CEQA Study Session
Amador LAFCO
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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
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