

# CALAFCO

## 2016 Annual Conference

### Santa Barbara



### CEQA Presentation

#### By Scott Browne

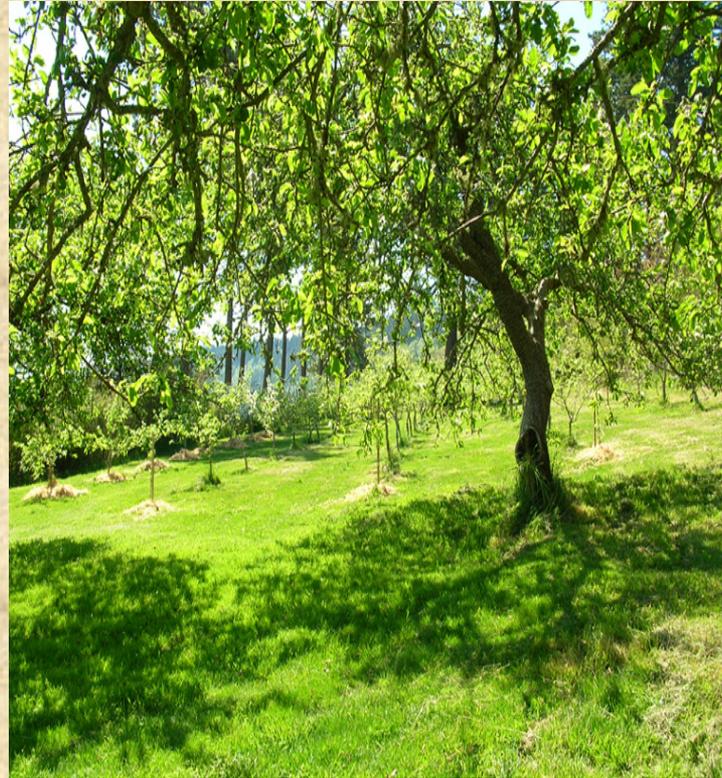
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# LAFCOs and CEQA Discussion Problem

The City of San Garbanzo prepared mitigated a Negative Declaration (MND) in connection with a commercial project “Big Box Strip Mall” to be located on land proposed to be annexed to the city. The City staff claim they mailed the MND to LAFCo but LAFCo has no record of receiving the MND nor did LAFCo comment on it.



The City's MND noted that the project land had contained mature walnut orchards, but these had been cut down in the last year immediately prior to the application for entitlements. The land was designated with a soil classification of II on the USDA Natural Resources Conservation Service land use capability classification.



However because the property was no longer under active agricultural production and the area was designated for urban development under the City General Plan, the MND concluded that the land was not prime agricultural land and that conversion would not generate a significant environmental impact. The MND also concluded that impacts on adjacent agricultural operations would be mitigated below the level of significance because the City would be adopting a “Right to Farm” ordinance.

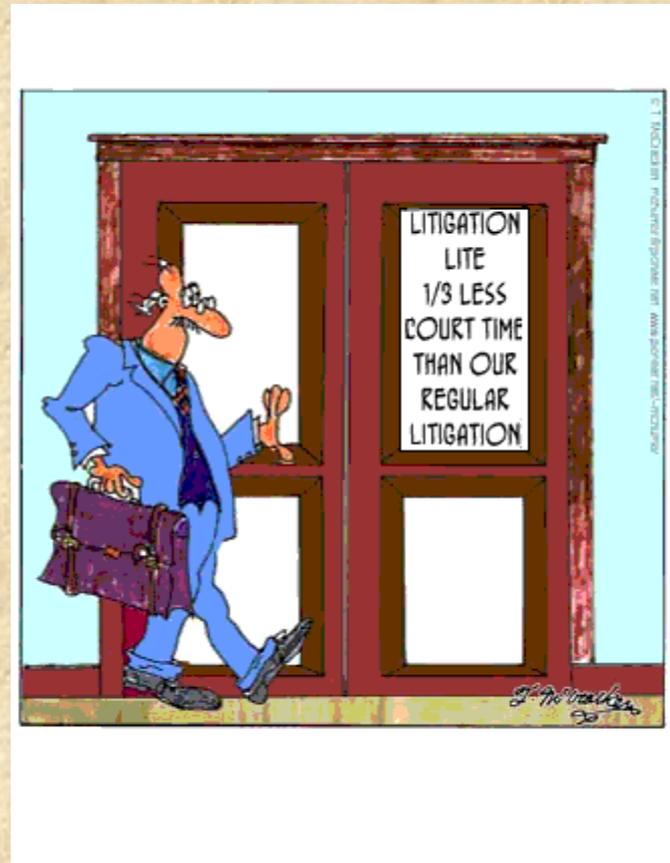


The MND noted that the wastewater treatment plant was close to capacity but that City staff had determined that there was adequate capacity to serve the project and that plans were in process to upgrade the plant.



The MND has been challenged in court by a local environmental group “No Big Boxes”. They are opposed to the commercial development. The project has also been challenged by the developer seeking to build a competing big box mall in the County.

The litigation is pending at the time the City has brought forward the annexation to LAFCo.



Shortly after the annexation application was filed with LAFCo, the front page of the San Garbanzo Herald carried an article indicating that the Regional Water Quality Control Board had issued a cease and desist order to the City and fined the City \$850,000 for repeated spills. The order limited the inflows into the wastewater plant to an amount equal to existing average flows until major improvements were made to the facility.

The S&t Has Finally Hit the Fan!



# LAFCO Process

LAFCo proceeds to public hearing on the project.

At the hearing the local irrigation district manager complains that they were never notified of the MND for the project even though detachment from the district is part of the annexation proposal. He points out that the project is immediately adjacent to a major district irrigation canal and that storm drainage from the project is proposed to be drained into the canals.



He also argues that the City will be pumping more groundwater to supply water for the project, reducing the supply for farmers. He demands that LAFCo mitigate these impacts

# Public Hearing Issues

The No Big Boxes Group also testifies in opposition to the annexation. They begin by singing Joni Mitchell's "Pave Paradise to put up a parking lot". Then they demand that LAFCo deny the annexation because of lack of sewer capacity or at least require an EIR or supplemental EIR to address that issue. They also point to the multiple other impacts inadequately addressed in the City's MND, including air quality, GHG, and traffic.

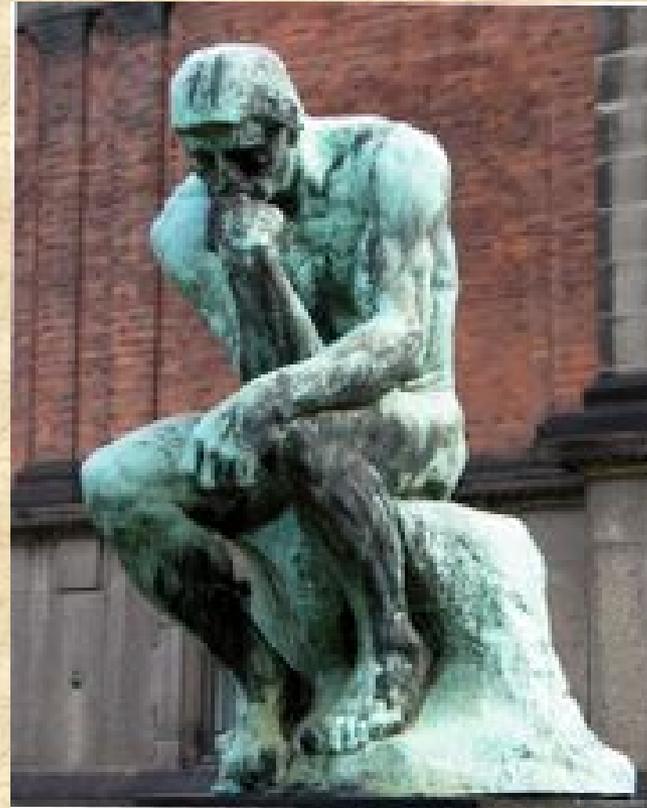


# WWYD?

(What Would You Do?)

You are a LAFCo  
Commissioner  
considering this project.

What would you propose  
that the Commission do  
to comply with CEQA and  
Cortese-Knox-Hertzberg  
with respect to this  
project?



# Issues to Consider:

- What do you require with respect to CEQA compliance?
- How do you address the concerns raised by the Irrigation District?
- How do you address your obligations under CKH to preserve and protect agricultural lands?
- What findings do you need to make?
- Do You See Any Other Issues that Need to Be Considered?