

LOCAL AGENCY FORMATION COMMISSION  
OF  
SAN BENITO COUNTY  
POLICIES AND  
GUIDELINES

Approved: 1982

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Amended December 16, 2004

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## CHAPTER 1 PREAMBLE

### *Section 1.1 Legislation.*

The major legislative mandate to LAFCO is set forth in §56001 of the Government Code which reads:

"The Legislature recognizes that the logical formation and determination of local agency boundaries is an important factor in promoting orderly development and in balancing that development with sometimes competing state interest of discouraging urban sprawl, preserving open-space and prime agricultural lands, and efficiently extending government services. "

### *Section 1.2 Sprawl.*

Sprawl in San Benito County has not been too much of a problem to date, however, it cannot be assumed that it will not happen here unless LAFCO takes steps toward policies which will control growth in an orderly manner. We do have some sprawl in fringe areas where farmland predominates. We should preserve the agricultural community from a hodge-podge of small urban developments of residences and shopping centers. It is difficult to enhance the quality of life when there are many uncoordinated parts to any community.

### *Section 1.3 Costs.*

There are many costs – some apparent, some hidden. Cost of extensions to utilities, sometimes through orchards to get to the locations. Costs of duplicated facilities, costs of police and fire protection equipment and personnel traveling through unincorporated areas to get to some home or business. There could be costs in allowing older areas to deteriorate while funds are being diverted to newer areas.

### *Section 1.4 Problems*

Resolving problems created in the past are of concern:

1. Effectively relate needed public services to the population
2. Protect the remaining prime agricultural land. Sufficient non-prime land is available for development into urban uses. Prime land should be identified and placed under long-term protection as agricultural preserves.
3. Annex and develop the unincorporated pockets of land that are practically surrounded by the city.
4. Provide for more logical expansion of the cities within their sphere-of-influence

### *Section 1.5 Development Control*

It has long been considered that every landowner is entitled to construct a home for himself/herself or to farm his land. This assumes he or she can meet normal health and safety requirements. There is no inherent obligation on the part of government to provide public services to the landowner or developer to develop the land for commercial, industrial or residential subdivision use.

### *Section 1.6 Programmed Development*

Urban development cannot take place without major public facilities and the massive investments required for the financing, including roads, sewers, water, gas and electricity. Furthermore, urban life as we know it, demands facilities and services for public safety, education, health, recreation and human welfare. The program for development, time, location and scope of public investment decisions will influence an orderly structure.

### *Section 1.7 LAFCO Responsibility*

LAFCO has been created to be an important mechanism of local government for effective programming of urban development. LAFCO has the power to aid local governments in carrying out their annexation goals. In return, LAFCO is justified in requesting cities and special districts that are expanding to prepare a planned program for development and expansion. Such programs would be followed by LAFCO in approving proposed annexations and encouraging unincorporated islands to be annexed.

## CHAPTER 2

### GENERAL POLICIES, REQUIREMENTS AND CRITERIA

#### *Section 2.1 Resolutions*

In order for the Local Agency Formation Commission to accomplish its purposes of discouraging urban sprawl and encouraging the orderly formation and development of local government agencies, this Commission establishes the following principles and criteria which will be used in evaluating proposals coming before it. The Commission may consider additional factors in its review of these proposals.

The Local Agency Formation Commission has approved the following resolutions which are incorporated into Appendix A. The policies in the resolutions are incorporated into the Principals and Criteria contained in this chapter.

- A. Resolution 82-10 of the San Benito County Local Agency Formation Commission Setting Forth a Policy Requiring Municipalities To Incorporate Roads When Annexing Territories
- B. Resolution 95-03 – Resolution of the Local Agency Formation Commission of San Benito County Adding Policy No. 8 Regarding Agricultural Lands to Resolution 92-4 (Directing Policy and Criteria for Annexation and Sphere Amendment Requests)
- C. Resolution 95-06 – Resolution of the San Benito County Local Agency Formation Commission Directing Policy and Criteria for Service Requests Outside Districts

## *Section 2.2. General Principles*

By applying the General Principles listed below, the following criteria are established for evaluating proposals coming before the commission:

Section 2.2.1: Cities and those special districts providing municipal services are;

1. Encouraged to time updates and/or prepare capital improvements and infrastructure plans to dovetail with preparation of Municipal Service Reviews required in §56430.
2. Encouraged to establish precise spheres of influence which will be adopted by the Commission. This Commission will establish Spheres of influence for those agencies pursuant to the requirements of the Knox-Cortese-Hertzberg Act.
3. Encouraged to establish urban service areas within their spheres of influence.
4. Encouraged to define and establish staged development plans for these urban development areas and periodically update these plans. The Commission may deny a particular annexation in the absence of an acceptable plan.

Section 2.2.2: Cities are encouraged to;

1. Prezone land within urban development areas.
2. Annex unincorporated islands and land mostly surrounded within their spheres of influence.
3. Promote larger inhabited annexations.

Section 2.2.3: Cities and special districts are discouraged from annexations outside of their urban development areas unless the need for urban services is clearly demonstrated.

1. Require applications for providing services outside of city/district jurisdictional boundaries (Resolution 95-06).
2. Applications for services outside of jurisdiction boundaries shall demonstrate sufficient reason why the service should be provided outside the boundary, instead of annexation to the district (Resolution 95-06).
3. The applicant shall provide a plan for services to identify the precise services required for the area where service is requested (Resolution 95-06).

4. LAFCO will deny applications for services outside city or district boundaries where a public interest is not served or demonstrated (Resolution 95-06).

Section 2.2.4: Cities are discouraged from strip or leap-frog annexations.

Section 2.2.5: The Commission favors;

1. Urban development within cities rather than in unincorporated territory.
2. Development of vacant land within a city prior to development in fringe areas.
3. Annexation to an existing agency over creation of a new agency.
4. Annexation to cities over formation of special districts to provide urban services.
5. Consolidation of some existing special districts where feasible.

Section 2.2.6: The Commission will recognize and preserve clearly defined, long-term agricultural and open space areas established by the county or city.

Section 2.2.7: The Commission will encourage the county to rezone small agricultural parcels which should be part of a logical annexation.

Section 2.2.8: The Commission encourages closer city-county cooperation in planning decisions.

Section 2.2.9: The Commission will require, as a condition of city annexation, detachment of the annexed territory from special districts where appropriate.

Section 2.2.10: The Commission discourages special districts from extending services by agreement without annexation.

Section 2.2.11: The Commission favors the creation of County Service Areas over special districts.

Section 2.2.12: The Commission normally will require city annexation prior to, or concurrent with, a sanitation, sanitary and water district annexation in the unincorporated area.

Section 2.2.13: Special district annexation and formation proposals which result in duplication of authority to perform similar functions must be clearly justified.

**Section 2.2.14:** Cities and special districts are encouraged to mutually work out service and financial problems prior to city annexation.

**Section 2.2.15:** Cities and special districts are discouraged from selective annexation of territories having large assessed valuations.

**Section 2.2.16:** The Commission encourages that boundaries of special districts and school districts be coterminous with city boundaries insofar as appropriate.

**Section 2.2.17:** Boundaries of proposals must be definite and certain, split of lines of assessment must be avoided whenever possible.

**Section 2.2.18:** The creation of unincorporated islands will be prohibited unless properly justified.

**Section 2.2.19:** Cities will be required to annex entire street sections whenever possible. The full width and full length of roads adjacent to; and all the roads within any proposed annexation shall be included in territory proposed to be annexed to any municipality in San Benito County (Resolution 82-10)



## *Section 2.3 Policies and Criteria for City Annexation*

Section 2.3.1: Proponents must clearly demonstrate the need for municipal services and the city to which the territory is being annexed must be capable of meeting these needs.

Section 2.3.2: The proposed annexation must;

- a) Result in a logical and reasonable expansion of the annexing city.
- b) Consider the general plans of the city and the county
- c) Not represent an attempt by the city to annex only revenue producing property
- d) Conform to the Commission's approved boundary agreement

Section 2.3.3: The boundary resulting from annexation must not create areas difficult to serve.

Section 2.3.4: The boundaries of the proposed annexation must be definite and certain and must conform to lines of assessment whenever possible.

Section 2.3.5: The city must initiate action to withdraw from special districts the territory to be annexed, when appropriate.

Section 2.3.6: The annexation must be compatible with the city's staged development plan.

Section 2.3.7: The annexation request shall be made by adoption of a resolution of the legislative body of the local jurisdiction (e.g. City Council or Board of Directors) pursuant to the Government Code Section (Policy 3, Resolution 95-03). The annexation request shall be filed within 90 days of adoption of the resolution recommending forwarding the annexation request to LAFCO.

Section 2.3.8: Require submittal of a plan for providing services pursuant to §56653(a) of the Government Code with annexation. The submittal of the plan for providing services shall include a resolution of the legislative body of the local jurisdiction with findings that the plan for services reflects existing conditions and was completed within six months of consideration. Said resolution shall also include a finding that the plan for services was reviewed and complies with the requirements of §56653(a) of the Government Code. The resolution finding the plan for services adequate may be incorporated into the resolution of application

for annexation by the legislative body or submitted with the application. (Policy 4, Resolution 95-03).

Section 2.3.9: LAFCO will deny applications absent a clear, quantifiable mechanism to provide adequate services (Policy 5, Resolution 95-03).

Section 2.3.10: LAFCO will take every possible opportunity to amend applications and alter applications to eliminate any present and future islands. Notice to property owners of the affected territory will be by return receipt (Policy 6, Resolution 95-03).

Section 2.3.11: LAFCO will use the California Environmental Quality Act to its fullest extent of the law, and will disclose and understand all impacts prior to LAFCO action (Policy 7, Resolution 95-03). LAFCO will require updated environmental documents when the certified documents submitted with applications contain outdated information and analysis of environmental impacts that will be used to evaluate annexations pursuant to §56653(a) and §56668 of the Government Code.

Section 2.3.12: LAFCO will deny city annexations that clearly induce, facilitate, or lead to the conversion of prime agricultural lands when there is opportunity for amendment and/or annexation to non-prime lands (Policy 8, Resolution 95-03).

Section 2.3.13: If a proposal includes the conversion of open space lands or agricultural lands, LAFCO strongly encourages the city to develop effective mitigation measures to address the loss of the agricultural and open space lands. LAFCO will require an explanation of why the inclusion of agricultural and open space lands is necessary and how the loss of such lands will be mitigated.

The mitigation measures that shall include but not be limited to the acquisition and dedication of farmland, participation in other development programs such as transfer or purchase of development credits, acquisition of and dedication of farmland, development credits, open space and conservation easements to permanently protect adjacent and other agricultural lands within the county, payments to recognized government and non-profit organizations for such purposes, and establishment of buffers to shield agricultural operations from the effects of development.

Section 2.4.14: When a city with a substantial supply of vacant land within its service area applies for an expansion, LAFCO will require an explanation of why the expansion is necessary, why infill development is not undertaken first, and how an orderly, efficient growth pattern, consistent with LAFCO mandates will be maintained.

## *Section 2.4 Criteria for Annexations to Special Districts*

Section 2.4.1: Prior to annexation to a special district, the proponents must demonstrate that the need for governmental services exists and that there are no reasonable alternatives to the annexation.

Section 2.4.2: The proposed annexation must;

- a) Be a logical and reasonable expansion to the annexing district.
- b) Consider the general plans of neighboring governmental entities.
- c) Not represent an attempt to annex only revenue producing property.
- d) Conform to the Commission's approved boundary agreements.
- e) Be comparable with the districts and neighboring 'cities' staged development plans.
- f) Provide, when appropriate, for the concurrent annexation to other special districts or a city to provide complete necessary services.

Section 2.4.3: The resulting boundary configuration must not produce areas that are difficult to serve.

Section 2.4.4: The boundaries of the annexation must be definite and certain and conform to lines of assessment whenever possible.

## **Section 2.5    *Criteria for Evaluation of Proposed Incorporations of Municipalities***

- Section 2.5.1:**        The proposed incorporation must;
- a) Meet the need for municipal services or controls.
  - b) Provide for sufficient revenue to supply the municipal services required.
  - c) Consider the general plans of the county and affected cities.
  - d) Not conflict with the normal and logical growth of adjacent cities, as reflected in Commission- approved spheres of influence.
  - e) Not represent an attempt to incorporate only 'revenue producing territories to preempt neighbor- ing cities.
  - f)     Not give special advantages to a particular interest group.

**Section 2.5.2:**        Within the proposal there must be a cost versus benefits justification of the proposed incorporation.

**Section 2.5.3:**        The area to be incorporated must be compact and contiguous and possess a community identity.

**Section 2.5.4:**        The boundaries of the proposed incorporation must not create or result in areas that are difficult to serve.

**Section 2.5.5:**        The boundaries of the proposed incorporation must be definite and certain and conform to lines of assessment whenever possible.

**Section 2.5.6:**        The effect of the incorporation on special districts must be considered.

## *Section 2.6 Criteria for the Evaluation of Proposed Formations of Special Districts*

Section 2.6.1: The proposed formation of a special district must demonstrate that a need exists for a service or control which can best be provided by a special district and that there are no other alternatives that would provide the service or control in a more reasonable manner.

Section 2.6.2: The proposed formation must;

- a) Be able to provide sufficient revenue to provide the requested service.
- b) Contain within it a cost versus benefits study showing the gains resulting from the formation.
- c) Not conflict with normal and logical expansion of adjacent governmental agencies.
- d) Consider the general plans of affected cities and the county.
- e) Not give to any special interest group the status of a governmental agency.

Section 2.6.3: The governing Board of the proposed formation must, in so far as possible, be directly responsible to the electorate.

Section 2.6.4: The boundary configuration of the proposal must not create or result in areas that are difficult to serve.

Section 2.6.5: The boundaries of the proposed formation must be definite and certain, must conform to lines of assessment whenever possible, and must not conflict with boundaries of other public agencies unless properly justified.

Section 2.6.6: The proposal for the formation of a special district must define the relationship of the newly formed district to existing agencies and the Commission may take appropriate action to provide all required services.

## *Section 2.7 Criteria for Formation of County Service Areas*

Section 2.7.1: The proposed formation of a county service area must demonstrate a discouragement of urban sprawl and the encouragement of the orderly formation and development of service. The proposed formation must demonstrate that a need exists for a service or control which can best be provided by a county service area and that no other adjacent county service area, city, or service district would provide the service or control in a more reasonable manner.

Section 2.7.2: The proposed formation must;

- f) Be able to provide sufficient revenue to provide the requested service.
- g) Contain within it a cost versus benefits study showing the gains resulting from the formation.
- h) Not conflict with normal and logical expansion of adjacent governmental agencies.
- i) Consider the general plans of affected cities and the county.

## *SECTION 2-8 Criteria for Sphere of Influence and Urban Service Areas*

Section 2.8.1: LAFCO will review sphere of influences and urban service areas at least every five years as required in §56425(f) of the Government Code to assure that the legislative intent of the Cortese-Knox-Hertzberg Local Government Reorganization Act is accomplished (LAFCO Resolution 95-03)

Section 2.8.2: Where necessary, LAFCO will establish urban service areas to further implement spheres of influence. These will be adjusted upward and downward as the facts in the matter require (LAFCO Resolution 95-03).

Section 2.8.3: LAFCO will deny applications absent a clear, quantifiable mechanism to provide adequate services (LAFCO Resolution 95-03).

Section 2.8.4: LAFCO will deny amendments to currently adopted sphere-of-influences, and urban services areas that clearly induce, facilitate, or lead to conversion of prime agricultural lands when there is opportunity for amendment and/or annexation to non-prime lands (LAFCO Resolution 95-03).

CHAPTER 3  
RULES OF THE LOCAL AGENCY FORMATION  
COMMISSION (LAFCO) COUNTY OF SAN BENITO

*Section 3.1 Resolutions*

The Local Agency Formation Commission has approved the following resolutions to supplement the Rules of the Local Agency Formation Commission and are provided in Attachment A. The policies and directives resolutions are incorporated into the Rural of the Location Agency Formation Commission in this Chapter.

Resolution 95-1 A Local Agency Formation Commission Resolution Setting Fees for the Processing of Applications and Recovering Related Expenses

Resolution 2001-20 Resolution Delegating to the Executive Officer the Responsibility to Act on Behalf of the Commission During Protest Proceedings

Resolution 2002-09 Resolution of the San Benito County Local Agency Formation Commission Adopting a Conflict of Interest Code

*Section 3.2 General Provisions - Legislative Authority:*

These rules shall apply to the Local Agency Formation Commission (LAFCO) of the County of San Benito and are adopted pursuant to the authority vested in the Commission by Cortese-Knox-Hertzberg Act of 2000.

*Section 3.3 Commission Meetings*

Section 3.3.1: The regular meetings of the Local Agency Formation Commission will be held on the fourth Thursday of the month as timely processing of applications would require, commencing at the hour as determined by the minute order of the commission Hollister, California. If any regular meeting day falls upon a holiday, the regular meeting of the Commission shall be held at the same place upon the first succeeding day which is not a holiday commencing at the same hour, in which event all hearings, applications,



petitions, and other matters before the Commission are continued to the same hour of the next succeeding day which is not a holiday.

Section 3.3.2: Any regular, adjourned regular, special or adjourned special meeting of the Commission may be adjourned to any day prior to the date established for the next succeeding regular meeting of the Commission. If the date to which any such meeting is adjourned falls upon a holiday, the adjourned meeting shall be held at the same place on the next succeeding day which is not a holiday at the hour as determined by minute order of the Commission, thereof, in which event all hearings and other matters before the Commission are continued to the same hour of the next succeeding day which is not a holiday.

Section 3.3.3: Any adjourned meeting of a regular meeting or adjourned regular meeting is part of the regular meeting.

Section 3.3.4: Special meetings of the Commission may be called in the manner provided by State law. The order calling the special meeting shall specify the time and place of the meeting and the business to be transacted at such meeting, and no other business shall be considered at the meeting.

### *Section 3.4 Election, Powers and Duties of Chair and Chair Pro Tem, Conduct of Meetings*

Section 3.4.1: The members of the Commission shall elect a Chair and Vice-Chair at the first meeting of the calendar year. The positions of Chair and Vice-Chair shall be rotated unless a Commissioner declines a nomination.

Section 3.4.2: The Chair, when present, shall preside at all meetings of the Commission and shall conduct the business of the Commission in the manner prescribed by these rules. The Chair shall preserve order and decorum and shall decide all questions of order subject to the action of a majority of the Commission.

Section 3.4.3: In the absence of a quorum, the members present shall adjourn the meeting until the same hour on the next succeeding day. If all members are absent, the Executive Officer of the Commission may adjourn the meeting to a stated time and place in accordance with §54955 of the Government Code.

Section 3.4.4: In the absence of, or inability to act of, the Chair, the Members of the Commission present shall by an order entered on the minutes select one of their members to act as Chair Pro Tem. The Chair Pro Tem shall have all of the powers and duties of the Chair during the absence of, or the inability to act of, the Chair.

Section 3.4.5: The business of each regular meeting of the Commission shall be generally transacted in the following order

1. Public Comment
2. Consent Calendar (Typically includes Certificate of Posting, Roll Call Noted, Minutes of previous meeting)
3. Matters to be set for hearing
4. Matters previously set for hearing
5. Special matters

Section 3.4.6: The role need not be called in voting upon a motion except when requested by a member. If the roll is not called, in the absence of an objection, the Chair may order the motion unanimously approved. When the roll is called on any motion, any member present who does not vote in an audible voice shall be recorded as "aye". Silence is consent.

Section 3.4.7: Each roll call of the Commission shall be in alphabetical order, except that the Chair shall be called last.

Section 3.4.8: A majority of the members of the Commission constitute a quorum for the transaction of business. No act of the Commission shall be valid or binding unless a majority of the members present concur therein.

### *Section 3.5 Duties of the Executive Officer*

Section 3.5.1: The Executive Officer or his/her designee of the Commission shall attend each meeting of the Commission and maintain a record of all proceedings thereof as required by law.

Section 3.5.2: The Executive Officer shall prepare an agenda for each meeting. The agenda shall include those matters addressed to the Commission requiring its action on file with the Executive Officer and all matters which have previously been set for hearing at such meeting.

Section 3.5.3: The Executive Officer shall notify all Commission members of the time set for any special meetings.

Section 3.5.4: The Executive Officer is authorized to set matters for hearing, giving the date, time and place of hearing, and it shall be his or her duty to give the required notices.

Section 3.5.5: The Executive Officer is authorized to carry out the business and policies of the Local Agency Formation Commission, review applications, process requests, and as he/she determines necessary bring matters before the Commission. Any party aggrieved by determination made by the Executive Officer on matters that would not normally be scheduled before the Commission may appeal such determination to the Commission. Notice of such appeal must be received within ten (10) days after said determination is received in writing. Such matters will be set for the next regularly scheduled meeting, so long as the appeal is submitted to the LAFCO Office at least (10) ten days prior to the meeting with all supporting material(s) provided.

Section 3.5.6: The Executive Officer has been delegated with the authority pursuant to LAFCO Resolution 2001-20 and §57000 of the Government Code to hold administrative protest proceedings (§57000-57179) for any reorganization or change of organization. The Local Agency Formation Commission may withhold delegation of authority for any reorganization or change of organization by stating so in its resolution approving the reorganization or change of organization (Resolution 2001-20). Any interested person may appeal the Executive Officer's final findings valuing protest for a reorganization or change of organization. The appeal must be filed in writing not later than seven calendar days after execution of the findings. The appeal must include a reason for the appeal and must propose alternative findings that the appellant is petitioning the Commission to enact. The Commission shall consider any appeal on the next agenda and in no case later than 70 (seventy) days after the appeal is filed (Resolution 2001-20).

### *Section 3.6 Justification of Proposal*

Section 3.6.1. The Commission shall prescribe and from time to time may change, a form of "justification of proposal" to be completed and filed by proponents, or others interested in any proposal pending before the Commission for review, containing the data and information relating to the factors to be considered by the Commission pursuant to Sections 54765 and 54786 of the Government Code.

Section 3.6.2. No notice of intention of a proposal under either Chapter 6.5 or 6.6 of Part 1, Division 2, Title 5 of the Government Code shall be filed with the Commission unless accompanied by a "justification of proposal" completed in full.

## Section 3.7 Conflict of Interest Code

Section 3.7.1. The Commission has adopted the Fair Political Practices Commission's model conflict of interest code (Resolution 2002-09).

1. The following positions and Advisory Bodies shall be subject to disclosure of financial interest pursuant to §57302 of the Government Code (Resolution 2002-09).

	A-1	A-2	B	C	D	E	F
San Benito County Local Area Formation Commission	X	X	X	X	X	X	X
Executive Officer	X	X	X	X	X	X	X

## SECTION 3.8 FEES (Resolution 2003-04)

### I. LAFCO FEE SCHEDULE

<u>PROCESS/APPLICATION TYPE</u>	<u>FEES</u>			
	LAFCO Fee	+	Legal LAFCO Fee Env. Fee	= Total
Annexation and detachments				
> EIR Responsible Agency Review	\$1765	+	\$125 + \$ 520	= \$2410
> Mitigated Negative Declaration Responsible Agency Review	\$1765	+	\$ 95 + \$ 260	= \$2120
Formation County Service Area				
> Annex to Existing CSA	\$1400	+	\$ 30 + \$ 0	= \$1430
> EIR Responsible Agency Review	\$1400	+	\$125 + \$ 520	= \$2045
> Mitigated Negative Declaration Responsible Agency Review	\$1400	+	\$ 95 + \$ 260	= \$1756
Request to provide additional types of Extended services	\$ 650	+	\$30 \$ 0	= \$680
Formation of Special District	hourly rate with \$3175 deposit (\$2860 LAFCO staff + \$315 legal)			
Incorporation/Disincorporation of a city	hourly rate with \$3175 deposit (\$2860 deposit + \$315 legal)			
Service outside a jurisdiction's boundaries:				
> EIR Responsible Agency Review	\$ 650	+	\$ 125 + \$520	= \$1295
> Mitigated Negative Declaration Responsible Agency Review	\$ 650	+	\$ 95 + \$260	= \$1005
Processing a petition with 12 or more Signatures	\$14 or \$ .07/signature whichever is greater			
Rehearing	½ of application fee			

Dissolution of Special District

Hourly rate with \$3175 deposit  
(\$2860 LAFCO staff + \$315 legal)

Sphere of Influence Study and  
Amendments

Hourly rate with \$3175 deposit  
(\$2860 LAFCO staff + \$315 legal)

PROCESS/APPLICATION TYPE

FEES

Miscellaneous charges:

\$65 per hour

LAFCO Analyst cost

\$65 per hour

LAFCO Determination

\$260

CEQA Process

LAFCO Staff + Legal = Total

Exemption	\$360	+ \$100	= \$460
Request of Proposal	\$845	+ \$100	= \$945
Contract Preparation	\$845	+ \$100	= \$945
Initial Study/Neg. Declaration	\$1,080	+ \$100	= \$1,180
EIR Administrative Review Fee	25%	2%	= 27%
Review as Responsible Agency			
EIR	\$520	+ \$ 63	= \$583
Negative Declaration	\$260	+ \$ 31	= \$291
Notice of Preparation	\$360	+ \$100	= \$460

## CHAPTER 4

# SAN BENITO COUNTY LOCAL AGENCY FORMATION (LAFCO) IMPLEMENTING PROCEDURES FOR THE CALIFORNIA ENVIRONMENTAL QUALITY ACT (CEQA)

### I. INTRODUCTION

#### 1. Authority

The following procedures are adopted by the Local Agency Formation Commission of the County of San Benito pursuant to Section 21082 of the California Public Resources Code (Environmental Quality Act of 1970, "CEQA"), and Sections 15000, 15020 and 15022 of Title 14 of the California Administrative Code, Guidelines for implementation of the California Environmental Quality Act of 1970 (hereinafter referred to as the "State CEQA Guidelines") as amended.

#### 2. Purpose

The purpose of these procedures is to provide objectives, criteria and specific procedures for the orderly evaluation of projects and the preparation of environmental documents pursuant to the California Environmental Quality Act and State CEQA Guidelines.

#### 3. Relationships of the Local Agency Formation Commission Procedures to State CEQA Guidelines

The Local Agency Formation Commission Procedures are intended to supplement the State CEQA Guidelines for practical application to specific projects approved or undertaken by the Local Agency Formation Commission of San Benito. The following procedures, therefore, do not replace the State CEQA Guidelines, but are to be used in conjunction with them. All articles and appendices of the State CEQA Guidelines are included and made part of these procedures by this reference. If the application of any provision contained in the Local Agency Formation Commission Procedures conflicts with any provision of the State CEQA Guidelines, the provision of the State CEQA Guidelines shall control.

The Local Agency Formation Commission may, from time to time, revise any portion of these implementing procedures. If any such change in these rules and procedures conflicts with any provision of or amendment to CEQA or the Guidelines, the provision of the Guidelines shall control.

SAN BENITO COUNTY LOCAL AGENCY FORMATION (LAFCO)  
IMPLEMENTING PROCEDURES FOR THE  
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The Local Agency Formation Commission may, from time to time, revise any portion of these implementing procedures. If any such change in these rules and procedures conflicts with any provision of or amendment to CEQA or the Guidelines, the provision of the Guidelines shall control.

D. Local Agency Formation Commission Environmental Coordinator Procedures

The Local Agency Formation Commission Environmental Coordinator may adopt administrative procedures and forms consistent with these procedures to facilitate the orderly processing of applications and projects.



### E. Severability of Provisions

If any section, subsection, sentence, clause, or phrase of these procedures is for any reason held to be invalid or unconstitutional, such invalidity or unconstitutionality shall not affect the validity or constitutionality of the remaining portions of these portions of these procedures, it being hereby expressed declared that these procedures and each section, subsection, sentence, clause, and phrase hereof would have been prepared, proposed, adopted, approved, or ratified irrespective of the fact that any one or more sections, subsections, clauses, or phrases be declared invalid or unconstitutional.

## II. RULES AND PROCEDURES

### Article 1. GENERAL

Article 1 of the State CEQA Guidelines is incorporated with the following additions.

#### 21060.1 "Agricultural land"

The definition 'Agricultural land' is incorporated with the addition of the following definition of Agricultural lands in §56016 of the Government Code.

"Agricultural lands" means land currently used for the purpose of producing an agricultural commodity for commercial purposes, land left fallow under crop rotational program, or land enrolled in an agricultural subsidy or set-aside program.

The following definition of 'Prime Agricultural land' in §56064 of the Government Code is added.

"Prime agricultural land" means an area of land, whether a single parcel or contiguous parcels, that has not been developed for a use other than an agricultural use and that meets any of the following qualifications:

- (a) Land that qualifies, if irrigated, for rating as class I or class II in the USDA Natural Resources Conservation Service land use capability classification, whether or not land is actually irrigated, provided that irrigation is feasible.
- (b) Land that qualifies for rating 80 through 100 Storie Index Rating.
- (c) Land that supports livestock used for the production of food and fiber and that has an annual carrying capacity equivalent to at least one animal unit per acre as defined by the United States Department of Agriculture in the National Handbook on Range and Related Grazing Lands, July, 1967, developed pursuant to Public Law 46, December 1935.
- (d) Land planted with fruit or nut-bearing trees, vines, bushes, or crops that have a nonbearing period of less than five years and that will return during the

commercial bearing period on an annual basis from the production of unprocessed agricultural plant production not less than four hundred dollars (\$400) per acre.

- (e) Land that has returned from the production of unprocessed agricultural plant products an annual gross value of not less than four hundred dollars (\$400) per acre for three of the previous five calendar years.

## Article 2. General Responsibilities

Article 2 of the State CEQA Guidelines is incorporated with the following additions:

### 15025.1 Delegated Responsibilities

The Executive Officer of LAFCO and staff under the supervision of the Executive Officer shall serve as the Environmental Coordinator and have the authority to distribute environmental documents adopted by lead agencies, prepare or cause to be prepared the appropriate environmental documentation. The Executive Officer, as the Environmental Coordinator, shall be responsible for making an environmental determination pursuant to the requirements of CEQA when LAFCO is the lead agency. The following functions shall be assigned to the Local Agency Formation Commission Environmental Coordinator to assist in administering CEQA:

1. Review lead agency adopted environmental documents submitted with applications to determine whether LAFCO shall act as a responsible agency or a lead agency pursuant to Section 15052.
2. For projects where LAFCO is a responsible agency, the Environmental Coordinator shall ensure the following:
  - a) LAFCO has considered the EIR, negative declaration or mitigated negative declaration prior to acting upon or approving the project and determined that it is adequate.
  - b) LAFCO shall certify that it reviewed and considered the information contained in the EIR or negative declaration on the project.
3. Determining whether a project is exempt or ministerial when LAFCO is the lead agency or LAFCO.
4. Conducting an Initial Study and deciding whether to prepare a draft EIR or Mitigated Negative Declaration, or Negative Declaration when LAFCO is the lead agency.
5. Preparing a Negative Declaration, Mitigated Negative Declaration or EIR when LAFCO is the lead agency.

6. Determining that a Negative Declaration or Mitigated Negative Declaration has been completed within a period of 105 days when LAFCO is the lead agency.
7. Preparing responses to comments on environmental documents.
8. Filing of notices to the public and to other agencies as required by CEQA and these guidelines.
9. Fees shall be set by resolution of the Local Agency Formation Commission for review, consideration of and/or preparation of environmental documents.
- b. The LAFCO Executive Officer as the Environmental Coordinator shall be the Local Agency Formation Commission's reviewing staff for private projects requiring Local Agency Formation Commission approval and public projects subject to the provisions of CEQA.

The duties of the Environmental Coordinator of the LAFCO shall include the following:

1. The Environmental Coordinator shall review environmental documents submitted with applications prepared by the Lead Agencies to determine whether the Local Agency Formation Commission shall assume the role of the lead agency. The Environmental Coordinator shall shift Lead Agency responsibility to the Local Agency Formation Commission pursuant to the provisions of section 15052 of Article 4 and/or Article 2, section 15025.1 b. 5.
2. When LAFCO assumes the duties of a lead agency under this section, the time limits applicable to a lead agency shall apply to the actions of LAFCO for assuming Lead Agency duties.
3. Assess the potential environmental significance of projects proposed to be undertaken or approved by the Local Agency Formation Commission of San Benito that are subject to the requirements of CEQA, the State CEQA Guidelines and these procedures.
4. Prepare and/or circulate lead agency certified environmental documents and recommendations to the Local Agency Formation Commission for projects subject to CEQA, the State CEQA Guidelines and these procedures.
5. Review environmental documents submitted by Lead Agencies to the Local Agency Formation Commission of San Benito for comment. The Environmental Coordinator shall request that Lead Agency's incorporate adequate discussion of regional or cumulative impacts, discussion of LAFCO policy(s) and factors that must be considered by LAFCO pursuant to the Cortese-Knox-Hertzberg Local Government Reorganization Act. These include, but are not limited to:
  - a) Project impacts on the viability of regional transportation network;

- b) Project impacts on the local and countywide balance of jobs and housing;
  - c) Regional or sub-regional impacts on air, water quality, groundwater supply and wastewater disposal;
  - d) Other regional or sub-regional impacts associated with local growth-inducement;
  - e) Consistency of the project with adopted LAFCO policy
  - f) Project Impacts related to factors that must be considered by LAFCO in §56668 of the Government Code,
  - g) An evaluation of the proposed plan for services required by §56653. (a) of the Government Code and disclosure of service impacts.
6. Notify the public at least ten (10) days prior to the date of a public hearing by legal notice in a newspaper of general circulation (pursuant to Planning and Zoning Law, Section 65090.9. a.) by direct mailing to the owners and occupants of contiguous property, and by direct mailing to other interested parties (including those who have provided stamped, self-addressed envelopes). Local Agency Formation Commission agendas on environmental matters to interested parties.
7. Transmit and/or file all legal notices as required by these procedures.
8. Review and comment on Notices of Preparation, proposed Negative Declarations, Mitigated Negative Declaration, and Draft EIRs sent to the Local Agency Formation Commission as a Responsible Agency by Lead Agencies.
- c. The Local Agency Formation Commission shall not delegate the following functions:
- 1. Reviewing and considering a final EIR or approving a Negative Declaration prior to approving a project.
  - 2. The making of findings as required by Sections 15091 and 15093
- d. Where a lead agency in San Benito such as a City Council and/or Board of Directors of a special district is required to make an application on a project to the LAFCO, the lead agency shall also review and consider the EIR, Mitigated Negative Declaration or Negative Declaration to be adequate prior to submittal of said application to the Local Agency Formation Commission.

### Article 3. Authorities Granted to Public Agencies by CEQA

Article 3 of the State CEQA guidelines is incorporated with the following additions:

#### 15040.1 Appeals

- I. Appeals of Local Agency Formation staff decisions

Any decision made pursuant to CEQA and these implementing procedures by the Environmental Coordinator and the coordinator's staff of the Local Agency Formation Commission may be appealed to the Local Agency Formation Commission within 15 days of the Local Agency Formation Commission staff's written decision.

- II. Fees shall be set by resolution of the Local Agency Formation Commission Local Agency Formation Commission.

#### Article 4. Lead Agency

Article 4 of the State CEQA guidelines is incorporated with the following additions:

Section 15051: The Local Agency Formation Commission shall normally assume the role of Responsible Agency for LAFCO applications submitted by the cities and/or special districts with a governing board of directors (e.g. Sunnyslope County Water District) or establishment of county service areas.

The Local Agency Formation Commission shall assume the role of Lead Agency for some actions such as but not limited to the following:

- 1) periodic review of sphere-of-influences and urban service areas;
- 2) if the provisions of section 15052. Shift in Lead Agency Designation apply;
- 3) when the Lead Agency does not act, or when there is not another agency to act

#### Article 5. Preliminary Review of Projects and Conduct of an Initial Study

Article 5 of the State CEQA Guidelines is incorporated with the following additions:

##### 15600.1 Preliminary Review

The following shall apply to all projects requiring Local Agency Formation Commission approval:

- a. The Local Agency Formation Commission Environmental Coordinator shall determine whether or not an application is complete within 30 working days from the date that the application is submitted. The Local Agency Formation Commission shall require that environmental documents certified by Lead Agencies be submitted with the applications. The Local Agency Formation Commission will not deem any application complete or act upon any project until an environmental document has been completed that addresses both CEQA and LAFCO environmental concerns.
- b. Local Agency Formation Commission Staff may, as a result of the 30-day preliminary review, determine that additional information and/or technical reports are required in order to conduct the formal environmental evaluation. In such cases, the Local Agency Formation Commission Environmental Coordinator

shall inform the applicant in writing of the information required to complete the application. The applicant shall provide the additional information prior to acceptance of the application as complete by the Local Agency Formation Commission.

- c. The Local Agency Formation Commission shall notify applicants in writing of acceptance of an application as complete within the time limits specified in this section.

#### 15601.1 Review for Exemption

- a. The Environmental Coordinator of the Local Agency Formation Commission shall determine if a private project is exempt during the preliminary review when LAFCO is acting as the Lead Agency.

#### 15603.1 Initial Study

- a. Contents:
  - 1) The Local Agency Formation Commission, when acting as the lead agency, shall complete the identification of environmental effects by use of an environmental checklist, and shall include a discussion of ways to mitigate significant effects identified, if any.
  - 2) The Local Agency Formation Commission shall include in its discussion an examination of whether the project would be consistent with Local Agency Formation Commission policies and resolutions regarding boundary changes, existing zoning, General Plan policies, and other land use plans and controls.

### Article 6. Negative Declaration Process

Article 6 of the State CEQA Guidelines is incorporated with the following additions:

#### 15072.1 Public Notice of a Negative Declaration

- a. In addition to the procedures and time limits specified in Section 15072 for providing the public with notice of intent to adopt a Negative Declaration or Mitigated Negative Declaration, the Local Agency Formation Commission shall publish a notice of public hearing in a newspaper of general circulation in the area at least ten (10) days prior to adoption.

### Article 7. EIR Process

Article 7 of the State CEQA Guidelines is incorporated with no additions.

## Article 8. Time Limits

Article 8 of the State CEQA Guidelines is incorporated with the following additions:

### 15109.1 Suspension of Time Limit

A delay of more than 45 days in meeting requests by the Local Agency Formation Commission necessary for the preparation of a Negative Declaration, Mitigated Negative Declaration, or an EIR shall be considered an unreasonable delay. A determination of an unreasonable delay may result in either a suspension of the running of the time periods described in Sections 15107 and 15108, or disapproval of the project application. The Executive Officer of LAFCO may waive this determination if the applicant establishes that the delay is due to unavoidable circumstances beyond his control. It shall be at the discretion of the Executive Officer of LAFCO to allow a "disapproval without prejudice" i.e. a disapproval which allows a renewed application to start at the same point in the process where the application was when it was disapproved.

## Article 9. Contents of Environmental Impact Reports

Article 9 of the State CEQA Guidelines is incorporated with the following additions:

### Section 15120.1 Environmental Impact Report Format and General Content Requirements.

The Environmental Impact Report Format and General Content Requirements (Attachment II of these procedures) shall be used as a guide in the preparation of Environmental Impact Reports for the County. This document is intended to complement, not reproduce or replace CEQA and the CEQA Guidelines sections governing the preparation of EIRs.

## Article 10. Consideration on Preparing EIRs, Mitigated Negative Declarations and Negative Declarations

Article 10 of the State CEQA Guidelines is incorporated with no additions.

## Article 11. Types of EIRs

Article 11 of the State CEQA Guidelines is incorporated with no additions.

## Article 12. Special Situations

Article 12 of the State CEQA Guidelines is incorporated with no additions.

Article 13. Review and Evaluation of EIRs,  
Mitigated Negative Declaration and Negative Declarations

Article 13 of the State CEQA Guidelines is incorporated with no additions:

Article 14. Projects Also Subject to NEPA

Article 14 of the State CEQA Guidelines is incorporated with no additions.

Article 15. Litigation

Article 15 of the State CEQA Guidelines is incorporated with no additions.

Article 16. EIR Monitor

Article 16 of the State CEQA Guidelines is incorporated with no additions.

Article 17. Exemption for Certified State Regulatory Programs.

Article 17 of the State CEQA Guidelines is incorporated with no additions.

Article 18. Statutory Exemptions

Article 18 of the State CEQA Guidelines is incorporated with the following additions:

15268.1 Ministerial Projects

The Local Agency Formation Commission shall determine "ministerial" projects on a case-by-case basis. Such determinations shall be based on the definitions of "ministerial" contained in section 15369 of these Procedures are on local ordinances and regulations.

Article 19. Categorical Exemptions

Article 19 of the State CEQA Guidelines is incorporated with no additions:

Article 20. Definitions

Article 20 of the State CEQA Guidelines is incorporated with no additions.



## CHAPTER 5

### FORMS

LAFCO APPLICATION NO. \_\_\_\_\_

This application is made to the Local Agency Formation Commission of the County of San Benito. It is a request and Petition as follows:

- a) This proposal is made pursuant to Part 3 Division 3, Title 5 of the California Government Code (commencing with §56000, Cortese-Knox Local Government Reorganization Act of 1985).
- b) The nature of the proposed change of organization, reorganization, or municipal reorganization and the name or names of all cities and districts for which any change or organization is proposed are as follows:

\_\_\_\_\_  
\_\_\_\_\_  
\_\_\_\_\_

City and/or district: \_\_\_\_\_  
(If the proposal is for a reorganization and requests the formation of a new district or districts, designate the principal act or acts under which said district or districts are proposed to be formed).

- c) List of resolutions from agencies whose service area or service responsibility would be altered by this change or organization, reorganization or municipal reorganization.

<u>AGENCY</u>	<u>RESOLUTION NO.</u>	<u>DATE OF ADOPTION</u>
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_____	_____	_____
_____	_____	_____
_____	_____	_____

- d) A description of the exterior boundaries of such territory (metes and bounds) is more particularly described in Exhibit A and a map of the subject territory is set forth in Exhibit A attached hereto, and by this reference made a part hereof.

- e) The affected territory included within this proposal is:

\_\_\_ INHABITED (Has more than 12 registered voters)  
\_\_\_ UNINHABITED (Has less than 12 registered voters)

- f) Assessor's Parcel Numbers: \_\_\_\_\_

- g) Location: \_\_\_\_\_

- h) Acreage of affected territory included within this proposal: \_\_\_\_\_

i) The purpose of this proposal is as follows:

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j) It is desired that this proposal provide for and be made subject to the following terms and conditions:

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k) Present land use of the affected site and surrounding areas:

Site: \_\_\_\_\_  
North: \_\_\_\_\_  
South: \_\_\_\_\_  
East: \_\_\_\_\_  
West: \_\_\_\_\_

l) Projected future use of affected site:

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m) Residential density of affected site:

Current: \_\_\_\_\_  
Proposed: \_\_\_\_\_

n) Is the projected land use in conformity with appropriate city and county general and specific plans: YES  NO  (If projected land use is not in conformance with appropriate city and county general and specific plans, applicant must justify this proposal on a separate page and attach it to this application).

o) The following persons (not to exceed 3) are designed as chief petitioners and hereby request to be furnished with copies of the Executive Officer's Report and who are to be given mailed notice of hearing:

<u>NAME</u>	<u>MAILING ADDRESS</u>	<u>TELEPHONE</u>
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p) In compliance with the Municipal Organization Act, in the case of non-consenting property owners, list all non-consenting property owners and their address on a separate page and attach to this application.

q) Check whichever statement applies:

- Each of the signers of this petition is a resident voter within the affected territory included within this proposal.
- Each of the signers of this petition is a landowner within the affected territory included within this proposal.
- The undersigned proponent(s) own(s) 100% of the affected territory included within this proposal.
- This application is submitted by an affected governmental agency (resolution attached). This application has the written consent of 100% of the affected territory included within this proposal.
- This application is submitted by an affected governmental agency (resolution attached). This application has the written consent of the landowners within the affected area. (Documentation attached).
- This application is submitted by an affected governmental agency (resolution attached). This application has the written consent of 100% of the landowners within the affected area. (Documentation attached).

r) It is hereby requested that proceedings be taken for the proposal herein above described pursuant to the provisions of the Government Code as enumerated within paragraph (a) of this petition.

s) In accordance with the California Environmental Quality Act, please submit the following with this petition:

1. Initial Study.
2. Negative Declaration or Environmental Impact Report.

t) The following is to be completed by registered voters or landowners within the subject area. Applications submitted by an affected governmental agency must have attached their resolution of application containing the elements as required by Government Code §35140 for the Municipal Organization Act and Government Code §56195 for the District Reorganization Act. Additionally, applications submitted by a city pursuant to the Municipal Organization Act shall include a plan for providing services as required by Government Code §35102.



**LOCAL AGENCY FORMATION COMMISSION**  
**SAN BENITO COUNTY**

3224 SOUTHSIDE ROAD  
HOLLISTER, CA 95023  
PHONE: (831) 637-5313

APPLICATION FOR AMENDMENT TO AN URBAN SERVICE AREA  
OR SPHERE OF INFLUENCE

**PURPOSE:**

In order to carry out its purposes and responsibilities for planning and shaping the logical and orderly development and coordination of local governmental agencies so as to advantageously provide for the present and future needs of the county and its communities, the Local Agency Formation Commission (LAFCO) has developed and determined the sphere of influence and service area of each local governmental agency within the county. Pursuant to Section 56428 of the Cortese/Knox Local Government Reorganization Act, any person or local agency may file a written request to amend urban service areas or spheres of influence which were adopted by LAFCO. This application is the first step in the process of amending urban service areas or spheres of influence.

**FILING CRITERIA:**

Please make sure that you fill out the application completely or submit all additional materials requested on the checklist. After reviewing the application and depending on the individual characteristics of the proposal, it may be necessary that LAFCO requests additional information with which to make a decision which complies with all state and local laws and policies. Your application will not be deemed complete until all requested information is submitted; therefore, **BEFORE SUBMITTING THE APPLICATION, PLEASE MAKE SURE EACH ITEM ON THE CHECKLIST IS INCLUDED AND THE APPLICATION IS COMPLETED IN DETAIL.**

**CHECKLIST:**

- \_\_\_\_\_ Filing Fee: \_\_\_\_\_
- \_\_\_\_\_ 10 copies of application and supportive documentation.
- \_\_\_\_\_ 10 copies of detailed map of the proposed amendment.
- \_\_\_\_\_ 1 copy of an 8-1/2" x 11" reproducible, reduced version of map.
- \_\_\_\_\_ 10 copies of legal description of proposed amendment.
- \_\_\_\_\_ 10 copies of environmental review document prepared pursuant to CEQA.

## APPLICATION

Please fill out the following completely and in detail. Attach additional sheets if necessary. Include 10 copies of any supporting documentation.

1. Name, address and phone number of person or local agency requesting amendment and any other individuals or agencies who will be affected by this amendment.

NAME

ADDRESS

PHONE NUMBER

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2. Nature of the proposed amendment:

- a. The present and planned land uses in the area, including agricultural and open-space lands.

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- b. The present and probable need for public facilities and services in the area.

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- c. The present capacity of public facilities and adequacy of public services which the agency provides or is authorized to provide.

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3. Reasons for the request:

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**MAP REQUIREMENTS:**

The map shall include all of the following items:

- \_\_\_ Appropriate Scale.
- \_\_\_ North arrow.
- \_\_\_ Date map prepared and by whom.
- \_\_\_ Vicinity map.
- \_\_\_ Existing land use.
- \_\_\_ Current Zoning and General Plan designation.
- \_\_\_ Assessor's parcel numbers.
- \_\_\_ County/City boundary lines.
- \_\_\_ Area of site to be amended.
- \_\_\_ Location, width and names of all streets within and adjacent to area to be amended.
- \_\_\_ Structures on site.
- \_\_\_ Adjoining property boundaries.
- \_\_\_ Adjoining property uses.
- \_\_\_ Adjoining Assessor's parcel numbers.
- \_\_\_ Structures on adjoining properties.



# APPENDIX A

## LOCAL AGENCY FORMATION COMMISSION OF SAN BENITO COUNTY

### RESOLUTIONS SETTING POLICY AND PROCEDURES

Resolution 82-10 of the San Benito County Local Agency Formation Commission Setting Forth a Policy Requiring Municipalities To Incorporate Roads When Annexing Territories

Resolution 95-1 A Local Agency Formation Commission Resolution Setting Fees for the Processing of Applications and Recovering Related Expenses

Resolution 95-03 – Resolution of the Local Agency Formation Commission of San Benito County Adding Policy No. 8 Regarding Agricultural Lands to Resolution 92-4 (Directing Policy and Criteria for Annexation and Sphere Amendment Requests)

Resolution 95-06 – Resolution of the San Benito County Local Agency Formation Commission Directing Policy and Criteria for Service Requests Outside Districts

Resolution 2001-20 Resolution Delegating to the Executive Officer the Responsibility to Act on Behalf of the Commission During Protest Proceedings

Resolution 2002-09 Resolution of the San Benito County Local Agency Formation Commission Adopting a Conflict of Interest Code

RESOLUTION OF THE SAN BENITO COUNTY LOCAL AGENCY FORMATION COMMISSION SETTING  
FORN A POLICY REQUIRING MUNICIPALITIES TO INCORPORATE ROADS WHEN ANNEXING  
TERRITORIES.

WHEREAS, the Local Agency Formation Commission of San Benito County, in order to carry out its purposes and responsibilities for planning and shaping the logical and orderly development and coordination of local governmental agencies so as to advantageously provide for the present and future needs of the County and its communities, recognizes the need for a uniform policy requiring Municipalities to incorporate roads when annexing territories; and

WHEREAS, the jurisdictional charges associated with annexation, should decrease the County's responsibilities for providing services in these areas, and should increase these responsibilities for the affected Cities; and

WHEREAS, the San Benito County Local Agency Formation Commission further recognizes that in some exceptional and extraordinary cases such a policy requiring the annexation of roads may not be practical or preferable by the local agency involved;

NOW, THEREFORE BE IT RESOLVED by the Local Agency Formation Commission of San Benito County, that it is the Commission's policy to require that; the full width and full length of roads adjacent to; and all the roads within any proposed annexation shall be included in territory proposed to be annexed to any municipality in San Benito County; and

BE IT FURTHER RESOLVED that in exceptional and extraordinary cases annexation of roads may not be required. These requirements will be waived when; both local governments or their representatives agree, in writing, that annexation of said road would be to the disadvantage to both governments and the general welfare; and two thirds majority vote of the Local Agency Formation Commission of San Benito County finds circumstances which would make this policy impracticable and unfeasible.

PASSED AND ADOPTED BY THE LOCAL AGENCY FORMATION COMMISSION OF THE COUNTY OF SAN BENITO THIS 26TH DAY OF AUGUST, 1982 BY THE FOLLOWING VOTE:

AYES: Hodges, Silva, Cerrato, Gabriel

NCES: None

ABSENT: Baccala

  
Chairman, Don Gabriel

  
Executive Officer, Rob Mendiola

RESOLUTION NO. 95-1

LOCAL AGENCY FORMATION COMMISSION

A LOCAL AGENCY FORMATION COMMISSION RESOLUTION SETTING FEES FOR THE PROCESSING OF APPLICATIONS AND RECOVERING RELATED EXPENSES.

WHEREAS, the Local Agency Formation Commission of San Benito County under Section 56654 is empowered to set fees for the processing of LAFCO applications, and

WHEREAS, the proposal to raise said fees has been properly noticed as a public hearing and that LAFCO has on January 26, 1995 held the required public hearing, and

WHEREAS, the current fees do not reflect the current cost for processing such applications and performing related duties, and

WHEREAS, the current fee schedule does not include fees for processing applications for dissolutions nor for requests for services outside district boundaries nor for requests to provide additional types of extended services, and

WHEREAS, LAFCO finds it only fair and in the best interest of the County and all it's citizens to adjust said fees to more accurately reflect actual cost incurred by each application.

NOW THEREFORE BE IT RESOLVED the fees for LAFCO related activities are set as follows:

<u>Process / application type</u>	<u>Fee</u>
Annexations and detachments:	
0 - 1.00 acres	\$450.00
1.01 acres and above	\$950.00
Formation of a County Service Area:	\$700.00
Request to provide additional types of extended services:	\$450.00
Formation of a Special District:	hourly rate w/\$2,000.00 deposit
Incorporation/Disincorporation of a City:	hourly rate w/\$2,000.00 deposit
Service outside a jurisdiction's boundaries:	\$450.00

<u>Process / application type</u>	<u>Fee</u>
CEQA Process:	
Exemption	\$150.00
Request For Proposals	\$600.00
Contract Preparation	\$600.00
Initial Study/Negative Declaration	\$750.00
EIR Administrative Fee	25%
EIR Review as Responsible Agency	\$360.00
Notice Of Preparation	\$250.00
Processing a petition with 12 or more signatures:	\$10.00 or .50/signature whichever is greater
Rehearing	half of application fee
Dissolution of a Special District:	\$200.00
Sphere of Influence Study and amendments:	hourly rate w/\$2,000.00 deposit
Miscellaneous charges:	\$45.00/hour
LAFCO Analyst cost:	\$45.00/hour
LAFCO Determination	\$180.00

PASSED AND ADOPTED BY THE LOCAL AGENCY FORMATION COMMISSION OF THE COUNTY OF SAN BENITO ON THIS 26TH DAY OF JANUARY, 1995 BY THE FOLLOWING VOTE:

AYES: BOWLING, SCAGLIOTTI, HOLTE, GABRIEL

NOES: NONE

ABSENT: IRISH

  
 Chairperson  
 Local Agency Formation Commission

ATTEST:  
  
 Rob Mendiola

RESOLUTION OF THE LOCAL AGENCY FORMATION COMMISSION OF SAN BENITO COUNTY ADDING POLICY No. 8 REGARDING AGRICULTURAL LANDS TO RESOLUTION NO. 92-4 (DIRECTING POLICY AND CRITERIA FOR ANNEXATION AND SPHERE AMENDMENT REQUESTS).

WHEREAS, the State legislature has provided Local Agency Formation Commission (LAFCO) with direction in their duties and requirements set forth in the Cortese-Knox Local Government Reorganization Act of 1985; and,

WHEREAS, to carry out its purpose and responsibility for planning and shaping the logical and orderly development and coordination of local government agencies so as to advantageously provide for the present and future needs of the County and its communities a more strict interpretation of the Act must be taken; and,

WHEREAS, the Commission may recommend governmental reorganization to particular agencies in the county using spheres of influence and urban service areas as the basis of such recommendations.

NOW THEREFORE BE IT RESOLVED that the Local Agency Formation Commission of San Benito County adopts these policies:

1. LAFCO will review spheres of influences and urban service areas on a regular basis to assure that the legislative intent of the Cortese-Knox Act is accomplished.
2. Where necessary, LAFCO will establish urban service areas to further implement spheres of influence. These will be adjusted upward and downward as the facts in the matter require.
3. That annexation requests shall be made by resolution of the local jurisdiction pursuant to the Government Code Section. This becomes effective with the adoption of the City of Hollister's General Plan. It currently applies to San Juan Bautista.
4. To require that a plan for providing services must be submitted with annexation applications whether the application is submitted by resolution or application. (Govt. Code 56653)
5. LAFCO will deny applications absent a clear, quantifiable mechanism to provide adequate services.
6. LAFCO will take every possible opportunity to amend applications and alter applications to eliminate any present and future islands. Notice to property owners of the affected territory will be by return receipt.

7. LAFCO will use the California Environmental Quality Act to its fullest extent of the law, and will disclose and understand all impacts prior to LAFCO action.
8. LAFCO will deny city annexations, amendments to currently adopted sphere-of-influences, and urban service areas that clearly induce, facilitate, or lead to conversion of prime agricultural lands when there is opportunity for amendment and/or annexation to non-prime lands.

PASSED AND ADOPTED by the Local Agency Formation Commission on the 20th day of April 1995 by the following vote:

AYES: COMMISSIONERS SCAGLIOTTI, BOWLING, HOLTE, GABRIEL, IRISH  
NOES: COMMISSIONERS  
ABSENT: COMMISSIONERS

ATTEST:



Chair  
Local Agency Formation Commission



Rob Mendiola  
Executive Officer