

AGENDA
REGULAR MEETING
Wednesday, February 12, 2003
1:15 p.m.

Chambers of the Board of Supervisors
70 West Hedding Street, First Floor, East Wing
San Jose, CA 95110

CHAIRPERSON: Linda J. LeZotte

COMMISSIONERS: Blanca Alvarado, Donald F. Gage, Susan Vicklund-Wilson, Mary Lou Zoglin

ALTERNATES: Patricia Figueroa, John Howe, Pete McHugh, Chuck Reed

The items marked with an asterisk (*) are included in the Consent Agenda and will be taken in one motion. At the beginning of the meeting, anyone who wants to discuss a consent item should make a request to remove that item from the Consent Agenda.

If you wish to participate in the following proceedings, you are prohibited from making a campaign contribution of more than \$250 to any commissioner or alternate. This prohibition begins on the date you begin to actively support or oppose an application before LAFCO and continues until three months after a final decision is rendered by LAFCO. No commissioner or alternate may solicit or accept a campaign contribution of more than \$250 from you or your agent during this period if the commissioner or alternate knows, or has reason to know, that you will participate in the proceedings. If you or your agent have made a contribution of more than \$250 to any commissioner or alternate during the twelve (12) months preceding the decision, in the proceeding that commissioner or alternate must disqualify himself or herself from the decision. However, disqualification is not required if the commissioner or alternate returns the campaign contribution within thirty (30) days of learning both about the contribution and the fact that you are a participant in the proceedings.

- 1. ROLL CALL**
- 2. APPOINTMENT OF CHAIRPERSON AND VICE-CHAIRPERSON FOR 2003**
Possible Action: Appoint Chairperson and Vice-Chairperson for 2003.
- 3. PUBLIC PRESENTATIONS**
This portion of the meeting is reserved for persons desiring to address the Commission on any matter not on this agenda. Speakers are limited to **THREE** minutes. All statements that require a response will be referred to staff for reply in writing.
- 4. APPROVE MINUTES OF DECEMBER 11, 2002 MEETING**

PUBLIC HEARINGS

5. OUT OF AGENCY EXTENSION OF SEWER SERVICE TO 17645 MANZANITA DRIVE (McLAREN) BY THE CITY OF MORGAN HILL

A request by the City of Morgan Hill to extend sewer service to a property (APN 729-39-026) located at 17645 Manzanita Drive and consideration of a possible urban service area (USA) amendment to include appropriate area within the City's USA boundary to facilitate future annexation.

Possible Action: Consider the request for extension of sewer service and staff recommendation.

6. MAPS FOR THE FIRE DISTRICTS IN SANTA CLARA COUNTY

Possible Action: Adopt maps depicting the boundaries and spheres of influence of the following four special districts providing fire protection services in Santa Clara County: Santa Clara County Central Fire Protection District, South Santa Clara County Fire Protection District, Los Altos Hills County Fire District and Saratoga Fire Protection District.

7. PROCEDURES FOR THE PREPARATION AND PROCESSING OF ENVIRONMENTAL DOCUMENTS

Possible Action: Adopt the procedures for the preparation and processing of environmental documents in compliance with CEQA.

8. EXECUTIVE OFFICER'S REPORT

A. Update on Countywide Fire Protection Service Review
Information only.

B. New Commissioner: Alternate Cities Member, John Howe
Information only.

C. 2003 CALAFCO Staff Workshop (May 1-2, 2003) .

Possible Action: Authorize staff to attend the conference and authorize travel expenses funded by the LAFCO budget.

D. 2003 CALAFCO Clerks' Workshop (April 9-11, 2003)

Possible Action: Authorize staff to attend the conference and authorize travel expenses funded by the LAFCO budget.

E. 2003 CALAFCO Annual Conference (September 24-26, 2003)

Information only.

9. APPOINTMENT OF PUBLIC COMMISSIONER

Possible Action: Reappoint Commissioner Susan Vicklund Wilson as the LAFCO public commissioner for a new four-year term May 2003 to May 2007.

10. SELECTION AND APPOINTMENT OF ALTERNATE PUBLIC COMMISSIONER

Possible Action: Conduct group interview and select alternate public commissioner.

11. PENDING APPLICATIONS

For information only.

- A. Request for annexation of 13441 and 13445 Robleda Road (Corrigan) to the Purissima Hills Water District
- B. Request for annexation of 12661 Robleda Road (Wu) to the Purissima Hills Water District
- C. Request for an out of agency extension of sewer service to 23270 Mora Heights Way (Husher) by the Town of Los Altos Hills
- D. Request by City of Morgan Hill to include two areas, Area 1 (64.89 acres) and Area 2 (8.75 acres) within its urban service area

12. WRITTEN CORRESPONDENCE

13. ADJOURN

Adjourn to the next regular business meeting on Wednesday, April 9, 2003.

NOTE TO COMMISSIONERS:

Upon receipt of this agenda, please contact Emmanuel Abello, LAFCO Clerk at (408) 299-5088 if you are unable to attend the LAFCO meeting.

In compliance with the Americans with Disabilities Act, those requiring accommodation for this meeting should notify the Clerk of the Board's Office 24 hours prior to the meeting at (408) 299-4321, TDD (408) 993-8272.

February 5, 2003

TO: LAFCO

FROM: Neelima Palacherla, Executive Officer *NP*

SUBJECT: Appointment of 2003 Chairperson and Vice Chairperson
Agenda Item # 2

RECOMMENDATION

Appoint Commissioner Blanca Alvarado as Chair and Commissioner Susan Wilson as Vice Chair.

DISCUSSION

Appointment of Chair and Vice Chair is made on a calendar year basis. LAFCO's rotation schedule is as follows:

City representative
County representative
San Jose representative
County representative
Public representative

The Chair for the previous year was Commissioner LeZotte, San Jose representative and the vice chair was Commissioner Alvarado, a County representative. In accordance with the rotation schedule, staff recommends that LAFCO appoint Commissioner Alvarado as 2003 Chairperson and Commissioner Wilson as Vice Chairperson.

**SANTA CLARA COUNTY
Local Agency Formation Commission**

**MINUTES
WEDNESDAY, DECEMBER 11, 2002**

1. **ROLL CALL**

The Local Agency Formation Commission (LAFCO) of Santa Clara County convenes this 11th day of December 2002 at 1:23 p.m. in the Chambers of the Board of Supervisors, County Government Center, 70 West Hedding Street, San Jose, California, with the following members present: Chairperson Linda J. LeZotte, and Commissioners Blanca Alvarado, Donald Gage, Susan Vicklund-Wilson and Mary Lou Zoglin.

The LAFCO staff in attendance include Neelima Palacherla, LAFCO Executive Officer; Kathy Kretchmer, LAFCO Counsel; Dunia Noel, LAFCO Analyst; and Ginny Millar, LAFCO Surveyor.

The meeting is called to order by Chairperson LeZotte and the following proceedings are had, to wit:

2. **PUBLIC PRESENTATIONS**

There are no public presentations.

3. **APPROVE MINUTES OF OCTOBER 9, 2002 MEETING**

On motion of Commissioner Gage, seconded by Commissioner Wilson, it is ordered on a vote of 4-0, with Commissioner Zoglin abstaining, that the minutes of the October 9, 2002 meeting be approved, as submitted.

PUBLIC HEARINGS

4. **CITY OF SAN JOSE 2002 URBAN SERVICE AREA (USA) AMENDMENT**

This being the time and place set for public hearing to consider the San Jose 2002 USA Amendment (Areas A, B, C and D), which was continued from the August 8, 2002 and October 9, 2002 LAFCO meetings, the Chairperson declares the public hearing open.

Ms. Palacherla reports that the City of San Jose 2002 application for USA amendment originally consisted of four areas, namely, Area A (17 acres, APN 015-40-002), Area B (8 acres, APN 625-08-009), Area C (8 acre portion of APN 654-03-009) and

Area D (a portion of APN 678-13-013). However, the City has withdrawn Area D from the application. She advises that Area A is a 17-acre parcel located on Dixon Landing Road, is within the city limits and urban growth boundary of San Jose, and is contiguous to its USA. She continues by stating that the annexation is being requested to allow a local garbage collection and recycling firm to build an administrative office and a service yard which will be provided with urban services. She indicates that the USA amendment will not have any impact on agricultural lands, and only a portion of the parcel will be included into the USA because the remaining portion does not need urban services. She reports that staff has reviewed and approved the legal description and maps of the area. The only issue, however, is with regard to water and sewer services. A contract is being developed by the cities of San Jose and Milpitas to allow San Jose's sewer to run through Milpitas lines and for San Jose to purchase water from Milpitas. She notes that staff has reviewed the draft agreement between the two cities and the arrangement does not come within Government Code section 56133, an out-of-agency contract for services. Finally, she recommends the approval of the USA amendment, contingent on staff reviewing the final water and sewer agreement between the cities of San Jose and Milpitas.

Commissioner Wilson expresses concern that Area B may induce growth near its northern and southern boundaries and expresses a similar concern for Area C. In response, Stan Ketchum, Principal Planner, City of San Jose, states that both Areas B and C are below the 15 percent slope line. He further advises that the parcels north and southeast of Area B are not being included in this USA amendment, because the slopes therein are above 15 percent. He reports that the City did a thorough analysis and found that the areas with less than 15 percent slope line would be appropriate for urbanization. In response to an inquiry by Commissioner Wilson, Mr. Ketchum reports that the pre-zoning has been filed for Area B. In response to another inquiry by Commissioner Wilson, Mr. Ketchum states that Area C is limited to 11 residential dwellings in accordance with the General Plan designation. In response to an inquiry by Commissioner Zoglin, Jerry Strangis, Strangis Properties, representing the applicant, states that odor easement is a requirement by the San Jose-Santa Clara Sewage Treatment Plant to ensure that occupants of development within a certain radius of the plant do not complain in the future about the odor from the plant.

Ms. Palacherla advises that approval of these three areas must be contingent on the payment by the City of the full LAFCO fees. She indicates that a deposit has already been paid to cover the initial costs, however, LAFCO will send the City an invoice for the actual processing costs. On an inquiry by Chairperson LeZotte, Ms. Kretchmer advises that the approval would include the CEQA action if the Commission approves the staff recommendation, as noted in the staff report, conditioned on the payment of fees.

On motion of Commissioner Gage, seconded by Commissioner Wilson, it is unanimously ordered that the following resolutions are approved: Resolution 02-12, approving the request of the City of San Jose for the 2002 expansion of its USA in Area A, consisting of a portion of one parcel (APN 015-40-005); Resolution No. 02-13, approving the request of the City of San Jose for the 2002 expansion of its USA in area B, consisting of an 8 acre portion of APN 652-08-009 located on Murillo Avenue, opposite of Groesbeck Hill Park; and Resolution No. 02-14, approving the request of the City of San Jose for the 2002 expansion of its USA in Area C, consisting of an 8 acre portion of APN 654-03-009, located east of Murillo Avenue and north of Quimby Road.

5. LAFCO POLICIES REVISION AND ADOPTION

This being the time and place set for public hearing to consider the revision and adoption of LAFCO policies, the Chairperson declares the public hearing open.

Ms. Palacherla reports that this item includes proposed new policies for service reviews and proposed revisions to the existing LAFCO policies. These proposed policies have been circulated to the cities and special districts for review and comment. She indicates that staff received a comment letter on the policies for processing applications affecting more than one county, and another comment letter on the annexation policies. She advises that the documents being presented before the Commission include revisions based on the comments received.

With regard to policies on processing proposals affecting more than one county, she reports that in response to an recommendation received from Santa Cruz LAFCO, staff included a provision which states that when requested by an affected county, Santa Clara LAFCO will consider and determine, on a case by case basis, if it is appropriate to transfer jurisdiction to the LAFCO of the affected county.

On the annexation and reorganization policies, she indicates that staff received a request from the Central Fire Protection District for LAFCO to clarify the existing street annexation policies. Ms. Palacherla notes that staff added a provision which states "segments of roads, freeways, highways, private roads, or railroads rights of way adjacent to or within a proposed annexation be included to the city boundaries to ensure logical boundaries and efficient provision of services."

The Chairperson requests for public comment. Tom Sullivan, Director for Community Development, City of Saratoga, states that the service review policies should use appropriate growth and population projections from the Department of Finance (DOF) and the Association of Bay Area Governments (ABAG) among others, and consider such growth projections and the physical constraints in each of the area being studied. On the USA policies, he comments that Item D3j of the proposed policies address housing needs, and he expresses support for Item B8 which provides protection to agriculture and open space lands. Regarding Item B10, he suggests that special districts be added to the USA policies, because some cities are full-service cities, and other cities obtain water, sewer and fire services from special districts. He expresses concern relating to two-year moratorium for any change in pre-zoning after annexation unless the cities can overwhelmingly prove that conditions have changed. Finally, he requests clarification on the street annexation policies and processes. In response, Ms. Palacherla states that staff has not decided yet whether to use the ABAG or DOF population and growth projections, particularly since there is a need to clarify which of these projections have data on the cities in terms of the city limits and spheres of influence (SOIs). She also indicates that the two year freeze on the pre-zoning designation after an annexation is a requirement in the state law. Relative to the USA changes, she reports special districts do not have USAs and only have SOIs.

In response to an inquiry by the Chairperson, Ms. Palacherla reports that the application packets have not been revised at this time; however, staff will revise the filing requirements to reflect the updated policies as soon as possible. On a suggestion by the Chairperson to allow time to notify the public of these changes, Ms. Palacherla states that many of the new requirements only clarify and strengthen the existing policies, and while there are some new requirements to the cities and special districts, most are already part of the existing policies. The Chairperson also suggests that the

policies be made available to the public and be included in the application packets. Commissioner Gage proposes that Mr. Sullivan submit his comments in writing for staff to respond as appropriate.

There being no other speakers from the public, the Chairperson declares the hearing closed.

On motion of Commissioner Gage, seconded by Commissioner Alvarado, it is unanimously ordered that the revision to LAFCO policies be approved, and that staff be requested to respond as appropriate to the suggestions from the speaker.

6. COUNTYWIDE FIRE SERVICE REVIEW

This being the time and place set for public hearing to consider the countywide fire service review, the Chairperson declares the hearing open.

Ms. Palacherla reports that at its August 14, 2002 meeting, the Commission ~~established the boundaries and priorities for conducting service reviews, and a~~ countywide fire service review was identified as one of the top priorities. She advises that staff is requesting authority from the Commission to issue a Request for Proposal (RFP) to hire a consultant to conduct the study. She indicates that the draft RFP and scope of services will be sent to the affected agencies for review and comments before being sent out to the prospective consultants. She reports that staff identified 13 agencies within the county that provide fire protection services and developed a working list of related issues. She notes that staff will solicit comments and input from these agencies about the issues that must be considered during the service review. She advises that staff needs to be advised whether the Commission wants representation on the Consultant Selection Committee which will meet to interview and select a consultant in February 2003.

The Chairperson determines that there are no speakers from the public. Commissioner Gage expresses interest to serve on the Committee. He states that many of the unincorporated areas have not been assigned to the jurisdiction of any fire agency. Presently, the California Department of Forestry, the Santa Clara County Fire Department and City of San Jose are serving these areas on a mutual aid basis, however, there is no means to pay for their services. He notes the importance of addressing these problems. Commissioner Wilson volunteers to serve on the Committee, as well.

On an inquiry by Commissioner Zoglin regarding the scope of the review, Ms. Palacherla advises that there is a separate countywide contract for emergency medical services provided by fire agencies. She adds that this is a complex matter which the service review will cover in terms of how the services are being provided, although there is no specific issue identified at this time. Commissioner Zoglin notes that this is a major element of the work of the fire agencies and that if staff assumes that this is a component of the traditional fire services, then it is part of the service review.

In response to an inquiry by Chairperson LeZotte, Ms. Kretchmer states that Item 3 in the staff recommendation proposes that the Commission delegate authority to the Executive Officer to negotiate and enter into contract with the consultant without coming back to LAFCO in order to avoid delays in implementing the service review. Ms. Palacherla advises that the RFP and scope of services will be sent to all the affected agencies for comment after the Commission's approval. She states that their comments, which are expected within 3-4 weeks, will be integrated into the RFP and the scope of services, and that the final version of these documents will be sent to the consultants and will be publicly available on the LAFCO website. She indicates that when proposals from consultants are received in February 2003, the Committee will select a consultant based on the criteria being proposed and that the LAFCO Executive Officer will enter into contract with the selected consultant on behalf of LAFCO. On an inquiry by the Chairperson, Ms. Palacherla advises that the Consultant Selection Committee may include Commissioners, staff and an outside person who may come from a LAFCO of another county. Commissioner Wilson informs that she is willing to participate either as a member or an alternate member of the Committee.

In response to a suggestion by Commissioner Gage relating to representation of the fire agencies on the Committee, Ms. Kretchmer advises that the draft RFP has been sent to the fire districts for their comments. In addition, she advises that the fire districts were asked to provide names of potential consultants. She notes that staff is reluctant to include a fire agency on the Committee because of potential conflicts of interest among the various fire agencies. In response to a query by Commissioner Zoglin, Ms. Palacherla states that the matter will be brought back to the Commission for a public hearing when the consultant presents the draft fire service review report in August 2003, and that the final report may be presented to the Commission in October 2003.

On motion of Commissioner Alvarado, seconded by Commissioner Gage, it is unanimously ordered that staff be authorized to issue a RFP to seek a consultant to conduct a countywide fire service review; that Commissioners Gage and Wilson be designated to serve on the Consultant Selection Committee; and that authority be delegated to the LAFCO Executive Officer to enter into an agreement with the most qualified consultant in an amount not to exceed \$75,000 and the Executive Office be authorized to execute any necessary amendments to the contract, subject to LAFCO Counsel's review and approval.

7. PUBLIC AND ALTERNATE PUBLIC MEMBER APPOINTMENT

Ms. Palacherla advises that the term of Commissioner Wilson as public member, and the term of Commissioner Pat Figueroa as an alternate public member will expire in May 2003. She adds that state law requires that a public member be appointed by the four members of the Commission. The Commission may reappoint the public member and the alternate public member for another four-year term or initiate a recruitment process to fill the vacancies. She states that both commissioners have expressed interest in reappointment.

Commissioner Alvarado moves that public member Wilson and alternate public member Figueroa be reappointed for additional four-year terms. Commissioner Gage seconds the motion. Chairperson LeZotte notes that since there could be concerns about Commissioner Zoglin, the current City Member, and Commissioner Figueroa, an Alternate Public Member, both being residents of the City of Mountain View, she proposes that the Alternate Public Member position be publicized to other possible applicants. On an inquiry by the Chairperson, Ms. Palacherla notes that this item is being considered so the Commission can decide what action to take, and that staff has not yet publicly announced the matter. In response to an inquiry by the Chairperson, Ms. Kretchmer advises that the Commission could officially reappoint Commissioner Wilson during the February 2003 meeting. In this regard, Commissioner Alvarado amends her original motion. In this regard, Commissioner Alvarado and Commissioner Gage agree to amend the motion. Ms. Palacherla requests direction from the Commission regarding the recruitment process and Commissioner Gage suggests that citizen groups be contacted about the alternate public member position.

It is unanimously ordered, on a vote of 4-0, with Commissioner Wilson abstaining, that the reappointment of Commissioner Wilson be included in the agenda of the February 2003 LAFCO meeting, and staff to announce the vacancy of the alternate Public Member position.

8. SCHEDULE OF LAFCO MEETINGS

On motion of Commissioner Gage, seconded by Commissioner Wilson, the 2003 Schedule of LAFCO meetings is unanimously approved.

10. PENDING APPLICATIONS

There are no pending applications.

11. WRITTEN CORRESPONDENCE

There is no written correspondence.

12. ADJOURNMENT

On order of the Chairperson, there being no objection, the meeting is adjourned at 2:04 p.m. to the next regular meeting to be held on Wednesday, February 12, 2003 at 1:15 p.m. in the Chambers of the Board of Supervisors, County Government Center, 70 West Hedding Street, San Jose, California.

Linda J. LeZotte, Chairperson
Local Agency Formation Commission

ATTEST:

Emmanuel Abello, LAFCO Clerk

January 31, 2003

TO: LAFCO

FROM: Neelima Palacherla, Executive Officer *NP*

SUBJECT: **Out of agency extension of sewer service (Morgan Hill)**
17645 Manzanita Drive (APN 729-39-026)
Agenda Item #5

STAFF RECOMMENDATION

1. Approve Categorical Exemption for this proposal under class 3, Section 15303(d).
2. Approve request for extension of sewer service to a single-family residence located on 17645 Manzanita Drive in the unincorporated area, with the understanding that the City will pursue annexation of the entire Holiday Lake Estates Area.
3. Direct staff to send a letter to the City of Morgan Hill on behalf of LAFCO requesting that:
 - The City specifically seek an exception from Measure P requirements for the Holiday Lake Estates area given its unique status as a developed area currently receiving urban services from the city, its geographic location surrounded by the city on three sides and as a means of alleviating the threat to public health and safety caused by the failing septic systems in the area.
 - The City report to LAFCO on its plans for annexation of the Holiday Lake Estates Area, following voter approval of revisions to Measure P.
4. Direct staff to provide timely updates to the Commission on:
 - The recommendations of the Measure P committee specifically affecting the Holiday Lake Estates Area,
 - The final language included on the ballot relating to the Holiday Lake Estates Area and
 - The outcome of the Measure P election in November 2003.
5. Direct staff to continue to facilitate the City, County and the SCVWD working together to resolve the sanitation and annexation issues in the Holiday Lake Estates area.

PROJECT DESCRIPTION

The City of Morgan Hill is seeking LAFCO approval for extending sewer service to an existing 702 sq.ft. single-family home (APN 729-39-026) located at 17645 Manzanita Drive. The property is located in the unincorporated area outside the City urban service area (USA) but within its sphere of influence (SOI). Since the proposed extension of service will be outside of the City's jurisdictional boundaries, LAFCO approval is required. See attached map for property and its relationship to the City and USA boundaries.(Attachment A).

The extension of sewer service is being sought because of failure of the on-site septic system. Repair of the system is not possible on the property. A City sewer line currently exists at the back of the property. An on-site hook up to the existing line is necessary for service.

BACKGROUND

Holiday Lake Estates Area -- Basically an Unincorporated Pocket

The parcel seeking service is located in an unincorporated area known as the Holiday Lake Estates area. There are about 200 parcels in this unincorporated area that is surrounded by the City of Morgan Hill and the Anderson Reservoir. Although it is outside the City's USA boundary, City sewer and water lines run through this unincorporated area. All the properties here receive City water and about 80 properties are connected to the City sewer system. So, even though it is outside the City's USA, it is similar to an urban unincorporated pocket, with all the inherent confusion and inefficiencies relating to governance and service provision that a pocket has.

Sewer System Failures -- Ongoing Public Health and Safety Threat

Over the years, LAFCO has received requests for extension of City sewer services to properties with failing or failed septic systems in this area. Two sewer extensions have been approved by LAFCO as a result of these requests. The County Department of Environmental Health (DEH) is currently aware of at least 9 other properties that have failing systems in the area. Some of these systems have been failing since 1989. At this time, there is no comprehensive documentation of the condition of the remaining septic systems in this area but given the age of the homes, the small size of the lots, the terrain, soil type and vegetation in this area, combined with the area's proximity to the Anderson Reservoir, it is very likely that as septic systems continue to fail, sewage disposal will be an ongoing problem in this area and there will continue to be more requests for sewer connections from individual property owners. The failing septic systems create a threat to the public health and safety of the area residents and are a serious cause for concern to the Santa Clara Valley Water District (SCVWD) with regard to the water quality of Anderson Reservoir which is designated a drinking water source.

Long Term Solution Requires Interagency Cooperation

LAFCO staff met with the DEH staff, City staff, Supervisor Gage's Aide and SCVWD staff on January 24, 2003 to discuss this sewer extension request and long-term solutions to the sanitation issues in the area and potential impacts to water quality of Anderson Reservoir. All the participants agreed that extending City sewer service to the area is the solution to the sanitation issues in this area. However, the area should be annexed to the City prior to extending City sewer service. The following are some opportunities and challenges in implementing the long-term solution for the area:

Lack of Documentation regarding Extent of Septic System Failures

No comprehensive study has been conducted to determine the extent of the septic system failures in this area. The information we have about the failures is a result of the complaints filed with DEH and not any active study. Although it is thought that there are other failing or failed systems in this area, there is no study yet that provides accurate information.

Potential Impact to Water Quality at Anderson Reservoir

Again, there is no documentation available detailing the potential / current impacts to water quality as a result of the septic system failures. The reservoir is a drinking water source.

Measure P Restrictions to Annexation of Holiday Lake Estates Area

Voter approved Measure P restricts Morgan Hill's ability to seek expansion of its USA until there is a less than 5 year supply of vacant land either to the west or east of Monterey road depending on the project location. At this time the City has about 25 years worth of vacant residentially designated land within its city limits. Measure P also sets a population cap of 38,800 for the year 2010. Therefore, even though the city is currently providing urban services to the Holiday lake Estates area, the City is not able to seek inclusion of the area in its USA due to Measure P restrictions.

A city council appointed committee is proposing changes to Measure P primarily to extend it to year 2020. One of the changes being considered is an exception for areas (such as Holiday Lake Estates area) that are currently developed. The Measure is set to go before the voters in November 2003.

Assessment of Need and Cost of New Sewer Infrastructure

Although there are many City sewer lines running through the area, some portions of the area do not have access to a sewer line and new infrastructure will have to be laid to serve these areas. The need and cost of this new infrastructure has not yet been determined. Additionally, options for funding this infrastructure including availability of grants has to be researched.

Given range of issues, the technical expertise required to address these issues, and the mix of jurisdictional responsibilities, it is crucial that the various agencies work together to find a rational long-term solution to this ongoing problem. Attached is letter dated

February 4, 2003 (Attachment B), from the County Planning Office urging the agencies to work together to find a long-term solution.

ENVIRONMENTAL ASSESSMENT

Categorical Exemption

The project is categorically exempt from CEQA under Class 3, Section 15303 (d). See attached report from LAFCO Analyst.

CONSISTENCY WITH LAFCO POLICIES

Project Within Sphere of Influence

State law and local LAFCO policies allow consideration of an agency's proposals for extending services only within its SOI. This proposal is within the SOI of the City of Morgan Hill.

Annexation as Alternative to Service Extension

LAFCO policies require annexation prior to extension of services beyond an agency's boundaries. State law allows extension of services outside an agency's jurisdiction in anticipation of future annexation of the area.

This property lies outside the USA of Morgan Hill but is contiguous to the City's existing USA boundary and city boundary. Measure P, Morgan Hill's growth control measure does not allow expansion of the USA until there is less than a five year supply of vacant residentially designated land to the east of Monterey Road. At this time, the property will not qualify for inclusion into the USA because there is more than a five-year supply of vacant residentially designated land to the east of Monterey Road. However, Measure P provides exceptions from this requirement for properties that qualify under the City's "Desirable Infill Standard". LAFCO staff believes this property would qualify for inclusion in the USA under this exception, making it possible for the City to annex the parcel.

The City at this time is not in favor of annexation of this individual parcel for reasons stated in their letter dated February 4, 2003(Attachment C). They suggest that a more rational approach would be to annex the entire Holiday Lake Estates area if and when that becomes possible.

LAFCO staff agrees that annexation of the entire area would be the optimal solution, but recognizes that at this time there are several barriers to annexation of Holiday Lake Estates. The City has indicated in its letter that the Measure P committee is considering seeking an exception from Measure P for currently developed areas such as the Holiday Lake Estates Area. This presents a timely opportunity to pursue annexation for the entire area as opposed to dealing with this area on a parcel-by-parcel basis. LAFCO should

encourage the City to do so and work with the City to this end. In turn, the City should demonstrate to LAFCO its commitment to actively pursue inclusion in USA and eventual annexation for the area.

This specific proposal's agreement for services includes a provision requiring the property owner to waive any right to protest future annexation proposal for this property. In the future, the City could initiate annexation for this parcel individually or a part of a larger area once the area is in the City's USA.

Growth Inducing Impacts

The majority of the parcels in this area are developed with small single-family homes on lots of an average size of half an acre. Out of the approximately 200 parcels in the area, only about 10-20 parcels are vacant. Morgan Hill's policies state that the city shall not extend services beyond its USA except in the case that an existing developed lot has a failing septic or well and the council makes a finding that denial of services would adversely affect public health and safety. So, it is unlikely that the City will extend sewer service to these homes prior to annexation.

The application for this proposal does not indicate that this service extension request is in association with any expansion plans for the existing home on site. However, connecting to the sewer would open up the possibility for future expansion of the home.

Health and Safety/Public Benefit Issues

The letter from County Environmental Health states that the existing septic system on the property is malfunctioning and is in a state of eminent failure. It further states that a repair of the system may not be feasible due to limited area available for repair. Failure to adequately dispose of the sewage could result in a public health hazard. Allowing the sewer connection would help resolve an existing health and safety issue.

Ability of the City to Provide Services

The City of Morgan Hill has stated that it has the capacity to serve this property and that serving this property outside its boundary will not reduce the level of services it provides its residents. The extension of the sewer service is contingent on approval of the South County Regional Wastewater Authority (SCRAW). This item will be considered by SCRAW at its February 11 meeting.

Premature Conversion of Agricultural or Open Space Land

This area is developed with single-family homes on lots averaging about half an acre. There are no agricultural or open space lands that would be impacted by extending the sewer system.

CONCLUSION

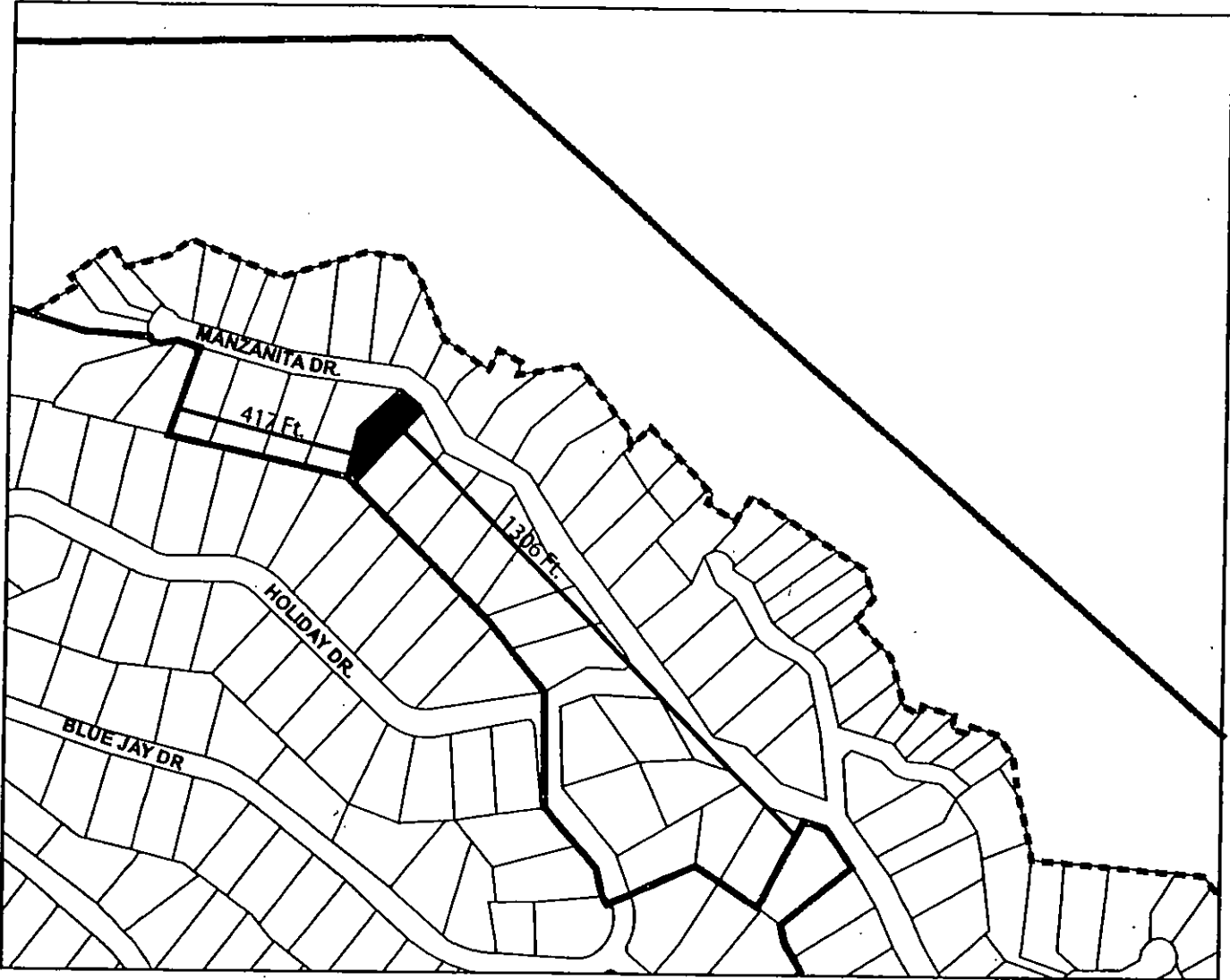
The property's septic system is failing and it has been determined that repair of the existing system or installation of a new system is not possible. Connection to the City's sewer system is the only alternative to obtaining service for the existing home on the property.

LAFCO policies generally discourage extension of urban services beyond an agency's boundaries. Even though annexation of the individual property may be feasible, the City has indicated that it would prefer to pursue annexation of the entire area rather than conduct individual annexations. Under the present circumstances, working cooperatively towards annexation of the entire area seems to be a better alternative in achieving the long-term solution for the public health and safety problems facing the community. Staff recommends that the extension of sewer service be approved.

ATTACHMENTS

- Attachment A. Map showing properties and jurisdictional boundaries and detailed map.
- Attachment B County Planning Office Letter dated February 4, 2003
- Attachment C LAFCO Analyst Report
- Attachment D City of Morgan Hill Letter dated February 4, 2003
- Attachment E City of Morgan Hill Resolution requesting LAFCO approval
- Attachment F Sewer Service Agreement between the City of Morgan Hill and Property Owner at 17645 Manzanita Drive

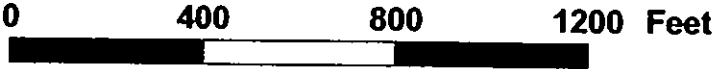
AGENDA ITEM No. 5
ATTACHMENT A

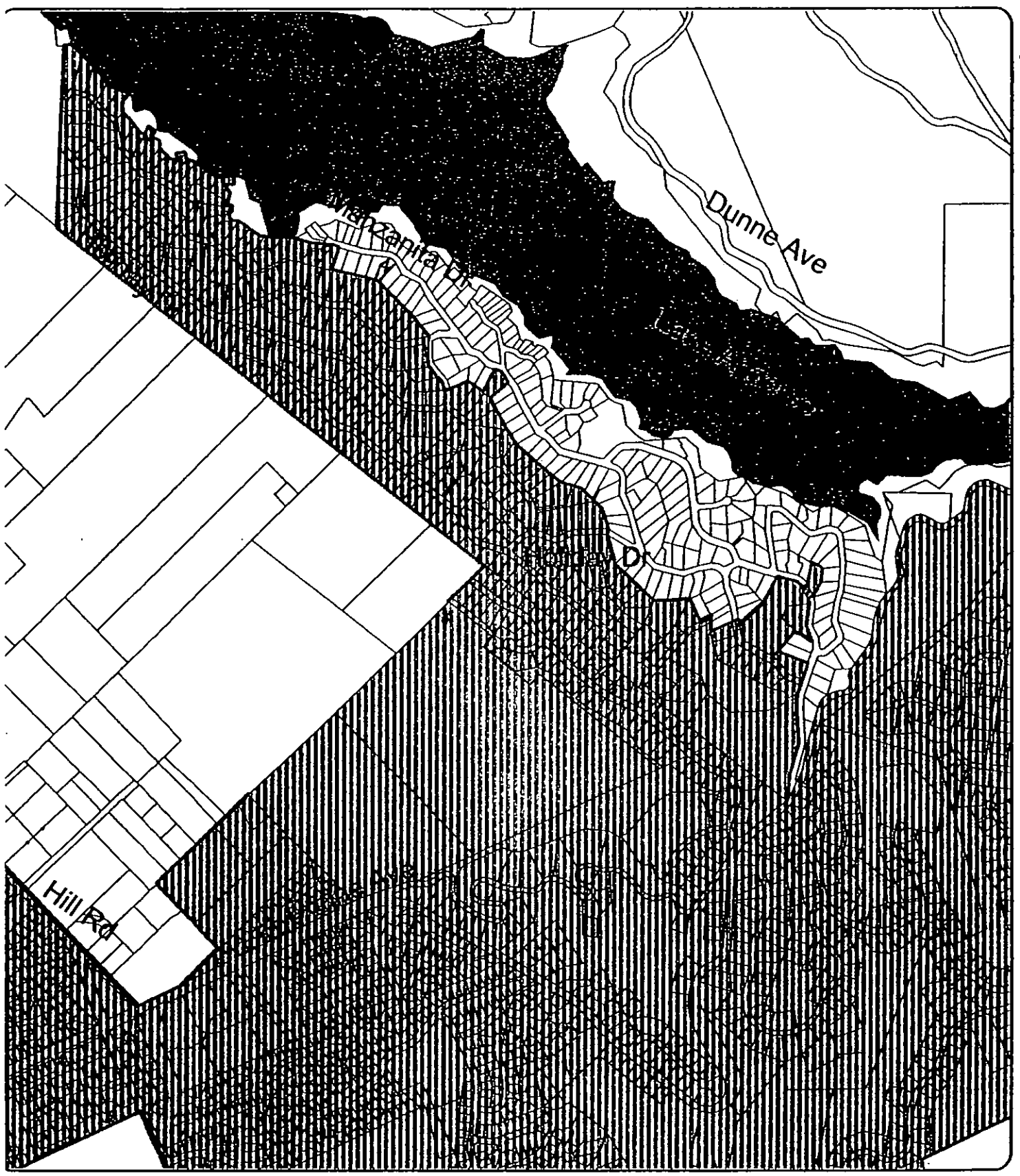


- URBAN SERVICE AREA
- URBAN GROWTH BOUNDARY
- - - - CITY LIMIT
- SPHERE OF INFLUENCE

City of 
Morgan Hill

Desirable In-fill Requirement
Distance from Urban Service Boundary





Holiday Lake Estates
Unincorporated Santa Clara County
January 7, 2003



This map was created by the Santa Clara County Planning Office. The Geographic Information System files were compiled from various sources. While deemed reliable, the Planning Office assumes no liability.

County of Santa Clara

Environmental Resources Agency
Planning Office

County Government Center, East Wing, 7th Floor
70 West Hedding Street
San Jose, California 95110-1705
(408) 299-5770 FAX (408) 288-9198
www.sccplanning.org



AGENDA ITEM No. 5 ATTACHMENT B

February 4, 2003

Neelima Palacherla
Executive Director
LAFCO
70 W Hedding Street 11th Fl
San Jose CA 95110

RE: 17645 Manzanita Drive

A few weeks ago, the County Planning Commission went on a bus field trip of the south part of the county and was joined by the Planning Director of Morgan Hill. One of the topics of discussion was the historic inefficient development pattern in the Morgan Hill area. It was noted that the Morgan Hill community continues to try and find ways to correct inefficiencies and provide a logical system of service delivery. The County Planning Office supports these efforts.

Holiday Lake Estates is one of those illogical, inefficient areas. It was built in the unincorporated part of the county yet is surrounded on three sides by the City of Morgan Hill and by Anderson Lake on the remaining side. The Urban Service line for Morgan Hill zig zags among the lots in Holiday Lake Estates, with some lots in the Urban Service Area and some lots out. Nonetheless, it appears the City provides water services to all the parcels and sewer services to some of the properties. Morgan Hill appears to be the first responder to fire and police requests for service.

The septic systems in this area are failing creating a health and safety problem for the individual property owners, the surrounding neighborhood and possibly the larger community in terms of contamination into Anderson Lake. LAFCO is considering a request associated with one parcel and it is probable that several other parcels will make similar requests in the near future. The specific request is to allow the further extension of sewer services to 17645 Manzanita Drive without annexation to Morgan Hill. This parcel abuts the USA line but is not within the Service Area.

Page two

The right thing to do is to modify the Urban Services Area line and include all of Holiday Lakes Estates into the Morgan Hill Service Area. Except for the sake of a line, this neighborhood already is part of the City of Morgan Hill. This action will help to correct one of those historic inefficiencies. Then, as property owners need to hook up to the sewer system they can annex and hook up. I urge that we all work together to correct an historic governance issue so that future health and safety problems can be solved in a streamlined fashion.

A handwritten signature in black ink, appearing to read "Ann E. Draper". The signature is fluid and cursive, with the first name "Ann" being the most prominent.

ANN E. DRAPER
DIRECTOR, PLANNING OFFICE
ENVIRONMENTAL RESOURCES AGENCY

AD:leg

lafco-02-03

Date prepared: January 29, 2003

Hearing date: February 12, 2003

To: The Santa Clara County Local Agency Formation Commission
From: Dunia Noel, LAFCO Analyst *DN*
Subject: **Out of Agency, City of Morgan Hill, Extension of Water and Sewer Service to 17645 Manzanita Drive (McLaren)**

Recommended CEQA Action:

Approve Categorical Exemption. The project is categorically exempt from the requirements of CEQA.

Reasons for Recommendation:

The project is exempt under CEQA Class 3, Section 15303(d), "New Construction or Conversion of Small Structures" which states:

Section 15303(d) Water main, sewage, electrical, gas, and other utility extensions, including street improvements, of reasonable length to serve construction and location of limited numbers of new, small facilities or structures.

BACKGROUND

Project Description

The City of Morgan Hill is requesting on behalf of Edward and Pauline McLaren, the property owners of 17645 Manzanita Drive, LAFCO approval of an Out-of-Agency contract for services. The subject parcel is approximately 17,136 square feet with one existing single-family residence involved with this out of agency agreement. The contract would allow the City of Morgan Hill to provide sewer service to an existing 702 sq. ft. single-family residence located on 17645 Manzanita Drive (APN 29-39-026) within an unincorporated area outside of Morgan Hill (Holiday Lake Estates). This parcel is within the Sphere of Influence and outside the Urban Service Area of Morgan Hill. However, the parcel is adjacent to Morgan Hill's Urban Service Area and city limits. Since the proposed extension of sewer service will be outside of the City of Morgan Hill's jurisdictional boundaries, an out-of-agency approval is required from LAFCO.

The owner of this parcel is requesting this service agreement in order to connect to the City of Morgan Hill's sewer service due to the failure of the existing septic system on the property site. According to the County of Santa Clara's Environmental Health Department, installation of a new septic system is not possible, due to the soil type, lack of land area for a new system, and the topography of the property. A City sewer line currently exists at the rear of the property. The project would allow the owner to connect to the City of Morgan Hill's existing sewer line located at the rear of the property. The

extension of sewer service to this property would involve the installation of a 90-foot on-site lateral. The single-family residence currently receives water service from the City, but does not receive sewer service.

City of Morgan Hill staff recommended approval of the request at the November 2002 City Council meeting because the finding of a direct adverse impact on the public health and safety could be made. A letter from the County of Santa Clara's Environmental Health Department (DEH) states that the property's septic system is "malfunctioning and in a state of eminent failure and has been in such condition since 1989." DEH concluded, "a conventional sewage disposal will not be feasible due to the lack of area available for a repair." Therefore DEH recommended, "a connection to the nearby sanitary sewer be made to resolve the eminent nuisance created by the current situation." The proposed extension of sewer service is thus exempt from CEQA because it meets the requirements of the Class 3 exemption.

ENVIRONMENTAL FACTORS OF CONCERN TO LAFCO

Premature Conversion of Agricultural and Open Space Lands

The property and Holiday Lake Estates Area is developed with single-family homes on lots averaging about half an acre. There are no agricultural or open space lands that would be impacted by extending the sewer system. Therefore, the project will not result in the premature conversion of either agricultural or open space lands on the site or in the surrounding area.

Growth Inducement and Precedent Setting Implications

According to the County Zoning Ordinance, the current zoning designation for the subject property and other surrounding parcels in this unincorporated area is HS (Hillsides). Surrounding parcels include other single-family residences. The project site and surrounding area's developed parcels have been developed to the maximum density allowed by the current zoning (HS). However, it is possible that the extension of sewer service to the property could allow the property owner to expand their existing single-family home.

Because no other parcels on or adjacent Manzanita Drive have signed under the sewer extension agreement for this application, future applications for extension of sewer service would be subject to further CEQA analysis. Providing sewer service to the site would allow the property owner to abandon the failing septic system, would also provide a means to protect the water quality of Lake Anderson and thus result in a public health benefit. Any future requests by property owners in the area to connect to city sewer would also have to demonstrate that such a connection is necessary to alleviate a health or safety threat. Therefore, the project would not result in a precedent for other sewer connections in the area or result in any growth-inducing impacts.

Provision of Public Services

The City of Morgan Hill has provided documentation stating that it does have the capacity to serve this property and that serving this property, which is outside its boundary, will not reduce the level of services it provides its residents. The City already provides water to the property. The extension of sewer services is contingent on the South County Regional Wastewater Authority's approval.

COMMUNITY DEVELOPMENT DEPARTMENT, PLANNING DIVISION

17555 Peak Avenue Morgan Hill CA 95037 (408) 779-7247 Fax (408) 779-7236

February 4, 2003

Neelima Palacherla
Executive Director
Santa Clara County Local Agency Formation Commission
70 West Hedding Street, 11th Floor
San Jose, CA 95110

Subject: **McLaren Property Annexation
(APN 729-39-026)**

Dear Ms Palacherla:

This letter is to advise the Local Agency Formation Commission of the City of Morgan Hill's position regarding the annexation of the above property. The property owner, Mr. Edward McLaren, filed an application with the City to extend sanitary sewer service to the subject property. As documented in the attached letter from the County Health Department dated August 28, 2002, the existing septic system is failing and the property has insufficient land area to install a new leach field. On October 16, 2002, the Morgan Hill City Council approved the property owner's request based on a finding that denial of service would have a direct adverse impact on public health. While the City supports the owner's request to extend City sewer service, the City does not support annexation of the property at this time.

The proposed annexation as recommended by LAFCO staff does not represent a logical extension of the Morgan Hill City Boundary. The McLaren Property is adjacent to city limits on only one side and would be a peninsular extension of the City's incorporated area. Also, access to the property is from Manzanita Drive (a private road) within the unincorporated area. In the long term, a more rational boundary adjustment would be to annex the entire area extending east to Anderson Reservoir including all of the unincorporated portions of Holiday Lake Estates. This larger area annexation, however, is not possible at this time.

In 1990, the citizens of Morgan Hill approved a ballot measure (Measure P) to control the rate of residential development in the City. Measure P prohibits the City from applying to LAFCO, or otherwise request or support the addition of any land to its urban service area, until such time as the amount of undeveloped, residentially developable land is insufficient to accommodate five years' worth of residential growth. The City estimates that we have more than a 25 year supply undeveloped residential property in our existing city limits.

Neelima Palacherla
February 4, 2003
Page - 2 -

In considering other annexation applications over the past few years, LAFCO has carefully considered the limitations of Measure P.

While annexation is not presently possible, a committee appointed by our City Council, will be proposing changes to Measure P to be submitted to the voters in November 2003. Among the changes being considered, would be an exception that would allowed annexation of existing developed areas such as the unincorporated areas of Holiday Lake Estates. Should the voters approve this change, the City would be able to revisit the issue of the larger area annexation

As with the annexation, the long term solution to serving this area would be to extend city sewer to all of the existing lots. Before this can be accomplished, the property owners in the area must agree to be annexed, and the question of how the sewer system expansion would be paid for would need to be resolved. The City does not have the resources to undertake a major expansion of our sewer system infrastructure to serve this entire area.

If you have any question regarding the City's position on this matter, please call me at (408) 779-7248.

Sincerely,

/S/ David J. Bischoff

David J. Bischoff, AICP
Community Development Director

Encl.

R:\PLANNING\WP51\BOUNDARY\Outside Service Area\2002\OSR-02-02\MclarenAnnexation.l1x.doc

RESOLUTION NO. 5618

**A RESOLUTION OF THE CITY COUNCIL OF THE CITY OF
MORGAN HILL APPROVING AN EXTENSION OF CITY
SEWER SERVICE TO AN UNINCORPORATED PROPERTY
LOCATED AT 17645 MANZANITA DR. (APN 729-39-026)**

WHEREAS, the Santa Clara County Department of Environmental Health has determined that the septic system has failed. Due to the limited area available for repair, the County has recommended connecting to a sanitary sewer to resolve the eminent nuisance and unsafe condition created by the failed septic system.

WHEREAS, the City Council finds that the present septic system cannot be replaced or repaired. In the best interest of the public health and safety and the hardship imposed on the property owner, a connection to the City sewer is recommended; and

WHEREAS, the existing residential use is consistent with the County zoning and City General plan and the use without proper sewage disposal has an adverse effect on the public's health and safety; and

WHEREAS, no other options are available for providing sewage disposal for the property; and

WHEREAS, testimony received at a duly-noticed public hearing, along with exhibits and drawings and other materials have been considered in the review process.

WHEREAS, such request was considered by the City Council at their regular meeting of October 16, 2002 and November 6, 2002 at which time the City Council approved the Out of Urban Service Area Request, OSR-02-02: Manzanita-McLaren.

NOW, THEREFORE, THE MORGAN HILL CITY COUNCIL DOES RESOLVE AS FOLLOWS:

SECTION 1. Based on a determination of the County Department of Environmental Health in a letter dated August 28, 2002, the City Council finds that the subject property cannot be provided with septic service due to parcel size, soil type, and topography of the parcel. Denial of services would have a direct adverse impact on the public health and the property owner.

SECTION 2. The City sewer line currently exists at the rear of the property and would not need to be extended to service the subject property. An on-site hook up to the existing line would be necessary and is consistent with the General Plan policies and Urban Service Extension policy and Morgan Hill Municipal Code section 18.78.080.

SECTION 3. Prior to filing an Out of Service Area Request application with LAFCO, the City shall forward this application to South County Regional Waste Water Authority for their review and approval.

SECTION 4. The Applicant shall enter into a hold harmless agreement and waiver and release agreement with the City in a form acceptable to the City Attorney. The agreement shall, at a minimum, hold harmless and release the City from all responsibility if the check valve or the sewer system fails and damage from any future sewer backup, overflow, or other contamination results.

PASSED AND ADOPTED by the City Council of Morgan Hill at a Regular Meeting held on the 6th Day of November, 2002 by the following vote:

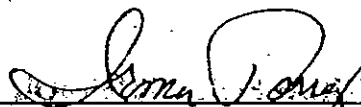
AYES:	COUNCIL MEMBERS:	Larry Carr, Hedy Chang, Dennis Kennedy, Greg Sellers, Steve Tate
NOES:	COUNCIL MEMBERS:	None
ABSTAIN:	COUNCIL MEMBERS:	None
ABSENT:	COUNCIL MEMBERS:	None

☪ CERTIFICATION ☪

I, IRMA TORREZ, CITY CLERK OF THE CITY OF MORGAN HILL, CALIFORNIA, do hereby certify that the foregoing is a true and correct copy of Resolution No. 5618, adopted by the City Council at the Regular Meeting on November 6, 2002.

WITNESS MY HAND AND THE SEAL OF THE CITY OF MORGAN HILL.

DATE: 12/3/02



IRMA TORREZ, City Clerk

RECORDING REQUESTED BY)
AND WHEN RECORDED MAIL TO:)
)
City Attorney)
City of Morgan Hill)
17555 Peak Avenue)
Morgan Hill, CA 95037)
)
)
)

(Space above for Recorder.)

02494

This document is exempt from payment of a recording fee pursuant to Government Code Section 27383.

Dated: 12-6-02, 2002

**SEWER ANNEXATION AGREEMENT
EDWARD B. AND PAULINE K. MCLAREN**

THIS AGREEMENT is made this 6th day of November, 2002, by the CITY OF MORGANHILL, a municipal corporation, ("CITY"), and Edward B McLaren ("OWNER") and Pauline K McLaren.

RECITALS

The following recitals are a substantive part of this Agreement:

1. This Agreement is entered into pursuant to the City of Morgan Hill's City Council approval on November 6, 2002.
2. This Agreement is contingent upon written approval from LAFCO authorizing the extension of services in accordance with Government Code Section 56133. In the event that LAFCO does not approve the proposed extension of services, the CITY shall not provide sewer service.
3. As of the date of execution of this Agreement, CITY has not annexed the property described in this Agreement.

AGREEMENT

THE PARTIES MUTUALLY AGREE AS FOLLOWS:

1. **Term of Agreement.** With the exception of Paragraph 14 and Paragraph 15 below, this

Agreement shall expire: 1) upon annexation of the real property described in Section 2 to CITY or 2) in the event that the property is not annexed to CITY in accordance with Paragraph 5.1.

2. **Legal Description of Property.** The land to which this Agreement applies is the real property located in the County of Santa Clara, State of California, described as follows:

17645 MAURANITA DRIVE
M02904 HILL CA 95037

A legal description of the real property is attached hereto and incorporated herein by this reference as Exhibit "A."

3. **Sewer Service.** OWNER is granted the right to connect to the CITY's sewage system. CITY retains the right to disconnect the sewer and/or water service for OWNER's failure to pay the monthly sewer bills upon giving proper notice to OWNER.

4. **Fees and Rates:** OWNER agrees to pay the following fees and rates:

4.1 **Connection Fees.** Prior to connection, OWNER agrees to pay to CITY the customary fees charged for all persons who connect to the CITY's sewer system.

4.2 **Sewer Rates.** OWNER shall be charged the same rate that is charged to similar customers outside city limits for which sewer service is being provided. The rates shall be set forth by ordinance or resolution of the City Council. Should the CITY annex the parcel for which sewer service is being provided for pursuant to this Agreement OWNER shall be charged the same rate as all customers within CITY limits.

5. **Future Annexation:** OWNER agrees that in consideration for CITY granting sewer service pursuant to this Agreement, OWNER, his or her heirs, personal representatives, successors, and assigns will not protest the annexation of the real property to CITY, whether such annexation proceedings are inhabited or uninhabited territory and whether such annexation proceedings are commenced by CITY or by private parties desiring to annex to the CITY. Should the property be annexed to the CITY, OWNER shall be responsible to pay to CITY the standard annexation fee at the time of annexation. In the event that several adjoining parcels join in the proceedings the fee will prorated accordingly.

5.1 **Withdrawal of Services.** In the event that the real property described in Section 2 is not annexed to CITY due to actions of the OWNER or his or her successors in interest, CITY reserves the right to withdraw its sewer services under this Agreement upon thirty (30) days' written notice.

6. **Non-Liability of Officials and Employees of the CITY.** No official or employee of CITY

shall be personally liable for any default or liability under this Agreement.

7. **Non-Discrimination.** OWNER covenants there shall be no discrimination based upon race, color, creed, religion, gender, marital status, age, disability, national origin, or ancestry, in any activity pursuant to this Agreement.

8. **Compliance with Law.** OWNER shall comply with all applicable laws, ordinances, codes, and regulations of the federal, state, and local government.

9. **Notices.** All notices shall be personally delivered or mailed, via first class mail to the below listed addresses. These addresses shall be used for delivery of service of process. Notices shall be effective five (5) days after date of mailing, or upon date of personal delivery.

a. Address of OWNER is as follows:

17645 Manzanita Drive
Morgan Hill, CA 95037

b. Address of CITY is as follows:

Public Works Director
City of Morgan Hill
17555 Peak Avenue
Morgan Hill, CA 95037

With a copy to:

City Clerk
City of Morgan Hill
17555 Peak Avenue
Morgan Hill, CA 95037

10. **Licenses, Permits and Fees.** OWNER shall obtain all permits and licenses as may be required by this Agreement and shall be responsible for all fees associated with such permits and licenses.

11. **Time of Essence.** Time is of the essence in the performance of this Agreement.

12. **Limitations Upon Subcontracting and Assignment.** Neither this Agreement or any portion shall be subcontracted or assigned by OWNER without prior written consent of CITY.

13. **Authority to Execute.** The persons executing this Agreement on behalf of the parties warrant that they are duly authorized to execute this Agreement.

14. **Indemnification.** OWNER agrees to protect, defend and hold harmless CITY and its elective or appointive boards, officers, agents, and employees from any and all claims, liabilities, expenses, or damages of any nature, including attorneys' fees, for injury or death of any person, or damage to property, or interference with use of property, arising out of, or in any way connected with performance of the Agreement by OWNER, OWNER'S agents, officers, employees, subcontractors, or independent contractors hired by OWNER. The only exception to OWNER'S responsibility to

protect, defend, and hold harmless CITY, is due to the sole negligence of CITY. This hold harmless agreement shall apply to all liability regardless of whether any insurance policies are applicable.

The policy limits do not act as a limitation upon the amount of indemnification to be provided by OWNER.

15. **Waiver and Release.** In consideration for this Agreement and Release, OWNERS, on behalf of themselves, any and all person or entities having any interest in the Property, their respective officers and agents, both in their official and individual capacities, and their successor(s) in interest and assigns, hereby covenant not to sue and do fully release and discharge the City, its past and present City Council members, officers, agents, employees, attorneys, successors and assigns from all actions, damages, liabilities of whatsoever kind and character, including but not limited to administrative appeal, writ of mandate, attorneys' fees, any common-law contract or tort cause of action, or violation of any other federal, state, local or City ordinance, regulation, rule or order arising out of the subject matter of this Agreement, specifically the provision of sewer service to the Property. The OWNERS specifically understand and agree that this includes any future sewer back-up, overflow, or other contamination of the Property due to the City's sewer operations. OWNER, on behalf of themselves, any and all persons or entities having any interest in the Property, their respective officers and agents, both in their official and individual capacities, and their successor(s) in interest and assigns, represents, and warrants that it has not requested, authorized, or assigned any other person or entity to assert any such claim on their behalf, and will not do so in the future.

16. **Agreement Runs with the Land.** All of the provisions, rights, terms, covenants, and obligations contained in this Agreement shall run with the land, be binding upon, and inure to the benefit of, the Parties and their respective heirs, successors and assignees, representatives, lessees, and all other persons acquiring the Property, or any portion thereof, or any interest therein, whether by operation of law or in any manner whatsoever. This agreement shall be duly recorded, and shall operate to give future owners notice of the restrictions imposed on the land.

17. **Binding Effect.** The provisions of this Agreement shall be binding upon and inure to the benefit of the parties to this Agreement and their heirs, executors, administrators, successors, and assigns.

18. **Modification.** This Agreement constitutes the entire agreement between the parties and supersedes any previous agreements, oral or written. This Agreement may be modified on provisions waived only by subsequent mutual written agreement executed by CITY and OWNER.

19. **California Law.** This Agreement shall be construed in accordance with the laws of the State of California. Any action commenced about this Agreement shall be filed in the central branch of the Santa Clara County Superior Court.

20. **Interpretation.** This Agreement shall be interpreted as though prepared by both parties.

21. **Preservation of Agreement.** Should any provision of this Agreement be found invalid or unenforceable, the decision shall affect only the provision interpreted, and all remaining provisions shall remain enforceable.

IN WITNESS THEREOF, these parties have executed this Agreement on the day and year shown below.

CITY OF MORGAN HILL

By: [Signature]
J. Edward Tewes, City Manager
Date: 12-11-02

ATTEST:
By: [Signature]
Irma Torrez, City Clerk
Date: 12/17/02

"OWNER"
NAME OF OWNER

By: [Signature]
Pauline K. McJaren
Date: 12.26.02

APPROVED:
By: [Signature]
Jack Dilles, Risk Manager
Date: 12/12/02

APPROVED AS TO FORM:

By: [Signature]
Helene Leichter, City Attorney
Date: 12/11/02

February 12, 2003

TO: LAFCO

FROM: Neelima Palacherla, Executive Officer *NP*

SUBJECT: Maps for the Fire Districts In Santa Clara County

Agenda Item # 6

RECOMMENDATION

Staff recommends that the Commission adopt maps depicting the boundaries and spheres of influence for the following four special districts that provide fire protection services in Santa Clara County:

- 1) Santa Clara County Central Fire Protection District,
- 2) South Santa Clara County Fire Protection District,
- 3) Los Altos Hills County Fire District, and
- 4) Saratoga Fire Protection District.

PROJECT DESCRIPTION

Maps for the four fire protection districts are current as of January 31, 2003 and have been prepared for LAFCO adoption. These maps have been thoroughly reviewed by fire protection district staff.

BACKGROUND

In preparation for LAFCO Service Reviews, LAFCO staff has undertaken the task of developing and maintaining maps of special district boundaries and their Sphere of Influence (SOI) boundaries in Geographic Information Systems (GIS). LAFCO contracted with the County of Santa Clara's Information Systems Department (ISD) to prepare boundary maps for special districts in Santa Clara County. The first set of maps prepared by LAFCO staff is for the fire protection districts that serve various parts of Santa Clara County. These maps will be an important resource for the upcoming Fire Protection Service Review.

Prior to this project, LAFCO did not have boundary maps for special districts in Santa Clara County. As a result, these four maps were prepared using various information sources, including historical sphere of influence documents, LAFCO resolutions, district legal descriptions, information obtained from the County of Santa Clara Assessor and the County of Santa Clara Registrar of Voters, as well as information obtained from fire

protection district staff. In preparing these maps, LAFCO staff worked closely with various fire district staff, particularly Don Jarvis, Battalion Chief, Santa Clara County Central Fire District. These maps could not have been prepared without his effort, the efforts of the various fire protection district staff, and County of Santa Clara staff, including staff from the Information Systems Department, Surveyor's Office, Controller's Office, Planning Office, Registrar of Voters Office, and Assessor's Office.

These maps are the official LAFCO maps for these special districts and will be maintained and kept current.

February 12, 2003

TO: LAFCO

FROM: Dunia Noel, LAFCO Analyst *DN*

SUBJECT: **LAFCO of Santa Clara County Draft Proposed Procedures for Preparation and Processing of Environmental Documents (Attachment)**

Agenda Item # 7

RECOMMENDATION

Staff recommends that the Commission adopt procedures for the preparation and processing of environmental documents

PROJECT DESCRIPTION

LAFCO staff, with the assistance of Barbara Graichen, MPA, Graichen Consulting, has drafted procedures for the preparation and processing of environmental documents (Attachment A) by LAFCO staff and the Commission. The purpose of the procedures is to implement the requirements of the California Environmental Quality Act (CEQA) pursuant to §21082 of the California Public Resources Code and to supplement the State CEQA Guidelines adopted by the Secretary for Resources of the State of California. LAFCO staff will use these procedures to prepare and process the requisite environmental documents as part of LAFCO's current processing of applications.

BACKGROUND

CEQA (§21080 of the Public Resources Code, and the CEQA Guidelines § 15020) requires all California public agencies to comply with the environmental review requirements set forth in the statute and CEQA Guidelines.

As an independent public agency of the State of California, LAFCO is subject to the requirements of CEQA. LAFCO may function as "Lead Agency" (CEQA Guidelines §15050) where it undertakes primary responsibility for environmental review, or LAFCO may function as a "Responsible Agency" (CEQA Guidelines §15096) where its CEQA role is typically limited to review of environmental documentation prepared by another public agency. Section 15022 of the State CEQA Guidelines requires each agency to develop local procedures for complying with the requirements of CEQA.

Attachment

Attachment – LAFCO Procedures for Preparation and Processing of Environmental Documents

ATTACHMENT

Attachment: LAFCO of Santa Clara County Procedures For
Preparation and Processing of Environmental Documents

LAFCO staff developed these procedures with the assistance of Barbara Graichen, Principal and owner of Graichen Consulting, 5010 Sorento Road, Sacramento, California 95835.

**Local Agency Formation Commission
of
Santa Clara County**

**PROCEDURES FOR PREPARATION
AND PROCESSING OF ENVIRONMENTAL
DOCUMENTS**

**Pursuant to the
California Environmental Quality Act
(CEQA)**

March 2003

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1.0 INTRODUCTION

1.1 CEQA REQUIREMENTS

CEQA (§21080 of the Public Resources Code, and the CEQA Guidelines § 15020) requires all California public agencies to comply with the environmental review requirements set forth in the statute and CEQA Guidelines.

As an independent public agency of the State of California, LAFCO is subject to the requirements of CEQA. LAFCO may function as "Lead Agency" (CEQA Guidelines §15050) where it undertakes primary responsibility for environmental review, or LACO may function as a "Responsible Agency" (CEQA Guidelines §15096) where its CEQA role is typically limited to review of environmental documentation prepared by another public agency.

Section 15022 of the State CEQA Guidelines requires each agency to develop local procedures for complying with the requirements of CEQA. These rules are adopted pursuant to that authority. As to matters not specifically covered by these procedures, the procedures set forth in the State CEQA Guidelines shall control.

1.2 APPLICATION OF CEQA

CEQA only applies to projects that require discretionary approval by a public agency. A discretionary approval requires use of judgment or subjective criteria on the part of the approving agency. CEQA does not apply to non-discretionary (ministerial) projects. A "project" is defined as the whole of an action that has the potential for resulting in either a direct physical change in the environment or a reasonably foreseeable indirect physical change in the environment [CEQA Guidelines §15378(a)]. LAFCO CEQA Procedures will be used when preparing and processing environmental documents for LAFCO projects, including but not limited to:

- Change of organization or reorganizations,
- Initial Sphere of Influence (SOI) determinations, and SOI updates and Amendments,
- Urban Service Area Amendments,
- Out of Agency Service Contracts,
- Incorporations of Cities,
- Formations of Special Districts, and
- All other discretionary projects as defined in §21065 and §15378 of CEQA and the CEQA Guidelines.

1.3 ENVIRONMENTAL COORDINATOR

1.3.1 Designation of Executive Officer as LAFCO Environmental Coordinator (EC)

The Executive Officer of LAFCO shall be designated the LAFCO Environmental Coordinator ("EC"). The EC will conduct such functions as are reasonably required to administer the State CEQA Guidelines including but not limited to the following:

- Determining whether or not a project is exempt,
- Supervising the work of environmental consultants,
- Conducting Initial Studies,
- Preparing Negative Declarations and Environmental Impact Reports,
- Preparing responses to public comments as to the adequacy and/or completeness of LAFCO environmental documents,
- Filing Notices, and
- Providing information to hearing bodies.

1.4 USE OF CONSULTANTS

LAFCO and the Environmental Coordinator may hire contractors and/or consultants to prepare any and all environmental documents. However, the Environmental Coordinator and the Commission retain ultimate responsibility for the adequacy of the environmental document.

1.5 FEES

Fees will be collected to cover CEQA processing costs pursuant to LAFCO's adopted fee schedule [Public Resources Code (PRC) §21089].

1.6 TIME LIMITS

LAFCO must follow the time limits set forth in CEQA Guidelines, Article 8, Sections 15100-15112, in processing environmental documents. Section 15111 provides that where the principal act governing public agency consideration provides for time limits for processing an application that are shorter than those authorized under CEQA, then the application must not be deemed accepted under the principal act until CEQA compliance has occurred. Government Code Section 56658 (i) of the Cortese-Knox-Hertzberg Reorganization Act of 2000 (CKH Act) sets a mandatory ninety (90) calendar day time period from acceptance of an application to time of hearing before the Commission. Since this is inadequate time to complete certain environmental review processes, applications for the purposes of compliance with CKH Act must not be deemed complete until the CEQA process has reached a point where it can be completed within the ninety (90) calendar day time limits of CKH Act. See *Exhibit A* for a table of typical CEQA timelines.

1.7 DEFINITIONS

The following terms when used in these Procedures have specific technical meanings as follows:

Approving Body. Any entity having discretionary authority over projects as defined in CEQA.

CEQA. California Environmental Quality Act, California Public Resources Code Sections 21000 et sequitur.

Complete Application. An application that includes all information necessary to complete required CEQA processes.

Commission. The Local Agency Formation Commission of Santa Clara County.

De minimis. Pursuant to the State Fish and Game Code, and these Procedures, a finding that a project does not significantly impact fish and wildlife resources.

Distribution Record. A certificate issued by the Environmental Coordinator (EC) at the time that the project is transmitted that indicates what, if any, environmental documentation has been or will be prepared for that project (See *Exhibit B*).

Environmental Coordinator (EC). The role filled by the Executive Officer when processing EIRs and other documents as provided herein (See Subsection entitled "Environmental Coordinator").

Environmental Document. Any document prepared to satisfy the requirements of CEQA. Documents include Exemptions, Initial Studies, Negative Declarations, Notices of Exemption, Notices of Determination, Notices of Preparation, Notices of Completion, Environmental Impact Reports, Findings of Fact, and Statements of Overriding Considerations.

Ministerial Project. A project that is processed using fixed standards or objective measurements without any subjective or personal judgment. The following actions have been determined to be ministerial:

- Filings with the State Board of Equalization, County Clerk-Recorder and County Assessor.
- Completion of property or boundary surveys and related analyses.
- Filing a Certificate of Sufficiency.
- Filing a Certificate of Completion or Termination of Proceedings.
- Determining whether a site is inhabited or uninhabited.
- Conducting Authority Proceedings.

Secretary for Resources. Secretary for the Resources Agency, State of California.

State CEQA Guidelines. The Guidelines published by the Secretary for Resources, State of California, pursuant to Public Resources Code Section 21083 and 21087, and printed in Chapter 3 of Division 6 Title 14, of the California Code of Regulations beginning with Section 15000.

Other definitions not herein described are incorporated by reference from the State CEQA Guidelines (CEQA Guidelines §15350-§15387).

1.8 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 holding shall not affect the validity or constitutionality of the remaining portions of this document.

2.0 CEQA PROCEDURES WHERE LAFCO IS THE RESPONSIBLE AGENCY

2.1 LAFCO'S ROLE AS A RESPONSIBLE AGENCY

2.1.1 General Policy

The Responsible Agency is a public entity, other than the Lead Agency, which has responsibility for carrying out or approving a project (PRC §21069). When a project is proposed for which Santa Clara LAFCO will act as the Responsible Agency, the Environmental Coordinator will ensure that the Lead Agency receives any information needed to prepare an environmental document that provides full disclosure of LAFCO issues and permits informed decision. Comments will be provided consistent with the requirements and timelines contained in §21080.3, §21080.4 and §15096.

2.2 PARTICIPATION IN LEAD AGENCY ENVIRONMENTAL REVIEW PROCESS

2.2.1 LAFCO Review and Comments (CEQA Guidelines §15096)

The EC will, upon receipt of notice of preparation of a Negative Declaration or Environmental Impact Report, for a project that will ultimately come to the Commission for consideration, consult with the Lead Agency and submit appropriate comments to the Lead Agency as to LAFCO's areas of concern. Comments provided and mitigation measures or project alternatives that are proposed should focus upon issues pertinent to LAFCO's statutory responsibilities and discretionary authority over the project. The EC will also review and comment on any Draft EIR once it is prepared. The EC will follow up on LAFCO comments to ensure that any information requested is adequately included in the final environmental document.

If requested by a member of the Commission, or where the EC feels it appropriate due to the magnitude or controversy surrounding the project, the EC will submit the draft staff comments to the Commission for their review prior to comment.

2.3 REVIEW OF ENVIRONMENTAL DOCUMENTS

2.3.1 Complete Documentation Required

Where LAFCO is a responsible agency, the LAFCO application must be accompanied by a complete copy of the environmental documentation, including the Lead Agency's resolution making determinations on the environmental documentation and a copy of the filed notice of determination showing the date of filing with the Clerk.

2.3.2 Executive Officer's Report

The EC will review the environmental documentation and include relevant information in the Executive Officer's report on the project.

2.3.3 Commission Review and Certification of Negative Declarations (NDs)

The Commission will review the environmental documentation and make the following findings in order to approve a ND:

- That the environmental documentation was completed in compliance with CEQA, and is an adequate discussion of the environmental impacts of the project,
- That prior to making a decision on this project, LAFCO reviewed and considered the environmental effects of the project as outlined in the Initial Study and Negative Declaration or Mitigated Negative Declaration, and
- That there is no substantial evidence that the project will have a significant effect on the environment.

2.3.4 Commission Review and Certification of Mitigated Negative Declarations (MNDs)

The Commission will review the environmental documentation and make the following findings in order to approve a MND:

- That the environmental documentation was completed in compliance with CEQA, and is an adequate discussion of the environmental impacts of the project,
- That prior to making a decision on this project, LAFCO reviewed and considered the environmental effects of the project as outlined in the Initial Study and Mitigated Negative Declaration
- That there is substantial evidence that the project will have a significant effect on the environment, but revisions in the project plans or proposals made by, or agreed to by, the applicant before the proposed negative declaration and initial study are released for public review would avoid the effects or mitigate the effects to a point where clearly no significant effect on the environment would occur or there is no substantial evidence in light of the whole record before the public agency that the project, as revised, may have a significant effect on the environment (PRC §21064.5), and
- If required, that a mitigation monitoring program was submitted by the Lead Agency and that the monitoring program ensures compliance with the mitigation measures identified in the MND.

2.3.5 Commission Review and Certification of EIRs (CEQA Guidelines §15090)

The Commission will review the environmental documentation and make the following findings:

- That the environmental documentation was completed in compliance with CEQA, and is an adequate discussion of the environmental impacts of the project,
- That prior to making a decision on this project, LAFCO reviewed and considered the environmental effects of the project as outlined in the EIR,
- If appropriate, that the Final EIR identified potentially significant impacts resulting from the project that cannot be mitigated to a less than significant level,
- If appropriate, that the Final EIR identified potential significant adverse impacts resulting from the project and that appropriate mitigation measures have been proposed for each of the potential impacts identified in the Final EIR, and
- If required, that a mitigation monitoring program was submitted by the Lead Agency and that the monitoring program ensures compliance with the mitigation measures identified in the Final EIR.

2.4 SUPPLEMENTATION OF ENVIRONMENTAL DOCUMENT (CEQA Guidelines §15162)

2.4.1 Grounds for Requiring Additional Environmental Documentation

The grounds for requiring supplements are any one of the following concerns listed in Section 15162 of the CEQA Guidelines:

1. Changes are proposed in the project that will require substantial revisions of the original environmental document due to new significant environmental impacts not considered in any previous environmental document.
2. Substantial changes occurred with respect to the project circumstances under which the original environmental documentation was prepared and which were not covered in the environmental document.
3. New substantial information regarding the project becomes available and both of the following occur:
 - The information was not known and could not have been known at the time of the preparation of the original or other previous environmental document.
 - The new information shows any of the following:
 - The project will have one or more significant effects not discussed in a previous environmental document.
 - Significant effects previously considered will be substantially more severe than shown in a previous environmental document.
 - Mitigation measures or alternatives previously found infeasible would in fact be feasible and would substantially reduce one or more significant effects of the project, but the project proponents decline to adopt the mitigation measure or alternative.
 - Mitigation measures or alternatives not considered in a previous environmental document would substantially lessen one or more significant effects on the environment, but the project proponents decline to adopt the mitigation measure or alternative.

An Initial Study should be used to determine whether the changes or new information lead to significant environmental effects. If no significant environmental impacts are identified, the agency must either prepare a Subsequent Negative Declaration or Addendum to the EIR or determine that no further documentation is required. However, if significant environmental impacts are identified, the agency must either prepare a Subsequent EIR or Supplemental EIR.

A Subsequent EIR, Supplemental EIR or Subsequent Negative Declaration must be given the same notice and public review as the original Negative Declaration or EIR and is required to state where the previous document is available for review [CEQA Guidelines §15162(d) and §15163(c)].

3.0 CEQA PROCEDURES WHERE LAFCO IS THE LEAD AGENCY

3.1 LAFCO's ROLE AS LEAD AGENCY

3.1.1 General Policy

The Lead Agency is the entity that has the principal responsibility for approving or carrying out a project (§21067). In most cases, LAFCO expects that other agencies will carry out Lead Agency obligations, with LAFCO reviewing the environmental documents as a Responsible Agency. When acting as Lead Agency, LAFCO will ensure that all required elements of the CEQA process are completed and conducted consistent with the requirements of CEQA.

3.1.2 Exceptions

LAFCO will function as the Lead Agency when:

1. LAFCO is the first agency to act on an application
2. LAFCO initiates a proposal (e.g. Sphere of Influence Amendment or Municipal Service Review)
3. LAFCO enters into an agreement with an agency that is unable to act as the Lead Agency; or
4. The proposal involves any of the following:
 - The incorporation of a new city
 - The formation of a new special district
 - The adoption of a new sphere of influence for an agency

3.1.3 Questions Concerning Lead Agency Status

If there is a question regarding whether or not LAFCO will be Lead Agency or whether the proposal is categorically exempt, an *Environmental Information Form* (See Exhibit C) will need to be completed and signed before meeting with LAFCO staff to determine lead agency status.

3.2 APPLICATION SUBMITTAL

Where LAFCO is to act as the Lead Agency for CEQA processing, the applicant shall submit a completed application, including a fully completed *Environmental Information Form* (also available on the LAFCO Website www.santaclaralafco.ca.gov). The EC shall determine whether the application is complete enough to prepare environmental documentation (CEQA Guidelines §15060-§15061). If not, the project representative will be notified of the deficiencies within 30 calendar days of submission and asked to resubmit with the additional information. Accepting an application as complete does not prohibit LAFCO from requesting additional information needed to complete an adequate environmental review as the need arises.

3.3 INITIAL REVIEW AND INFORMAL CONSULTATION WITH OTHER AGENCIES

Once the application is sufficiently complete to initiate environmental review, the EC may informally consult with other interested public agencies to obtain their views regarding the potential environmental impacts of the project. This consultation is in addition to a formal

consultation required prior to the determination on the appropriate environmental documentation the lead agency will prepare. See sections under *Initial Study*.

3.4 MAKING INITIAL DETERMINATIONS

The EC will determine whether the project qualifies for an exemption from preparation of additional environmental documents pursuant to §15061 of the CEQA Guidelines or whether an Initial Study is needed to determine if the project requires a Negative Declaration, Mitigated Negative Declaration, or Environmental Impact Report.

3.4.1 Determining Whether the Project is Exempt from CEQA (CEQA Guidelines §15061)

The EC will prepare a staff report that includes a description of the project, identifies the applicable exemption in the law or CEQA Guidelines, presents reasons supporting the finding of exemption and a recommendation that the Commission approve the exemption for the project.

3.4.2 Notice of Exemption (CEQA Guidelines §15062)

If the Commission determines that the project is exempt, the EC may prepare and file a Notice of Exemption (NOE) as described in §15062 of the CEQA Guidelines. The NOE shall be filed with the County Clerk-Recorder. A copy of the NOE will be placed in the project file. The County Clerk-Recorder's Office shall post the NOE within 24 hours of receipt and for at least thirty (30) calendar days following receipt. A sample form for Notices of Exemption is attached as *Exhibit D*. If an NOE is filed, the statute of limitations is 35 days from the date of the Lead Agency's decision to approve the project, as opposed to 180 days if an NOE is not filed.

3.4.3 Typical LAFCO Related Categorical and Statutory Exemption

Please see *Sections 6.1 and 6.2 of the Appendix* for a list of typical LAFCO related categorical and statutory exemptions to CEQA.

3.4.4 Exceptions or Limitations on the Use of Exemptions

Please see *Section 6.3 of the Appendix* for information about limitations on the use of exemptions.

3.5 PREPARATION OF AN INITIAL STUDY

3.5.1 Conducting of the Initial Study (CEQA Guidelines §15063)

If the EC determines that a project is not exempt, the EC shall prepare an Initial Study, including completion of an Initial Study Checklist (*See Exhibit E*) to determine whether the project will be processed with a Negative Declaration, Mitigated Negative Declaration, or Environmental Impact Report. The EC may use information provided in the *Environmental Information Form* (*See Exhibit C*) prepared by the applicant, and information from any other appropriate source.

3.5.2 Formal Consultations with Responsible and Trustee Agencies (PRC §21080.3)

Prior to determining whether a Negative Declaration, Mitigated Negative Declaration, or Environmental Impact Report is required for a project, the lead agency will consult with all

responsible agencies and with any other public agency which has jurisdiction by law over natural resources affected by the project which are held in trust for the people of the State of California. Prior to that required consultation, the lead agency may informally contact any such agency.

3.5.3 Environmental Determination (CEQA Guidelines §15064)

Based on the Initial Study and any consultations, the EC shall determine whether to prepare a Negative Declaration, Mitigated Negative Declaration, or Environmental Impact Report for the project, and shall provide notice of that decision to the project applicant.

3.6 NEGATIVE DECLARATION/MITIGATED NEGATIVE DECLARATION PROCESS

3.6.1 Determining Whether to Prepare a Negative Declaration (ND) or Mitigated Negative Declaration (MND) (CEQA Guidelines §15070-§15075)

A ND or MND may be prepared when the Initial Study shows that:

- There is no substantial evidence that the project may have a significant effect;
- The Initial Study identified potentially significant effects but changes in the project proposal were made which eliminated the effects;
- Changes to the project have been proposed for adoption by LAFCO which eliminate adverse effects, or render them less than significant; or
- There is no substantial evidence that the project as revised may have significant effects on the environment.

3.6.2 Contents of the Negative Declaration or Mitigated Negative Declaration (CEQA Guidelines §15071)

The Negative Declaration or Mitigation Negative Declaration must consist of the following:

- A brief description of the project including information on the location of the project, and name of project proponent,
- Statement finding that the project will not have a significant effect on the environment,
- Attached copy of the Initial Study, and
- Presentation of mitigation measures, if any, included in the project to avoid potentially significant effects.

The ND or MND must conform substantially to *Exhibit F*.

3.6.3 Notice of Intent and Public Review Period (CEQA Guidelines §15072)

A Notice of Intent to adopt or consider a Negative Declaration or Mitigated Negative Declaration must be provided to the public not less than twenty (20) days in advance of the hearing. When a proposed ND or MND and Initial Study are submitted to the State Clearinghouse for review by state agencies, the public review period must not be less than 30 days, unless a shorter period is approved by the State Clearinghouse. The shortened review period must not be less than twenty

(20) days. If a public agency comments upon the ND or MND, that agency will be provided with notice of public hearings on the project. The notice must satisfy the requirements of §21092.

The Notice of Intent must be provided:

- By mail to all organizations and individuals who previously requested notice in writing
- By publication in a newspaper of general circulation in the area affected by the project
- The notice must be posted in the County Clerk-Recorder's Office for a period of at least 20 days
- In the case of a project of statewide, regional, or areawide significance, the lead agency shall also provide notice to transportation planning agencies and public agencies which have transportation facilities within their jurisdictions which could be affected by the project as specified in Section 21092.4(a) of the Public Resources Code. [§15072(e)]

See Sample Notice of Intent (*Exhibit F*) for information that is required to be included in a Notice of Intent.

3.6.4 Determination of Adequacy of the ND or MND By the Commission (CEQA Guidelines §15074)

- Public hearings must be held on all Negative Declarations.
- Prior to approval of the project, LAFCO must find that the ND or MND is adequate and complete and the project will not have a significant effect on the environment. In the case of MNDs or other projects that have been modified to reduce or eliminate one or more significant effects, the EC must assure that such modification is a part of the project record and is included as a condition or other requirement of approval.
- If LAFCO decides not to adopt mitigation measures or revisions that remediate potential adverse environmental impacts to a less than significant level, and desires to consider approving the project, an EIR must be prepared prior to the consideration of the project.
- If mitigation measures are adopted by LAFCO for the purpose of reducing the environmental impacts of a project, a mitigation and monitoring program must also be adopted pursuant to §21081.6 of CEQA.

3.6.5 Mitigation Monitoring And Reporting Program (MMP)

The MMP shall include (See *Exhibit G* for Sample MMP):

- A list of mitigation measures stated exactly as adopted by LAFCO;
- For each mitigation measure, actions that need to be taken by the project proponent, other public agencies or LAFCO;
- For each mitigation measure, every action needed to complete the mitigation measure shall be clearly described and include an anticipated date or timetable for completion;
- For each mitigation measure, a section where field notes, status information and problem resolution data can be entered.
- For each mitigation measure, required LAFCO verification.

3.6.6 Filing of the Notice of Determination (CEQA Guidelines §15075)

If LAFCO decides to carry out or approve the project, the EC must prepare a Notice of Determination (NOD) substantially in the form prescribed in *Exhibit H*. The filing of the NOD starts a 30-day statute of limitation on court challenges to the approval under CEQA. The NOD can be filed only with either an exemption from the Fish and Game fees, or a check for the current fee. An Environmental Declaration form indicating the fee status must be filed with all NODs that go to the County Clerk at the Recorder's Office. If it appears that the proposed project will not impact wildlife habitat [questions in italics on the Initial Study Checklist (*Exhibit E*) are checked "No Impact"], no fees are required. However, LAFCO staff is required to complete a *California Department of Fish and Game Certificate of Fee Exemption (De Minimis Impact Finding)* (See *Exhibit I*). The NOD and Certificate of Fee Exemption (De Minimis Impact Finding) must be:

- Filed with the County Clerk-Recorder within 5 working days after the approval of the project. The County Clerk-Recorder will post the NOD within 24 hours of receipt and keep it posted for 30 days.
- Posted on the LAFCO website.
- Filed with the State's Office of Planning and Research if the project requires a discretionary approval from any State agency.

3.6.7 Rejecting the Negative Declaration or Mitigated Negative Declaration

If LAFCO determines that an Environmental Impact Report (EIR) is needed for a project for which a ND or MND has previously been prepared or filed, LAFCO shall direct the EC to prepare a Draft EIR. LAFCO will continue the hearing on the project to a future date whereupon the Draft EIR will be available.

4.0 ENVIRONMENTAL IMPACT REPORT PROCESS (CEQA GUIDELINES §15080-§15096)

4.1 DRAFT ENVIRONMENTAL IMPACT REPORT (EIR) PROCESS

4.1.1 Submission of Additional Information

If the Initial Study indicates the need for an EIR, the EC may ask the applicant to submit additional information needed to prepare the Draft EIR. Preparation of the Draft EIR will not commence until the EC has determined that all necessary information has been received.

4.1.2 Notice of Preparation (NOP) (PRC §21080.4)

After determining that an EIR is required, the EC will complete an NOP (See *Exhibit J*) stating that an EIR will be prepared pursuant to Section 15082 of the CEQA Guidelines. The NOP will be sent to each known Responsible Agency, Trustee Agency, the State Clearinghouse, if applicable, and every federal agency involved in approving or funding the project. The NOP will provide Responsible Agencies with sufficient information describing the project and environmental effects to enable them to provide meaningful responses. The NOP must include:

- A description of the project.

- The location of the project indicated on an attached map.
- The probable environmental effects of the project.
- A copy of the Initial Study when appropriate.

4.1.3 EIR Scoping (PRC §21080.4)

In addition to any formal or informal consultations, LAFCO must consult with affected agencies, technical experts, or interested persons and groups in order to maximize the quality of, and disclosures contained in, the environmental document. When requested by a Responsible Agency, Trustee Agency or project applicant, the EC will convene a meeting to discuss the scope and content of the proposed EIR as soon as possible, but not later than thirty (30) days after the meeting is requested. Meetings may also be held with interested individuals, technical experts, CEQA professionals or others who can contribute to completion of an adequate CEQA document.

4.1.4 Preparation of the Draft EIR

The Draft EIR must contain all the information required by Article 9 of the State CEQA Guidelines (§15120-§15132).

4.1.5 Notice of Completion

As soon as the Draft EIR is completed, the EC must file a Notice of Completion with the State Office of Planning and Research (OPR) as provided in Section 15085 of the State CEQA Guidelines. The Notice of Completion must conform substantially with *Exhibit K* in the Appendix.

4.1.6 Public Notice of Availability of Draft EIR (CEQA Guidelines §15105)

A public notice of the availability of the Draft EIR must be provided at the same time as a Notice of Completion is sent to OPR. The public review period for the Draft EIR must be not less than (30) days nor should it be longer than (60) days in advance of the hearing.

When a proposed Draft EIR is submitted to the State Clearinghouse for review by state agencies, the public review period must not be less than 45 days unless a shorter period is approved by the State Clearinghouse. The shortened review period must not be less than thirty (30) days. If a public agency comments upon the Draft EIR, that agency will be provided with notice of public hearings on the project. The notice must satisfy the requirements of §21092 of CEQA. The Notice of Availability of Draft EIR must be provided:

- By mail to all organizations and individuals who previously requested notice in writing,
- By publication in a newspaper of general circulation in the area affected by the project, and
- Posted in the County Clerk-Recorder's offices for a period of at least 30 days.

See sample Public Notices (*Exhibit L*) for information that is required to be included in a Public Notice.

4.1.7 Seeking Comments on Draft EIR (CEQA Guidelines §15086)

LAFCO shall consult with and request comments on the Draft EIR from:

- Responsible Agencies,
- Trustee Agencies with resources affected by the project,
- Any other State, Federal, and local agencies which have jurisdiction by law with respect to the project or agencies with resources affected by the project, including water agencies,
- Surrounding cities and counties, and
- Transportation planning and public agencies.

4.1.8 Written Comments on the Draft EIR (CEQA Guidelines §15088)

During the Public Review Period any interested person may submit written comments on the draft EIR to the Commission. The comments shall only be accepted where signed by the writer or representative of the group providing comments.

4.1.9 Response to Written Comments on Draft EIR (CEQA Guidelines §15088)

The EC will respond to comments received on the Draft EIR by revising the Draft EIR or by including a separate section in the EIR. The proposed response must be provided to the commentor 10 days prior to LAFCO certification of the EIR.

4.2 EIR CONTENTS

The EIR must contain the following:

- The Draft or revised Draft EIR,
- Comments and recommendations received on the Draft EIR,
- A list of persons, agencies and organizations commenting on the Draft EIR,
- Responses to significant environmental points raised during the review and consultation processes, and
- Any information added, or corrections made, by the Lead Agency (CEQA Guidelines §15132).

4.2.1 EIR Distribution

The EC shall distribute the Final EIR to those agencies and persons who submitted comments on the Draft EIR.

4.2.2 EIR Public Hearing and EIR Certification

At the public hearing, LAFCO shall consider the contents of the EIR; consider written comments and the responses provided, and any oral testimony. If no substantive questions are raised

regarding the content or adequacy of the EIR, LAFCO may certify the EIR as a Final EIR. If the EIR is substantially questioned as to content or if testimony received requires responses, the hearing must be continued to allow the EC to prepare responses that will be incorporated into a Final EIR (CEQA Guidelines §15088).

4.3 FINAL ENVIRONMENTAL IMPACT REPORT (FEIR) PROCESS

4.3.1 Submission of Additional Information

As a result of questions raised during the Draft EIR process, the EC may require the project applicant to submit additional information necessary for preparation of the Final EIR.

4.3.2 Final EIR Contents (CEQA Guidelines §15089)

The Final EIR (FEIR) must contain the following:

- The EIR (See contents outlined in *EIR Preparation*) and
- Any information added, or corrections made, by the Lead Agency (CEQA Guidelines §15132).

4.3.3 FEIR Distribution

The EC must distribute the Final EIR to those agencies and persons who submitted comments on the Draft EIR.

4.3.4 FEIR Public Hearing

At the public hearing, LAFCO shall consider the FEIR; hear any testimony relative to the EIR from those in attendance at the hearing; certify that the Final EIR has been completed in compliance with CEQA and State Guidelines, and that LAFCO has reviewed and considered the information contained in the EIR; and adopt any findings as required by this section (CEQA Guidelines §15091). The Final EIR must be certified prior to action upon the project.

4.3.5 Additional Information

If LAFCO intends to approve a project for which the Final EIR identifies one or more significant effects, it may require the proponent of the project to provide and submit evidence into the record to substantiate the need to approve the project notwithstanding the identification of the significant environmental effects of the project as proposed.

4.3.6 FEIR Certification (CEQA Guidelines §15090)

Prior to approving a project LAFCO shall certify that:

- The Final EIR has been completed in compliance with CEQA and CEQA Guidelines; and
- The document reflects the independent judgment and analysis of LAFCO; and
- LAFCO has reviewed and considered the information contained in the FEIR prior to approving the project.

4.4 SIGNIFICANT EFFECTS-FINDINGS REQUIRED

4.4.1 Findings (CEQA Guidelines §15091)

LAFCO must not approve a project for which a Final EIR has been certified and which identifies one or more significant environmental effects of the project unless it makes one or more written findings for each of those significant effects, accompanied by a brief explanation of the rationale for each finding (§15091). Oral findings may be made and approved by LAFCO as part of the hearing process, provided the findings are transcribed and placed in the project file.

Each finding must be supported by substantial evidence in the record. No action on a project will be considered final until findings are adopted. Possible findings are:

- Changes or alterations have been required in, or incorporated into, the project which mitigate or avoid the significant environmental effects thereof as identified in the Final EIR [§15091(a)(1)]; and
- Specific overriding public health and safety, economic, legal, social, economic, technological or other benefits of the project outweigh the significant effects on the environment and identified considerations render proposed mitigation measures or project alternatives identified in the Final EIR infeasible. Each finding must include a description of the specific reasons for rejecting identified mitigation measures and project alternatives. [§15091(a)(2)]

4.4.2 Mitigation Monitoring And Reporting Program (MMP)

If mitigation measures are adopted by LAFCO for the purpose of reducing the environmental impacts of a project, a mitigation monitoring and reporting program must be prepared and adopted prior to the approval of a proposed project and pursuant to §21081.6 of CEQA.

The MMP must include (See *Exhibit G* for Sample MMP):

- A list of mitigation measures stated exactly as adopted by LAFCO;
- For each mitigation measure, actions that need to be taken by the project proponent, other public agencies and LAFCO will be listed;
- For each mitigation measure, every action needed to complete the mitigation measure must be clearly described and include an anticipated date or timetable for completion;
- For each mitigation measure, a section where field notes, status information and problem resolution data can be entered.
- For each mitigation measure, required LAFCO verification action.

4.4.3 Filing of the Notice of Determination (CEQA Guidelines §15094)

If LAFCO decides to carry out or approve the project, the EC will prepare a Notice of Determination (NOD) substantially in the form prescribed in *Exhibit H*. The filing of the NOD starts a 30-day statute of limitation on court challenges to the approval under CEQA. The NOD must be:

- Filed with the County Clerk-Recorder within 5 working days after the approval of the project. The County Clerk-Recorder shall post the NOD within 24 hours of receipt and keep it posted for 30 days. The County Clerk-Recorder will return the notice to EC with a notation of the period during which it was posted. The EC will retain the notice for not less than (9) months.
- Filed with the State's Office of Planning and Research if the project requires a discretionary approval from any State agency.

APPENDIX

5.0 REVIEW BY STATE AGENCIES

5.1 STATE CLEARINGHOUSE REVIEW

EIRs and Negative Declarations to be reviewed by State agencies must be submitted to the State as prescribed in §15205 of the State CEQA Guidelines.

5.1.1 State Agency Review of Projects of Statewide, Regional or Areawide Significance

State review will proceed according to the following provisions:

- EIRs and Negative Declarations must be submitted to the State Clearinghouse, as prescribed in §15206 of the State CEQA Guidelines, whenever the EC determines that a project may be of statewide, regional or areawide significance.
- The EC will request that the State Clearinghouse transmit a copy of each project's State Clearinghouse distribution list to LAFCO.

5.1.2 State Fish and Game Department Environmental Review Fees

If the State Clearinghouse distribution list indicates that a project has been reviewed by the State Department of Fish and Game, the project will be determined to not be de minimis. The EC may also determine that a project is not de minimis, and may submit a project to the State Fish and Game Department specifically for environmental review purposes, independent of action by the State Clearinghouse. In either case, the project will be subject to State Fish and Game fees pursuant to Section 21089 of the Public Resources Code, and §711.4 of the State Fish and Game Code regulations. The EC shall notify the project proponent of the need to pay State Fish and Game fees.

LAFCO shall not approve a project for which an EIR or Negative Declaration has been prepared and which is not de minimis until State Fish and Game Department fees have been paid.

Pursuant to state law, a project found not to be de minimis cannot be vested or approved until Fish and Game fees have been paid.

LAFCO may continue any hearing so that the applicant can remit required fees as permitted by the CKH Act. Unless otherwise ordered by LAFCO, any public hearing continued solely for the purpose of collecting fees shall be deemed closed and additional evidence and testimony shall not be taken. LAFCO may place a condition of approval on the project requiring payment prior to finalizing the proposal.

If a project is found not de minimis, and fees have been paid, LAFCO must note in the public record that Fish and Game fees have been paid pursuant to §21089 of the Public Resources Code. The EC shall maintain proof of fee payment in the project history file. The EC will also include the final approving body's findings and record of fee payment on the Notice of Determination for a project. Fees will be deposited with the County Clerk-Recorder.

6.0 CATEGORICAL AND STATUTORY EXEMPTIONS

6.1 TYPICAL LAFCO RELATED CATEGORICAL AND STATUTORY EXEMPTIONS

There are currently thirty-two Categorical Exemptions that have been created by the state pursuant to §21084 of CEQA. Pursuant to §15300.4 of the CEQA Guidelines, the following is a list of some of the classes of projects that are exempt from these procedures.

1. Class 1 - Existing Facilities (CEQA Guidelines §15301).
2. Class 2 - Replacement or Reconstruction (CEQA Guidelines §15302).
3. Class 3 - New Construction or Conversion of Small Structures (CEQA Guidelines §15303).
4. Class 4 - Minor Alterations to Land (CEQA Guidelines §15304).
5. Class 6 - Information Collection (CEQA Guidelines §15306).
6. Class 7 - Actions by Regulatory Agencies for Protection of Natural Resources (CEQA Guidelines §15307).
7. Class 8 - Actions by Regulatory Agencies for Protection of the Environment (CEQA Guidelines §15308).
8. Class 19 - Annexations of Existing Facilities and Lots for Exempt Facilities (CEQA Guidelines §15319). Class 19 applies to two types of annexations:
 - (a) Annexations to a city or special district of areas containing existing public or private structures developed to the density allowed by the current zoning or pre-zoning of either the gaining or losing environmental agency whichever is more restrictive, provided however that the extension of utility services to the existing facilities would have the capacity to serve only the existing facilities.
 - (b) Annexations of individual small parcels of the minimum size for facilities exempted by Section 15303, New Construction or Conversion of Small Structures.
9. Class 20 - Changes in Organization of Local Agencies (§15320).

Class 20 consists of changes in the organization or reorganization of local agencies that do not change the geographical area in which previous existing powers are exercised. Examples include but are not limited to:

 - (a) Establishment of a subsidiary district;
 - (b) Consolidation of two or more districts having identical powers; and
 - (c) Merger with a city of a district lying entirely within the boundaries of the city.

6.2 STATUTORY EXEMPTIONS

There are several types of projects, such as emergency repairs, fee adoption, ministerial projects, and feasibility or planning studies, which are statutorily declared exempt from the requirements of CEQA. All statutory exemptions are listed in §21080 of CEQA. The Statutory Exemption for Feasibility Studies (§15262) is most likely to be used for LAFCO Service Reviews.

6.3 EXCEPTIONS OR LIMITATIONS ON THE USE OF EXEMPTIONS (CEQA GUIDELINES §15300.2)

The following are limitations on the use of exemptions:

1. Class 3, 4, 5, 6, and 11 are qualified by consideration of where the project is to be located - a project that is ordinarily insignificant in its impact on the environment may in a particularly sensitive environment be significant. Therefore, these classes are considered to apply in all instances, EXCEPT where the project may impact on an environmental resource of hazardous or critical concern where designated, precisely mapped, and officially adopted pursuant to law by federal, state or local agencies [§15300.2(a)].
2. All exemptions are inapplicable when the cumulative impact of successive projects of the same type in the same place, over time is significant [§15300.2(b)].
3. A categorical exemption cannot be used for an activity where there is a reasonable possibility that the activity will have a significant effect on the environment due to unusual circumstances [§15300.2(c)].
4. A categorical exemption cannot be used for a project that may result in damage to scenic resources, including but not limited to, trees, historic buildings, rock outcroppings, or similar resources, within a highway officially designated as a state scenic highway. This does not apply to improvements that are required as mitigation by an adopted negative declaration or certified EIR. [§15300.2(d)9]

LIST OF EXHIBITS

EXHIBIT A – Typical CEQA Timelines

EXHIBIT B – CEQA Document Distribution Record

EXHIBIT C – LAFCO Environmental Information Form

EXHIBIT D – Notice of Exemption from CEQA

EXHIBIT E – Initial Study Checklist

EXHIBIT F – Notice of Intent to Consider Proposed Negative Declaration

EXHIBIT G – Mitigation Verification Form

EXHIBIT H – Notice of Determination

EXHIBIT I – California Department of Fish and Game Certificate of Fee Exemption

EXHIBIT J – Notice of Preparation

EXHIBIT K – Notice of Completion

EXHIBIT L – Public Notice Templates



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Typical CEQA Timelines

Trigger Event	Action Required	Time Period	Code Section
Application received.	Notify applicant of additional information requirements.	Within 30 days	§15101
As soon as the application is deemed complete for CEQA review purposes	Lead Agency sends notice to each Responsible Agency and other affected agencies, interested persons or anyone who has requested notice.	Starts clock for environmental review processing time requirements.	§15060
After receiving a consultation or scoping request from a Lead Agency.	Responsible Agency provides contact name, consults with Lead Agency, explains reasons for supporting or opposing an environmental determination, identifies issues, may attend meetings.	30 days	§15096 (b)(1)
After LAFCO/other agency/applicant requests a scoping meeting.	Convene a meeting/consultation.	30 days	§15104
After receiving a Notice of Preparation from a Lead Agency.	Responsible Agency comments on the scope and content of the review of issues pertinent to its authorities.	As soon as possible but within 30 days	§15096 (b)(2)
Conducting an Initial Study.	Make environmental determination (ND or EIR).	30 days (with 15 day extension option)	§15102
After application is deemed complete.	Prepare and adopt a Negative Declaration	180 days	§15107
	Prepare and certify an EIR.	1 year with a 90 day extension (private initiated projects)	§15108
Hiring a consultant after environmental determination.	Hire the consultant.	45 days (applicant can consent extension)	§21151.5
After completing a ND or MND.	Begin public review period.	20 days	§15105, §15106
		30 days if sent to Clearinghouse ⁱ	
After completing a Draft EIR.	File a Notice of Completion.	As soon as the Draft EIR is issued	§15085
After completing a Draft EIR.	Begin public review period.	30 days minimum (to 90 days if conditions warrant)	§15105
		45 days if sent to Clearinghouse ⁱⁱ	

Provide public notice of public review period.	Post, publish and/or mail notice of public review period.	at least the number of days required for public review	§15072 §15087
Provide public notices.	Post notice in County Recorder's Office.	within 24 hours of receipt, 20 days (ND), 30 days (EIR)	§21092.3
Receive comments from a public agency.	Respond to Comments on a Draft EIR in writing.	provide responses to public agency 10 days before Final EIR certified	§21092.5 (a)(b)
	Notify public agency of hearing on ND for which responses were received.	is satisfied if public hearing notice provided to agency	
After project approval.	File Notice of Determination with County Recorder.	Within 5 working days of approval, post within 24 hours	§15094
After project approval.	File Notice of Exemption with County Recorder to change legal challenge period from 180 to 35 days.	After approval	§15062(3)(d)
Notice of Determination filed.	File legal challenges.	30 calendar days from filing date	§15094

Notes:

1. Sections cited are from CEQA and the CEQA Guidelines
2. The State Clearinghouse can shorten the review period to not less than 20 days when required by a Lead Agency and due to special circumstances (§15106).
3. The State Clearinghouse can change the review period to not less than 30 days or more than 90 days when requested by a Lead Agency and due to special circumstances (§15106).

Form by Graichen Consulting

Barbara Graichen, MPA, 5010 Sorento Road, Sacramento, Ca. 95835,
(916)-991-2177, nnatomas@aol.com

*The State Clearinghouse can shorten the review period to not less than 20 days when requested by a Lead Agency and due to special circumstances (§15106)

*The State Clearinghouse can change the review period to not less than 30 days or more than 90 days when requested by a Lead Agency and due to special circumstances (§15106)



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CEQA Document Distribution Record

Date: _____

From: **Neelima Palacherla, Executive Officer**
 Local Agency Formation Commission (LAFCO) of Santa Clara County of Santa Clara
 70 West Hedding Street, 11th Floor
 San Jose, CA 95110
 Phone – (408) 299-5127
 FAX – (408) 295-1613

To:

Project: _____; LAFCO No: _____

The subject proposal has been reviewed by the Local Agency Formation Commission (LAFCO) of Santa Clara County and the environmental documents prepared to date are attached. It has been determined pursuant to the California Environmental Quality Act, that the following document is appropriate for the subject project:

- Environmental Impact Report
- Negative Declaration
- Exemption
- No public review period is required
- The required ____ day public review period will end on _____. Written comments may be transmitted to LAFCO of Santa Clara County. The attached document and proposed project will be considered at a public hearing to be held on _____ at _____.

Public/legal notice is ____ is not ____ required. Required notice will be provided by LAFCO. The attached document and proposed project will be considered at a public hearing to be held on _____ at _____.

Please sign and return this form to acknowledge receipt of document.

Date Received: _____

Signature: _____

2/5/2003

**SANTA CLARA COUNTY
LOCAL AGENCY FORMATION COMMISSION**

County Government Center, 10th Floor, East Wing
70 West Hedding Street, San Jose, California 95110
(408) 299-4321 (408) 298-8460 Fax

ENVIRONMENTAL INFORMATION FORM

A County Staff person will visit the site of this project. Failure to provide accurate information in the environmental information form will result in your application being declared incomplete under the requirements of state law. Such a declaration will result in a delay in the processing of your application until the required information is submitted and declared complete. Merely making reference to a site plan will not constitute an adequate response.

To be completed by Applicant or his/her representative. Use additional sheets if necessary. If the question does not apply, mark NA or 'none' in the space provided.

Person Completing Form: Name: _____
Address: _____
Phone: _____ Date: _____

A. PROJECT INFORMATION

1. Project location/address: _____
APN(s): _____
General Plan Designation _____
Zoning Designation: _____ 500 scale map: _____
2. Describe the proposed project (What will be constructed, how will it be used, etc.):

3. (a) Parcel size (acres / sq. feet): _____ (b) Project floor area (sq. feet): _____
(c) Proposed buildings: No. _____ Max. height _____ (d) No. of parking spaces provided on site: _____ (e) Indicate approximately the percent of the proposed project site dedicated to the following purposes (total should equal 100%):
building _____ %, parking/driveways _____ %, outside storage _____ %, landscaping _____ %, Undeveloped(vacant) _____ %, other (indicate use and % coverage) _____ %.
4. (a) Number of daily customers, residents or other users of your project? _____
(b) Basis for this number? _____ (Based on amount of seating, type of business - specify, number of residential units, number of beds, etc.)

5. Number of employees? (a) Total: ____ (b) Max. at any one time: ____
6. Name street(s) to be used as access to project: _____
7. Discuss briefly the physical and engineering aspects of the project (e.g., building materials to be used, significant grading required, etc.):

8. Utilities: (a) Source of water (check one): existing well(s) new well(s) water utility or other, (name of utility) _____
(b) Distance to nearest water line? _____ miles _____ ft (if less than a mile) (c) Proposed method of sewage disposal (check one): standard septic system other on-site septic system sewer line (Name of utility) _____ If method proposed is other than standard septic or sewer, describe proposed method: _____ (d) Method of storm drainage: _____
9. Project objectives: Why project proposed at this site at this time?

B. ENVIRONMENTAL SETTING

1. Describe the natural characteristics (Topography/slope, drainage, vegetation, soil stability, etc.) on the project site. _____

2. Describe the extent and type of existing man-made features on the project site: (Size in square feet and uses of existing structures; number and size of lakes or ponds; nature and extent of existing roads, bridges, graded changes in topography, etc.)

3. Name any professional reports regarding the property that are possessed by or known to applicant (i.e., geologic, flora/fauna, archaeological, environmental impact reports, etc.):

4. Name similar developments in the area to the one proposed, whether planned or existing: _____

C. ENVIRONMENTAL ASPECTS OF PROJECT
--

1. Land Use: Will the project be a land use not presently existing in the surrounding neighborhood? Yes No If yes, has the project been discussed with neighbors? Yes No If yes, indicate below what issues were discussed with

neighbors

2. **Geologic:** (a) Are you aware of geologic hazards on the site or in the immediate area. (Landslides, subsidence, earthquake faults, extremely steep slopes, etc.)? Yes No If yes, describe: _____
- (b) Will construction occur on slopes greater than 10%? Yes No If yes, indicate percent of slope: _____ % and describe how erosion/siltation will be prevented _____
- (c) Will grading or filling be required? Yes No If yes, provide the following information: Cut: volume in _____ cubic yards; depth in _____ feet
Fill: volume in _____ cubic yards; depth in _____ feet. If volume of cut exceeds fill, where will the excess soil be disposed? _____ Are retaining walls proposed? Yes No If yes, what is maximum height? _____
3. **Resources:** (a) Will large amounts of any natural resource (rock, sand, gravel, trees, etc.) be removed as a result of the project? Yes No
- (b) Is the site currently under Williamson Act contract? Yes No and/or used for any agricultural purposes? Yes No
- (c) Are there agricultural uses adjacent to the project site? Yes No If yes, describe the agricultural uses: _____
4. **Sewage/Water Quality:** (a) If the proposed method of sewage disposal is by septic system, have percolation tests been made to assure the adequacy of the proposed septic system on this site? Yes No NA
- (b) If yes, who made the tests and what were the results?

- (c) Are there existing wells on the property? Yes No If yes, how many are functioning _____ or abandoned? _____
- (d) Are the abandoned wells sealed? Yes No NA Show any wells on site plan.
5. **Drainage/Flooding:** (a) Is there any drainage swale, stream course, spring, pond or lake within 200 ft. of proposed construction? Yes No
- (b) If yes, describe and indicate location _____
6. **Flora and Fauna:** (a) Will the project require the removal of trees or shrubs? Yes No If yes, explain below. (Show on plans all trees 12" in diameter or greater which are to be removed.)

- (b) Do you know of any unique, rare, threatened, or endangered animals or plants residing on the site or in close proximity? Yes No
- (c) Could the project affect wildlife or fisheries? Yes No If yes, explain:

7. **Transportation***: (a) Will the project affect pedestrians or horse riders or vehicular traffic (including bicycles) in the immediate area? Yes No If yes, explain: _____

(b) Approx. number of vehicle trips per day to be generated by project? _____

(c) Indicate the days & times you expect most trips to occur _____

(d) Is there traffic congestion during commute hours at any nearby street intersections providing access to the project? Yes No If yes, list the intersections _____

**Transportation impact analyses (TIAs) using the Congestion Management Agency's methodology must be prepared for all projects that generate 100 or more peak hour trips.*

8. **Housing**: Will existing housing be removed to allow construction of the proposed project? Yes No If yes, describe: _____

9. **Safety/Health**: (a) To your knowledge, do potentially hazardous materials exist on either this site or nearby property? Yes No If yes, describe: _____

(b) Will the project require the use, storage or disposal of potentially hazardous materials such as toxic substances, flammables, or explosives? Yes No If yes, describe: _____

(c) Will the project be located on a cul-de-sac or dead-end road over 800 ft. in length? Yes No If yes, describe: _____

(d) Are any proposed roads or drives in excess of 15% grade? Yes No

10. **Air/Noise**: Will the project generate dust, smoke, fumes, odors, or noise? Yes No If yes, circle the ones involved and explain: _____

11. **Aesthetic**: (a) Will the project be more visible to the public than are its neighbors? (Larger than average, not screened by landscaping, etc.): Yes No If yes, explain _____

(b) Does the property contain natural features of scenic value or rare or unique characteristics? Yes No If yes, _____

(c) Will construction occur at or near a ridgeline or hilltop? Yes No

(d) Will the project introduce glare, reflecting materials or unusually bright colors? Yes No If yes, describe: _____

12. **Historical/Archaeological**: Are you aware that the project will affect any archaeological or historic resources? Yes No If yes, explain: _____

13. **Growth Inducing:** Could the project serve to increase development pressures in the vicinity or encourage changes in the use of nearby properties (Be realistic and objective) Yes No If yes, explain:

D. REDUCTION OR AVOIDANCE OF IMPACTS

Discuss possible actions which reduce or avoid any adverse environmental affects discussed in section 'C' above (Use appropriate numbers for reference):

I hereby certify that all LAFCO filing requirements will be met and that the statements made in this application are to the best of my knowledge accurate. If any of the facts represented here change, it is my responsibility to inform the County of Santa Clara.

(PRINT name of person completing this application)

(Signature)

(Date)

(Address)



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Notice of Exemption from CEQA

To: County Clerk - Recorder
County of Santa Clara

Office of Planning & Research
PO Box 3044, Room 222
Sacramento, CA 95812-3044

Project Title		File Number	
Project Location		APN (s)	
Public Agency Approving Project Person or Agency Carrying Out Project			
Project Description (Including purpose and beneficiaries of project)			
Exempt Status check one/indicate type of State CEQA Guidelines section number.			
<input type="checkbox"/> Statutory Exemption:			
<input type="checkbox"/> Categorical Exemption:			
<input type="checkbox"/> Other:			
Reasons why project is Exempt:			
LAFCO Contact Person		Title	Telephone Number

Date: _____ Signature: _____ Name/Title: _____ /



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INITIAL STUDY
Environmental Checklist and Evaluation for the
Local Agency Formation Commission (LAFCO) of Santa Clara County

Project Title		Date
File Number		APN(S)
SOU Map #		Zoning
CE Designation		USA
Project Types		
Applicant's Name		Phone #
Applicant's Address		
Project Description		
<p>Describe the site and environmental conditions.</p> <p>Describe the property size, boundaries, and surrounding uses.</p>		
Environmental Setting and Surrounding Land Use		
<p>Describe the site and environmental conditions.</p> <p>Describe the property size, boundaries, and surrounding uses.</p>		
Other public agencies whose approval is required: (e.g., permits, financing approval, or participation agreement)		
<p></p>		

The environmental factors checked below would be potentially affected by this project, involving at least one impact as indicated by the checklist on the following pages.

ENVIRONMENTAL FACTORS POTENTIALLY AFFECTED

- Aesthetics
- Agriculture Resources
- Air Quality
- Biological Resources
- Cultural Resources
- Geology / Soils
- Hazards & Hazardous Materials
- Hydrology / Water Quality
- Land Use
- Noise
- Population / Housing
- Public Services
- Resources / Recreation
- Transportation / Traffic
- Utilities / Service Systems
- Mandatory Findings of Significance

DETERMINATION: (To be completed by the Lead Agency)

On the basis of this initial evaluation:

- I find that the proposed project COULD NOT have a significant effect on the environment, and a NEGATIVE DECLARATION will be prepared.
- I find that although the proposed project could have a significant effect on the environment, there will not be a significant effect in this case because revisions in the project have been made by or agreed to by the project proponent. A MITIGATED NEGATIVE DECLARATION will be prepared.
- I find that the proposed project MAY have a significant effect on the environment, and an ENVIRONMENTAL IMPACT REPORT is required.
- I find that the proposed project MAY have a "potentially significant impact" or "potentially significant unless mitigated" impact on the environment, but at least one effect 1) has been adequately analyzed in an earlier document pursuant to applicable legal standards, and 2) has been addressed by mitigation measures based on the earlier analysis as described on attached sheets. An ENVIRONMENTAL IMPACT REPORT is required, but it must analyze only the effects that remain to be addressed.
- I find that although the proposed project could have a significant effect on the environment, because all potentially significant effects (a) have been analyzed adequately in an earlier EIR or NEGATIVE DECLARATION pursuant to applicable standards, and (b) have been avoided or mitigated pursuant to that earlier EIR or NEGATIVE DECLARATION, including revisions or mitigation measures that are imposed upon the proposed project, nothing further is required.

Signature

Date

Printed name

For

EVALUATION OF ENVIRONMENTAL IMPACTS

1. A brief explanation is required for all answers except "No Impact" answers that are adequately supported by the information sources a lead agency cites in the parentheses following each question. A "No Impact" answer is adequately supported if the referenced information sources show that the impact simply does not apply to projects like the one involved (e.g., the project falls outside a fault rupture zone). A "No Impact" answer should be explained where it is based on project-specific factors as well as general standards (e.g., the project will not expose sensitive receptors to pollutants, based on a project-specific analysis).
2. All answers must take account of the whole action involved, including off-site as well as on-site, cumulative as well as project-level, indirect as well as direct, and construction as well as operational impacts.
3. Once the lead agency has determined that a particular physical impact may occur, then the checklist answers must indicate whether the impact is potentially significant, less than significant with mitigation, or less than significant. "Potentially Significant Impact" is appropriate if there is substantial evidence that an effect may be significant. If there are one or more "Potentially Significant Impact" entries when the determination is made, an EIR is required.
4. "Negative Declaration: Less than Significant With Mitigation Incorporated" applies where the incorporation of mitigation measures has reduced an effect from "Potentially Significant Impact" to a "Less Than Significant Impact." The lead agency must describe the mitigation measures, and briefly explain how they reduce the effect to a less than significant level (mitigation measures from Section O "Earlier Analyses," may be cross-referenced).
5. Earlier analyses may be used where, pursuant to the tiering, program EIR, or other CEQA process, an effect has been adequately analyzed in an earlier EIR or negative declaration. Section 15063(c)(3)(D). In this case, a brief discussion should identify the following:
 - a. Earlier Analysis Used. Identify and state where they are available for review.
 - b. Impacts Adequately Addressed. Identify which effects from the above checklist were within the scope of and adequately analyzed in an earlier document pursuant to applicable legal standards, and state whether such effects were addressed by mitigation measures based on the earlier analysis.
 - c. Mitigation Measures. For effects that are "Less than Significant with Mitigation Measures Incorporated," describe the mitigation measures which were incorporated or refined from the earlier document and the extent to which they address site-specific conditions for the project.
6. Lead agencies are encouraged to incorporate into the checklist references to information sources for potential impacts (e.g., general plans, zoning ordinances). Reference to a previously prepared or outside document should, where appropriate, include a reference to the page or pages where the statement is substantiated.
7. Supporting Information Sources: A source list is attached, and other sources used or individuals contacted should be cited in the discussion.
8. Lead agencies should address the questions from the checklist that are relevant to a project's environmental effects.
9. The explanation of each issue should identify:
 - a. the significance criteria or threshold, if any, used to evaluate each question; and
 - b. the mitigation measure identified, if any, to reduce the impact to less than significant.

ENVIRONMENTAL CHECKLIST AND DISCUSSION OF IMPACTS

A. AESTHETICS					
WOULD THE PROJECT:	IMPACT				SOURCES
	YES			NO	
<i>*Questions relating to the California Department of Fish & Game "de minimus impact finding" for the Certificate of Fee Exemption are listed in italics.</i>	<i>Potentially Significant Impact</i>	<i>Less Than Significant With Mitigation Incorporated</i>	<i>Less Than Significant Impact</i>	<i>No Impact</i>	
a) Have a substantial adverse effect on a scenic vista?	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	2,3,4, 6a,17f
b) Substantially damage scenic resources along a designated scenic highway?	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	3, 6a, 17f
c) Substantially degrade the existing visual character or quality of the site and its surroundings?	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	2,3
d) Create a new source of substantial light or glare which would adversely affect day or nighttime views in the area?	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	3,4
e) If subject to ASA, be generally in non-compliance with the Guidelines for Architecture and Site Approval?	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	11
f) If subject to Design Review, be generally in non-compliance with the Guidelines for Design Review Approval?	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	3,4,12
g) Be located on or near a ridge/line visible from the valley floor?	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	2,17n

DISCUSSION:

IMPACT:

MITIGATION:

FINDING:

B. AGRICULTURE RESOURCES					
In determining whether impacts to agricultural resources are significant environmental effects, lead agencies may refer to the California Agricultural Land Evaluation and Site Assessment Model (1997) prepared by the California Dept. of Conservation as an optional model to use in assessing impacts on agriculture and farmland.					
WOULD THE PROJECT:	IMPACT				SOURCE
	YES			NO	
<i>*Questions relating to the California Department of Fish & Game "de minimus impact finding" for the Certificate of Fee Exemption are listed in italics.</i>	<i>Potentially Significant Impact</i>	<i>Less Than Significant With Mitigation Incorporated</i>	<i>Less Than Significant Impact</i>	<i>No Impact</i>	
a) Convert 10 or more acres of farmland classified as prime in the report <i>Soils of Santa Clara County</i> to non-agricultural use?	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	3,23,24,26

b) Conflict with existing zoning for agricultural use?	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	9,21a
c) Conflict with an existing Williamson Act Contract?	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	1
d) Involve other changes in the existing environment which, due to their location or nature, could result in conversion of Farmland, to non-agricultural use?	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	3,4,26

DISCUSSION:

IMPACT:

MITIGATION:

FINDING:

C. AIR QUALITY					
Where available, the significance criteria established by the applicable air quality management or air pollution control district may be relied upon to make the following determinations.					
WOULD THE PROJECT:	IMPACT				SOURCE
	YES			NO	
<i>*Questions relating to the California Department of Fish & Game "de minimus impact finding" for the Certificate of Fee Exemption are listed in italics.</i>	<i>Potentially Significant Impact</i>	<i>Less Than Significant With Mitigation Incorporated</i>	<i>Less Than Significant Impact</i>	<i>No Impact</i>	
a) Conflict with or obstruct implementation of the applicable air quality plan?	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	5,28
b) <i>Violate any air quality standard or contribute substantially to an existing or projected air quality violation?</i>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	5,29
c) <i>Result in a cumulatively considerable net increase of any criteria pollutant for which the project region is non-attainment under an applicable federal or state ambient air quality standard (including releasing emissions which exceed quantitative thresholds for ozone precursors)?</i>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	5,29
d) <i>Expose sensitive receptors to substantial pollutant concentrations?</i>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	5,29
e) Create objectionable odors or dust affecting a substantial number of people?	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	5,21, 29, 47

DISCUSSION:

IMPACT:

MITIGATION:

FINDING:

D. BIOLOGICAL RESOURCES					
WOULD THE PROJECT:	IMPACT				SOURCES
	YES			NO	
	Potentially Significant Impact	Less Than Significant With Mitigation Incorporated	Less Than Significant Impact	No Impact	
*Questions relating to the California Department of Fish & Game "de minimus impact finding" for the Certificate of Fee Exemption are listed in italics.					
a) <i>Have a substantial adverse effect, either directly or through habitat modifications, on any species identified as a candidate, sensitive, or special status species in local or regional plans, policies, or regulations, or by the California Department of Fish and Game or U.S. Fish and Wildlife Service?</i>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	1, 7, 17b, 17o,
b) <i>Have a substantial adverse effect on any riparian habitat or other sensitive natural community identified in local or regional plans, policies, regulations or by the California Department of Fish and Game or US Fish and Wildlife Service?</i>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	3,7, 8a, 17b, 17e, 33
c) <i>Have a substantial adverse effect on federally protected wetlands as defined by section 404 of the Clean Water Act (including, but not limited to, marsh, vernal pool, coastal, etc.) through direct removal, filling, hydrological interruption, or other means?</i>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	3, 7, 17n, 32
d) <i>Interfere substantially with the movement of any native resident or migratory fish or wildlife species or with established native resident or migratory wildlife corridors, or impede the use of native wildlife nursery sites?</i>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	1,7, 17b, 17o
e) <i>Conflict with the provisions of an adopted Habitat Conservation Plan, Natural Community Conservation Plan, or other approved local, regional or state habitat conservation plan?</i>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	3,4
f) <i>Conflict with any local policies or ordinances protecting biological resources:</i>					
i) <i>Tree Preservation Ordinance [NS-1203.107]?</i>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	1,3,31
ii) <i>Wetland Habitat [GP Policy, R-RC 25-30]?</i>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	3, 8a
iii) <i>Riparian Habitat [GP Policy, R-RC 31-41]?</i>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	3, 8a,

DISCUSSION:

IMPACT:

MITIGATION:

FINDING:

E. CULTURAL RESOURCES					
WOULD THE PROJECT	IMPACT				SOURCE
	YES			NO	
*Questions relating to the California Department of Fish & Game "de minimus impact finding" for the Certificate of Fee Exemption are listed in italics.	<i>Potentially Significant Impact</i>	<i>Less Than Significant With Mitigation Incorporated</i>	<i>Less Than Significant Impact</i>	<i>No Impact</i>	
a) Cause a substantial adverse change in the significance of a historical resource pursuant to §15064.5 of the CEQA Guidelines?	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	3, 16, 19, 40, 41
b) Cause a substantial adverse change in the significance of an archaeological resource as defined in §15064.5 of the CEQA Guidelines?	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	3, 19, 40, 41,
c) Directly or indirectly destroy a unique paleontological resource or site or unique geologic feature?	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	2,3,4,,40,41
d) Disturb any human remains, including those interred outside of formal cemeteries?	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	2, 40,41
e) Change or affect any resource listed in the County Historic Resources Database?	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	16

DISCUSSION:

In the event that human skeletal remains are encountered, the applicant is required by County Ordinance No. B6-18 to immediately notify the County Coroner. Upon determination by the County Coroner that the remains are Native American, the coroner shall contact the California Native American Heritage Commission, pursuant to subdivision (c) of section 7050.5 of the Health and Safety Code and the County Coordinator of Indian affairs. No further disturbance of the site may be made except as authorized by the County Coordinator Of Indian Affairs in accordance with the provisions of state law and this chapter. If artifacts are found on the site a qualified archaeologist shall be contacted along with the County Planning Office. No further disturbance of the artifacts may be made except as authorized by the County Planning Office.

IMPACT:

MITIGATION:

FINDING:

F. GEOLOGY AND SOILS					
WOULD THE PROJECT:	IMPACT				SOURCE
	YES			NO	
*Questions relating to the California Department of Fish & Game "de minimus impact finding" for the Certificate of Fee Exemption are listed in italics.	Potentially Significant Impact	Less Than Significant With Mitigation Incorporated	Less Than Significant Impact	No Impact	
a) Expose people or structures to potential substantial adverse effects, including the risk of loss, injury, or death involving:					
i) Rupture of a known earthquake fault, as delineated on the most recent Alquist-Priolo Earthquake Fault Zoning Map issued by the State Geologist for the area or based on other substantial evidence of a known fault? Refer to Division of Mines and Geology Special Publication 42.	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	6, 17L, 43
ii) Strong seismic ground shaking?	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	6, 17c, 18b
iii) Seismic-related ground failure, including liquefaction?	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	6, 17c, 17n, 18b
iv) Landslides?	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	6, 17L, 118b
b) Result in substantial soil erosion or the loss of topsoil?	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	6, 2, 3
c) Be located on a geologic unit or soil that is unstable, or that would become unstable as a result of the project, and potentially result in on- or off-site landslide, lateral spreading, subsidence, liquefaction or collapse?	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	2, 3, 17c, 23, 24, 42
d) Be located on expansive soil, as defined in the report, <i>Soils of Santa Clara County</i> , creating substantial risks to life or property?	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	14, 23, 24,
e) Have soils incapable of adequately supporting the use of septic tanks or alternative wastewater disposal systems where sewers are not available for the disposal of waste water?	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	3, 6, 23, 24,
f) Cause substantial compaction or over-covering of soil either on-site or off-site?	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	3, 6
g) Cause substantial change in topography or unstable soil conditions from excavation, grading, or fill?	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	2, 3, 6, 42

DISCUSSION:

The Santa Clara County Seismic Stability maps identify the subject property as being within _____ zones, which indicate _____.

The map series "Soils of Santa Clara County" indicates that the soil at the project site is _____

IMPACT:

MITIGATION:

FINDING:

G. HAZARDS & HAZARDOUS MATERIALS					
WOULD THE PROJECT	IMPACT			NO	SOURCE
	YES				
*Questions relating to the California Department of Fish & Game "de minimus impact finding" for the Certificate of Fee Exemption are listed in italics.	Potentially Significant Impact	Less Than Significant With Mitigation Incorporated	Less Than Significant Impact	No Impact	
a) Create a significant hazard to the public or the environment through the routine transport, use, or disposal of hazardous materials?	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	1, 3, 4, 5
b) Create a significant hazard to the public or the environment through reasonably foreseeable upset and accident conditions involving the release of hazardous materials into the environment?	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	2, 3, 5
c) Emit hazardous emissions or handle hazardous or acutely hazardous materials, substances, or waste within 1/4 mile of an existing or proposed school?	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	46
d) Be located on a site which is included on a list of hazardous materials sites compiled pursuant to Government Code Section 65962.5 and, as a result, would it create a significant hazard to the public or the environment?	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	47
e) For a project located within an airport land use plan referral area or, where such a plan has not been adopted, within two miles of a public airport or public use airport, would the project result in a safety hazard for people residing or working in the project area?	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	3, 22a
f) For a project within the vicinity of a private airstrip, would the project result in a safety hazard for people residing or working in the project area?	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	3
g) Impair implementation of or physically interfere with an adopted emergency response plan or emergency evacuation plan?	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	5, 48
h) Expose people or structures to a significant risk of loss, injury or death involving wildland fires including where wildlands are adjacent to urbanized areas or where residences are intermixed with wildlands?	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	4
i) Provide breeding grounds for vectors?	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	1, 3, 5
j) Proposed site plan result in a safety hazard (i.e., parking layout, access, closed community, etc.)?	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	3
k) Involve construction of a building, road or septic system on a slope of 30% or greater?	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	1, 3, 17n
l) Involve construction of a roadway greater than 20% slope for a distance of 300' or more?	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	1, 3, 17n

DISCUSSION:

IMPACT:

MITIGATION:

FINDING:

H. HYDROLOGY AND WATER QUALITY					
WOULD THE PROJECT:	IMPACT				SOURCE
	YES			NO	
*Questions relating to the California Department of Fish & Game "de minimus impact finding" for the Certificate of Fee Exemption are listed in italics.	Potentially Significant Impact	Less Than Significant With Mitigation Incorporated	Less Than Significant Impact	No Impact	
a) Violate any water quality standards or waste discharge requirements?	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	34, 36
b) <i>Substantially deplete groundwater supplies or interfere substantially with groundwater recharge such that there would be a net deficit in aquifer volume or a lowering of the local groundwater table level (e.g., the production rate of pre-existing nearby wells would drop to a level which would not support existing land uses or planned uses for which permits have been granted)?</i>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	3, 4
c) Substantially alter the existing drainage pattern of the site or area, including through the alteration of the course of a stream or river, in a manner which would result in substantial erosion or siltation on- or off-site?	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	3, 17n
d) Substantially alter the existing drainage pattern of the site or area, including through the alteration of the course of a stream or river, or substantially increase the rate or amount of surface runoff in a manner which would result in flooding on- or off-site? (Note policy regarding flood retention in watercourse and restoration of riparian vegetation for West Branch of the Llagas.)	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	3
e) Create or contribute runoff water which would exceed the capacity of existing or planned stormwater drainage systems or provide substantial additional sources of polluted runoff?	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	1, 3, 5, 36, 21a
f) Otherwise substantially degrade water quality?	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	1, 3, 5
g) Place housing within a 100-year flood hazard area as mapped on a federal Flood Hazard Boundary or Flood Insurance Rate Map or other flood hazard delineation map?	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	3, 18b, 18d
h) Place within a 100-year flood hazard area structures which would impede or redirect flood flows?	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	3, 18b, 18d
i) Expose people or structures to a significant risk of loss, injury or death involving flooding, including flooding as a result of the failure of a levee or dam?	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	2, 3, 4
j) Be located in an area of special water quality concern (e.g., Los Gatos or Guadalupe Watershed)?	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	4, 6a,

k) Be located in an area known to have high levels of nitrates in well water?	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	4
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H. HYDROLOGY AND WATER QUALITY (cont.)					
WOULD THE PROJECT:	IMPACT				SOURCE
	YES			NO	
*Questions relating to the California Department of Fish & Game "de minimus impact finding" for the Certificate of Fee Exemption are listed in italics.	Potentially Significant Impact	Less Than Significant With Mitigation Incorporated	Less Than Significant Impact	No Impact	
l) Result in a septic field being constructed on soil where a high water table extends close to the natural land surface?	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	3
m) Result in a septic field being located within 50 feet of a drainage swale; 100 feet of any well, water course or water body or 200 feet of a reservoir at capacity?	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	1, 3

DISCUSSION:

IMPACT:

MITIGATION:

FINDING:

I. LAND USE					
WOULD THE PROJECT:	IMPACT				SOURCE
	YES			NO	
*Questions relating to the California Department of Fish & Game "de minimus impact finding" for the Certificate of Fee Exemption are listed in italics.	Potentially Significant Impact	Less Than Significant With Mitigation Incorporated	Less Than Significant Impact	No Impact	
a) Physically divide an established community?	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	2, 4
b) Conflict with any applicable land use plan, policy, or regulation of an agency with jurisdiction over the project (including, but not limited to the general plan, specific plan, or zoning ordinance) adopted for the purpose of avoiding or mitigating an environmental effect?	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	8a, 9, 18a
c) Conflict with special policies:					
i) San Martin &/or South County?	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	1, 3, 8a, 20
ii) Los Gatos Specific Plan or Lexington Watershed?	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	1, 3, 8a, 22c
iii) New Almaden Historical Area/Guadalupe Watershed?	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	1, 8a
iv) Stanford?	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	8a, 21
v) City of Morgan Hill Urban Growth Boundary Area?	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	8a, 17a
vi) West Valley Hillside Preservation Area?	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	1, 8a

DISCUSSION:

IMPACT:

MITIGATION:

FINDING:

J. NOISE					
WOULD THE PROJECT:	IMPACTS				SOURCE
	YES			NO	
<i>*Questions relating to the California Department of Fish & Game "de minimus impact finding" for the Certificate of Fee Exemption are listed in italics.</i>	<i>Potentially Significant Impact</i>	<i>Less Than Significant With Mitigation Incorporated</i>	<i>Less Than Significant Impact</i>	<i>No Impact</i>	
a) Result in exposure of persons to or generation of noise levels in excess of standards established in the local general plan or noise ordinance, or applicable standards of other agencies?	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	8a, 13, 22a, 45
b) Result in exposure of persons to or generation of excessive groundborne vibration or groundborne noise levels?	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	13
c) Result in a substantial permanent increase in ambient noise levels in the project vicinity above levels existing without the project?	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	1, 2, 5
d) Result in a substantial temporary or periodic increase in ambient noise levels in the project vicinity above levels existing without the project?	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	1, 2, 5
e) For a project located within an airport land use plan referral area or, where such a plan has not been adopted, within two miles of a public airport or public use airport, would the project expose people residing or working in the project area to excessive noise levels?	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	1, 5, 22a
f) For a project within the vicinity of a private airstrip, would the project expose people residing or working in the project area to excessive noise levels?	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	1, 3, 5

DISCUSSION:

IMPACT:

MITIGATION:

FINDING:

K. POPULATION AND HOUSING					
WOULD THE PROJECT:	IMPACT				SOURCE
	YES			NO	
*Questions relating to the California Department of Fish & Game "de minimus impact finding" for the Certificate of Fee Exemption are listed in italics.	Potentially Significant Impact	Less Than Significant With Mitigation Incorporated	Less Than Significant Impact	No Impact	
a) Induce substantial growth in an area, either directly (for example, by proposing new homes and businesses) or indirectly (for example, through extension of roads or other infrastructure)?	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	1, 3, 4
b) Displace substantial numbers of existing housing or people, necessitating the construction of replacement housing elsewhere?	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	1, 2, 3, 4

DISCUSSION:

IMPACT:

MITIGATION:

FINDING:

L. PUBLIC SERVICES					
WOULD THE PROJECT:	IMPACT				
	YES			NO	
*Questions relating to the California Department of Fish & Game "de minimus impact finding" for the Certificate of Fee Exemption are listed in italics.	Potentially Significant Impact	Less Than Significant With Mitigation Incorporated	Less Than Significant Impact	No Impact	
a) Result in substantial adverse physical impacts associated with the provision of new or physically altered governmental facilities, need for new or physically altered governmental facilities, the construction of which could cause significant environmental impacts, in order to maintain acceptable service ratios, response times or other performance objectives for any of the public services:					
i) Fire Protection?	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	1, 3, 5
ii) Police Protection?	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	1, 3, 5
iii) School facilities?	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	1, 3, 5
iv) Parks?	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	1, 3, 5
v) Other public facilities?	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	1, 3, 5

DISCUSSION:

IMPACT:

MITIGATION:

FINDING:

M. RESOURCES AND RECREATION					
WOULD THE PROJECT:	IMPACT				SOURCE
	YES			NO	
	<i>Potentially Significant Impact</i>	<i>Less Than Significant With Mitigation Incorporated</i>	<i>Less Than Significant Impact</i>	<i>No Impact</i>	
*Questions relating to the California Department of Fish & Game "de minimus impact finding" for the Certificate of Fee Exemption are listed in italics.					
a) Result in the loss of availability of a known mineral resource that would be of future value to the region and the residents of the state?	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	1, 2, 3, 6, 44
b) Result in the loss of availability of a locally-important mineral resource recovery site as delineated on a local general plan, specific plan, or other land use plan?	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	1, 2, 3, 6, 8a
c) Increase the use of existing neighborhood and regional parks or other recreational facilities such that substantial physical deterioration of the facility would occur or be accelerated?	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	1, 2, 4, 5
d) Include recreational facilities or require the construction or expansion of recreational facilities which might have an adverse physical effect on the environment?	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	1, 3, 4, 5
e) Be on, within or near a public or private park, wildlife reserve, or trail or affect existing or future recreational opportunities?	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	17h, 21a
f) Result in loss of open space rated as high priority for acquisition in the "Preservation 20/20" report?	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	27

DISCUSSION:

IMPACT:

MITIGATION:

FINDING:

N. TRANSPORTATION / TRAFFIC					
WOULD THE PROJECT:	IMPACT				SOURCE
	YES			NO	
	Potentially Significant Impact	Less Than Significant With Mitigation Incorporated	Less Than Significant Impact	No Impact	
*Questions relating to the California Department of Fish & Game "de minimus impact finding" for the Certificate of Fee Exemption are listed in italics.					
a) Cause an increase in traffic which is substantial in relation to the existing traffic load and capacity of the street system (i.e., result in a substantial increase in either the number of vehicle trips, the volume to capacity ratio, or congestion at intersections)?	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	1, 4, 5, 6, 7, 49, 53
b) Exceed, either individually or cumulatively, a level of service standard established by the County congestion management agency for designated roads or highways?	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	6, 49, 50, 53
c) Result in a change in air traffic patterns, including either an increase in traffic levels or a change in location that results in substantial safety risks?	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	5, 6, 7, 53
d) Substantially increase hazards due to a design feature (e.g., sharp curves or dangerous intersections) or incompatible uses (e.g., farm equipment)?	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	3, 5, 6, 7, 53
e) Result in inadequate emergency access ?	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	1, 3, 5, 48, 53
f) Result in inadequate parking capacity?	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	52, 53
g) Conflict with adopted policies, plans, or programs supporting alternative transportation (e.g., bus turnouts, bicycle racks)?	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	8a, 21a
h) Not provide safe access, obstruct access to nearby uses or fail to provide for future street right of way?	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	3, 6, 7, 53

DISCUSSION:

IMPACT:

MITIGATION:

FINDING:

O. UTILITIES AND SERVICE SYSTEMS					
WOULD THE PROJECT:	IMPACT				SOURCE
	YES			NO	
*Questions relating to the California Department of Fish & Game "de minimus impact finding" for the Certificate of Fee Exemption are listed in italics.	Potentially Significant Impact	Less Than Significant With Mitigation Incorporated	Less Than Significant Impact	No Impact	
a) Exceed wastewater treatment requirements of the applicable Regional Water Quality Control Board?	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	1, 3, 5,
b) Require or result in the construction of new water or wastewater treatment facilities or expansion of existing facilities, the construction of which could cause significant environmental effects?	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	1, 3, 5, 21a, 38
c) Require or result in the construction of new storm water drainage facilities or expansion of existing facilities, the construction of which could cause significant environmental effects?	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	1, 3, 5
d) Require new or expanded entitlements in order to have sufficient water supplies available to serve the project?	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	1, 3, 5, 21,
e) Result in a determination by the wastewater treatment provider which serves or may serve the project that it has inadequate capacity to serve the project's projected demand in addition to the provider's existing commitments?	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	1, 3, 5
f) Not be able to be served by a landfill with sufficient permitted capacity to accommodate the project's solid waste disposal needs?	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	1, 3, 5
g) Be in non-compliance with federal, state, and local statutes and regulations related to solid waste?	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	5, 6
h) Employ equipment which could interfere with existing communications or broadcast systems?	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	1, 3, 5

DISCUSSION:

IMPACT:

MITIGATION:

FINDING:

P. MANDATORY FINDING OF SIGNIFICANCE					
WOULD THE PROJECT:	IMPACT				SOURCE
	YES			NO	
*Questions relating to the California Department of Fish & Game "de minimus impact finding" for the Certificate of Fee Exemption are listed in italics.	Potentially Significant Impact	Less Than Significant With Mitigation Incorporated	Less Than Significant Impact	No Impact	
a) Does the project have the potential to degrade the quality of the environment, substantially reduce the habitat of a fish or wildlife species, cause a fish or wildlife population to drop below self-sustaining levels, threaten to eliminate a plant or animal community, reduce the number or restrict the range of a rare or endangered plant or animal or eliminate important examples of the major periods of California history or prehistory?	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	1 to 53
b) Does the project have impacts that are individually limited, but cumulatively considerable ("Cumulatively considerable" means that the incremental effects of an individual project are considerable when viewed in connection with the effects of past projects, the effects of other current projects, and the effects of probable future projects)?	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	1 to 53
c) Does the project have environmental effects which will cause substantial adverse effects on human beings, either directly or indirectly?	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	1 to 53

DISCUSSION:

FINDING:

Initial Study Source List*

1. Environmental Information Form
2. Field Inspection
3. Project Plans
4. Planner's Knowledge of Area
5. Experience With Other Projects of This Size and Nature
6. County Expert Sources: Geologist, Fire Marshal, Roads & Airports, Environmental Health, Land Development Engineering, Parks & Recreation, Zoning Administration, Comprehensive Planning, Architectural & Site Approval Committee Secretary
7. Agency Sources: Santa Clara Valley Water District, Santa Clara Valley Transportation Authority, Midpeninsula Open Space Regional District, U.S. Fish & Wildlife Service, CA Dept. of Fish & Game, Caltrans, U.S. Army Core of Engineers, Regional Water Quality Control Board, Public Works Depts. of individual cities, Planning Depts. of individual cities,
- 8a. Santa Clara County (SCC) General Plan
- 8b. The South County Joint Area Plan
9. SCC Zoning Regulations (Ordinance)
10. County Grading Ordinance
11. SCC Guidelines for Architecture and Site Approval
12. SCC Development Guidelines for Design Review
13. County Standards and Policies Manual (Vol. I - Land Development)
14. Table 18-1-B of the Uniform Building Code [1994 version]
15. Land Use Database
16. Santa Clara County Heritage Resource (including Trees) Inventory [computer database]
17. GIS Database
 - a. SCC General Plan Land Use, and Zoning
 - b. Natural Habitat Areas & Riparian Plants
 - c. Relative Seismic Stability
 - d. Archaeological Resources
 - e. Water Resources & Water Problems
 - f. Viewshed and Scenic Roads
 - g. Fire Hazard
 - h. Parks, Public Open Space, and Trails
 - i. Heritage Resources
 - j. Slope Constraint
 - k. Serpentine soils
 - l. State of California, Alquist-Priolo Earthquake Fault Zones, and County landslide & fault zones
 - m. Water Problem/Resource
 - n. USGS Topo Quad, and Liquefaction
 - o. Dept. of Fish & Game, Natural Diversity Data
 - p. FEMA Flood Zones
18. Base Map Overlays & Textual Reports (GIS)
 18. Paper Maps
 - a. SCC Zoning
 - b. Barclay's Santa Clara County Local Street Atlas
 - c. Color Air Photos (MPSI)
 - d. Santa Clara Valley Water District - Maps of Flood Control Facilities & Limits of 1% Flooding
 - e. Soils Overlay Air Photos
 - f. "Future Width Line" map set
19. CEQA Guidelines [Current Edition]

Area Specific: San Martin, Stanford, and Other Areas

San Martin

 - 20a. San Martin Integrated Design Guidelines
 - 20b. San Martin Water Quality Study
 - 20c. Memorandum of Understanding (MOU) between Santa Clara County & Santa Clara Valley Water District

Stanford

 - 21a. Stanford University General Use Permit (GUP), Community Plan (CP), Mitigation and Monitoring Reporting Program (MMRP) and Environmental Impact Report (EIR)
 - 21b. Stanford Protocol and Land Use Policy Agreement

Other Areas

 - 22a. ALUC Land Use Plan for Areas Surrounding Airports [1992 version]
 - 22b. Los Gatos Hillside Specific Area Plan
 - 22c. County Lexington Basin Ordinance Relating to Sewage Disposal

Soils

 23. USDA, SCS, "Soils of Santa Clara County
 24. USDA, SCS, "Soil Survey of Eastern Santa Clara County"

Agricultural Resources/Open Space

 25. Right to Farm Ordinance
 26. State Dept. of Conservation, "CA Agricultural Land Evaluation and Site Assessment Model"
 27. Open Space Preservation, Report of the Preservation 2020 Task Force, April 1987 [Chapter IV]

Air Quality

 28. BAAQMD Clean Air Plan (1997)
 29. BAAQMD Annual Summary of Contaminant Excesses & BAAQMD, "Air Quality & Urban Development - Guidelines for Assessing Impacts of Projects & Plans" [1999]

Biological Resources/
Water Quality & Hydrological Resources/
Utilities & Service Systems"

 30. Site-Specific Biological Report
 31. Santa Clara County Tree Preservation Ordinance No. Ns-1203.107
 32. Clean Water Act, Section 404
 33. Riparian Inventory of Santa Clara County, Greenbelt Coalition, November 1988
 34. CA Regional Water Quality Control Board, Water Quality Control Plan, San Francisco Bay Region [1995]
 35. Santa Clara Valley Water District, Private Well Water Testing Program [12-98]
 36. SCC Nonpoint Source Pollution Control Program, Urban Runoff Management Plan [1997]
 37. County Environmental Health / Septic Tank Sewage Disposal System - Bulletin "A"
 38. County Environmental Health Department Tests and Reports

Initial Study Source List*

39. Calphotos website:

<http://www.elib.cs.berkeley.edu/photos>

Archaeological Resources

40. State Archaeological Clearinghouse, Sonoma State University

41. **Site Specific Archaeological Reconnaissance Report**

Geological Resources

42. **Site Specific Geologic Report**

43. State Department of Mines and Geology, Special Report #42

44. State Department of Mines and Geology, Special Report #146

Noise

45. County Noise Ordinance

Hazards & Hazardous Materials

46. Section 21151.4 of California Public Resources Code

47. State Department of Toxic Substances, Hazardous Waste and Substances Sites List

48. **County Office of Emergency Services Emergency Response Plan [1994 version]**

Transportation/Traffic

49. Transportation Research Board, "Highway Capacity Manual", Special Report 209, 1995.

50. SCC Congestion Management Agency, "2000 Monitoring and Conformance report"

51. **Official County Road Book**

52. **County Off-Street Parking Standards**

53. **Site-specific Traffic Impact Analysis Report**

*Items listed in bold are the most important sources and should be referred to during the first review of the project, when they are available. The planner should refer to the other sources for a particular environmental factor if the former indicate a potential environmental impact.



Local Agency Formation Commission of Santa Clara County

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Notice of Intent to Consider Proposed Negative Declaration

A notice, pursuant to the California Environmental Quality Act of 1970, as amended (Public Resources Code 21,000, et sec.) that the following project will not have a significant effect on the environment.

File Number	APN(s)	Date
Project Name	Project Type	
Owner	Applicant	
Project Location		
Project Description		
Contact Person:		
Lead Agency:		
Address where document may be obtained:		
LAFCO of Santa Clara County 70 West Hedding Street, East Wing, 11 th Floor San Jose, CA 95110		
Purpose of Notice		
<p>The purpose of this notice is to inform you that LAFCO Staff for the Local Agency Formation Commission (LAFCO) of Santa Clara County has recommended that a Negative Declaration be approved for this project. Action is scheduled on this proposed Negative Declaration before the LAFCO Commission of Santa Clara County on _____ in the County Government Center, Board of Supervisors Chambers. Where a date is not given, a separate notice will be sent to you informing you of the hearing date. If the Negative Declaration is approved, the decision may be protested by filing an appeal with the LAFCO. It should be noted that the approval of a Negative Declaration does not constitute approval of the project under consideration. The decision to approve or deny the project will be made separately.</p>		

Public Review Period:	Begins:	Ends:
<p>Public Comments regarding the correctness, completeness, or adequacy of this negative declaration are invited and must be received on or before the hearing date. Such comments should be based on specific environmental concerns. Written comments should be addressed to the LAFCO of Santa Clara County, County Government Center, 70 W. Hedding Street, San Jose, CA 95110, Tel: (408) 299-5148. Oral comments may be made at the hearing. A file containing additional information on this project may be reviewed at the LAFCO Office. When requesting this file, please refer to the file number appearing at the top of this form.</p>		
Responsible Agencies sent a copy of this document		
Basis for Negative Declaration Recommendation		
<p>LAFCO for Santa Clara County Staff has reviewed the Initial Study for the project, and based upon substantial evidence in the record, finds that the proposed project could not have a significant effect on the environment, or, although the proposed project could have a significant effect on the environment, there will not be a significant effect in this case since mitigation measures have been added to the project.</p>		
This finding is based in the following considerations (see note below):		
<p>Note: An asterisk identifies those measures necessary to mitigate or avoid significant environmental effects. A reporting or monitoring program must be adopted for measures to mitigate significant impacts at the time the Negative Declaration is approved, in accord with the requirements of section 21081.6 of the Public Resources Code.</p>		
Prepared by:		
_____		_____
Signature		Date



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Mitigation Verification Form

Project Name: _____

LAFCO No: _____

I. Mitigation Measure: (Needs to be exactly as adopted by the Commission.)

II. Required Implementation Actions:

By Other Public Agency:

1.

2.

By Private Project Applicant

1.

2.

III. Required LAFCO Verification Actions:

1.

2.

Mitigation Completed on: _____

Verified By: _____

Notes:



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Notice of Determination

To: County Clerk - Recorder
County of Santa Clara

Office of Planning and Research
1400 Tenth Street, Room 121
Sacramento, CA 95814

Project Title		File Number
Applicant's Name:		Applicant's Address:
State Clearinghouse Number		LAFCO Contact Person
Project Location		APN(s)
Project Description		
<p>This is to advise that LAFCO of Santa Clara County has approved the above described project on _____ (date) and has made the following determinations regarding the project. The Environmental Impact Report or Negative Declaration and record of project approval may be examined at the office of the LAFCO of Santa Clara County .</p>		
<p>1. <input type="checkbox"/> The project will not have a significant effect on the environment.</p> <p>2. <input type="checkbox"/> A Monitoring Program was adopted.</p> <p>3. <input type="checkbox"/> A Negative Declaration was prepared for this project pursuant to the provisions of CEQA. a) <input type="checkbox"/> Mitigation Measures have been made a condition of approval of the project.</p> <p>4. <input type="checkbox"/> An Environmental Impact Report has been prepared for this project pursuant to the provisions of CEQA. a) <input type="checkbox"/> Mitigation Measures have been made a condition of approval of the project. b) <input type="checkbox"/> A <i>Statement of Overriding Considerations</i> was adopted for this project. c) <input type="checkbox"/> Findings were made pursuant to section 15091 of CEQA.</p>		
Prepared by:		
_____		_____
Signature		Date



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California Department of Fish and Game Certificate of Fee Exemption

[De Minimis Impact Finding]

Lead Agency: Santa Clara County

LAFCO File Number:

Project Proponent (name & address):

Project Title:

Project Location:

Project Description:

Environmental Assessment: An Initial Study or Environmental Impact Report has been conducted by the Local Agency Formation Commission (LAFCO) of Santa Clara County to evaluate the potential for adverse environmental impact associated with this project.

Findings of Exemption:

- There is no evidence that the project will result in changes to the fish and game resources listed in § 753.5(d), Title 14 of the California Code of Regulations or;
- Although it will result in such changes, the following findings rebut the presumption of adverse effect [attach as necessary]:

Certification: I hereby certify that the Local Agency Formation Commission (LAFCO) of Santa Clara County has made the above finding of fact and that based upon the environmental assessment and hearing record the project will not have an adverse effect, either individually or cumulatively, on wildlife resources, defined as "all wild animals, birds, plants, fish, amphibians, and related ecological communities, including the habitat upon which the wildlife depends for its continued viability". (Section 711.2, Fish and Game Code).

Date: _____

(signature)



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Notice of Preparation

To: Responsible/Trustee Agency
 From: LAFCO of Santa Clara County
 70 West Hedding St., East Wing, 11th Floor
 San Jose, CA 95110

Subject: Notice of Preparation of a Draft Environmental Impact Report

Project Title	File Number
Project Proponent	APN(s)
Project Location	
Project Description	
<p>LAFCO of Santa Clara County will be the Lead Agency and will prepare an Environmental Impact Report for the project identified above. In connection with the proposed project, we need to know the views of your agency as to the scope and content of the environmental information that is germane to your agency's statutory responsibilities.</p> <p>Due to time limits mandated by State law, your response must be sent at the earliest possible date but no later than 30 days after receipt of this notice.</p> <p>Please send your response to Dunia Noel, LAFCO Analyst (contact person) at LAFCO of Santa Clara County. We will need to know the name of a contact person in your agency.</p>	

<p>Prepared by:</p> <p style="text-align: center;">_____</p> <p style="text-align: center;">Signature</p> <p style="text-align: right;">_____</p> <p style="text-align: right;">Date</p>

Attachment:

Focus of EIR/Scope of Work

2/5/2003

Notice of Completion & Environmental Document Transmittal

Mail to: State Clearinghouse, PO Box 3044, Sacramento, CA 95812-3044 916/445-0613

SCH # _____

Project Title: _____

Lead Agency: _____ Contact Person: _____

Street Address: _____ Phone: _____

City: _____ Zip: _____ County: _____

Project Location:

County: _____ City/Nearest Community: _____

Cross Streets: _____ Zip Code: _____ Total Acres: _____

Assessor's Parcel No. _____ Section: _____ Twp. _____ Range: _____ Base: _____

Within 2 Miles: State Hwy #: _____ Waterways: _____

Airports: _____ Railways: _____ Schools: _____

Document Type:

- CEQA: [] NOP [] Supplement/Subsequent EIR [] Early Cons (Prior SCH No.) [] Neg Dec [] Draft EIR [] Other
NEPA: [] NOI [] EA [] Draft EIS [] FONSI
Other: [] Joint Document [] Final Document [] Other

Local Action Type:

- [] General Plan Update [] Specific Plan [] Rezone [] Annexation
[] General Plan Amendment [] Master Plan [] Prezone [] Redevelopment
[] General Plan Element [] Planned Unit Development [] Use Permit [] Coastal Permit
[] Community Plan [] Site Plan [] Land Division (Subdivision, etc.) [] Other

Development Type:

- [] Residential: Units _____ Acres _____
[] Office: Sq.ft. _____ Acres _____ Employees _____
[] Commercial: Sq.ft. _____ Acres _____ Employees _____
[] Industrial: Sq.ft. _____ Acres _____ Employees _____
[] Educational _____
[] Recreational _____
[] Water Facilities: Type _____ MGD _____
[] Transportation: Type _____
[] Mining: Mineral _____
[] Power: Type _____ Watts _____
[] Waste Treatment: Type _____
[] Hazardous Waste: Type _____
[] Other: _____

Funding (approx.): Federal \$ _____ State \$ _____ Total \$ _____

Project Issues Discussed in Document:

- [] Aesthetic/Visual [] Flood Plain/Flooding [] Schools/Universities [] Water Quality
[] Agricultural Land [] Forest Land/Fire Hazard [] Septic Systems [] Water Supply/Groundwater
[] Air Quality [] Geologic/Seismic [] Sewer Capacity [] Wetland/Riparian
[] Archeological/Historical [] Minerals [] Soil Erosion/Compaction/Grading [] Wildlife
[] Coastal Zone [] Noise [] Solid Waste [] Growth Inducing
[] Drainage/Absorption [] Population/Housing Balance [] Toxic/Hazardous [] Landuse
[] Economic/Jobs [] Public Services/Facilities [] Traffic/Circulation [] Cumulative Effects
[] Fiscal [] Recreation/Parks [] Vegetation [] Other _____

Present Land Use/Zoning/General Plan Designation:

Project Description:

Explanation of the Notice of Completion Form

This form is *required* to be submitted with 15 copies of every draft Environmental Impact Report which is reviewed through the State Clearinghouse (see CEQA Guidelines Section 15085[d]). It is used by the Clearinghouse for transmittal of all environmental documents

LEAD AGENCY

Project Title: This is the project's common name. It is best to use project specific words in order to facilitate database searches.

Lead Agency: This is the name of the public agency that has legal responsibility for preparation and review of the environmental document.

Contact Person: Name of contact person from the lead agency. This should not be the consultant's name.

Phone: Phone number of the contact person at lead agency.

Street Address: This is the mailing address for the contact person from the lead agency. State comments will be mailed to this address.

City: City of the lead agency address. This is not necessarily the city in which the project is located.

Zip: Zip code of the lead agency. Please indicate the new nine digit zip code if applicable.

County: County of the lead agency address. This is not necessarily the county in which the project is located.

PROJECT LOCATION

County: County in which the project is located. Most state agencies assign projects for review according to the county of the project. The State Clearinghouse is not always able to determine the location of the project based upon the address of the lead agency. An example of this problem is Los Angeles Department of Airports projects located at Ontario International Airport.

City/Nearest Community: City or town in which the project is located; or the nearest community to the location of the project.

Cross Streets: Indicate the nearest major cross streets or cross streets.

Total Acres: The total area encompassed by the project site gives some indication of the scope of the project and its regional significance.

Assessor's Parcel Number (optional): For locational purposes.

Section, Township, Range and Base: Please indicate base meridian. If you are not able to provide Assessor's Parcel Number, please indicate Section, Township, and Range.

Highways, Airports, Railroads, Schools, and Waterways (including streams or lakes): These identifiers are of consequence to many projects. By restricting the information to those features within a two-mile radius of the project site, unnecessary data collection can be avoided. Please indicate the name(s) of the waterways, airports, railroads, schools, and the route number(s) of the state highways.

DOCUMENT TYPE

This identifies the nature of the environmental document. Mark

appropriate blanks with an "X".

LOCAL ACTION TYPE

This helps reviewers understand the type of local approvals that will be required for the project and the nature of the project and its environmental documentation. Mark appropriate blanks with "X".

DEVELOPMENT TYPE

This data category helps identify the scope of the project for distribution purposes. Additionally, the information also serves to identify projects of a similar character to assist in the reuse of environmental documents. For some of the development types, the form asks for the number of acres, square footage, and number of permanent employees. Fill in the blanks.

PROJECT ISSUES DISCUSSED IN DOCUMENT

These are the topics on which the environmental document focuses attention. These are not necessarily the adverse impacts of the project, but the issues which are discussed in some depth. Check appropriate blanks.

PRESENT LAND USE AND ZONING

This enables the agencies to understand the extent of the changes proposed and again helps to identify projects with similar environmental issues for later reuse of information.

PROJECT DESCRIPTION

This response should provide a thorough description of the proposed project enabling the reviewing agencies to understand the total project concept. The data categories can provide guidance and structure to the explanation given.

Reviewing Agencies Checklist:

REVIEWING AGENCIES

The back of the form lists the agencies and departments to whom the SCH may distribute a draft document. The lead agency can indicate for the SCH's information any responsible, trustee or concerned agencies which they would like to review the document, or who have previously been involved in the review of the project. Any agencies that have received the document directly from the lead agency should also be marked.

PUBLIC REVIEW PERIOD

This section is to be filled in when the Notice of Completion form is being filed and not being submitted with environmental documents.

CONSULTING FIRM

This information is to be filled in only if applicable.

APPLICANT

This identifies whether the applicant/project proponent is a private developer or the lead agency.



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Public Notice Templates

The notices assume that LAFCO knows the date of the public hearings and prefers to notice actions simultaneously. Where choices are provided, it is expected that a single item will be selected and the boxes and other items will be deleted by the Public Notice preparer.

PUBLIC NOTICE (For Lead Agency)

NOTICE is hereby given that a Negative Declaration Draft Environmental Impact Report Final Environmental Impact Report has been prepared to address the project described below and is available for public review pursuant to the State CEQA Guidelines. It has been determined that the project will will not have a significant adverse impact upon the environment. Identified adverse impacts include: (List significant impacts if any.) LAFCO intends to consider, adopt, certify the environmental document. A mitigation program will, will not be considered for adoption.

Title:

LAFCO Number:

State Clearinghouse No. (if applicable):

Location:

General Description: The proposed project consists of

Copies of the environmental document are available, and may be reviewed, at 70 West Hedding Street, 11th Floor, San Jose, CA 95110. Questions or comments regarding the environmental document should be directed to _____ at the address given above. The 20, 30, 45, ____ day public review period ends on insert month/day/year. Those who wish to comment on the environmental document are urged to submit written comments to the above address by 5 PM on that date. Failure to do so will not preclude your right to testify at a public hearing to be held before LAFCO on _____, at _____ p.m. in the County Board of Supervisors Chambers located at 70 West Hedding Street, San Jose, California.

PUBLIC NOTICE (For Responsible Agency)

On insert date and time, the Local Agency Formation Commission (LAFCO) of Santa Clara County will hold a public hearing to consider approval of the [Project Name/control number] including consideration of the Exemption, Negative Declaration, Environmental Impact Report for the proposed project. The project will not have a significant adverse impact upon the environment. Identified significant adverse impacts include: _____. A mitigation program will, will not be considered for adoption.

The Title: _____, LAFCO Number: _____, State Clearinghouse No. (if applicable): _____

The project site is located

Copies of the environmental documents are available, and may be reviewed at the Local Agency Formation Commission (LAFCO) for Santa Clara County, 70 West Hedding Street, 11th Floor, San Jose, CA 95110, (408) 299-5127. Questions or comments regarding the environmental document should be directed to _____, LAFCO Executive Officer, at the address given above.

February 12, 2003.

TO: LAFCO
FROM: Neelima Palacherla, Executive Officer
SUBJECT: Executive Officer's Report
Agenda Item # 8

ORAL REPORT

February 12, 2003

TO: LAFCO

FROM: Neelima Palacherla, Executive Officer

**SUBJECT: Selection and Appointment of Alternate Public Commissioner
Agenda Item # 10**

**The application deadline is 5 P.M. Thursday, February 6, 2003.
Information from applicants will be sent to you as a separate
mailing on Friday morning, February 7, 2003.**