Background on CEQA for Proposals to LAFCO
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.)
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)
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))
Agenda Item No. 4c

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
Agenda Item No. 4d

Authority to Condition Approval on Reorganizations

CKH Expressly Authorizes Terms and Conditions

- Gov. Code § 56885.5
- Gov. Code § 56886
- Gov. Code § 57302
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
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
Example of Types of Terms and Conditions: Catch-all

- "Any other matters necessary or incidental to any of the terms and conditions specified" in § 56886
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.”
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
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
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
Authority to Condition Approval on Reorganizations

**Likely COAs if Approved**

- Subject to voter approval per CWA principal act
- Effective date if voters approve
Authority to Condition Approval on Reorganizations

Potential COAs

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