



San Diego County Local Agency Formation Commission

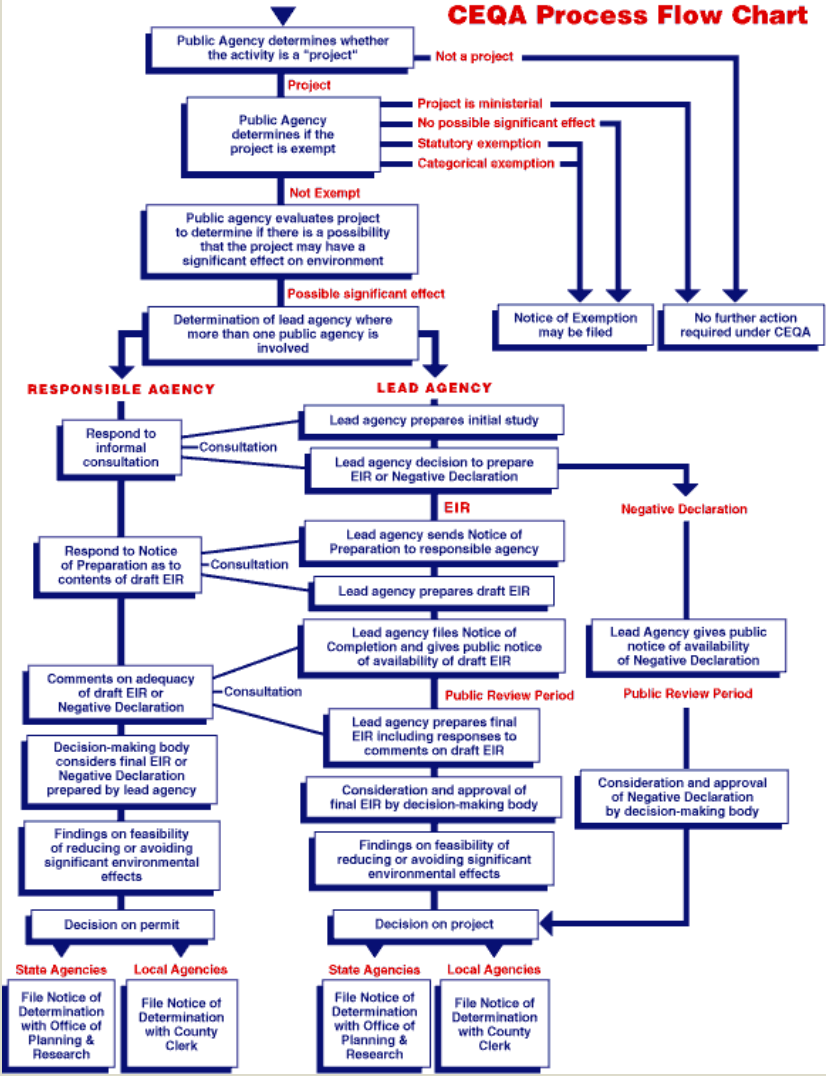
Advisory Committee on Fallbrook PUD and Rainbow MWD
Reorganization Proposals Meeting (Videoconferencing only)
August 3, 2020



Background on CEQA for Proposals to LAFCO

Agenda Item No. 4c

CEQA for LAFCO Proposals



CEQA for
LAFCO
Proposals

Key Questions

- Is it a “project” as defined in CEQA?
- If so, is it exempt?
- If so, does an exception to the exemption apply?
- If not exempt or an exception to the exemption applies, what type of environmental document is required? (e.g., Neg. Dec., EIR, etc.)

CEQA for
LAFCO
Proposals

Class 20 Exemption

“Class 20 consists of changes in the organization or reorganization of local governmental agencies where the changes do not change the geographical area in which previously existing powers are exercised.”
(14 CCR § 15320)

CEQA for
LAFCO
Proposals

Examples of Exceptions

- When cumulative impacts of successive projects of the same type in the same place, over time is significant. (14 CCR § 15300.2(b))
- Where there is a reasonable possibility that the activity will have a significant effect on the environment due to unusual circumstances. (14 CCR § 15300.2(c))

CEQA Application

to

LAFCO

If Project is Not Exempt or an Exception Applies

- LAFCO would be the Lead Agency
 - Conduct Initial Study
 - Prepare appropriate environmental document
 - Complete necessary public notice and comment period

CEQA Application

to

LAFCO

Status of CEQA Analysis

- LAFCO Staff has not completed its CEQA analysis
- Letters from subject agencies and affected local agencies regarding their CEQA positions are available on Committee website



**LAFCO Authority to Impose
Terms and Conditions
On Reorganization Approvals**

**Authority
to
Condition Approval
on
Reorganizations**

CKH Expressly Authorizes Terms and Conditions

- Gov. Code § 56885.5
- Gov. Code § 56886
- Gov. Code § 57302

**Authority
to
Condition Approval
on
Reorganizations**

General Limits on Terms and Conditions

- The terms and conditions cannot directly regulate land use, property development, or subdivision requirements

**Authority
to
Condition Approval
on
Reorganizations**

**Examples of Types of Terms and
Conditions: Financial**

- The payment of money for acquisition, transfer or use of property, real or personal
- The imposition or exemption of liability for bond debt or other contracts
- The acquisition, sale or transfer of any property

**Authority
to
Condition Approval
on
Reorganizations**

Examples of Types of Terms and Conditions: Governance

- Establishment or termination of any office, department or boards, as authorized by the principal act
- Designation of method of selection of legislative body of a district, as permitted by the principal act

**Authority
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Examples of Types of Terms and Conditions: Catch-all

- “Any other matters necessary or incidental to any of the terms and conditions specified” in § 56886

**Authority
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Examples of Types of Terms and Conditions: Principal Act Generally

- “Any terms and conditions authorized or required by the principal act with respect to any change of organization.”

**Authority
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Condition Approval
on
Reorganizations**

Non-District Status

- CKH allows certain types of districts to request LAFCO deem them not a district for either proposal if the district meets certain requirements
- SDCWA did that here with respect to Part 4, but not Part 5
 - Part 4 deals with the post-approval procedures, such as protest hearings and elections
 - Part 5 address terms and conditions

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Non-District Status: Effect Here

- The CWA principal act will govern any post-approval election process
 - e.g., no protest hearing, voter approval required in detaching district
- LAFCO retains authority to impose terms and conditions consistent with CKH

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Terms and Conditions Specific to Each Reorganization

- The Rainbow and Fallbrook proposals are separate
- LAFCO is not required to impose identical conditions of approval on each

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Likely COAs if Approved

- Subject to voter approval per CWA principal act
- Effective date if voters approve

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Potential COAs

- One-time or ongoing payments by Districts to CWA depending on financial analysis not yet begun



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