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Scott Smith

General Counsel

MEETING DATE: May 14, 2025**TO:** Local Agency Formation Commission
of Orange County**FROM:** Interim Executive Officer
Policy Analyst I**SUBJECT:** Amendments to the Local Guidelines for
Implementing the California Environmental Quality
Act (CEQA)**BACKGROUND**

Pursuant to Section 21082 of the California Public Resources Code (Environmental Quality), the Commission adopted Local Guidelines for Implementing the California Environmental Quality Act ("Guidelines"). The Guidelines were developed by Best Best & Krieger LLP to guide OC LAFCO on actions involving CEQA for projects or applications within the Commission's purview. For most projects considered by the Commission, OC LAFCO is the responsible agency under CEQA. However, OC LAFCO may also serve as the lead agency for Commission-initiated projects or applications filed by landowners.

The Guidelines are reviewed annually and updated, as necessary, by Best Best & Krieger to align with changes in State law. Staff is recommending the Commission adopt the amended local guidelines to incorporate the recent changes discussed in the next section of this report.

2025 LOCAL CEQA GUIDELINES

The attached memorandum provides a detailed summary of the revisions and additions to the current Guidelines. The key revisions for potential OC LAFCO actions are summarized as follows:

- **Office of Planning and Research Name Change**

The Office of Planning and Research changed its name to the Office of Land Use and Climate Innovation (LCI) effective July 1, 2024. This change is reflected in the OC LAFCO Local CEQA Guidelines.

- **Office of Land Use and Climate Innovation URL Updates**

The LCI has updated the CEQAnet and CEQASubmit URLs, effective April 8, 2025. The revised web addresses are as follows:

- CEQAnet: <https://ceqasubmit.lci.ca.gov/>
- CEQASubmit: <https://ceqanet.lci.ca.gov/>

- **Department of Fish and Wildlife Fees**

The Department of Fish and Wildlife has increased the fees for filing environmental documents effective January 1, 2025. The current fees are reflected in the OC LAFCO Fee Schedule.

RECOMMENDED ACTION

Staff recommends the Commission:

1. Adopt OC LAFCO Resolution No. CP 25-04 amending and approving the “Local Guidelines for Implementing the California Environmental Quality Act.” (*Attachment 2*)

Respectfully submitted,



LUIS TAPIA

AIMEE DIAZ

Attachments:

1. 2025 Summary of Changes to Local CEQA Guidelines, prepared by Best Best & Krieger
2. Form of OC LAFCO Resolution No. CP 25-04

Memorandum

TO: Orange County Local Formation Commission
FROM: Best Best & Krieger LLP
DATE: April 2, 2025
RE: Summary of Changes to Local CEQA Guidelines

In 2024, the California Legislature revised the California Environmental Quality Act (“CEQA”) through passage of certain Assembly Bills and Senate Bills. As a result, we have revised the Commission’s Local Guidelines for Implementing CEQA (“Local Guidelines”) to account for these CEQA developments. This memorandum summarizes the substantive amendments to the Commission’s 2025 Local CEQA Guidelines (“Local Guidelines”).

The Local Guidelines and this memorandum are designed to help the Commission comply with CEQA when considering a project subject to CEQA. We still recommend, however, that you consult with an attorney when you have specific questions on major, controversial, or unusual projects or activities.

The Local Guidelines, the related CEQA forms, and other important legal alerts may be accessed via the Best Best & Krieger LLP CEQA client portal. For technical support, please contact Tammy Ingram at tammy.ingram@bbklaw.com.

REVISIONS TO LOCAL GUIDELINES

3.17 Exemption for Residential or Mixed-Use Housing Project.

This is a new section that was added to your Guidelines as a result of the passing of Assembly Bill 2199. CEQA does not apply to residential or mixed-used housing projects, as defined, located in unincorporated areas of a county, that meet the requirements set forth in Section 3.17.

3.21 Transit Prioritization Projects.

Pursuant to Assembly Bill 2503, a new subsection (6) was added to Section 3.21 regarding a public project for the institution or increase of passenger rail service, including the construction or rehabilitation of stations, terminals, or existing operations facilities, which will be exclusively used by zero-emission trains.

3.24 Routine Maintenance of Stormwater Facilities.

Pursuant to Assembly Bill 3227, a new Section 3.24 was added to the Guidelines pursuant to a change to Public Resources Code section 21080.61. This new section provides that CEQA does not apply to routine maintenance of public stormwater facilities that are fully concrete or have a conveyance capacity of less than a 100-year storm event if certain specified conditions are met.

3.29 Reproductive Services Community Clinic.

Pursuant to Assembly Bill 2085, Section 3.29 was added to the Guidelines to provide that CEQA does not apply to the approval of an application of a community clinic providing reproductive health services if the application meets objective planning standards and is subject to the ministerial review process set forth in Government Code section 65914.900.

9.10 A Responsible Agency's Provision of Financial Assistance or Insurance for the Development and Construction of Affordable Housing.

New language was added to Section 9.10 pursuant to Senate Bill 1361, which clarifies that CEQA does not apply to a local agency's approval of contracts that provide residential, counseling, and security services for people experiencing homelessness, as set forth in greater detail in Section 9.10.

Other Changes

Office of Land Use and Climate Innovation

Effective July 1, 2024, the Office of Planning and Research changed its name to the Office of Land Use and Climate Innovation (LCI). This change is reflected throughout your Local CEQA Guidelines. Additionally, effective April 8, 2025, LCI has a new CEQAnet URL and CEQASubmit URL. In order to access LCI's websites, please use these new URLs:

- <https://ceqasubmit.lci.ca.gov/>
- <https://ceqanet.lci.ca.gov/>

Additionally, LCI has established a new deadline for processing environmental notices. Notices must be submitted to CEQASubmit no later than 2:30 p.m. PST in order to have a same day filing date.

CEQA Document Filing Fees

Effective January 1, 2025, the Department of Fish and Wildlife has increased its fees. For a Negative Declaration or a Mitigated Negative Declaration, the new filing fee is \$2,968.75; for an EIR, the new filing fee is \$4,123.50; and for an environmental document prepared pursuant to a Certified Regulatory Program, the new filing fee is \$1,401.75.

Conclusion

As always, CEQA remains complicated and, at times, challenging to apply. The only constant in this area of law is how quickly the rules change. Should you have questions about any of the provisions discussed above, please contact a BB&K attorney for assistance.

BEST BEST & KRIEGER LLP

(CP 25-04)

**RESOLUTION OF THE LOCAL AGENCY FORMATION COMMISSION OF
ORANGE COUNTY AMENDING AND ADOPTING LOCAL GUIDELINES FOR
IMPLEMENTING THE CALIFORNIA ENVIRONMENTAL QUALITY ACT
(PUB. RESOURCES CODE §§ 21000 ET SEQ.)**

May 14, 2025

On motion of Commissioner _____, duly seconded and carried, the following resolution was adopted.

WHEREAS, the California Legislature has amended the California Environmental Quality Act (“CEQA”) (Pub. Resources Code §§ 21000 et seq.), the Natural Resources Agency has amended portions of the State CEQA Guidelines (Cal. Code Regs, tit. 14, § 15000 et seq.), and the California courts have interpreted specific provisions of CEQA and the State CEQA Guidelines; and

WHEREAS, Public Resources Code section 21082 requires all public agencies to adopt objectives, criteria and procedures for (1) the evaluation of public and private projects undertaken or approved by such public agencies, and (2) the preparation, if required, of environmental impact reports and negative declarations in connection with that evaluation; and

WHEREAS, the Local Agency Formation Commission of Orange County (“Orange County LAFCO”) must revise its local guidelines for implementing CEQA to make them consistent with the current provisions and interpretations of CEQA and the State CEQA Guidelines.

NOW, THEREFORE, the Orange County LAFCO hereby resolves as follows:

SECTION 1. The Orange County LAFCO hereby adopts the “2025 Local Guidelines for Implementing the California Environmental Quality Act,” a copy of which is on file at the offices of the Orange County LAFCO and is available for inspection by the public.

SECTION 2. All prior actions of the Orange County LAFCO enacting earlier guidelines are hereby repealed.

AYES:

NOES

STATE OF CALIFORNIA)

) SS.

COUNTY OF ORANGE)

I, Donald P. Wagner, Chair of the Local Agency Formation Commission of Orange County, California, hereby certify that the above and foregoing resolution was duly and regularly adopted by said Commission at a regular meeting thereof, held on the 14th day of May 2025.

IN WITNESS WHEREOF, I have hereunto set my hand this 14th day of May 2025.

DONALD P. WAGNER
Chair of the Local Agency Formation Commission of
Orange County

By: _____
DONALD P. WAGNER

ATTEST:

Cheryl Carter-Benjamin, Commission Clerk Orange
Local Agency Formation Commission of Orange
County