

DEC 24 2019

**C. Teran**

BY \_\_\_\_\_  
DEPUTY

**NOTICE OF EXEMPTION**

<p>TO:</p> <input checked="" type="checkbox"/> Office of Planning and Research P. O. Box 3044, Room 113 Sacramento, CA 95812-3044	<p>FROM: Fallbrook Public Utility District (Public Agency) 990 E. Mission Road Fallbrook, CA 92028 Telephone: (760) 728-1125</p>
<input checked="" type="checkbox"/> San Diego County Clerk 1600 Pacific Highway, Room 260 San Diego, CA 92101	

1. Project Title:	Latent Powers Activation
2. Project Applicant:	Fallbrook Public Utility District
3. Project Location – Identify street address and cross streets or attach a map showing project site (preferably a USGS 15' or 7 1/2' topographical map identified by quadrangle name):	Fallbrook, California (see attached map showing District's service area)
4. (a) Project Location – City: Fallbrook	(b) Project Location – County: San Diego
5. Description of nature, purpose, and beneficiaries of Project:	The Fallbrook Public Utility District (District) proposes to activate its latent powers to exercise street lighting, parks and recreation, and roads and streets functions within its boundaries, specifically with regard to the services set forth in Public Utilities Code section 16463, as follows: street lighting system, public parks, public playgrounds, public recreation buildings, buildings to be used for public purposes, and works to provide for the drainage of roads, streets, and public places, including, but not limited to, curbs, gutters, sidewalks, and pavement of streets. The activation of powers would support and enhance existing services that are currently provided by non-profit entities. To implement the activated powers, the District would re-allocate property tax revenue to provide sustainable funding for maintenance and enhancement of community facilities in the District's existing service area.
6. Name of Public Agency approving project:	Fallbrook Public Utility District
7. Name of Person or Agency undertaking the	Fallbrook Public Utility District


<p>project, including any person undertaking an activity that receives financial assistance from the Public Agency as part of the activity or the person receiving a lease, permit, license, certificate, or other entitlement of use from the Public Agency as part of the activity:</p>	
<p>8. Exempt status: (check one)</p>	
<p>(a) <input type="checkbox"/> Ministerial project.</p>	<p>(Pub. Res. Code § 21080(b)(1); State CEQA Guidelines § 15268)</p>
<p>(b) <input checked="" type="checkbox"/> Not a project.</p>	<p>(Pub. Res. Code § 21065; State CEQA Guidelines § 15378(a))</p>
<p>(c) <input type="checkbox"/> Emergency Project.</p>	<p>(Pub. Res. Code § 21080(b)(4); State CEQA Guidelines § 15269(b),(c))</p>
<p>(d) <input checked="" type="checkbox"/> Categorical Exemption. State type and section number:</p>	<p>Class 1—Existing Facilities (State CEQA Guidelines § 15301); Class 20—Change in Organization of Local Agencies (State CEQA Guidelines § 15320)</p>
<p>(e) <input type="checkbox"/> Declared Emergency.</p>	<p>(Pub. Res. Code § 21080(b)(3); State CEQA Guidelines § 15269(a))</p>
<p>(f) <input type="checkbox"/> Statutory Exemption. State Code section number:</p>	
<p>(g) <input checked="" type="checkbox"/> Other. Explanation:</p>	<p>State CEQA Guidelines § 15061(b)(3) (common sense exemption)</p>
<p>9. Reason why project was exempt:</p>	<p>The activation of the latent powers is not a project within the meaning of CEQA because it does not have the potential to result in a direct physical change in the environment or a reasonably foreseeable indirect physical change to the environment. (Pub. Res. Code §65; CEQA Guidelines § 15378(a). The activation of powers itself will not change any existing land use or result in construction of new parks or buildings. Rather, the activation will involve re-allocation of the District’s existing property tax revenue to support and enhance existing parks and recreation services, street lighting services, and street and road drainage services that are currently provided by other entities. Further, the activation of powers does not authorize any construction or development of land. If a construction or development project is proposed in the future, the proposed construction or development would be subject to environmental review as appropriate at that time.</p> <p>Even if the activation of powers is considered a “project” within CEQA’s meaning, it is exempt under the Class 1 exemption for existing facilities (CEQA Guidelines § 15301). The activation would provide a stable source of funding for maintenance and/or minor alterations of existing parks, playgrounds, recreation or other public buildings, street lighting, curbs, gutters, sidewalk and street pavement. The maintenance and/or minor alterations will not expand, or will result in only negligible expansion of, the existing use of the parks, playgrounds, recreation or other public buildings, street lighting, curbs, gutters, sidewalk and street pavement.</p> <p>The activation is also exempt under the categorical exemption for changes in the organization of local agencies. (CEQA Guidelines § 15320). Under section 15320, changes in the organization of a local governmental agency</p>

are exempt if the changes do not modify the geographical area in which previously existing powers are exercised. This exemption applies because activation of latent powers is a "change of organization" under the Cortese-Knox-Hertzberg Local Government Reorganization Act, and because the activation does not change the District's geographical area or the geographical area within which the District exercises its powers. This exemption also applies because the County of San Diego already exercises these powers within the District's boundaries and as such, there is no expansion of powers. Finally, the exemption applies because the proposed activation simply seeks authorization from LAFCO to activate powers that the District already possesses under the Public Utility District Act.

Finally, the activation of latent powers is exempt under the "common sense" exemption because it can be seen with certainty that there is no possibility that activation may have a significant effect on the environment. (CEQA Guidelines § 15061(b)(3).) The activation will leverage existing administrative and procurement resources to help better execute projects to support community facilities and public projects within the scope of the activated powers. There is no possibility that activation—which will simply support and enhance existing services—could have a significant impact on the environment. Further, the activation of powers itself does not authorize any construction or development of land. If a construction or development project is proposed in the future, the construction or development would be subject to environmental review as appropriate at that time. Because the site and project-specific details of any potential future construction or development project are unknown at this time, impacts of such potential future development are speculative.

Finally, there is no evidence that the activation involves any unusual circumstances that might cause a significant effect on the environment. (CEQA Guidelines § 15300.2(c).)

10.	Lead Agency Contact Person:	Joye Johnson
	Telephone:	(760) 728-1125
11.	If filed by applicant: Attach Preliminary Exemption Assessment (Form "A") before filing.	
12.	Has a Notice of Exemption been filed by the public agency approving the project? Yes <input checked="" type="checkbox"/> No <input type="checkbox"/>	
13.	Was a public hearing held by the Lead Agency to consider the exemption? Yes <input checked="" type="checkbox"/> No <input type="checkbox"/>	
	If yes, the date of the public hearing was: <u>11/8/19</u>	


Signature:  Date: 12/17/19 Title: General Manager  
 Name: \_\_\_\_\_

Signed by Lead Agency       Signed by Applicant

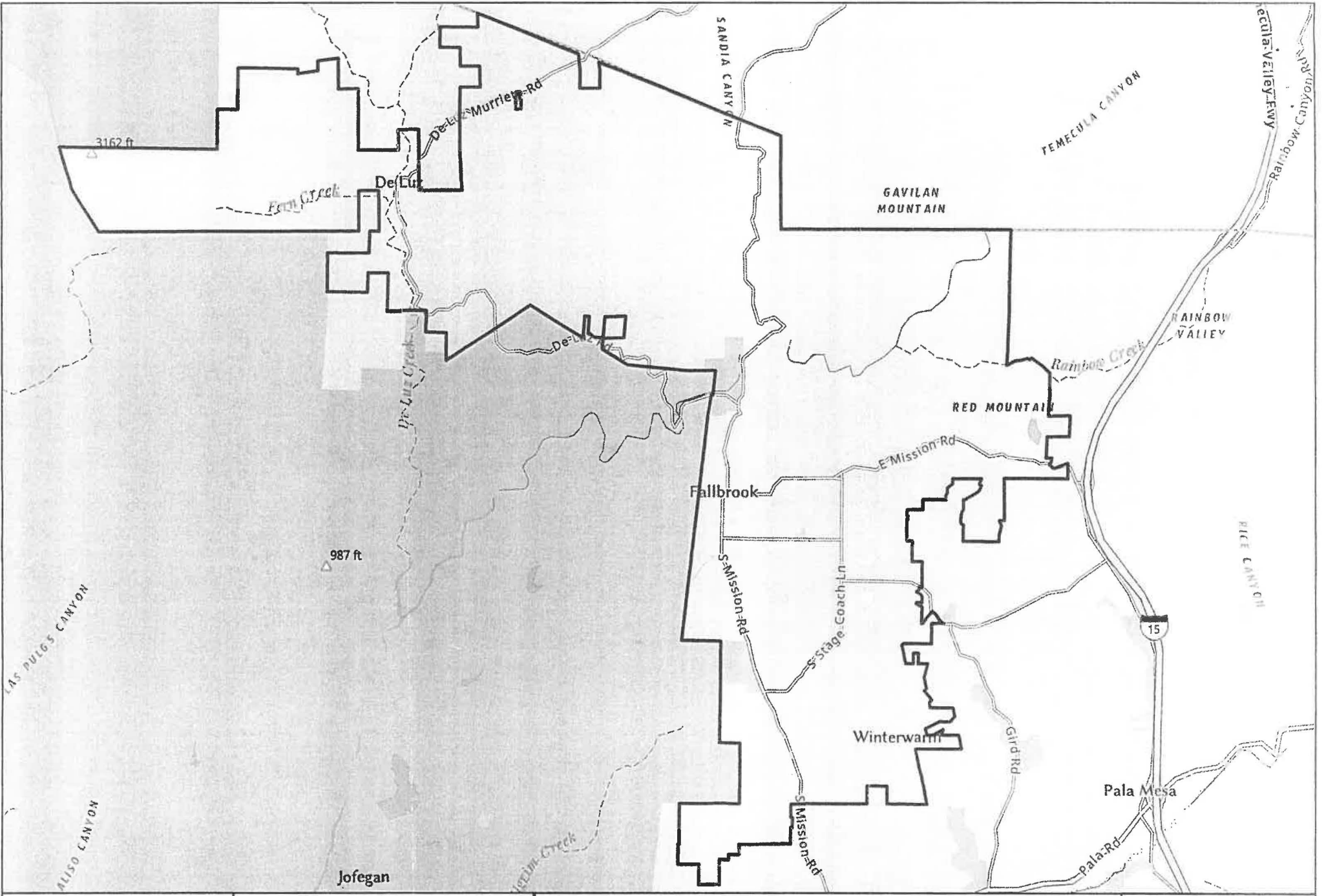
Date Received for Filing: \_\_\_\_\_

(Clerk Stamp Here)

Authority cited: Sections 21083 and 21110, Public Resources Code.  
Reference: Sections 21108, 21152, and 21152.1, Public Resources Code.

FILED IN THE OFFICE OF THE COUNTY CLERK  
San Diego County on DEC 24 2019  
Posted DEC 24 2019 Removed                       
Returned to agency on                                       
Deputy 

**C. Teran**



DISCLAIMER: By accepting this map, you agree that the Fallbrook Public Utility District assumes no liability or responsibility of any kind arising from use of this map. This map, its Data, and any calculations associated with this map is provided without warranty of any kind.

 **FPUD BOUNDARY**

**FALLBROOK PUBLIC UTILITY DISTRICT BOUNDARY**

