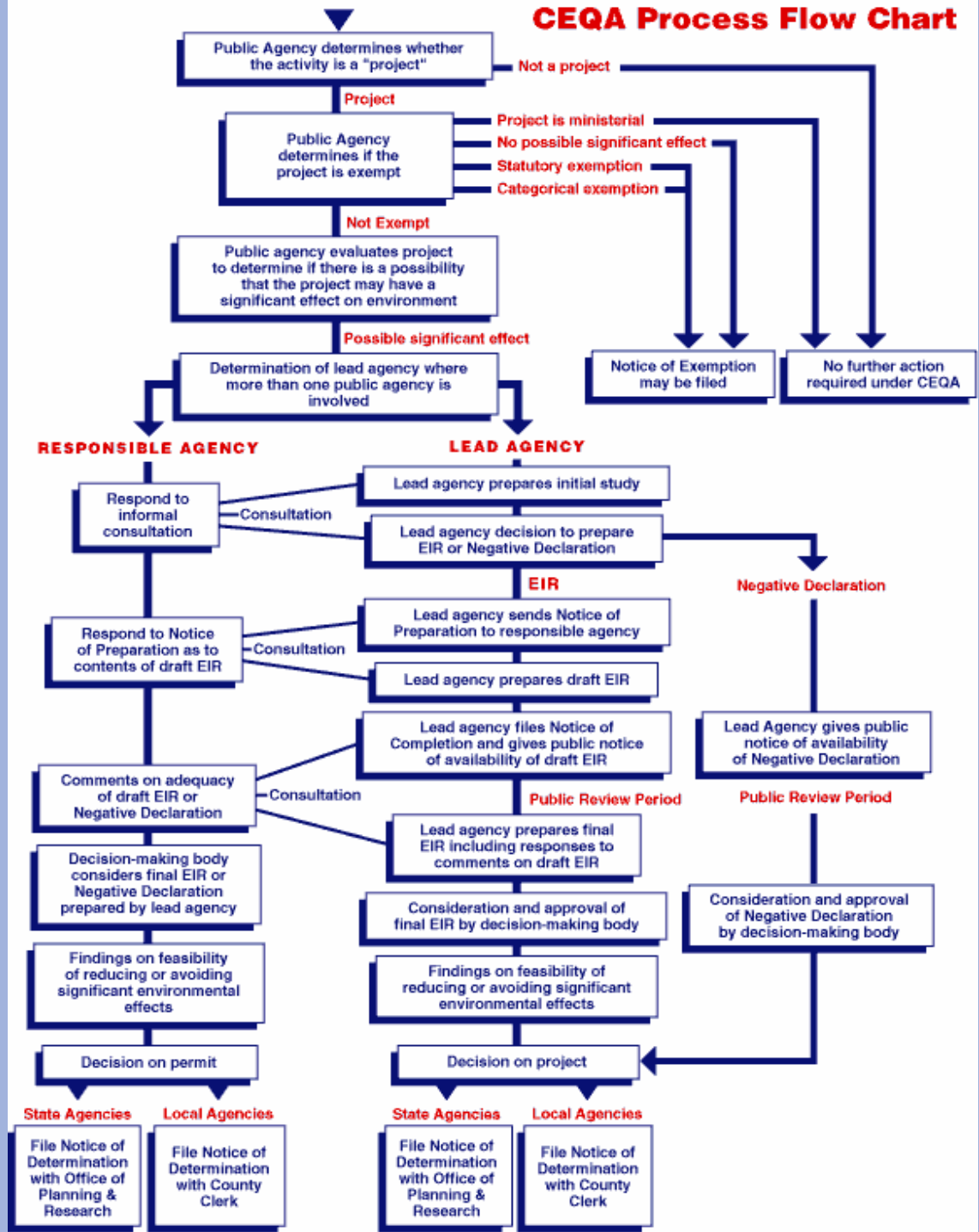
Executive Officer

# Goals

- ◆ Become Familiar with CEQA principles and general processes
- ◆ Understand how CEQA Laws apply to LAFCOs
- ◆ Understand the role and responsibilities of the Responsible Agency
- ◆ Understand relationship of the lead agency to the responsible agency

# Appendix A to CEQA Guidelines

## CEQA Process Flow Chart



# What is CEQA?

- ★ CEQA = California Environmental Quality Act
- ★ Laws and guidelines requiring government bodies to research and disclose publicly, all the effects on the environment caused by decisions they will make.
- ★ Public Resources Code (PRC) - §21000, et.seq. (1970)
- ★ California Code of Regulations (CCR) - CEQA Statutes & Guidelines §15000 et.seq.
- ★ Local Guidelines & Implementation Procedures

# LAFCO and CEQA Court Decisions

- ✦ City of Livermore v. LAFCO
- ✦ Bozung v. LAFCO
  
- ✦ City Santa Clara v. LAFCO
- ✦ Pistoresi v. City of Madera
- ✦ Env Coalition of Orange Co. v. LAFCO of Orange Co.

# Reason for CEQA A Process

1. Information/Disclosure for Decision Makers  
(Guidelines 15002 (a)(1), (4))
2. Participation (Agencies & Public)

# CEQA - The Outcomes

- ✦ Environmental Protection (PRC 21000-21002)
- ✦ Mitigation & Accountability - to the extent feasible
- ✦ Balance environmental protection with other public purposes
  - ✦ such as housing (PRC 21000(g))
  - ✦ Basis for "Statement of Overriding Considerations" (PRC 21159.29)
  - ✦ Allows project approval with impacts, if mitigation is infeasible

# Who's Who

- ✦ **Trustee Agencies:** Four Designated State Resource Departments
- ✦ **Lead Agency** has the greatest jurisdiction, makes the most important decisions and makes decisions earlier than responsible agencies.

- ✦ **Responsible Agency** decides only a portion of the total project, and usually makes its decisions after the lead agency, using the lead's environmental review & documents
- ✦ In most cases, LAFCO is a responsible agency

# LAFCO as Lead Agency

- ✦ Incorporation and Disincorporation  
(Guidelines of Oct 2003)
- ✦ Municipal Service Reviews  
(OPR Guidelines of Aug 2003)
- ✦ Sphere of Influence  
(OPR General Plan Guidelines 2003 P. 187)
- ✦ Concurrent Sphere & Annexation
  - ✦ Only in some cases

# LAFCO: Responsible Agency

- ◆ LAFCO has discretionary authority to decide a portion of the total project and usually acts after a land use agency (city or county) has given an approval
- ◆ LAFCO relies on the lead agency's environmental document in its decision-making, provides comments to the lead agency in the CEQA process, and ultimately makes its own required findings regarding the analyzed impacts

# Responsibilities

- ◆ The Lead Agency identifies the LAFCO action as part of the project description
- ◆ The Lead Agency shall consult with Responsible Agencies before preparing the environmental document (PRC 21080.3)
- ◆ The Responsible Agency shall specify to Lead Agency the scope and content of environmental information that it needs (PRC 21080.4(a))

# Responsibilities

- ◆ The information specified by the Responsible Agency shall be included in the EIR (PRC 21080.4(a))
- ◆ During public review, the Responsible Agency may identify significant impacts and propose mitigation measures (PRC 15204 (f))

# CEQA Steps - □ Simplified Overview

1. Lead Agency asks:

Is the whole of the action a “**project**”?

- ✦ Effect on the physical environment
- ✦ Discretionary decision by a public agency

2. Lead Agency asks:

Is it a project that is “**exempt**”?

- ✦ Statutory and Categorical Exemptions
- ✦ Common Sense Exemption (CCR 1506(b)(3))
- ✦ Class 19 and Class 20 for LAFCO
  - ✦ Annexation of certain small parcels
  - ✦ Certain changes of organization

## Next Steps..

3. Lead Agency asks: What is the whole project? Who are Responsible & Trustee Agencies?
  - Notification & Requests Consultation
  - Responsible Agency: Consultation and Coordination
4. What are the potential impacts?  
(Research and Initial Study)

# More Steps...

## 5. What Environmental Document is needed

- ✦ Negative Declaration or Environmental Impact Report
- ✦ Notice of Determination (NoD) for Neg Dec
- ✦ Notice of Preparation (NoP) for EIRs

## 6. Document Prepared and Distributed

- ✦ Notice of Determination or Notice of Given, Comments Received

## And More Process...

- ✦ Comments received and responded to
- ✦ Mitigations identified to reduce impacts to the extent feasible
- ✦ Mitigation and Mitigation Monitoring Plan Prepared
- ✦ Findings and Overriding Considerations for EIRs

# How Does LAFCO Fit into the Responsible Agency Role?

- ◆ Pro-Active
- ◆ Communication with Lead Agencies
- ◆ Advance Preparation

# Strategic Steps for LAFCO Staff

- ◆ Track Land Use Projects that may require annexation
- ◆ Keep Current with General Plan
- ◆ Ensure project descriptions accurately include LAFCO approvals
- ◆ Encourage early consultation
- ◆ Prepare and provide information to lead agencies for inclusion in their CEQA documents
- ◆ Provide technical review of draft documents as needed

# Commission's Role

- ◆ Review Lead Agency CEQA documents for all LAFCO proposals
- ◆ Make independent findings that the documents are adequate and complete for the LAFCO action
- ◆ For Lead Agency EIRs: review significant impacts, add conditions or mitigations as needed, adopt statement of overriding consideration

Other Considerations...

# Local Guidelines

## Reliable & Consistent Process

- ◆ Agencies may adopt “local guidelines” (CCR 15022)
- ◆ Implementing procedures for:
  - ◆ Hearing and time periods for CEQA
  - ◆ Forms for documents
  - ◆ Consultation processes, etc.
  - ◆ Exempt activities and more
- ◆ Certainty to a complex process

# Options for LAFCO

- ◆ Prepare LAFCO Procedures for the Implementation of CEQA
- ◆ Adopt CEQA Policies for LAFCO
- ◆ Adopt Thresholds of Significance
- ◆ Encourage County and City to update their local guidelines

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Discussion and Questions