

# County of Santa Clara

Local Agency Formation Commission

County Government Center, East Wing  
70 W. Hedding Street, 10th Floor  
San Jose, CA 95110  
(408) 299-3800, ext. 7027 FAX 295-1613  
Neelima Palacherla, Executive Director



*Full Packet*

COMMISSIONERS: BLANCA ALVARADO, SUZANNE JACKSON, LINDA LEZOTTE,  
SUSAN VICKLUND WILSON  
ALTERNATES: CHUCK REED, PATRICIA FIGUEROA, PETE McHUGH,  
MARY LOU ZOGLIN  
CHAIRPERSON: DONALD F. GAGE

**REGULAR MEETING**  
**Wednesday, April 11, 2001**  
**1:15 p.m.**

CHAMBERS OF THE BOARD OF SUPERVISORS  
70 West Hedding Street, First Floor, East Wing  
San Jose, CA 95110

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. **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.

\*3. APPROVE CONSENT CALENDAR

\*3.1 CUPERTINO SANITARY DISTRICT ANNEXATION – VIA REGINA ROAD, LANDS OF KOHLER

A request to consider annexation to the Cupertino Sanitary District of 2.60 acres east side of Via Regina Road between Quarry Road and Pierce Road.

**Possible Action:** Approve annexation to Cupertino Sanitary District.

\*3.2 WEST VALLEY SANITATION DISTRICT 2001-1, SARATOGA HILLS ROAD

A request to consider annexation to the West Valley Sanitation District of 1.22 acres on the west side of Saratoga Hills Road between Pierce Road and Saratoga-Sunnyvale Road.

**Possible Action:** Approve annexation to West Valley Sanitation District subject to terms and conditions.

4. PUBLIC HEARINGS

4.1 OUT-OF-AGENCY SEWER SERVICE, MORA DRIVE SEWER PROJECT, TOWN OF LOS ALTOS HILLS CONTINUED FROM FEBRUARY 14, 2001

A request for out-of-agency extension of sewer service by the Town of Los Altos Hills to 28 properties on Mora Drive in the unincorporated area within the Town's sphere of influence.

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

4.2 FINAL LAFCO BUDGET (FY 2001-2002)

**Possible Actions:**

1. Adopt Final LAFCO Budget for fiscal year 2001-2002;
2. Authorize staff to transmit the final budget adopted by the Commission to the City Councils, Board of Supervisors, the Cities Association, and the Controller's office; and
3. Direct the County Auditor-Controller to apportion the LAFCO costs to Cities and the County and collect payments pursuant to Government Code Section 56831.

4.3 MEMORANDUM OF UNDERSTANDING (MOU) BETWEEN LAFCO AND COUNTY FOR STAFFING AND FACILITIES

**Possible Action:** Approve MOU between LAFCO and County for County to provide staffing and services to LAFCO.

4.4 CONDUCTING AUTHORITY PROCEEDINGS

**Possible Action:** Consider staff recommendation regarding procedures and policies for Conducting Authority Proceedings.

5. EXECUTIVE DIRECTOR'S REPORT

A. Revised LAFCO Application Packets to Reflect Changes in New Law

B. LAFCO Web Page ([www.santaclara.lafco.ca.gov](http://www.santaclara.lafco.ca.gov))

6. ADJOURN - Adjourn to the next regular business meeting on June 13, 2001.

Note: Commissioners, upon receipt of this agenda, please contact Ruth Marston, LAFCO Clerk at (408) 299-4321 Ext. 5613 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.

*For Information Only  
Annotated Agenda  
(Re. Action Taken @ February 14, 2001 LAFCO Meeting)*

LOCAL AGENCY FORMATION COMMISSION  
SANTA CLARA COUNTY

**REGULAR MEETING**  
**Wednesday, February 14, 2001**  
**1:15 p.m.**

CHAMBERS OF THE BOARD OF SUPERVISORS  
70 West Hedding Street, First Floor  
San Jose, CA 95110

1. ROLL CALL - *A quorum is present.*
2. PUBLIC PRESENTATIONS - *None.*
3. WELCOME NEW COMMISSIONER - *Chairperson Jackson welcomes Linda LeZotte.*
4. APPOINTMENT OF NEW CHAIRPERSON AND VICE CHAIRPERSON
  - *Commissioner Gage was appointed as Chairperson and Commissioner LeZotte was appointed Vice Chairperson.*
5. APPROVE MINUTES OF DECEMBER 13, 2000 - *Approved as submitted.*
- \*6. APPROVE CONSENT CALENDAR
- \*6.1. CUPERTINO SANITARY DISTRICT ANNEXATION - REGNART NO. 3
  - *Approved the annexation of 2.51 acres on the north side of Regnart Road between Regnart Road and Canyon View Circle into the Cupertino Sanitary District, subject to terms and conditions.*
- \*6.2. CUPERTINO SANITARY DISTRICT ANNEXATION - PROSPECT/HANSEN
  - *Approved the annexation of 3.0 acres on the west side of Prospect Road adjacent to Blue Hills Lane into the Cupertino Sanitary District, subject to terms and conditions.*

7. PUBLIC HEARINGS
- 7.1 MINOR URBAN SERVICE AREA (USA) AND SPHERE OF INFLUENCE (SOI) AMENDMENT AND VISTA GRANDE AVENUE 00-01 ANNEXATION TO THE CITY OF LOS ALTOS
  - *Approved the minor USA and SOI amendment; and annexation of a 0.394 acre parcel on Vista Grande Avenue into the City of Los Altos with a simultaneous detachment from the City of Mountain View.*
- 7.2 OUT-OF-AGENCY SEWER SERVICE, MORA DRIVE SEWER PROJECT, TOWN OF LOS ALTOS HILLS
  - *Approved continuance of this item to the April 11, 2001 meeting and directed staff to forward a letter to the Town of Los Altos Hills regarding amendment to the master sewer agreement, the Town's annexation plans, and health issues in the area.*
8. PROPOSED FY 2001-2002 LAFCO BUDGET
  - *Adopted the Proposed Fiscal Year 2001-2002 LAFCO Budget.*
9. CONTRIBUTIONS AND LOBBYING DISCLOSURE REQUIREMENTS
  - *Approved the staff recommendation and adopted lobbying disclosure requirements.*
10. EXECUTIVE DIRECTOR'S REPORT
  - A. One-Day Workshop for Commissioners Regarding Implementation of Cortese-Knox-Hertzberg Act, at the Sacramento Convention Center on March 28, 2001.
    - *For Information only.*
  - B. CALAFCO Clerks Conference 2001 in San Francisco
    - *Authorized LAFCO Clerk to attend the CALAFCO Cortese-Knox-Hertzberg Act Workshop and authorized travel expenses funded by LAFCO budget.*
  - C. Morgan Hill Unified School District (MHUSD) Update, (Information only).
    - *The LAFCO Executive Director provided a brief update.*
11. ADJOURN – *The meeting adjourned at 2:23 p.m.*

LOCAL AGENCY FORMATION COMMISSION  
COUNTY OF SANTA CLARA

REPORT OF THE EXECUTIVE DIRECTOR

DESIGNATION: **Cupertino Sanitary District Annexation  
Via Regina Road, Lands of Kohler**

Type of Application: **Annexation**

Filed by: **Petition, 100% Consent by  
Landowners**

LAFCO Date: **April 11, 2001**

LAFCO Agenda No. **3.1**

1. REVIEW OF PROPOSAL

a. Acreage and location: 2.60 acres  
east side of via Regina Rd. between  
Quarry Rd. and Pierce Rd.

- Conform to Urban Service Area X/    
Yes No

- Create island, corridor or strip   /X  
Yes No

b. Effect on community services:

   Provision of all municipal/district  
services

- Conforms to road policy X/    
Yes No

   Municipal/district services not  
provided as follows:                   

- Conforms to lines of assessment X/    
(if no, explain) Yes No

   Detachment from:                   

   School District Impact Report

   County Transit Impact Report

e. Present land use: single-family residential.

c. Inhabited    Uninhabited X

f. Proposal land use: single-family residential.

d. Boundaries:

- Definite and Certain X/    
Yes No

g. Involves prime agricultural or Williamson Act land:  
N/A

2. ENVIRONMENTAL REVIEW OF PROPOSAL

X Annexation is categorically exempt from provisions of CEQA.  
Class exemption Class 19, Section 15319 (a) and (b).

   The City has rezoned the territory and, as Lead Agency for the environmental review  
of the annexation, has completed an Initial Study and Negative Declaration/Final EIR  
(copy attached) which in LAFCO staffs' opinion does/does not adequately address  
LAFCO regional concerns.

   LAFCO is the Lead Agency for the environmental review of this annexation and staff  
has prepared the attached Negative Declaration/Draft EIR for your review and adoption.

3. SUGGESTED CONDITIONS OR OTHER COMMENTS: **See Exhibit C, Terms and Conditions.**

4. PROTESTS:

5. RECOMMENDATIONS: **Approve annexation to Cupertino Sanitary District and waive  
protest proceedings.**

By:

Neelma Palacherla  
Neelma Palacherla,  
Executive Director

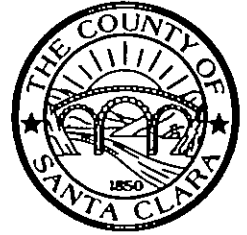
Date:

04/05/01

# 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) 299-2454 FAX (408) 288-9198  
www.sccplanning.org



Prepared by: Colleen Oda  
Approved by: Hugh Graham *HAG*  
Date prepared: March 12, 2001

Hearing Date: April 11, 2001

To: The Santa Clara County Local Agency Formation Commission  
From: Santa Clara County Planning Office  
Subject: CUPERTINO SANITARY DISTRICT ANNEXATION - VIA REGINA

### Recommended Environmental Action:

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

### Reasons for Recommendation:

The project is exempt under CEQA Class 19, Section 15319 (a) and Section 15319 (b) that states:

*Section 15319 (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 a capacity to serve only the existing facilities.*

*Section 15319 (b): Annexations of individual small parcels of the minimum size for facilities exempted by Section 15303, New Construction or Conversion of Small Structures.*

Cupertino Sanitary District proposes to annex one parcel totaling 2.6 acres located on the east side of Via Regina Road between Quarry Road and Pierce Road in the City of Saratoga. The existing single-family residence on the site will be replaced with a new single-family residence. The start of construction will be spring/summer 2001 according to the supplemental application to LAFCO provided by the applicant. The property, at 21842 Via Regina Road, wants to abandon their septic system and connect to sewer through the Cupertino Sanitary District.

Regarding the annexation into the Cupertino Sanitary District, the parcel at 21842 Via Regina Road is zoned HR (Hillside Residential) with a two gross acre minimum lot size, variable slope density and design review requirements. The property is under the jurisdiction of the city of Saratoga, and is not eligible for further subdivision. The proposed annexation to Cupertino Sanitary District is thus exempt from CEQA because the special district annexation meets the requirements of the Class 19 exemption.

Apr 06 01 04:21p

W fall Engineers. Inc. 40 167-6261

P.2

DESCRIPTION OF TERRITORY  
TO BE ANNEXED TO  
CUPERTINO SANITARY DISTRICT

LANDS OF KOHLER, VIA REGINA  
February 21, 2001

The following described real property situate in the County of Santa Clara, State of California.

BEGINNING at a point in the present boundary line of the Cupertino Sanitary District as established by annexation entitled "Saratoga Hills No. 5" filed for record, October 29th, 1970, in Book 9124, Official Records at Page 148, Santa Clara County Records, and by annexation entitled "Via Regina No. 1" filed for record, November 27th, 1991, in Book L949, Official Records at Page 0218, Santa Clara County Records, said point also being the most northerly corner of the land first described in the Deed to Finis E. Wilkinson, et ux, recorded April 24, 1964, in Book 6496, Official Records at Page 273, Santa Clara County Records; thence along said present District boundary line South 77 Degrees 46 Minutes 00 Seconds West a distance of 229.00 feet; thence South 10 Degrees 35 Minutes 32 Seconds West a distance of 156.22 feet; thence South 18 Degrees 25 Minutes 00 Seconds West a distance of 175.00 feet; thence leaving said present District boundary line and running South 41 Degrees 19 Minutes 20 Seconds West a distance of 235.29 feet; thence South 26 Degrees 52 Minutes 20 Seconds West a distance of 80.93 feet; thence South 50 Degrees 00 Minutes 50 Seconds West a distance of 177.35 feet; thence South 25 Degrees 09 Minutes 50 Seconds West a distance of 135.67 feet to the most westerly corner of said land first described in the deed to Finis E. Wilkinson, et ux, and the northerly right of way of Via Regina; thence North 51 Degrees 24 Minutes 11 Seconds West along the right of way of Via Regina a distance of 20.52 feet; thence leaving northerly right of way of Via Regina and running North 25 Degrees 09 Minutes 50 Seconds East a distance of 135.38 feet; thence North 50 Degrees 00 Minutes 50 Seconds East a distance of 177.66 feet; thence North 26 Degrees 52 Minutes 20 Seconds East a distance of 190.26 feet; thence North 06 Degrees 32 Minutes 30 Seconds West a distance of 173.02 feet; thence South 78 Degrees 58 Minutes 00 Seconds East a distance of 119.95 feet; thence North 37 Degrees 35 Minutes 00 Seconds East a distance of 84.09 feet; thence North 07 Degrees 23 Minutes 00 Seconds West a distance of 128.15 feet; thence North 21 Degrees 20 Minutes 00 Seconds West a distance of 270.35 feet to the northerly line of Section 2, Township 8 South, Range 2 West, M.D.B. & M., and to the present District boundary line as established by annexation entitled "Saratoga Hills No. 29" filed for record, September 13, 1985, in Book J457, Official Records at Page 770, Santa Clara County Records; thence easterly along said northerly line of Section 2, and present District boundary line North 89 Degrees 32 Minutes 20 Seconds East a distance of 396.33 feet; thence continuing along present District boundary line South 00 Degrees 24 Minutes 00 Seconds West a distance of 163.12 feet to the Point of Beginning of this description.



Apr 06 01 04:21p

Mc Fall Engineers. Inc. 408 867-6261

p.3

CONTAINING 2.60 Acres, more or less.

This description was prepared for the annexation of territory to the Cupertino Sanitary District. This description is not to be used to create or subdivide any parcel of land.

Prepared on February 21, 2001

Revised on April 06, 2001 by:

*Harry Babicka*

Harry Babicka

L.S. 4953

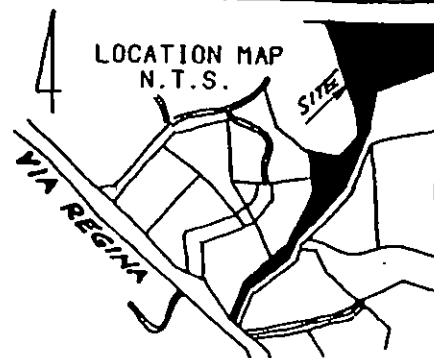
Exp. 12-31-01



EXHIBIT A



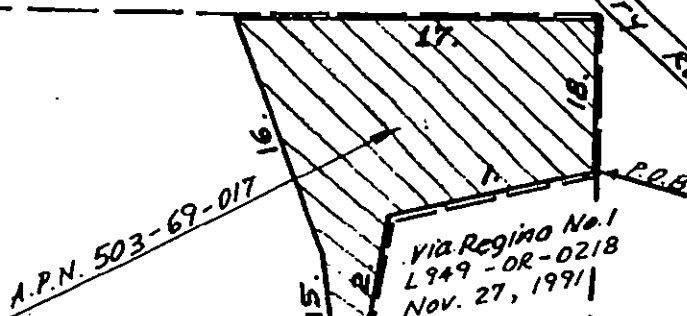
SCALE 1"=200'



Saratoga Hills No. 29  
J457-OR-770  
Sept. 13, 1985

Saratoga Hills No. 3  
7555-OR-204  
Nov. 3, 1966

Saratoga Hills No. 5  
9124-OR-148  
Nov. 29, 1970



Line	Bearing	Distance
1	S 77 46 00 W	229.00
2	S 10 35 32 W	156.22
3	S 18 25 00 W	175.00
4	S 41 19 20 W	235.29
5	S 26 52 20 W	80.93
6	S 50 00 50 W	177.35
7	S 25 09 50 W	135.67
8	N 51 24 11 W	20.52
9	N 25 09 50 E	135.38
10	N 50 00 50 E	177.66
11	N 26 52 20 E	190.26
12	N 06 32 30 W	173.02
13	S 78 58 00 E	119.95
14	N 37 35 00 E	84.09
15	N 07 23 00 W	128.15
16	N 21 20 00 W	270.35
17	N 89 32 20 E	396.33
18	S 00 24 00 W	163.12



*Harry Babicka*

LEGEND

EXISTING BOUNDARY LINE OF THE CUPERTINO SANITARY DISTRICT

BOUNDARY LINE OF ANNEXATION CUPERTINO SANITARY DISTRICT

ACREAGE: 2.60 ACRES ±

ANNEXATION TO  
CUPERTINO SANITARY DISTRICT  
LANDS OF KOHLER

FEBRUARY, 2001  
WESTFALL ENGINEERS, INC.  
14503 BIG BASIN WAY  
SARATOGA, CA 95070

71.065

# VIA REGINA ROAD LANDS OF KOHLER CUPERTINO SANITARY DISTRICT

1-20s



064

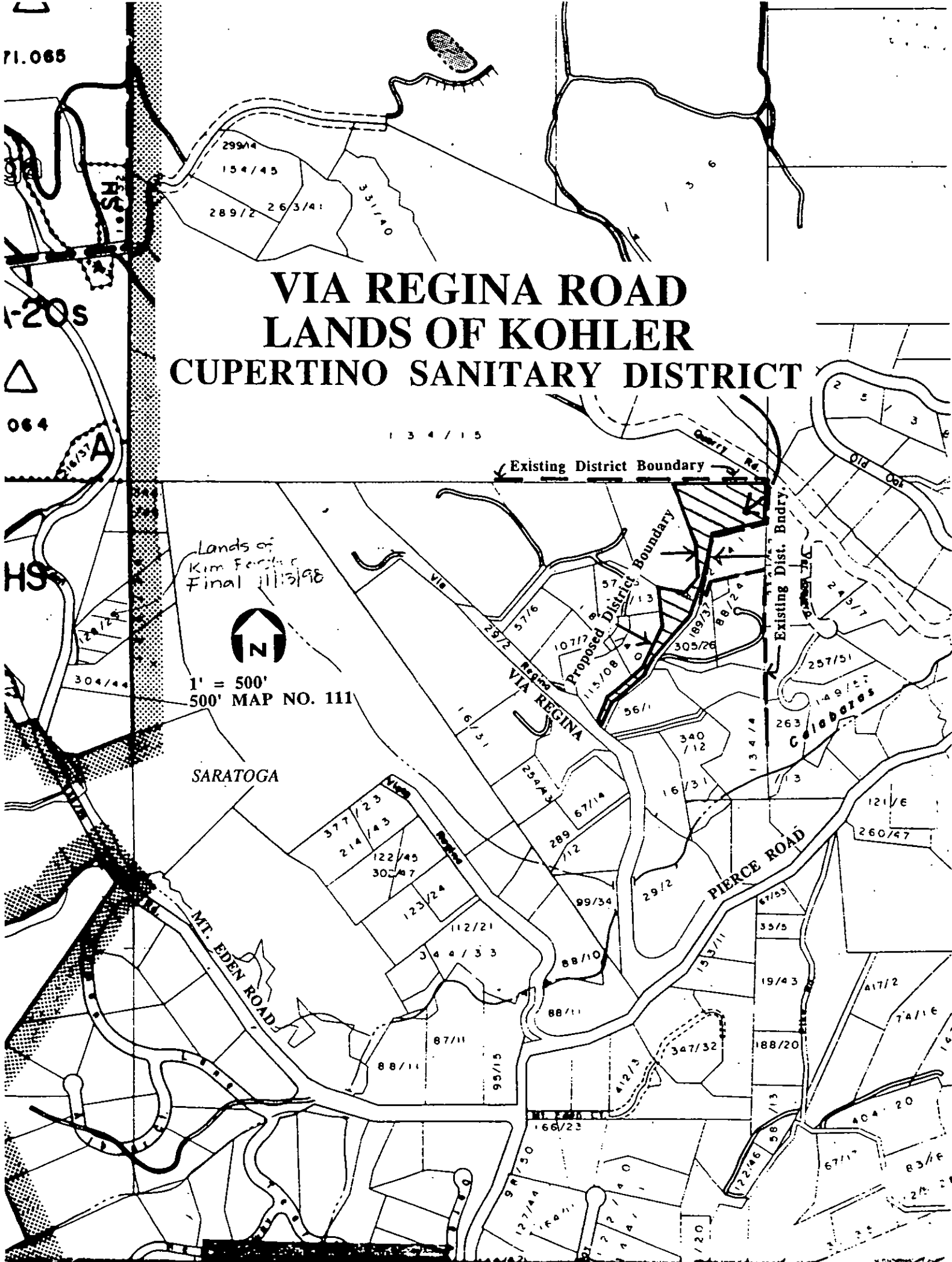
HS

Lands of  
Kim Foster  
Final 11/13/98



1' = 500'  
500' MAP NO. 111

SARATOGA



1-20s

064

HS

**TERMS AND CONDITIONS FOR ANNEXATION TO  
CUPERTINO SANITARY DISTRICT**

**The annexation shall be subject to the following terms and conditions:**

1. In the event that pursuant to rules, regulations or ordinances of the District, as now or hereafter amended, the District shall require any payment of a fixed or determinable amount of money either as a lump sum or in installments, for the acquisition, transfer, use or right of use of all or any part of the existing property, real or personal, of the District, such payment will be made to the District in the manner and at the time as provided by the rules, regulations or ordinances of the District as now or hereafter amended.
  
2. Upon and after the effective date of said annexation, the Territory, all inhabitants within such Territory, and all persons entitled to vote by reason of residing or owning land within the Territory shall be subject to the jurisdiction of the District, shall have the same rights and duties as if the Territory had been a part of the District upon its original formation, shall be liable for the payment of principal, interest and any other amounts which shall become due on account of any outstanding or then authorized but thereafter issued bonds, including revenue bonds, or other contracts or obligations of the District and shall be subject to the levying or fixing and collection of any and all taxes, assessments, service charges, rentals or rates as may be necessary to provide for such payment; and shall be subject to all of the rates, rules, regulations and ordinances of the District, as now or hereafter amended.

**EXHIBIT "C"**

LOCAL AGENCY FORMATION COMMISSION  
COUNTY OF SANTA CLARA

REPORT OF THE EXECUTIVE DIRECTOR

DESIGNATION: WEST VALLEY SANITATION DISTRICT ANNEXATION 2001-1,  
SARATOGA HILLS ROAD

Type of Application: Annexation

Filed by: Petition, 100% Consent by  
Landowners

LAFCO Meeting Date: April 11, 2001

LAFCO Agenda No. 3.2

1. REVIEW OF PROPOSAL

a. Acreage and location: 1.22 acres  
west side of Saratoga Hills Rd. between  
Pierce Rd. and Saratoga-Sunnyvale Rd.

- Conform to Urban Service Area X /     
Yes No

- Create island, corridor or strip    / X  
Yes No

b. Effect on community services:

   Provision of all municipal/district  
services

- Conforms to road policy X /     
Yes No

   Municipal/district services not  
provided as follows:                   

- Conforms to lines of assessment X /     
(if no, explain) Yes No

   Detachment from:                   

   School District Impact Report

   County Transit Impact Report

e. Present land use: single-family residential.

c. Inhabited    Uninhabited X

f. Proposal land use: single-family residential.

d. Boundaries:

- Definite and Certain X /     
Yes No

g. Involves prime agricultural or Williamson Act land:  
N/A

2. ENVIRONMENTAL REVIEW OF PROPOSAL

X Annexation is categorically exempt from provisions of CEQA.  
Class exemption Class 19, Section 15319 (a) and (b).

   The City has rezoned the territory and, as Lead Agency for the environmental review  
of the annexation, has completed an Initial Study and Negative Declaration/Final EIR  
(copy attached) which in LAFCO staffs' opinion does/does not adequately address  
LAFCO regional concerns.

   LAFCO is the Lead Agency for the environmental review of this annexation and staff  
has prepared the attached Negative Declaration/Draft EIR for your review and adoption.

3. SUGGESTED CONDITIONS OR OTHER COMMENTS:

4. PROTESTS:

5. RECOMMENDATIONS: Approve annexation to West Valley Sanitation District and waive  
protest proceedings.

By:

N. Palacherla  
Neehima Palacherla,  
Executive Director

Date:

04/05/01

# 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) 299-2454 FAX (408) 288-9198  
www.sccplanning.org



Prepared by: Colleen Oda  
Approved by: Hugh Graham *HUG*  
Date prepared: March 12, 2001

Hearing Date: April 11, 2001

To: The Santa Clara County Local Agency Formation Commission  
From: Santa Clara County Planning Office  
Subject: WEST VALLEY SANITARY DISTRICT ANNEXATION -  
SARATOGA HILLS

#### Recommended Environmental Action:

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

#### Reasons for Recommendation:

The project is exempt under CEQA Class 19, Section 15319 (a) and Section 15319 (b) that states:

*Section 15319 (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 a capacity to serve only the existing facilities.*

*Section 15319 (b): Annexations of individual small parcels of the minimum size for facilities exempted by Section 15303, New Construction or Conversion of Small Structures.*

West Valley Sanitary District proposes to annex one parcel totaling 1.3 acres located on the west side of Saratoga Hills Road between Pierce Road and Saratoga Sunnyvale Road in the City of Saratoga. The existing single-family residence on the site will be replaced with a new single-family residence in spring 2001 according to the environmental information form provided by the applicant. The property, at 21345 Saratoga Hills Road, wants to abandon their septic system and connect to sewer through the West Valley Sanitary District.

Regarding the annexation into the West Valley Sanitary District, the parcel at 21345 Saratoga Hills Road is zoned R-1 (Single-Family Residential) with a 40,000 square foot minimum lot size, and design review requirements. The property is under the jurisdiction of the city of Saratoga, and is not eligible for further subdivision. The proposed annexation to Cupertino Sanitary District is thus exempt from CEQA because the special district annexation meets the requirements of the Class 19 exemption.

LOCAL AGENCY FORMATION COMMISSION  
COUNTY OF SANTA CLARA

REPORT OF THE COUNTY SURVEYOR

DESIGNATION: WEST VALLEY SANITATION DISTRICT ANNEXATION 2001-1,  
SARATOGA HILLS ROAD

Type of Application: Annexation

Filed by: Petition, 100% Consent by  
Landowners

LAFCO Meeting Date: April 11, 2001

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1. DEFINITENESS AND CERTAINTY OF PROPOSED BOUNDARIES:

Definite and Certain as originally submitted.

Definite and Certain after submission of revised map and/or description.

Indefinite and/or Uncertain as of the day of this report in the following respects:

2. CREATION OF ISLANDS, CORRIDORS, STRIPS:

Does not create islands, corridors, or strips.

Creates islands, corridors, or strips as follows:

3. ROADS

N/A Conforms to policy.

Does not conform to policy.

4. OTHER DEFECTS NOTED, OBSERVATIONS, OR SUGGESTED CONDITIONS:

MARTIN D. MARCOTT  
County Surveyor

By: Virginia Miller Date: April 9, 2001

ANNEXATION 2001-1  
SARATOGA HILLS ROAD  
WEST VALLEY SANITATION DISTRICT  
OF SANTA CLARA COUNTY, CALIFORNIA

EXHIBIT "A"

The following described real property situate in the County of Santa Clara, State of California.

Beginning at the north-west corner of Lot 5, as shown on that certain Tract Map No. 203 recorded January 27, 1947 in Book 12 of Maps at page 36, Santa Clara County Records, said point being also a point on the original West Valley Sanitation District boundary as established by formation of said District in 1948;

thence along northerly line of said Lot 5 South 85 Degrees 21 Minutes 00 Seconds East a distance of 352.82 feet to a point on West Valley Sanitation District boundary established by annexation 1996-5, and the beginning of a 165.00 foot radius non-tangent curve, concave to the West, a radial to said beginning bears South 82 Degrees 21 Minutes 00 Seconds East; thence Southerly, along said District boundary established in 1996 and along said curve, through a central angle of 03 Degrees 39 Minutes 00 Seconds an arc distance of 10.52 feet, to the original West Valley Sanitation District boundary established in 1948 and the beginning of a 165.00 foot compound curve, concave to the West, a radial to said beginning bears South 78 Degrees 42 Minutes 00 Seconds East; thence Southerly, along said curve, through a central angle of 02 Degrees 08 Minutes 00 Seconds an arc distance of 6.14 feet; thence tangent to said curve, South 13 Degrees 26 Minutes 00 Seconds West a distance of 144.02 feet; thence along lines as established by Record of Survey recorded on September 20th, 1956 in Book 74 of Maps at page 48, Santa Clara County Records North 87 Degrees 09 Minutes 30 Seconds West a distance of 356.42 feet and North 13 Degrees 42 Minutes 20 Seconds East a distance of 172.30 feet to the Point of Beginning of this description.

Containing 1.337 Acres, more or less.

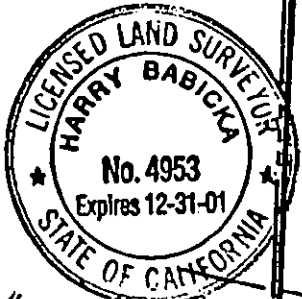
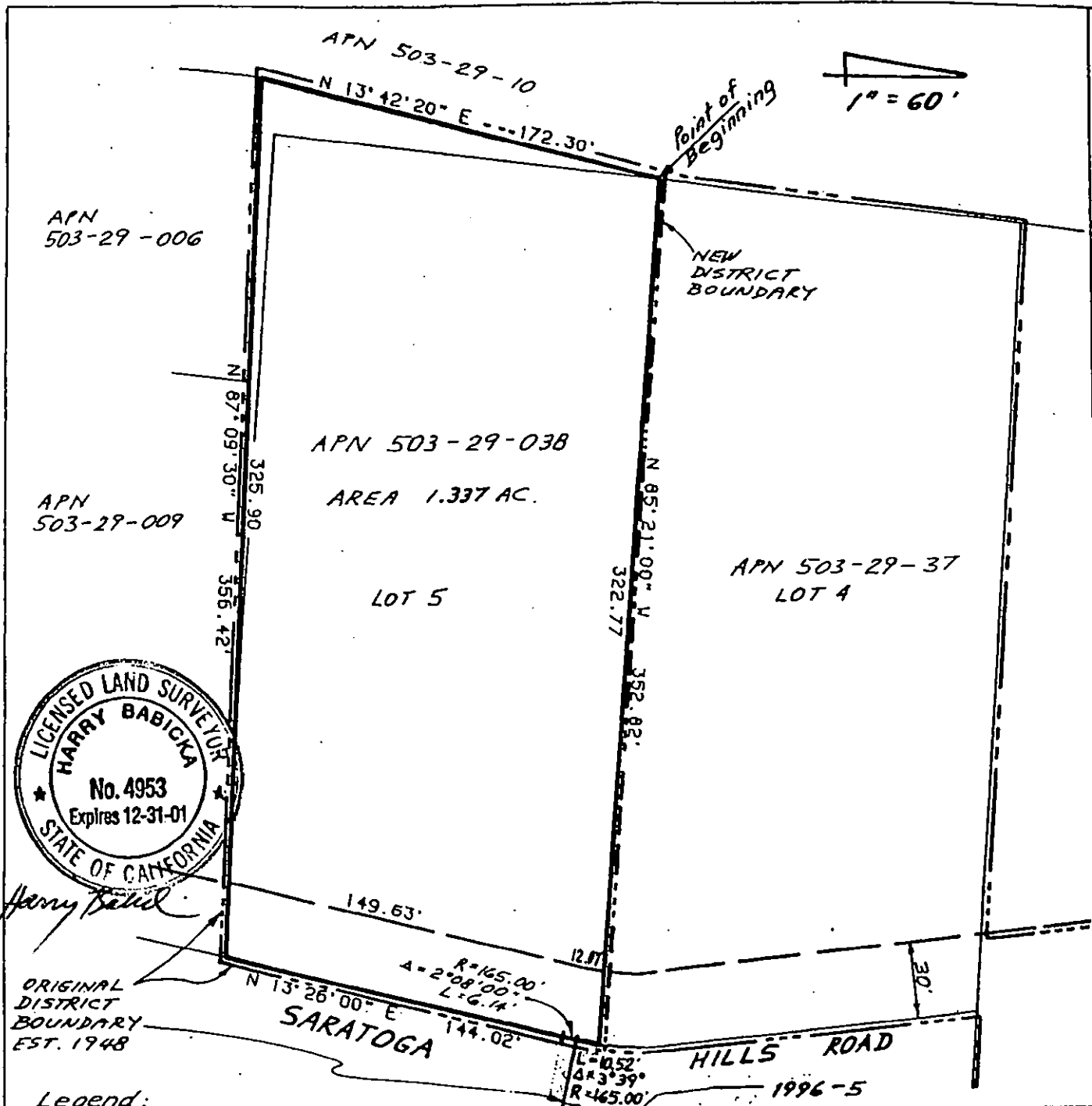
Prepared on January 21, 2001  
Revised on April 06, 2001 by:

Harry Babicka  
L.S. 4953  
Exp. 12-31-01

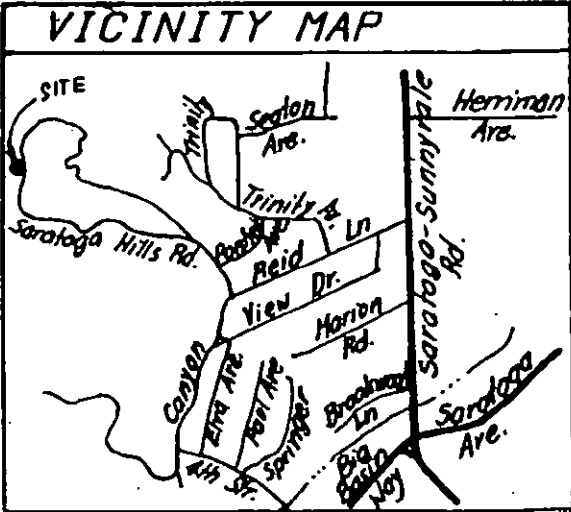


*Harry Babicka*





*Harry Babicka*

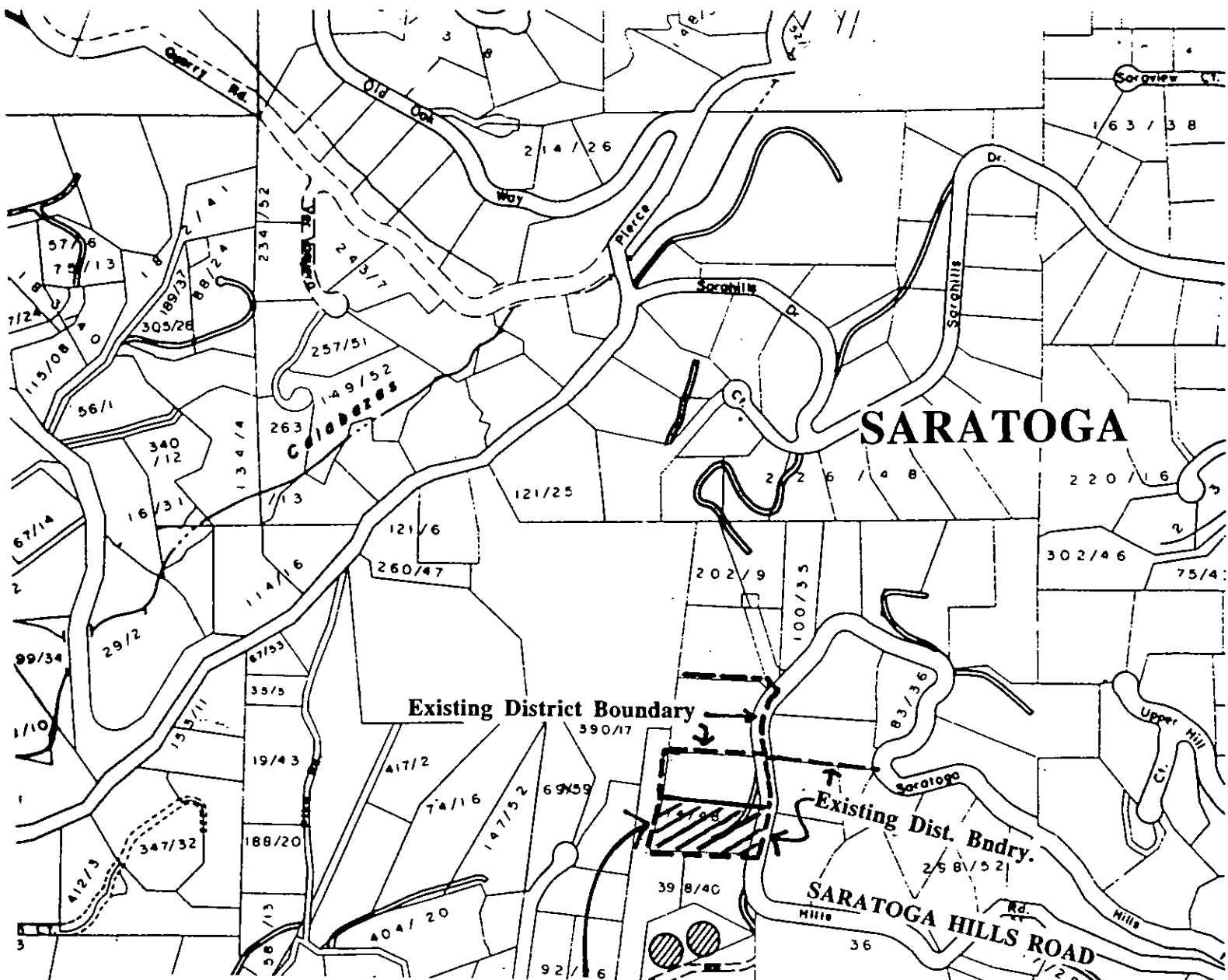


**EXHIBIT B**  
**ANNEXATION 2001 - 1**  
**WEST VALLEY SANITATION**  
**DISTRICT**  
**SARATOGA HILLS ROAD**

DATE: JAN. 2001

BY: HS

REVISED: 04/06/2001



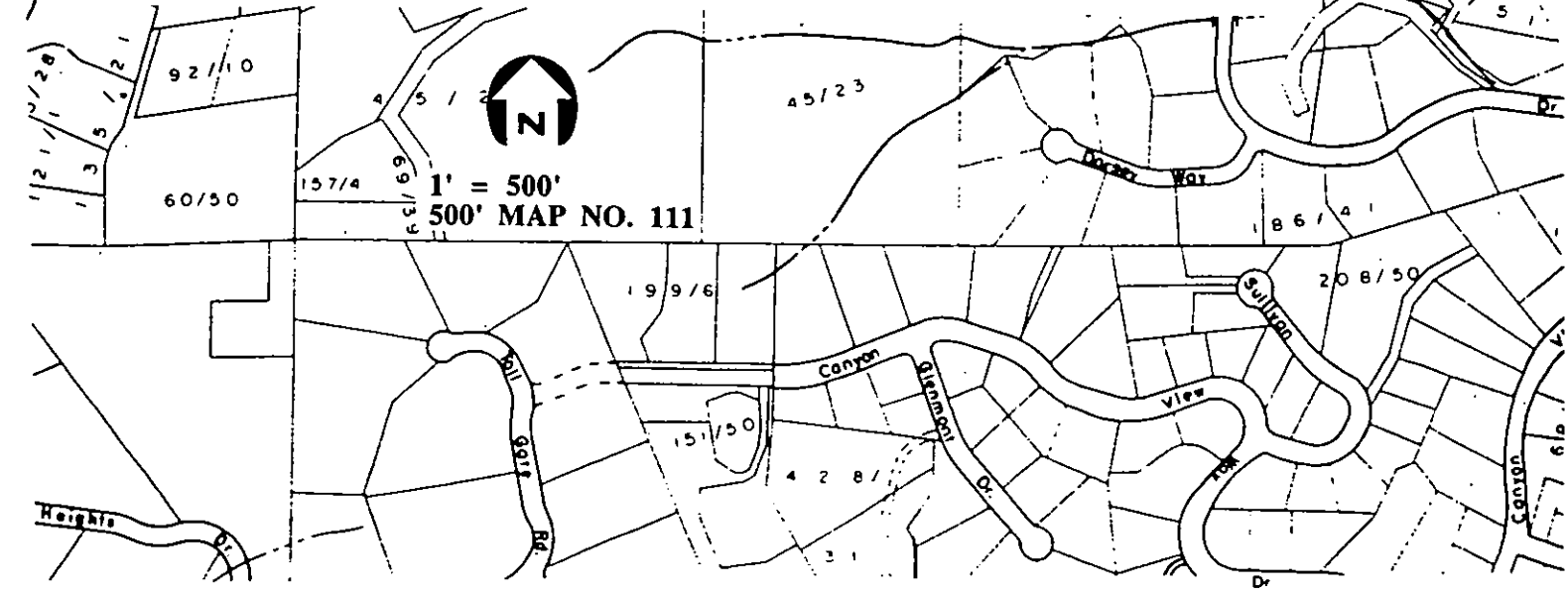
# ANNEXATION 2001-1

## SARATOGA HILLS ROAD

## WEST VALLEY SANITATION DISTRICT



1" = 500'  
500' MAP NO. 111




**LOCAL AGENCY FORMATION COMMISSION  
SANTA CLARA COUNTY**

County Government Center, 11<sup>th</sup> Floor, East Wing  
70 West Hedding Street, San Jose, CA 95110  
(408) 299-3800 FAX 295-1613  
Neelima Palacherla, Executive Director

---

April 5, 2001

**TO:** LAFCO

**FROM:** Neelima Palacherla, Executive Director 

**SUBJECT:** **Out of Agency Contract for Sewer Service (Town of Los Altos Hills)  
Mora Drive Sewer Project (MDSP)  
Continued from February 14, 2001  
Agenda Item # 4.1**

**STAFF RECOMMENDATION**

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Staff recommends that the Commission conditionally approve the request for extension of sewer service to the 28 properties which are part of the Out of Agency Contract for Service application, conditioned upon the Town of Los Altos Hills applying a pre-zoning designation to the larger portion of the unincorporated area within the Town's urban service area in which the Mora Drive Sewer Project (MDSP) is located.

Any future additional connections to the sewer line will require LAFCO review and approval.

**PROJECT DESCRIPTION**

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The Town of Los Altos Hills is seeking LAFCO approval for extending sewer service to 28 properties along Mora Drive and Terry Way located to the West of Highway 280. The 28 homes are located in an unincorporated area within the sphere of influence (SOI) and urban service area (USA) of the Town of Los Altos Hills. Since the proposed extension of services will be outside of the Town's jurisdictional boundaries, LAFCO approval is required. See attached map for subject properties and jurisdictional boundaries. For detailed analysis and description of the project, please see the staff report for the February 14, 2001 meeting.

**BACKGROUND**

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The Commission heard this item at its February 14, 2001 meeting and unanimously decided to continue the item to allow the Town of Los Altos Hills to provide additional information on certain issues that were raised in the staff report and at the hearing. The Commission directed staff to write a letter to the Town requesting this information.

(Please see **Attachment A**: Letter dated February 21, 2001 from LAFCO staff to the Town Council)

Supervisor Liz Kniss, whose district this area is in, facilitated a meeting on February 23, 2001 to discuss LAFCO's request for additional information. At the meeting, it was agreed that the Town of Los Altos Hills and the proponents of the Mora Drive Sewer Project would provide LAFCO with the requested information by March 28, 2001 to enable staff to review and prepare a staff report for the April 11, 2001 LAFCO meeting. The applicant has provided the following information:  
(included as attachments)

**Attachment B**

Letter (dated March 22, 2001) from the Town Mayor to LAFCO Executive Director indicating that the Town Council intends to support a pre-zoning request by the Mora Drive Sewer Project upon formal application and payment of fees. (Received March 27, 2001)

**Attachment C**

A staff report (dated March 5) from Jim Porter, Public Works Director of the City of Los Altos to the City Council regarding the sewer connections.

A transcript of the City Council meeting indicating that the Council authorized staff to accept 40 additional connections prior to amending the Master Sewer Agreement between the City of Los Altos and the Town of Los Altos Hills. (Received April 3, 2001)

**Attachment D**

A letter dated (March 5, 2001) from Jim Rasp, Public Works Director of the Town of Los Altos Hills to the Public Works Director of the City of Los Altos regarding sewer connections. (Received April 3, 2001)

**Attachment E**

Sanitary Survey from the Department of Environmental Health. (Received April 3, 2001)

## **DISCUSSION**

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The following is a discussion of the new information provided by the applicant in response to LAFCO's request:

### **1. Master Sewer Agreement between the City and Town**

Issue: The 1985 Master Sewer Agreement authorizes the Town to have 1,100 sewer connections with a provision to increase it to 1,500 upon amendment of the Agreement. At this time, in the Town, there are about 800 sewer connections and about 385 capacity rights have been sold that have not yet sought connections to the sewer. This combined total of 1,185 exceeds the 1,100 connections allowed per the Master Sewer Agreement.

Since the Town's agreement with the MDSP for extending service to Mora Drive references this Master Sewer Agreement, LAFCO staff had requested that the Master Sewer Agreement be amended before any additional connections were authorized.

Response: The City Council of Los Altos (as indicated in Attachment C) has authorized its staff to accept up to 40 additional units prior to amending the Master Sewer Agreement between the City and the Town of Los Altos Hills.

Los Altos Hills has committed to assume "administrative responsibility" (see Attachment D) for the 125 sewer connections that would result above the 1,100 connections authorized in the Master Sewer Agreement.

## **2. Town's Plan for Providing Service to the Area**

Issue: There are about 300 parcels within the unincorporated pocket in the Town's urban service area. Only about 60 parcels have sewer, the remaining are on septic. It is likely that many of these properties will seek sewer service from the Town. LAFCO has the responsibility for ensuring efficient service provision as well as logical boundaries. LAFCO requested that the Town provide information on its overall service plan for the area and on how it plans to handle any future requests for sewer extensions in the area.

Response: As per attachment C and D, the City of Los Altos plans to do a comprehensive Sewer Master Plan for the Los Altos basin and the Town will participate and jointly fund the study to comprehensively assess the sanitary sewer needs in the area including the unincorporated areas within the Town and the City urban service areas. The Town and the City will then amend the Master Sewer agreement based on the outcome of the plan. The Town and the City are currently developing a scope of work for the Master Plan and the final plan is anticipated to be completed by the end of Fiscal Year 2002.

## **3. Town's Plans for Annexation**

Issue: State law allows extensions of service outside a jurisdictional boundary only in anticipation of annexation. LAFCO had requested the Town for stronger assurances of its intent to annex the area in the future. It was suggested by staff that pre-zoning which is a necessary first action for any annexation be completed by the Town to prepare the area for eventual annexation.

Response: As per Attachment B, the Town Council decided to unanimously support a pre-zoning request upon formal application and payment of fees by the MDSP proponents. The letter specifically mentions pre-zoning of the area where the MDSP is located. Staff has conveyed to the Town that it would not serve any purpose for the Town to pre-zone only those parcels that are a part of the MDSP as they are not even contiguous to the Town. MDSP is only a small part of the larger unincorporated area. As it is not directly contiguous to the Town boundary, it can only be annexed if areas creating contiguity are first pre-zoned and proposed for annexation to the Town. Staff has provided the Town with a map indicating the recommended area for pre-zoning at this

time. (Attachment F) The Town Planning Director agrees with staff on the area to be pre-zoned at this time and has stated that he would recommend that the larger area be pre-zoned all together as opposed to pre-zoning just the MDSP parcels.

As of writing this report, no application had been filed with the Town for pre-zoning.

#### **4. Health and Safety Issues related to Septic Systems**

**Issue:** At the Commission hearing, the property owners testified that there is a health and safety hazard created by the existing septic systems. LAFCO requested the Town to provide any information officially documenting the situation.

**Response:** The letter from County Environmental Health Department encourages sewer service be provided to six properties in the area, only four of which are included in this project.

### **CONCLUSION**

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The Town has provided information indicating generally how it plans to deal with the issues that LAFCO has raised. The City and the Town are jointly proposing to develop a Master Sewer Plan to comprehensively study the service needs of the area. Staff agrees that the Sewer Plan would be a useful tool to evaluate the overall sewer service needs and to identify any potential capacity constraints. The City Council has authorized additional sewer connections to the Town prior to amending the Master Sewer Agreement. The Town Council has indicated its support for pre-zoning of the area provided an application and related fees are submitted to it. However, no such application for pre-zoning has been filed with the Town to date.

Pre-zoning should be completed before allowing extension of sewer. Staff believes that applying the pre-zoning designation to the area along with the property owners' waiver of their protest rights in the instance of an annexation proposal for the area would together provide reasonable assurances to LAFCO that an extension of service to this area is in anticipation of annexation. Staff therefore recommends that extension of sewer be approved conditioned on pre-zoning being in place.

**LOCAL AGENCY FORMATION COMMISSION  
SANTA CLARA COUNTY**

County Government Center, 11<sup>th</sup> Floor, East Wing  
70 West Hedding Street, San Jose, CA 95110  
(408) 299-3800 FAX 295-1613  
Neelima Palacherla, Executive Director

---

February 21, 2001

**TO:** Town Council Members, Town of Los Altos Hills

**FROM:** Neelima Palacherla, LAFCO Executive Director *NP*

**SUBJECT:** More Drive Sewer Extension Request to LAFCO

---

The purpose of this memorandum is to communicate LAFCO's request for additional information regarding the Town of Los Altos Hills' application to LAFCO for extension of sewer service to 28 homes on Mora Drive.

The Town of Los Altos Hills applied to LAFCO for approval to extend sewer service to 28 properties on Mora Drive outside the Town's boundaries but within its urban service area and sphere of influence. Staff recommended denial of the request. Please see attached LAFCO Staff Report.

The Commission at its February 14, 2001 meeting, heard the item and voted to continue it to the next LAFCO meeting on April 11, 2001 and directed staff to request the Town for additional information on the following three issues:

**1. Town's Ability to Serve the Area**

**A. Master Sewer Agreement between City and Town**

As the staff report indicates, the number of connections authorized by the Master Agreement between the City and the Town has been exceeded. An amendment to the agreement needs to occur prior to any future connections. LAFCO would need relevant information indicating that this issue has been resolved between the City and the Town. A letter from the City stating its ability to serve the area would also be required.

**B. Town's Plan for the Area**

LAFCO needs information from the Town with regard to how it intends to approach sewer provision or how it plans to handle

future requests for sewer extensions in this area and what its overall service plan is for this area.

**2. Town's Plans for Annexation**

State law allows out of agency services to be provided only in anticipation of annexation. Applying a pre-zoning designation to an area is considered one of the first actions in anticipation of annexation. Although the zoning designation becomes effective only upon annexation, the process and the application of pre-zoning will prepare the community and the Town for annexation in the future.

**3. Health and Safety Issues in the Area Related to Septic Systems**

At the Commission hearing, property owners testified that there is a health and safety hazard created by the existing septic systems. The Town should provide LAFCO with any information it may have regarding this issue in the area.

Please feel free to contact me with any questions regarding this issue at (408) 299-3800 x7027. Thank you for your cooperation.

Encl. LAFCO Staff Report for the February 14, 2001 meeting and maps.

Cc: LAFCO Members  
LAFCO Counsel  
Supervisor Liz Kniss, District 5  
Enrique Klein  
Jim Rasp, Public Works Director, Town of Los Altos Hills  
Carl Cahill, Planning Director, Town of Los Altos Hills  
Jim Porter, Public Works Director, City of Los Altos





March 22, 2001

Ms. Neelima Palacherla  
Executive Director  
Santa Clara County  
Local Agency Formation Commission  
70 West Hedding Street  
11<sup>th</sup> Floor, East Wing  
San Jose, California 95110

Dear Ms. Palacherla:

This letter is in response to your memorandum of February 21, 2001 addressed to the Councilmembers of the Town of Los Altos Hills and follows a review of the LAFCO staff report on the Out-of-Agency Contract for Sewer Service to the Mora Drive Sewer Project (MDSP) dated February 12, 2001.

In its regular Council Meeting on March 15, 2001 the City Council of Los Altos Hills unanimously decided to write a letter to LAFCO stating its intent to support a rezoning request by the MDSP.

The Town Planning Department, upon formal application and payment of fees by the MDSP, will process a request for rezoning that applies the zoning designation of Residential-Agricultural (R-A) to the County pocket where the MDSP is located in the Town's sphere of influence and urban service area.

Furthermore, at the same Council meeting on March 15, 2001, the Council instructed the Town staff to proceed with initiating the annexation process for a separate group of property owners on Ravensbury Avenue in the same county pocket and contiguous to the Town's boundary. This process, when completed, would bring the Mora Drive corridor geographically closer to the Town's new boundary.

I am confident that the above information will allay your concerns that the extension of sewer service by the Town to the MDSP is indeed in anticipation of future annexation.

Sincerely,



Steve Finn  
Mayor

26379 Fremont Road  
Los Altos Hills  
California 94022  
650 / 941 - 7222  
Fax 650/941-3160



## Attachment C

## MEMORANDUM

**DATE:** March 5, 2001  
**TO:** City Council  
**FROM:** Jim Porter, Public Works Director  
**SUBJECT:** LOS ALTOS HILLS SEWER CONNECTIONS

---

**RECOMMENDATION****Motion:**

1. Accepting Los Altos Hills' commitment to assume responsibility for an additional 125 sewer connections above the 1,100 allowable connections outlined in the Sewer Master Agreement in anticipation of amending the Agreement.
2. Authoring staff to accept up to 40 additional capacity acquisition units prior to amending the Master Sewer Agreement between the City and the Town of Los Altos Hills.

**BACKGROUND**

About one-half of the Town of Los Altos Hills drains downhill towards the City of Los Altos. The other half drains towards Palo Alto. The City of Los Altos and the Town of Los Altos Hills have a Sewer Agreement that allows the Town to have up to 1,100 total residential connections within the "Los Altos" drainage basin. The Agreement discusses a potential of up to 1,500 future connections in Los Altos Hills and a total of 2,100 potential future connections including unincorporated areas within the Town's sphere of influence.

There are currently about 800 sewer connections that staff is aware of in the Town of Los Altos Hills that drains toward Los Altos. However, over the years a number of Town residents have purchased "capacity rights" that allow them to connect to the sewer system either now or in the future. Some properties have purchased capacity rights in anticipation of future sewer main extensions, even though there is currently no sewer mains in their area. Others have purchased capacity rights where there are sewer mains, but not connected yet because their septic systems are still functioning properly.

**DISCUSSION**

Staff recently performed a record search and determined that to date, about 1,185 capacity units have been purchased by Los Altos Hills residents, or about 85 units more than is currently addressed by the Sewer Agreement. The records search was initiated in part by a request from residents on

**CITY COUNCIL AGENDA**  
**March 13, 2001**

*Los Altos Hills*

Mora Drive to connect to a sewer main that is maintained by the City. Mora Drive is located in unincorporated Santa Clara County within the sphere of influence of Los Altos Hills.

The city has an allocation of 3.6 million gallons per day (MGD) average daily dry weather (ADDW) flow from the Palo Alto treatment plant. We currently average about 3.2 MGD. At this time, we believe the 3.6 MGD is intended to account for all flows from the "Los Altos" drainage basin, meaning Los Altos, Los Altos Hills, and the unincorporated county pockets. Based on these numbers, we are at about 89% of capacity. Los Altos Hills has purchased about 0.8 MGD capacity from the Palo Alto RWCQP, but the capacity is currently dedicated to sewer flows in the "Palo Alto" basin, not the "Los Altos" basin.

Although there are only about 800 actual sewer connections at this time, there potentially could be nearly 1,200 connections if the Town residents that have purchased capacity rights decide to connect to the system. Since capacity rights have been granted in excess of the 1,100 allowed by the Agreement, staff believes the terms of the Agreement have in effect been violated.

If we include the additional 400 potential connections to account for the 1,200 capacity units already purchased, the flow increases by about 120,000 gallons per day (based on flow assumptions listed in the Sewer Agreement) and the city would reach about 92 % of it's allocated capacity.

Staff met with Los Altos Hills staff to discuss the capacity rights acquisition matter. To resolve this matter, both staffs agreed on the following course of action:

1. As an interim measure, Los Altos Hills agrees to accept responsibility for the additional capacity rights acquired in the Town, and proposes adding an additional 40 capacity units to allow for near term connects that it anticipates over the next several months. Refer to the attached letter. This means that in the unlikely event that the City exceeds it's allocated 3.6 MGD capacity at the Palo Alto RWCQP, Los Altos Hills will allocate a portion of it's capacity to the City, or purchase additional capacity in a amount that at a minimum will account for the flow from the additional 125 capacity units.
2. Los Altos Hills will work with the City to amend the Sewer Agreement to account for current connections and future anticipated sewer connections. This will most likely involve Los Altos Hills dedicating a portion of their sewer capacity rights to the City, or purchasing additional capacity rights from one of the other two sewer plant "partners," i.e., Palo Alto or Mountain View.
3. Develop a comprehensive Sewer Master Plan for the "Los Altos" basin, with Los Altos acting as the lead agency and the Town participating as a partner on both technical issues and on funding of the Master Plan study. The comprehensive sewer Master Plan to take a comprehensive look at the entire sewer system network, and the effects of potential connections in the Los Altos drainage basin, including Los Altos Hills and unincorporated Santa Clara County. This study is crucial to determine the adequacy of our system to handle potential future flow capacities, evaluate the flow assumptions in the Sewer Agreement considering the size of homes currently being built, determine necessary future capital improvements, and evaluate possible capacity

City Council  
March 5, 2001  
Page 3

constraints. Staff has developed a draft RFP for the Master Plan and intends to submit a CIP project during the upcoming budget cycle to complete this work.

When staff became aware that capacity rights allowing 1,185 connections had been sold, staff immediately stopped accepting purchases of "capacity rights" from Los Altos Hills residents pending Council action on this item. Staff's action in effect prohibits any future sewer connections in Los Altos Hills within the Los Altos drainage basin unless capacity rights have already been purchased.

Should Council accept Los Altos Hill's commitment to assume responsibility for an additional 125 sewer connections above the 1,100 currently authorized in the Agreement, staff will accept acquisition of up to 40 additional capacity units, thereby potentially allowing up to 1,225 sewer connections attributed to the Town. As mentioned previously, the Town has not exceeded 1,100 connections, but there is a potential that the number will be exceeded in the next few years.

### ALTERNATIVES

An alternative is to not accept any future purchases of sewer capacity rights from Los Altos Hills or unincorporated Santa Clara County within the sphere of influence of the Town until after the Master Plan has been completed, the Town has provided an additional capacity allocation to the City, and the Agreement has been amended. This alternative will potentially temporarily impact future development in Los Altos Hills until this matter is resolved.



Jim Porter  
Public Works Director

Attachments

cc: City Manager  
City Manager, Los Altos Hills  
Public Works Manager, Los Altos Hills

09/02/01 10:20 PAA 400 111 1000

MINUTES OF A REGULAR MEETING OF THE CITY COUNCIL OF THE CITY OF  
LOS ALTOS, HELD ON TUESDAY, MARCH 13, 2001, AT 7 P.M., AT LOS ALTOS CITY  
HALL, ONE NORTH SAN ANTONIO ROAD, LOS ALTOS, CALIFORNIA

ROLL CALL

PRESENT: Mayor Lear, Councilmembers Becker, Casto, La Poll, and Moss  
ABSENT: None

PLEDGE OF ALLEGIANCE

The Pledge of Allegiance and presentation of the Colors were conducted by the following students from Santa Rita School: Rachel Sampson and Thomas Tarlton.

PUBLIC COMMENTS

No speakers came forward under "Public Comments".

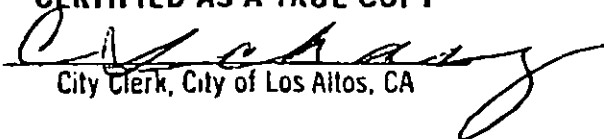
CONSENT CALENDAR

ITEM 4 WAS REMOVED FROM THE CONSENT CALENDAR BY COUNCILMEMBERS LA POLL AND CASTO AND RENUMBERED AS ITEM 12.

ON MOTION BY COUNCILMEMBER LA POLL, SECONDED BY COUNCILMEMBER MOSS AND PASSED UNANIMOUSLY BY VOICE VOTE, the following actions were taken:

1. Council Minutes  
Approved minutes - Regular Meeting of February 27, 2001
2. Los Altos Hills Sewer Connections  
a) Accepted Los Altos Hills' commitment to assume responsibility for an additional 125 sewer connections above the 1,100 allowable connections outlined in the Sewer Master Agreement in anticipation of amending the Agreement; and b) Authorized staff to accept up to 40 additional capacity acquisition units prior to amending the Master Sewer Agreement between the City and Town of Los Altos Hills
3. Shoup Park Lighting Repair Project  
a) Awarded the Shoup Park Lighting Repair Project 2000-9 to Columbia Electric, Inc. for their low bid of \$89,700 to complete the Base Bid and Add Alternate 1; b) Appropriated \$69,800 from the Capital Projects Fund Reserve for the project; and c) Authorized the City Manager to execute the contract on behalf of the City
4. Consultant Services for Housing Element Update - REMOVED FROM CONSENT  
Recommendation from the Community Development Director to enter into a contract agreement with land use consultants Parsons to update the Housing Element of the City's General Plan

CERTIFIED AS A TRUE COPY

  
City Clerk, City of Los Altos, CA

**LOS ALTOS HILLS**



**CALIFORNIA**

**Attachment D**

March 5, 2001

Mr. Jim Porter  
Public Works Director  
City of Los Altos  
One North San Antonio Road  
Los Altos, California 94022-3087

**Subject: Sanitary Sewer Connections in the Los Altos Basin**

Dear Jim,

As a result of our meeting on March 2, 2001 in your offices to discuss the subject issue, I wish to indicate to the City of Los Altos that the Town of Los Altos Hills will accept the administrative responsibility for an additional 40 sanitary sewer connections in the Los Altos sanitary sewer basin for a new total of approximately 1225 connections or rights to connect. These additional connections would be in either the Town of Los Altos Hills or in the unincorporated area of the county designated as the Los Altos Hills Urban Service Area. This would be for the time period from now until June 30, 2002 when we anticipate that we can amend our 1985 Sewer Agreement.

As we discussed, the 1985 Sewer Agreement permits the Town to have 1100 sewer connections into the Los Altos transport system. At the present time there are approximately 800 sewer connections in the Town of Los Altos Hills, and the City of Los Altos has collected fees for the right to connect to the system from approximately 385 additional properties. This total of 1185 exceeds the 1100 permitted by our 1985 Sewer Agreement.

To reiterate our agreed upon course of action; we presently have a joint effort to identify and list the 1200 properties with connections or rights to connect. This should be completed this week. Additionally, both communities will fund a joint Sanitary Sewer Master Plan for FY 2001-2002 to comprehensively study the entire basin and develop a long range plan to assess the sanitary sewer service needs of the basin. At the conclusion of the study both the City and the Town will amend the 1985 Sewer Agreement to implement the plan of action decided upon from the results of the Master Plan.

26379 Fremont Road  
Los Altos Hills  
California 94022  
650/941-7222  
Fax 650/941-3160

Mr. Jim Porter  
March 5, 2001  
Page 2

I trust the above course of action is acceptable to you and to the City of Los Altos.  
Should you have any questions or comments, please do not hesitate to contact me.

Very truly yours,

A handwritten signature in black ink, appearing to read "Jim Rasp". The signature is stylized with a large, sweeping initial "J" and a long, horizontal flourish extending to the right.

James W. Rasp, P.E.  
Public Works Manager

cc: Maureen Cassingham, City Manager, Town of Los Altos Hills  
Phil Rose, City Manager, City of Los Altos

## County of Santa Clara

Environmental Resources Agency  
Department of Environmental Health

North County Office  
660 So. Fairoaks Avenue  
Sunnyvale, California 94086  
(408) 737-8933 FAX 735-8529



April 2, 2001

Neelima Palacherla, Executive Director  
Local Agency Formation Commission  
70 W Hedding St 11<sup>th</sup> Floor  
San Jose, CA 95110

Re: Sanitary Survey of Mora Drive (above Eastbrook Ave.)

On February 24, 2000 this Department sent a letter to the Town of Los Altos Hills, with a copy to you, in which results of a sanitary survey on Mora Dr. (above Eastbrook Ave.) were summarized. The purpose of the survey was to ascertain the status of existing on-site sewage disposal systems on 32 lots for which sewer service was being requested.

Of the 32 lots, 20 were evaluated at that time by an on-site interview and inspection and/or by a record review. Nine of the 32 lots were not evaluated because we were unable to contact the residents for access and 3 lots are undeveloped.

The property owners recently completed their own written survey of the lots and provided a list of 3 lots (See March 16, 2001 letter from Charles Bodine) whose owners indicated that they experienced chronic or seasonal problems with their septic systems and who agreed to our inspection of the property. One of these lots had been previously recommended for sewer connection. The evaluation of the other 2 lots brings the total number of lots evaluated by on-site interview and inspection and/or by a record review to 22. Seven lots have not been evaluated and 3 remain vacant.

The following comments summarize the results of the initial survey as amended by more recent information:

1. During a recent inspection there was evidence that the septic system at 11055 Mora Drive is failing and available area to repair the system is extremely limited.
2. It was determined from the initial survey that shallow groundwater conditions may exist seasonally at 11120, 11140, 11170 and 11185 Mora Dr. An additional record search revealed that in March 1999 shallow groundwater (4 - 5 feet deep) was encountered during an investigation at 10401 Sunhills Dr. Such conditions can result in contamination of groundwater, sporadic septic tank effluent contamination at the ground surface, and slow house drains.



Neelima Palacherla

April 2, 2001

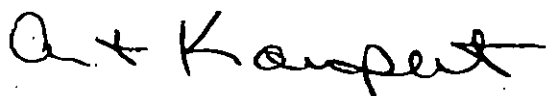
Page 2

3. In the event of septic system failure, there is minimal area available for repair on 13 of the 22 lots that were surveyed.
4. Prior to 1985 permits were not required for septic system repairs. Records show that there have been 11 repair permits issued since 1985. Although not all of these permits were issued to repair a failing system, this is a relatively large number of repairs for an area of this size.

As a matter of public health policy the Department of Environmental Health generally supports public sewer service. In areas such as this, where many of the septic systems are aging and have limited area available for repairs, and where some are already experiencing problems, extending sewer service may prevent a serious public health hazard from developing.

Specifically, the Department would strongly encourage that sewer service be made available to 11120, 11140 and 11170 and 11185 Mora Dr. and to 10401 Sunhills Dr. due to the potential for seasonal shallow groundwater to cause periodic surfacing of septic system effluent, plumbing backups or contamination of groundwater. The Department would also strongly encourage that sewers be made available to 11055 Mora Drive due to the existing septic system failure and lack of available area to make satisfactory repairs.

If you have any questions or if I can be of additional assistance please call me at 408-737-8936. You may also send e-mail to "Art.Kaupert@deh.co.santa-clara.ca.us".



ART KAUPERT, R.E.H.S.

SUPERVISING ENVIRONMENTAL HEALTH SPECIALIST  
DEPARTMENT OF ENVIRONMENTAL HEALTH

Cc: Enrique Klein

Mr. Art Kaupert  
Supervisor of Environmental Health  
County of Santa Clara  
660 S. Fair Oaks Avenue  
Sunnyvale, CA

March 16, 2001

Dear Mr. Kaupert:

As promised, the Mora Drive Sewer Project (MDSP) managers conducted a survey of the owners of properties who wished to participate in the proposed Mora Drive sewer line installation. We were able to contact and question most of the owners, so have a good picture of the age, size, load, and performance of the septic systems now in use. I will be delivering the results of this survey (confidential, no names were collected unless permission was given) next week.

In the meantime, I have attached the names of 3 owners who are willing to have an inspector visit their properties and see the conditions firsthand. I feel each of these 3 properties is representative of a group of properties in the area. Each property has had septic system failure in recent times.

1. Mr./Mrs. Michael G. Inkster  
10401 Sunhills Drive  
Los Altos, CA 94024

PH: 650-984-2948

*High groundwater found  
in*

High Water Table

The 41-year-old septic system at this hillside property is located close to the upper end of the proposed sewer line. During the wet season, the effluent flow has to compete with a high water table and saturated surface soil. Even during the dry season, the field is unable to accept the full flow created during heavy use periods.

2. Mr./Mrs. Charles M. Bodine  
11055 Mora Drive  
Los Altos, CA 94024

PH: 650-948-2386

*Inspected 3-01 evidence  
of failure.*

Steep Hillside, Limited Leach Field Area

This hillside property receives substantial runoff water flow during the rainy season after the surface soil has reached saturation, and, since modifications were made to the uphill neighbors leach field, water has seeped down onto this property even during the dry season. The 38-year-old septic system has not been able to absorb this continual extra load. The terrain limits the location and size of the leach field.

3. Mr./Mrs. Dale G. Seymour  
11170 Mora Drive  
Los Altos, CA 94024

PH: 650-948-0949

*Previously identified*

Bottom of Hill, Adjacent to Seasonal Creek

Unlike other properties with smaller fields, this property has a relatively large switchable 800 (2 x 400) foot field that is only 7 years old. Located at the bottom of the hill near a seasonal creek, the field is being saturated by the high water tables common to the area. Professional evaluations have stated that connection to a sewer system is the only solution for this property that will eliminate leach field leakage and odors. An adjacent subdivision was allowed to connect to the nearby sewer line at the time of construction because of known leach field problems.

As you know, the MDSP is scheduled for presentation at the April 11 LAFCO meeting, so timing of your inspection and re-evaluation letter on the desirability and need for a sewer line to the LAFCO staff is important. I believe that Neelima Palacherla, LAFCO Executive Director, would like to have all materials submitted by March 28.

I would be very pleased to serve as "tour guide" for your inspector and help arrange the site inspection schedule if needed. I will call you to see if this will aid in your work.

Best regards,

A handwritten signature in black ink that reads "Charles M. Bodine". The signature is written in a cursive, slightly slanted style.

Charles M. Bodine

CC: Enrique Klein

SAN ANTONIO HILLS / COUNTRY CLUB / SUMMERHILL  
UNINCORPORATED POCKETS



**LOS ALTOS**

**LOS ALTOS  
HILLS**

**Los Altos  
Country  
Club**

Area with smaller  
parcels may be  
rezoned  
later/separately.

Urban  
Service  
Area and  
Sphere of  
Influence  
Boundaries

Area to be rezoned.

**LOCAL AGENCY FORMATION COMMISSION  
SANTA CLARA COUNTY**

County Government Center, 11<sup>th</sup> Floor, East Wing  
70 West Hedding Street, San Jose, CA 95110  
(408) 299-3800 FAX 295-1613  
Neelima Palacherla, Executive Director

---

April 4, 2001

**TO:** LAFCO  
**FROM:** Neelima Palacherla, Executive Director *np*  
**SUBJECT:** Final Budget for FY 2001-2002  
Agenda Item No. 4.2

**RECOMMENDATION**

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1. Adopt the final budget for fiscal year 2001-2002.
2. Authorize staff to transmit the final budget adopted by the Commission to the City Councils, Board of Supervisors, the Cities Association and the Controller's office.
3. Direct the County Auditor-Controller to apportion LAFCO costs to cities and the County and collect payments pursuant to Government Code Section 56831.

**BACKGROUND**

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The Cortese Knox Hertzberg Act (CKH Act) of 2000 requires each LAFCO to annually adopt a proposed budget and a final budget at public hearings. It also requires that the cities and the County share in the costs of funding LAFCO.

At its December 13, 2000 LAFCO meeting, the Commission appointed a Budget Sub-Committee composed of Commissioner Gage, Commissioner Jackson, LAFCO Executive Director and LAFCO counsel and authorized it to develop a draft proposed budget for Commission consideration. The Sub-Committee developed a proposed budget based on increased staffing needs required to fully implement the CKH Act and the actual costs associated with operating LAFCO. The Commission on February 14, 2001 adopted the proposed budget. No changes have been made to the proposed budget and it is being presented as the final budget. For details on the budget, please see staff report for the February 14, 2001 meeting.

**ATTACHMENT**

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LAFCO Final Budget for Fiscal Year 2001-2002

**FINAL LAFCO BUDGET FOR FY 2001-2002**

<b>CATEGORY</b>	<b>PROPOSED BUDGET 2001-2002</b>	<b>ASSUMPTIONS / NOTES</b>
Executive Director (0.6 position)	\$61,618	Salary and benefits
LAFCO Analyst	\$92,543	Salary and benefits
LAFCO Clerk+ Clerk of Board Overhead	\$94,103	Salary and benefits + department overhead
LAFCO Surveyor	\$40,000	Salary and benefits
LAFCO Attorney	\$30,720	240hrs/year at \$128/ hour (rate for FY02)
Miscellaneous Staffing	\$5,000	Assessor or other
Consultant Services	\$100,000	Specific projects
Postage and Reproduction	\$3,000	per CoB's estimates + other
Commissioner's Fees	\$1,500	\$50 * 5 commissioners *6 meetings
Legal Notice Publication	\$4,000	Based on projected activity
Membership Dues	\$2,000	CALAFCO Dues
Transportation and Travel	\$8,000	ClerkConf: \$600, Staff Workshop: \$1,350, Annual Conf: \$5,250 + other
Automobile Mileage	\$250	120 miles per trip, 6 trips / year @.31 per mile.
Food	\$600	\$35*6 meetings + other meetings/ workshops
Computer Hardware and Software	\$6,500	Software and hardware for new workstation (\$2,500) and laptop (\$3,500) +other misc.
Office Expenses	\$5,000	For supplies, business cards, books/periodicals, envelopes, letter heads, brochures + other
County Space Related Costs	\$3,462	Building use, space rental, utilities, GSA services, facilities
County Equipment Use	\$274	Depreciation costs for computers and other equipment, Network server and all related
Other County Services	\$3,672	Include County Exec, OBA, Controller, ESA, Purchasing, County Dispatching + other
GIS Administration and Maintenance	\$5,000	GIS maintenance and technical assistance
Computer Systems Maintenance/Upgrades	\$3,300	1.5hours*13accounting periods*2Workstations@\$85/hour
Insurance	\$70	General, auto liability and other miscellaneous
Staff Training	\$2,000	Computer and other program management courses
Litigation Reserve	\$5,000	Reserve fund
Contingency Funds	\$25,000	5% of total budget
<b>TOTAL COSTS</b>	<b>\$502,612</b>	
<b>PROJECTED REVENUES</b>	<b>\$25,000</b>	
<b>NET LAFCO OPERATING EXPENSES</b>	<b>\$477,612</b>	

**LOCAL AGENCY FORMATION COMMISSION  
SANTA CLARA COUNTY**

County Government Center, 11<sup>th</sup> Floor, East Wing  
70 West Hedding Street, San Jose, CA 95110  
(408) 299-3800 FAX 295-1613  
Neelima Palacherla, Executive Director

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April 5, 2001

**TO:** LAFCO

**FROM:** Neelima Palacherla, Executive Director *NP*  
Kathy Kretchmer, LAFCO Counsel

**SUBJECT:** MOU between LAFCO and County for County to provide staffing  
and services to LAFCO  
Agenda Item No. 4.3

**RECOMMENDATION**

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1. Approve the draft MOU (Attachment A) in concept and delegate authority to the Chairperson to make any necessary changes to the MOU that do not affect the budget and to execute the final MOU.

**BACKGROUND**

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The Cortese Knox Hertzberg Act (CKH Act) which became effective January 1, 2001 calls for LAFCOs to become independent agencies by requiring that LAFCOs assume independent responsibility for their operation, including adopting their own budget, hiring its own staff and making arrangements for its own facilities. As an alternative, the law allows LAFCOs to contract with any public agency for its staffing and facilities needs. To aid LAFCOs in attaining independence, the new law requires that all agencies represented on LAFCO share in the costs of funding it.

Since LAFCO was established in 1963, the County has funded LAFCO and has provided it with necessary staffing, office, supplies and equipment. To enable LAFCO to transition into an independent agency, the County and LAFCO entered into an interim MOU for the County to provide staffing and services through the end of the Fiscal year 2001. This allowed LAFCO to assess its needs and determine its course for becoming independent.

Through a sub-committee, the Commission determined the additional level of resources necessary to function effectively in the expanded role that has been defined for LAFCO by the new law in the area of growth and development. The Commission at its December 2000 meeting decided to formally contract with the County for its future staffing and

facilities and authorized LAFCO staff to negotiate an agreement for LAFCO and County approval. The Board in February agreed in concept to provide LAFCO with necessary staffing and facilities provided it is compensated for its costs by LAFCO.

At its February 14, 2001 meeting, the Commission adopted a proposed budget for Fiscal Year 2001-2002. The proposed budget is based on the Commission's need for additional staff and resources, as well as all its current costs and costs that were previously being absorbed by the County. The Commission is set to adopt its final budget at its April 11, 2001 meeting.

This MOU sets out the provisions for the County to provide LAFCO with staffing and other services and is based on LAFCO's adoption of its budget to fund these services. It includes provisions for staffing LAFCO with the Executive Officer, the Analyst, Counsel, Clerk and Surveyor. The staffing structure as described in the MOU is illustrated in Attachment B.

## **NEXT STEPS**

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Although the terms of this agreement have been discussed in general with the various County departments referenced in it, the MOU as approved by the Commission will be circulated to the various departments for their final review. Following any revisions that do not impact LAFCO's final budget, and after the approval of the chairperson, this MOU will be forwarded to the County Board of Supervisors for its approval.

## **ATTACHMENTS**

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Attachment A: Draft MOU between LAFCO and the County for the County to provide staffing and services to LAFCO.

Attachment B: LAFCO Organization Chart



## **DRAFT (April 6, 2001)**

### **MEMORANDUM OF UNDERSTANDING BETWEEN THE LOCAL AGENCY FORMATION COMMISSION OF SANTA CLARA COUNTY AND THE COUNTY OF SANTA CLARA**

This Memorandum of Understanding ("MOU") is between the Local Agency Formation Commission of Santa Clara County (LAFCO) and the County of Santa Clara (County). The purpose of this agreement is to set forth the terms and conditions upon which the County will provide staffing and facilities to LAFCO.

#### **RECITALS**

WHEREAS, since the inception of LAFCO from approximately 1963 to the present, the County has fully funded LAFCO including furnishing the Commission with the necessary quarters, equipment, supplies and staffing from the Offices of the County Executive, County Counsel, County Clerk, County Surveyor, and the County Planning Department; and

WHEREAS, new legislation has been passed effective January 1, 2001, which requires LAFCOs to be independent bodies and to contract for personnel and facilities (Government Code sections 56380 and 56384); and

WHEREAS, on February 6, 2001, the LAFCO and the County entered into an interim MOU to allow for the continuation for the current staffing levels and office arrangement through June 30, 2001 to assist LAFCO during the transition to independent operation; and

WHEREAS, LAFCO has done an assessment of its needs for the next fiscal year, 2001/2002, based on the demands of the new legislation and has developed a corresponding budget; and

WHEREAS, County is willing and able to provide and LAFCO with its own budget is willing and able to retain personnel and services to fulfill LAFCO's goal of independent staffing and autonomy under the terms and conditions set forth herein; and

WHEREAS, both County and LAFCO recognize and acknowledge that although the County shall pursuant to this MOU provide staff support, space and services to LAFCO, LAFCO is an independent commission and the County shall have no ability to control or influence any LAFCO action or staff recommendation; and

WHEREAS, LAFCO requested on February 6, 2001, and the Board of Supervisors approved in concept, to continue assistance and support to LAFCO on the basis that the costs for such services will be reimbursed by LAFCO, and that a formal Memorandum of Understanding

outlining the terms and provisions for the continuation of the services would be developed.

The parties therefore agree as follows.

## AGREEMENT

### 1. EFFECTIVE DATE

This MOU shall commence on July 1, 2001.

### 2. STAFFING

#### 2.1 LAFCO EXECUTIVE OFFICER SERVICES

The County Executive's Office shall designate a full-time unclassified code entitled LAFCO Executive Officer at broad pay salary range equivalent to the Program Manager I to Program Manager II level. The position shall be subject to all normal labor contract provisions, Merit System Rules and County ordinances as applicable. The County shall recruit the Executive Officer through the County's standard process subject to LAFCO approval. The Executive Officer shall perform the duties as specified in the Cortese-Knox-Hertzberg Local Government Reorganization Act and shall do and perform all functions necessary or advisable to manage and conduct the business of LAFCO. The Executive Officer shall work at the direction of LAFCO and shall report directly to LAFCO on all Commission matters. The Executive Officer shall report to the County Executive's Office on all personnel and administrative matters. Should a conflict arise between the Executive Officer's duties as a County employee and duties as the LAFCO Executive Officer, Executive Officer shall promptly advise the County Executive's Office and LAFCO of the issue so that it may be resolved by the two entities.

#### 2.2 LAFCO ANALYST SERVICES

The County Executive's Office shall designate a full-time unclassified code serving as LAFCO Analyst and alternately staffed at the Management Analyst / Sr. Management Analyst level. The position shall be subject to all normal labor contract provisions, Merit System Rules and County Ordinances as applicable. The Analyst shall be recruited through the County's standard process, but final candidates shall be interviewed with approval for hiring by the Executive Officer. The Analyst shall take work assignments and direction from the Executive Officer. The Executive Officer shall have full supervisory responsibility over the Analyst.

#### 2.3 LAFCO COUNSEL SERVICES

The Office of the County Counsel shall designate an attorney as LAFCO Counsel to represent LAFCO, provide legal advice and provide defense of litigation. County Counsel shall consider the input from LAFCO and the Executive Officer in assigning the

attorney to represent LAFCO. The LAFCO Counsel services shall be provided as requested by LAFCO and shall be invoiced and billed directly via intra-county payment voucher on a quarterly basis at the County Counsel's intra-county hourly rate established annually. LAFCO shall provide the Office of the County Counsel with an estimate of the number of hours of general advice service required annually. Any necessary defense of litigation would be in addition to these hours.

#### 2.4. LAFCO CLERK SERVICES

The Office of the Clerk of the Board shall designate a full-time code entitled LAFCO clerk at the Board Clerk I/II level. The LAFCO clerk shall take direction from the LAFCO Executive Officer and the LAFCO Analyst. The Clerk shall report to the Office of the Clerk of the Board on all personnel and administrative matters. The estimated cost for this position including overhead shall be established by the Clerk of the Board's office annually and billed directly to LAFCO on a quarterly basis via intra county payment voucher.

#### 2.5 LAFCO SURVEYOR SERVICES

The County Surveyor shall provide services to LAFCO on an as needed basis to check maps and legal descriptions, to maintain jurisdictional boundaries, and to staff LAFCO meetings. Services shall be invoiced at the surveyor's intra-county hourly rate updated annually and billed directly to LAFCO on a quarterly basis via intra county payment voucher.

### 3. SERVICES

County shall provide the following services to LAFCO. LAFCO will be subject to the normal County administrative fees / costs charged in consideration for these services either directly or through the County's Cost Allocation Plan.

#### 3.1 ACCOUNTING AND BANKING SERVICES

The County shall provide all banking services for LAFCO funds, with interest to be earned at the interest rate paid on the countywide investment pool, calculated quarterly. The County's Finance Agency Controller/Treasurer's Office shall provide the accounting and reporting of all financial transactions for the LAFCO budget under the County's accounting system. These services will include accounting for all revenues and expenses of LAFCO, and for providing periodic accounting reports to LAFCO.

#### 3.2 OFFICE SPACE, EQUIPMENT AND SUPPLIES

The County shall provide space suitable for LAFCO offices. The County shall allow the use of the County Board chambers and other meeting rooms for Commission / staff meetings, subject to availability. County shall provide purchasing services for LAFCO, including solicitation and evaluation of proposals for goods and services, issuance of purchase orders and/or development of purchase agreements, and processing of payment upon receipt of

the purchased goods/services.

### 3.3 PERSONNEL SERVICES

The County shall provide personnel services including recruitment, advertising, screening of applications, and development of hiring lists. The County shall provide payroll, benefits coordination and administration services and Labor Relations services.

### 3.4 GENERAL COMPUTER MAINTENANCE AND UPGRADES

The County shall provide technical assistance in setting up computers, networking, and Internet access services, including but not limited to, continued connection to the County computer network. These services shall be charged on an hourly basis at the Information Services Department's intra-county hourly rate established annually. These charges shall be invoiced and billed directly to LAFCO via the intra-county payment voucher on a quarterly basis.

### 3.5 PHONE SYSTEMS

The County shall provide connection to the County phone system and voice mail.

### 3.6 GIS SERVICES

The County shall provide access to the County Planning Office's GIS server and the data layers maintained by the Planning Office. The costs for this service are not to exceed \$5,000 annually.

### 3.7 SUPPORT FUNCTIONS

All other support / administrative functions of a type currently provided to LAFCO or required to be provided by law.

## 4. RISK MANAGEMENT

County shall provide LAFCO with insurance coverage for tort liability at a cost to be determined annually by the County Insurance Division through the County's budgetary process. The cost for such coverage is subject to increase substantially in the event LAFCO incurs a loss.

## 5. TERM AND TERMINATION

This MOU shall continue until terminated by not less than five months written notice to the other party. Such termination shall be effective on July 1 of the next fiscal year after such notice is given.

6. GENERAL PROVISIONS

6.1 SIGNATURES

LAFCO hereby authorizes the Executive Officer or, his/her designee, to execute any documents to implement this MOU. The Board of Supervisors hereby authorizes the County Executive or his designee to execute any documents to implement this MOU.

6.2 ASSIGNMENT

Neither party may assign this MOU, nor any interest therein, without the other party's written consent.

6.3 NOTICES

All notices, demands and correspondence required or provided for under this MOU shall be in writing and delivered in person or dispatched by certified mail, postage prepaid, to the address below. Notice of any change of address shall be provided in the manner set forth above and delivered to the other party.

COUNTY OF SANTA CLARA:

County Executive  
County of Santa Clara  
70 W. Hedding Street  
San Jose, CA 95110

LAFCO:

Executive Officer, LAFCO  
County of Santa Clara  
70 W. Hedding St.  
San Jose, CA 95110

6.4 SEVERABILITY

The parties hereto agree that the provisions are severable. If any provision of this MOU is held invalid, the remainder of this MOU shall be effective and shall remain in full force and effect unless amended or modified by mutual written consent of the parties.

6.5 ENTIRE AGREEMENT, WAIVERS AND AMENDMENTS

This MOU constitutes the entire understanding and agreement of the parties. This MOU integrates all of the terms and conditions mentioned herein or incidental hereto, and supersedes all negotiation or previous agreements between the parties with respect to all or any part of the subject matter hereof. All waivers of or amendments to the provisions of this MOU must be in writing and signed by the appropriate authorities of LAFCO or of the County.

6.6 MUTUAL INDEMNIFICATION

In lieu of and notwithstanding the pro rata risk allocation which might otherwise be imposed between the Parties pursuant to Government code Section 895.6, the Parties agree that all losses or liabilities incurred by a party shall not be shared pro rata but instead the County and LAFCO agree that pursuant to Government Code Section 895.4, each party hereto shall fully indemnify and hold the other party, their officers, board/commission members, employees and agents, harmless from any claim, expense or cost, damage or liability imposed for injury (as defined by Government code Section 810.8) occurring by reason of the negligent acts or omissions or willful misconduct of the indemnifying party, its officers, employees or agents, under or in connection with or arising out of any work, authority or jurisdiction delegated to such party under this MOU. No party, nor any officer, board/commission member, employee or agent thereof shall be responsible for any damage or liability occurring by reason of the negligent acts or omissions or willful misconduct of the other parties hereto, their officer, board members, employees or agents, under or in connection with or arising out of any work authority or jurisdiction delegated to such other party under this MOU.

IN WITNESS WHEREOF, the parties have executed this Memorandum of Understanding effective as of July 1, 2001.

LOCAL AGENCY FORMATION  
COMMISSION of Santa Clara County

COUNTY OF SANTA CLARA

\_\_\_\_\_  
DONALD F. GAGE  
Chairperson, LAFCO

\_\_\_\_\_  
JAMES T. BEALL, JR.  
Chairperson, Board of Supervisors

Date \_\_\_\_\_

Date \_\_\_\_\_

ATTEST:

ATTEST:

\_\_\_\_\_  
Ruth Marston, LAFCO Clerk  
Local Agency Formation Commission

\_\_\_\_\_  
Phyllis Perez, Clerk  
Board of Supervisors

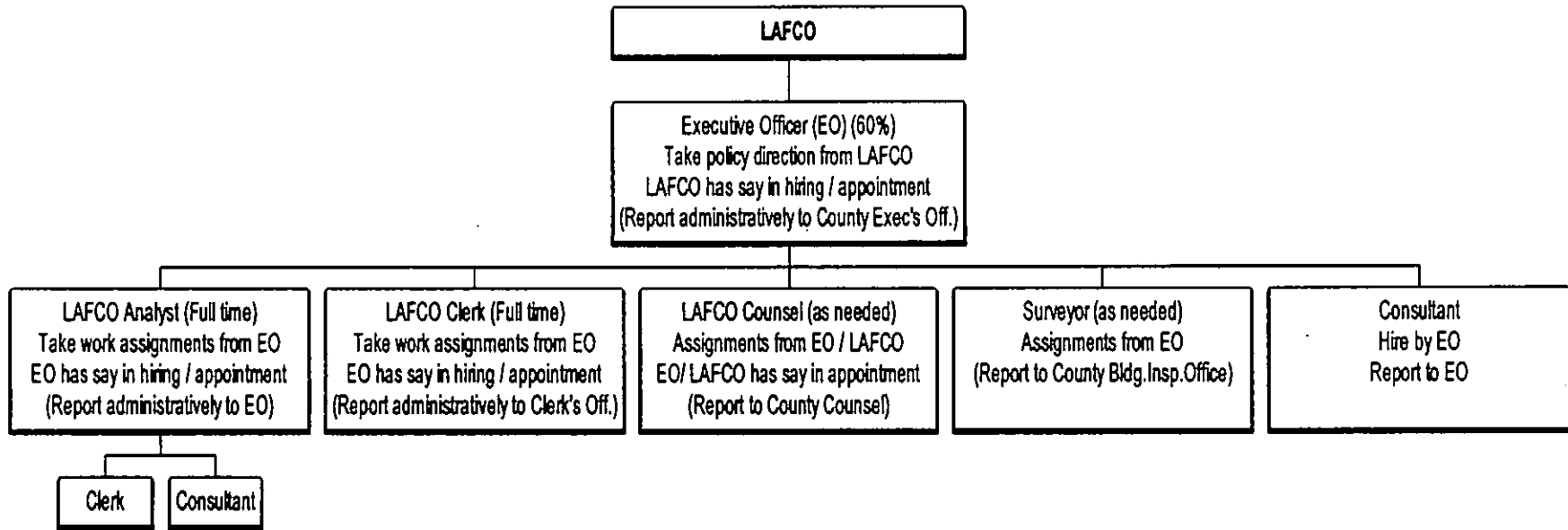
Approved as to Form and Legality:

Approved as to Form and Legality:

\_\_\_\_\_  
LAFCO Counsel

\_\_\_\_\_  
County Counsel

### LAFCO Organization Chart



**LOCAL AGENCY FORMATION COMMISSION  
SANTA CLARA COUNTY**

County Government Center, 11<sup>th</sup> Floor, East Wing  
70 West Hedding Street, San Jose, CA 95110  
(408) 299-3800 FAX 295-1613  
Neelima Palacherla, Executive Director

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April 1, 2001

**TO:** LAFCO

**FROM:** Neelima Palacherla, Executive Director *NP*

**SUBJECT:** LAFCO as Conducting Authority for Protest Proceedings  
Agenda Item No. 4.4

**RECOMMENDATION**

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1. Delegate all of the functions and responsibilities of conducting authority to the Executive Officer pursuant to Government Code section 57000(c). Direct staff to prepare delegation resolution to present to the Commission at the next LAFCO meeting in June.

**BACKGROUND**

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One of the most significant changes to LAFCO procedures brought about by the Cortese Knox Hertzberg Act relates to the conduct of protest proceedings and LAFCO's new role as conducting authority for protest proceedings. \*Effective January 1, 2001, the Commission, rather than the special district or the Board of Supervisors is now required to conduct protest proceedings. This change would streamline and reduce confusion in the process by eliminating an unnecessary second lead agency in the process. It would avoid potential delays that may have resulted from having to shuttle paper work back and forth between LAFCO and the agency. It would eliminate the possibility of a "veto" of a LAFCO decision by the agency not following through with the protest proceedings in a timely manner.

**\*In Santa Clara County, the law allows the cities to continue to function as conducting authorities in the case of city-conducted annexations.**



The purpose of this item is to provide an overview of the protest proceedings and to determine as to whether the Commission wants to delegate the responsibility for conducting protest proceedings to the Executive Officer.

### **Overview of Protest Proceedings**

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Following LAFCO approval of a proposal, protest proceedings are held as follows, unless waived by the Commission (See attached chart):

1. Within 35 days of the adoption of the resolution by the Commission, and not prior to the 30-day reconsideration period for a Commission decision, the Executive Officer shall notice the proposal for protest hearing.
2. Notices are required to be posted and published 21 days prior to hearing. Notices are required to be sent to each affected city, district or county and all landowners within the subject area and to anybody requesting special notice.
3. The hearing date should be between 21 to 60 days from the date of the notice.
4. At the protest hearing, the Commission's resolution is summarized and any oral or written protests are heard or received. Protests may be filed with LAFCO from the date of the notice until the conclusion of the protest hearing. Written protests may be withdrawn anytime prior to conclusion of hearing. The law specifies rules for a valid protest.
5. Within 30 days after the hearing, a finding is made on the value of written protests filed and not withdrawn, and based on that value a resolution is adopted that:
  - a. Terminates proceedings
  - b. Orders the proposal without an election, or
  - c. Orders the proposal subject to confirmation by the voters, i.e., an election must be conducted
6. The finding is based solely on the percentage of valid written protests that were submitted prior to the close of hearing.
7. If an election must be conducted, LAFCO is required to inform the Board of Supervisors, the City Council or the District of the Commission's determination and request them to direct the elections official to conduct the election.

## **Delegation of Protest Proceeding Duties to the Executive Officer**

Pursuant to Government Code § 57000 (c), the Commission has the option of delegating any, or all, of its functions and responsibilities of conducting protest proceedings for all changes of organization and reorganization under LAFCO's authority to the Executive Officer. (As a reminder, city councils will continue to act as conducting authorities for city-conducted annexations in Santa Clara County)

The reason why the legislature has provided this option is because the protest hearing process is considered wholly ministerial, that is, there is no discretion in making decisions. The ultimate outcome of the protest proceedings depends only on the level of valid written protest. No other action, other than that which is dictated by the level of protest is possible. The levels of protests for the different types of reorganization proposals are outlined on the attached charts. There would be greater flexibility in scheduling and holding protest proceedings if the authority for conducting those hearings was delegated to the Executive Officer. There are no advantages for the Commission to retain conducting authority functions.

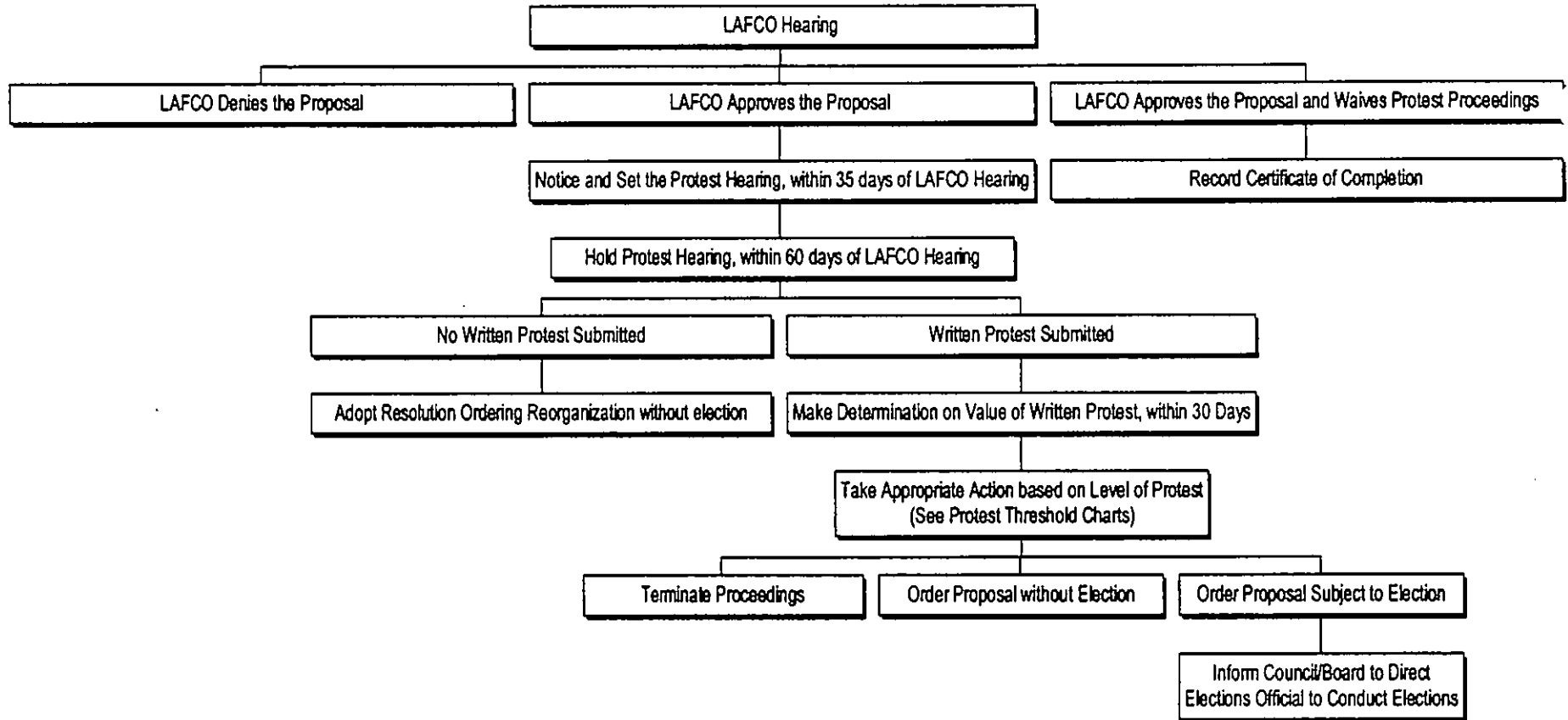
## **Procedural Guidelines for Conducting Protest Proceedings**

New Government code section 56300 (e) requires that the Commission has written policies and procedures including forms for various applications and submittals. Staff will develop protest proceeding procedures including charts illustrating various protest thresholds, and present to Commission at the next LAFCO meeting.

## **Attachments**

Attachment A: Protest Proceedings Chart

## LAFCO PROTEST PROCEEDINGS



Revised LAFCO Applications

Attachment A – Change of Organization or  
Reorganization to be Considered by  
LAFCO

Attachment B – City-Conducted Annexation and  
Reorganization

Attachment C – Out-Of-Agency Contract for Services

Attachment D – Urban Service Area (USA) and Sphere  
of Influence (SOI) Amendments

**SANTA CLARA COUNTY  
LOCAL AGENCY FORMATION COMMISSION**

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

**CHANGE OF ORGANIZATION OR REORGANIZATION TO BE CONSIDERED  
BY LAFCO**

*A change of organization includes: annexation, detachment, consolidation, district formation, district dissolution, city incorporation or disincorporation, or merger or establishment of subsidiary district. Reorganization means two or more changes of organization initiated in a single proposal.*

Attached is an Application Packet for a Change of Organization or Reorganization to be considered by LAFCO. It includes the following material:

1. Cities and Special Districts Annexation / Reorganization Policies
2. Change of Organization / Reorganization Filing Requirements
3. Change of Organization / Reorganization Application Form
4. Change of Organization / Reorganization Petition
5. Sample copies of Legal Map and Description
6. Environmental Information Form
7. Change of Organization / Reorganization Fee Schedule
8. State Board of Equalization Mapping and fee requirements
9. Statement of Boundary Change Form
10. Waiver of Protest Proceedings Form
11. Party Disclosure Form
12. Lobbying Disclosure Form
13. Meeting and Filing Dates
14. Commission and staff roster

If you have any questions regarding these requirements or the application packet, please contact the LAFCO Clerk, at (408) 299-4321.

*NOTE: In Santa Clara County, city annexations and reorganizations proposed within urban service areas may qualify for a "city-conducted" annexation process, pursuant to Government Code Section 56757. Such proposals are not heard by LAFCO, but by the City Council of the appropriate City. Please contact the city for application material. After the City Council hearing process, the application is forwarded to LAFCO staff for finalization. The LAFCO filing requirements for finalization of a city-conducted reorganization are described separately.*

## **POLICIES RELATIVE TO ANNEXATION/REORGANIZATIONS FOR CITIES AND SPECIAL DISTRICTS**

### **A. GENERAL GUIDELINES**

1. The Commission will encourage city processing of annexations and reorganizations within Urban Service Areas without LAFCO review, pursuant to Government Code Section 56826.
2. Urban development should take place in cities rather than in unincorporated territory
3. Whenever possible, cities should pursue development of vacant incorporated land before annexation of fringe areas.
4. Annexations and reorganizations should result in logical and reasonable expansions for cities and special districts.
5. Cities are encouraged to pursue annexation of unincorporated islands.
6. Cities are encouraged to exchange territory between them to improve illogical boundary or service situations.
7. The Commission encourages local agencies to seek means for increasing governmental efficiency and reducing overlaps of service provisions. Specifically:
  - a. Annexation to an existing agency is favored over creation of a new agency.
  - b. Creation of subsidiary districts, and mergers or consolidation of special districts, are encouraged whenever possible.

### **B. ANNEXATION/REORGANIZATION POLICIES**

1. LAFCO will strongly discourage city annexations of land outside Urban Service Areas until inclusion into the Urban Service Area is appropriate. However, the Commission recognizes that in some circumstances, city annexations outside Urban Service Areas will help promote preservation of agriculture, open space, and/or greenbelts. Such cases will be considered on their merits on a case-by-case basis. LAFCO will reconsider allowance of exceptions if it appears a pattern of such requests is developing.

2. Where development outside Urban Service Areas will necessitate annexations to special districts, LAFCO will consider city general plans, joint city/county plans, and land use studies, such as the South County Plan and Preservation 2020, in reviewing proposals.
3. Proponents must clearly demonstrate that the city or special district is capable of meeting the need for services.
4. Boundaries of proposals must be definite and certain, and split lines of assessment must be avoided wherever possible.
5. The boundaries of a proposed annexation or reorganization must not create or result in areas that are difficult to serve.
6. Pre-zoning is a requirement for city annexation, unless it can be clearly demonstrated by the applicant that pre-zoning is unnecessary. Where territory is prezoned agricultural, but has an urban use designation on the city's general plan, the applicant will be required to demonstrate why such an annexation is not in violation of the Cortese-Knox Local Government Reorganization Act, which requires LAFCO to:
  - a. Steer growth away from agricultural areas; and
  - b. Determine that annexation and development of land for non-agricultural purposes is not premature.
7. For annexations for residential development of five acres or more, a copy of the application shall be sent to the appropriate school district(s) for the purpose of ascertaining the impact the proposal may have on the district's ability to provide educational services.
8. All applications for annexations where prezoning indicates that land development could cause the number of vehicle trips per day to exceed 2,000, shall be sent by the LAFCO Executive Officer to the County Transportation Agency for comment as to impact on regional transportation facilities and services.
9. Where service providers other than the reorganizing agencies may be substantively impacted by a proposed reorganization, LAFCO shall request comments on the proposal from the affected service providers. Comments received will be a factor considered in reviewing the proposal.
10. Concurrent detachment of territory from special districts which will no longer provide service is a required condition of city annexation.

11. Special district annexations which result in duplication of authority to perform similar functions must be clearly justified. Reasonable justifications shall include, but not be limited to:
  - a. Health-related needs for services outside city boundaries, such as sewer services to replace a failing septic system for existing development.
  - b. Safety-related needs for services outside city boundaries such as provision of fire protection service to unincorporated development.

**C. STREET ANNEXATION POLICIES**

1. Cities will be required to annex entire street sections whenever possible.
2. When streets are used as a boundary for an annexation, the annexation proposal shall be designed to include a continuous section of roadway sufficient in length to allow maintenance and policing of the street by a single jurisdiction. Annexation of full-width sections normally shall be made in increments of not less than one thousand feet, or the distance between two consecutive intersections, where 50 percent or more of the frontage on both sides of the street in said increment has been or is to be included in the city. This policy shall not supercede other provisions in State law.
3. Annexation of existing short segments of county road to provide single-agency jurisdiction of a full-width section of the road or to provide continuity of city limits shall be accomplished in the most practical manner.
4. When a street is the boundary line between two cities, the centerline of the street may be used as the boundary. Such street annexations shall occur in increments as described in Policy 2, above.
5. Half-street annexations will not be approved except as provided in Policies 3 and 4, above, unless otherwise provided by State law.



**SANTA CLARA COUNTY  
LOCAL AGENCY FORMATION COMMISSION**

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

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**FILING REQUIREMENTS**

**CHANGE OF ORGANIZATION / REORGANIZATION TO BE CONSIDERED BY LAFCO**

The following requirements must be met before *annexation or reorganization proposals to be heard by LAFCO* will be accepted for filing:

1. Six (6) copies of completed Change of Organization or Reorganization Application Form.
2. One certified resolution from agency requesting LAFCO action and five (5) copies. (if proposal is initiated by local agency resolution)

OR

One original and five (5) copies of the petition (if proposal is initiated by petition, landowner or registered voter)

3. Six (6) copies of a map and legal description which meet the standards of both Santa Clara County LAFCO and the State Board of Equalization. Legal descriptions and boundaries other than those shown on previously recorded legal documents shall be prepared by a person authorized to practice land surveying (i.e., any licensed land surveyor, or any civil engineer registered prior to January 1, 1982, pursuant to California Business and Professions Code sections 8700-8806)
4. A list of Assessors Parcel Numbers of parcels within the project area, with names of property owners, current City and/or County General Plan land use designations, zoning designations and existing land use for each property.
5. Three (3) copies of *Environmental Information Form* if requesting categorical exemption from CEQA. If not categorically exempt, 10 copies of a certified environmental document discussing the impacts addressed in LAFCO's *Project Evaluation Policies*, regarding regional and cumulative impacts, the impacts on agricultural and open space resources and any other environmental issues identified by staff. Negative declarations must include an initial study.

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* will need to be completed and signed before meeting with LAFCO staff to determine lead agency status.

6. Ten (10) copies of a plan for services is required to be prepared in compliance with California Government Code section 56653 (This is not a requirement for applications not supported by the affected local agency)
7. Proposals to annex territory outside the urban service area must include 10 copies of a Fiscal Impacts Report analyzing the fiscal impacts of the proposal on the affected local agencies, including the requesting agency, the County, special districts and any affected school districts. The impacts to the County shall be developed using the Fiscal Impacts Worksheet developed by the County.
8. Three (3) copies of any staff reports submitted to agency's planning commission, council or board pertaining to proposal.
9. Three (3) sets of mailing labels of property owners in the project area, all affected cities and special districts and any project managers or consultants interested in receiving public notice.
10. Two (2) copies of a completed Statement of Boundary Change Form
11. City incorporation and district formation applications will include ten (10) copies of a feasibility study
12. Party disclosure forms signed by each property owner and any other affected party or agent included in the proposal.
13. Lobbying Disclosure forms filed by any person who meets the definition of "lobbyist" as indicated on the form.
14. If desired, pursuant to California Government Code section 56663 (c, d) all agencies that lose or gain territory as a result of this proposal may submit in writing a consent to waive further protest proceedings following the LAFCO hearing. (see Waiver of Protest Proceedings form)
15. 14. Any additional information required by the Executive Director.
16. LAFCO Filing fees plus the State Board of Equalization fees.

**SANTA CLARA COUNTY  
LOCAL AGENCY FORMATION COMMISSION**

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

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**APPLICATION FORM**

**CHANGE OF ORGANIZATION OR REORGANIZATION PROPOSALS**

**I. APPLICANT INFORMATION**

Date: \_\_\_\_\_

a. If application is by resolution:

Agency seeking change of organization: \_\_\_\_\_

Contact Person: \_\_\_\_\_ Phone: \_\_\_\_\_

Address: \_\_\_\_\_

b. If application is by petition:

Contact person for Landowner or Registered Voter seeking change of organization: \_\_\_\_\_ Phone: \_\_\_\_\_

Mailing Address: \_\_\_\_\_

**II. PROJECT INFORMATION**

*Please provide the following information. You may attach additional sheets as needed and indicate so.*

1. Project Description: Request for annexation/ detachment/ reorganization to/from \_\_\_\_\_  
(city/ special district)

2. Number of acres: \_\_\_\_\_ Number of parcels: \_\_\_\_\_

3. Number of inhabitants: \_\_\_\_\_ Number of dwelling units: \_\_\_\_\_

4. Number of registered voters: \_\_\_\_\_

5. Is the area proposed for annexation / detachment/ reorganization in the City / District's sphere of influence? Yes \_\_\_\_ No \_\_\_\_ . If not, a concurrent sphere amendment is necessary.
  
6. Is the area proposed for annexation/ detachment/ reorganization in the City's urban service area? Yes \_\_\_\_ No \_\_\_\_
  
7. Indicate the parcel numbers of those parcels, if any, which are under contract with the County under provisions of the Williamson Act:  


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- 7a. What steps, if any, have been taken or are proposed to release the above parcels from the contract? \_\_\_\_\_  


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8. For city annexations, what is the pre-zoning that has been applied to the area? \_\_\_\_\_
  
- 8a. If there is no pre-zoning applied to the area, city is required to demonstrate why pre-zoning is unnecessary. \_\_\_\_\_  


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9. Describe the development being proposed for the territory, and when this development is expected to begin \_\_\_\_\_
  
10. Do the boundaries of the subject territory conform to lines of assessment and ownership? Yes \_\_\_\_ / No \_\_\_\_
  
- 10a. If NO, please explain the reason for non-conformity and provide justification for LAFCO approval of boundaries that split lines of assessment and ownership.  


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11. Do the boundaries of any proposed annexation create an island, corridor or strip? Yes \_\_\_\_ No \_\_\_\_
  
- 11a. If YES, please provide justification for LAFCO approval of this proposal involving creation of islands.  


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12. How will services such as sewer, water, fire protection, police, garbage, lighting and other urban services be provided to the new development proposed in the area?

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13. Will extension of urban services or the construction of public improvements to the area be financed by a special assessment? Yes \_\_\_\_\_ No \_\_\_\_\_

13a. If yes, describe service and or improvements and the average cost per resident or landowner in the area.

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(service / improvement )

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(cost per year for "x" years)

14. List names and addresses of all cities, special districts, school districts and County service areas located within the area of this proposal( exclude Santa Clara County Water District, San Francisco Bay Area Air Pollution Control district, County Library Zone, and Water Importation). For district reorganizations, list all cities within 3 miles of the affected area.

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15. For city annexations, list those concurrent or future detachments from special districts, which are proposed for this area.

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16. Is Agency requesting a waiver of protest proceedings per Government Code Section 56663 (c, d)? YES \_\_\_\_\_ NO \_\_\_\_\_. If YES, please sign and attach the Waiver of Protest Proceedings Form.

**III. 100% CONSENT PROPOSALS**

**(Hearing not required for 100% property owner consent proposals)**

*For 100% consent proposals, please provide the following information and obtain certification by City / District Clerk. Please attach separate sheets, if additional space is required.*

Owners of land\* within the affected area who consent to this proposal should show their consent by signing and printing or typing their names and addresses, with date below and fill in all the information. If proposal is initiated by property owner petition, signature is not required, just note "see petition" below and fill in the remaining information.

Date	Sign & PRINT name	Property Address	Parcel #	Assessed land value
_____	_____	_____	_____	_____
_____	_____	_____	_____	_____
_____	_____	_____	_____	_____
_____	_____	_____	_____	_____

**CERTIFICATE OF CITY/ DISTRICT CLERK**

I CERTIFY that I have checked the number of owners of property located within the annexation/ detachment/ reorganization proposed by this application and that the \_\_\_\_ (number ) of signatures above represent all of the owners of property included in this proposal. I FURTHER CERTIFY that, pursuant to Government Code Section 56663, the City/District waives the requirement for written notice and gives consent for the commission to make determinations on this proposal without notice or hearing.

Date: \_\_\_\_\_ City/ District Clerk: \_\_\_\_\_

City/ District of \_\_\_\_\_ (seal)

\* Owner of land means any persons shown as the owner of land on the most recent Assessment Roll being prepared by County; where such person is no longer the owner, then any person entitled to be shown as owner of land on the next Assessment Roll; where land is subject to a recorded written agreement of sale, any person shown therein as purchaser; and any public agency owning land" Government Code Section 56048

**IV. NON-100% CONSENT PROPOSALS**

**(Hearing will be held for non-100% consent proposals.)**

Owners of land within the proposal area who do not consent to this proposal should be listed by name, address, parcel number and assessed land value below. *Please attach separate sheets, if additional space is required.*

PRINT name	Property Address	Parcel #	Assessed land value
_____	_____	_____	_____
_____	_____	_____	_____
_____	_____	_____	_____
_____	_____	_____	_____

For non-100% consent proposals, list all registered voters residing in the affected area, if different from the landowners named under Section IV and V. *Please attach separate sheets, if additional space is required.*

Name	Address	Name	Address
_____	_____	_____	_____
_____	_____	_____	_____
_____	_____	_____	_____
_____	_____	_____	_____
_____	_____	_____	_____

**V. ENVIRONMENTAL STATUS OF APPLICATION**

*Check the appropriate section to indicate the status of compliance with CEQA.*

1. \_\_\_\_\_ (name of City /District), as Lead Agency for environmental review of the project, in compliance with CEQA has:

\_\_\_\_\_ determined that the proposal is statutorily exempt from the provisions of CEQA pursuant to CEQA Guidelines Section \_\_\_\_\_ (cite class exemption section) because \_\_\_\_\_.

\_\_\_\_\_ determined that the proposal is categorically exempt from provisions of CEQA pursuant to CEQA Guidelines Section \_\_\_\_\_.

\_\_\_\_\_ completed an Initial Study and Negative Declaration for the annexation, 10 copies of which are attached to this application

\_\_\_\_\_ completed a final EIR for the project , 10 copies of which are attached to this application.

2. \_\_\_\_\_ LAFCO is to be Lead Agency for the environmental review of the project as indicated in attached confirmation from LAFCO Executive Director.

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.

\_\_\_\_\_

(PRINT name of person completing this application)

\_\_\_\_\_

(Signature) \_\_\_\_\_

(Date)

\_\_\_\_\_

(Address)

FOR STAFF USE:

PROPOSAL DESIGNATION: \_\_\_\_\_



**SANTA CLARA COUNTY  
LOCAL AGENCY FORMATION COMMISSION**

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70 West Hedding Street, San Jose, California 95110  
(408) 299-4321 (408) 298-8460 Fax

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**PETITION**

**Prior to circulating any petition for a change of organization or reorganization, the proponent or a representative of the proponent must file the attached notification form with the LAFCO.**

**CHANGE OF ORGANIZATION OR REORGANIZATION PROPOSALS**

*The undersigned hereby petition(s) the Local Agency Formation Commission of Santa Clara County for approval of a proposed change of organization or reorganization, and stipulate(s) as follows:*

1. This proposal is made pursuant to Part 3, Division 3, Title 5 of the California Government Code (commencing with Section 56000, Cortese -Knox Local Government Reorganization Act of 1985).

2. The proposed change of organization or reorganization consists of:

\_\_\_\_\_ Consolidation of special districts

\_\_\_\_\_ formation of new special districts

\_\_\_\_\_ incorporation

\_\_\_\_\_ annexation to / detachment from \_\_\_\_\_  
(City / Special District)

of \_\_\_\_\_ (number of acres) on the \_\_\_\_\_ side (n/s/e/w) of

\_\_\_\_\_ street between \_\_\_\_\_ street and

\_\_\_\_\_ street and (if applicable) annexation / detachment

of the same to/from \_\_\_\_\_  
(City /Special District)

3. A metes and bounds description of the exterior boundaries of the territory(ies) included in the proposal, marked **Exhibit A** and a map of said territory(ies), marked **Exhibit B**, are attached to this petition and by this reference incorporated herein.

4. The territory to be organized / reorganized is:

\_\_\_\_\_ inhabited (has twelve (12) or more registered voters)

\_\_\_\_\_ uninhabited

5. This proposal is within the sphere of influence of the affected city and / or district(s): Yes \_\_\_\_\_ No \_\_\_\_\_

6. The reason for the proposed reorganization/ annexation/ detachment is:

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7. It is desired that the proposed change of organization or reorganization be made subject to the following terms and conditions:

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8. The person(s) signing this petition has/ have signed as (check one):

\_\_\_\_\_ owner(s) of land within the affected territory.

\_\_\_\_\_ registered voter(s) within the affected territory.

9. The undersigned proponents own 100% of the territory proposed for change of organization or reorganization: Yes \_\_\_\_\_ No \_\_\_\_\_

10. If formation of a new district is included in the proposal, the principal act(s) under which said district is proposed to be formed are:

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11. If incorporation is included in the proposal, provisions are requested for the appointment of: City Manager \_\_\_\_\_ City Clerk and City Treasurer \_\_\_\_\_

**WHEREFORE**, petitioner(s) request(s) that proceedings be taken in accordance with the provisions of Section 56000 et seq. of the Government Code and herewith affix(es) signature(s) as follows:

**CHIEF PETITIONERS (not to exceed three)**

All signatures must be dated no more than 60 days before date of filing. Petition must be signed by either:

- (a) 5% (25% for detachment from city, incorporation of city or formation of district) of the registered voters within the territory OR
- (b) 5% (25% for detachment from city, incorporation of city or formation of district) of the number of landowners within a territory proposed to be annexed or detached who also own not less than 5% (25% for detachment from a city incorporation of city or formation of district) of the assessed value of land only within the territory.

Date	Sign & PRINT name	St Address, City/St/Zip	Assessor's Parcel No. OR Election Precinct No.*
_____	_____	_____	_____
		_____	
		phone.: (____) _____	
_____	_____	_____	_____
		_____	
		phone.: (____) _____	
_____	_____	_____	_____
		_____	
		phone.: (____) _____	

\* Please indicate the Assessor's Parcel Number for proposals involving uninhabited territory or for landowner initiated proposals and the Election Precinct Number for inhabited territory or for registered-voter initiated proposals.

Any remaining signatures, with the requested identifying information, should be included on a separate sheet of paper.

<p><b>FOR STAFF USE:</b>          PROPOSAL DESIGNATION: _____           NOTICE OF INTENT TO CIRCULATE PETITION SUBMITTED: _____</p>
---

**NOTICE OF INTENT TO CIRCULATE A PETITION**

\_\_\_\_\_  
Date

FROM:

\_\_\_\_\_  
(Name)

\_\_\_\_\_  
(Address)

\_\_\_\_\_  
(Phone Number)

TO:

Executive Officer, LAFCO of Santa Clara County

Notice is hereby given of the intention to circulate a petition proposing to

\_\_\_\_\_

The reason(s) for the proposal is/ are (500 words or less):

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

\_\_\_\_\_  
(Signature of Proponent or Proponent's Representative)

(Sample Legal Description for Local Agency Formation  
Commission Proposals)

"EXHIBIT A"

Date: \_\_\_\_\_

Annexation to: \_\_\_\_\_  
\_\_\_\_\_

Name of Annexation: \_\_\_\_\_  
\_\_\_\_\_

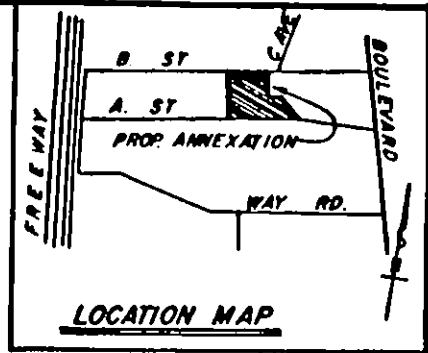
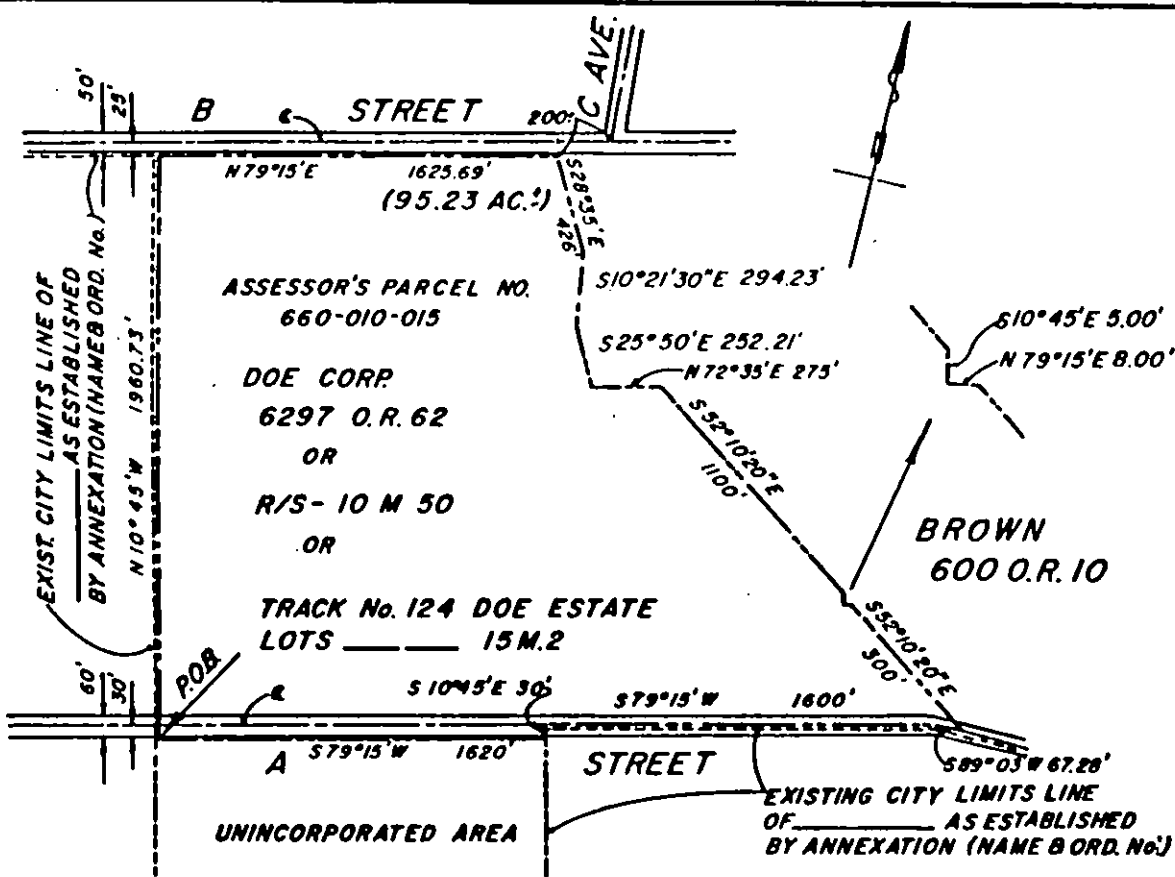
**Description Requirements**

The description (and attached map) shall accurately describe boundaries so that they can be located in the field, plotted on maps and expeditiously checked against existing County maps and records. These courses shall have bearings and distances, and shall call out existing city boundaries as primary calls.

*(Sign and Seal)*

Revisions: \_\_\_\_\_  
(Date)

By: \_\_\_\_\_  
(Initials)



SAMPLE MAP  
FOR  
LOCAL AGENCY FORMATION  
COMMISSION PROPOSALS.

ASSESSOR'S PARCEL NO.  
660-010-015  
DOE CORP.  
6297 O.R. 62  
OR  
R/S- 10 M 50  
OR  
TRACK No. 124 DOE ESTATE  
LOTS \_\_\_\_\_ 15M.2

BROWN  
600 O.R. 10

UNINCORPORATED AREA

EXISTING CITY LIMITS LINE  
OF \_\_\_\_\_ AS ESTABLISHED  
BY ANNEXATION (NAME B ORD. No.)

————— BOUNDARY LINE OF  
PROPOSED ANNEXATION  
- - - - - EXISTING CITY LIMITS LINE

**MAP REQUIREMENTS.**

1. OVERALL MAP SIZE  
MIN. - 8.5" X 11"  
MAX. - 11" X 17"
2. USE AND SHOW ADEQUATE MARGINS.
3. TITLE BLOCK (MIN. REQUIREMENTS AS SHOWN)
4. LEGEND AND NORTH ARROW.
5. LOCATION MAP
6. SHOW EXISTING CITY LIMITS, ANNEXATION  
NAME AND ORDINANCE NUMBER.
7. SHOW POINT OF BEGINNING OF DESCRIPTION.
8. WHEN PROPOSING TO SPLIT LINES OF ASSESSMENT,  
INDICATE BOUNDARIES OF ORIGINAL PARCEL
9. SHOW ALL BEARINGS, DISTANCES, LOT NUMBERS,  
AND REFERENCES USED IN THE DESCRIPTION.
10. SHOW ASSESSOR'S PARCEL NUMBERS
11. SHOW AREA OF ANNEXATION IN ACRES.
12. SHOW ALL ROADS AND WIDTH OF ROADS.
13. SIGN AND SEAL.

**EXHIBIT B**

**PROPOSED ANNEXATION  
TO \_\_\_\_\_  
ENTITLED \_\_\_\_\_**

DATE	SCALE
BY	

**SANTA CLARA COUNTY  
LOCAL AGENCY FORMATION COMMISSION**

County Government Center, 10<sup>th</sup> Floor, East Wing  
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(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>B. ENVIRONMENTAL SETTING</b>
---------------------------------

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: \_\_\_\_\_

<b>C. ENVIRONMENTAL ASPECTS OF PROJECT</b>
--

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

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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:

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**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)

SANTA CLARA COUNTY  
LOCAL AGENCY FORMATION COMMISSION

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FEE SCHEDULE

**LAFCO Conducted 100% Consent Changes of Organization**

(Pursuant to Government Code Section 56383)

	FEE	CHARGES
I. PROCESSING	\$ 1,600	\$ 1,600
II. ENVIRONMENTAL REVIEW		
A. Where LAFCO is not the Lead Agency		
1. Categorical Exemptions	\$ 50	_____
2. Initial Study	\$ 215	_____
3. Environmental Impact Report	\$ 435	_____
B. Where LAFCO is the Lead Agency, actual environmental review costs will be charged. A \$1,135 deposit is required at time of application	\$1,135	_____
	TOTAL FEE	\$ _____

Project: \_\_\_\_\_

Received by: \_\_\_\_\_

Date: \_\_\_\_\_

Effective April 12,1995

SANTA CLARA COUNTY  
LOCAL AGENCY FORMATION COMMISSION

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

FEE SCHEDULE

**LAFCO Conducted NON-100% Consent Changes of Organization**

(Pursuant to Government Code Section 56383)

	FEE	CHARGES
I. PROCESSING	\$ 2,800	\$ 2,800
II. NOTICING COSTS	\$50	\$50
III. ENVIRONMENTAL REVIEW		
A. Where LAFCO is not the Lead Agency		
1. Categorical Exemptions	\$ 50	_____
2. Initial Study	\$ 215	_____
3. Environmental Impact Report	\$ 435	_____
B. Where LAFCO is the Lead Agency, actual environmental review costs will be charged. A \$1,135 deposit is required at time of application	\$1,135	_____
	TOTAL FEE	\$ _____

Project: \_\_\_\_\_

Received by: \_\_\_\_\_

Date: \_\_\_\_\_

Effective April 12, 1995

Effective April 12, 1995

STATE BOARD OF EQUALIZATION

**CHANGE OF JURISDICTIONAL BOUNDARY**  
REQUIREMENTS FOR STATEMENTS, BOUNDARY DESCRIPTIONS, MAPS  
and SCHEDULE OF PROCESSING FEES

Sections 54902, 54902.5, Government Code

**December 2, 1998**

1. **GENERAL APPLICATION.** Fees and requirements set forth in this schedule shall apply to all statements filed pursuant to Sections 54900 to 54903 of the Government Code. Provisions and definitions given in Sections 3 and 4 below are to help you compute the fees and serve as guidelines to ensure acceptance of maps and boundary descriptions.
  - A. Final date to file with the State Board of Equalization for a change of jurisdictional boundary for special revenue district is **on or before December 1 of the year immediately preceding the year in which the assessments or taxes are to be levied.**
  - B. All fees shall accompany the statements.
  - C. Mail statements, maps and fees to **Tax Area Services Section, State Board of Equalization, 450 N Street, MIC: 59, P.O. Box 942879, Sacramento, CA 94279-0059.** Inquiries concerning these requirements should be sent to Mr. David J. Martin or call (916) 322-7185 Fax (916) 327-4251.
2. **STATEMENTS REQUIRED TO FILE FOR A CHANGE OF JURISDICTIONAL BOUNDARIES:** The items listed below shall be submitted together as a single package. Incomplete packages will be rejected.
  - A. **Statement of boundary change (Form BOE-400-TA; no substitutions accepted)**
  - B. **Certificate of completion (if applicable)**
  - C. **Copy of the resolution from the governing board**
  - D. **Written geographic description of the subject territory as defined in Section 3**
  - E. **Maps and supporting documents**
  - F. **List of assessor parcel numbers for parcels within the subject territory**
  - G. **Letter of tax rate area assignment from the County Auditor (consolidated counties only)**
  - H. **Fees**
3. **DESCRIPTIONS AND MAPS:** Upon completion of the initial processing, all filed documents are microfilmed and then destroyed. Any document that will not produce a readable photographic image shall be rejected and returned to the applicant for replacement.

It is strongly recommended that maps be submitted in electronic/digital format. Refer to Item 3.C below.

**ALL DOCUMENTS SHALL CONFORM TO ITEMS 3.A.1 THROUGH 3.B.14 BELOW WITHOUT EXCEPTION.**

- A. **WRITTEN GEOGRAPHIC DESCRIPTIONS OF JURISDICTIONAL BOUNDARY CHANGES:** *Items 1 through 7 shall apply to all documents pursuant to Section 54902, Government Code.*

Tax Area Services is not involved in issues related to property ownership. Descriptions of territory that are required in the filing process with the State Board of Equalization are used to establish geodetic position and are not intended to establish property ownership in a court of law. Subdivision maps, assessor's maps and deeds are not on file with the State Board of Equalization, nor are such documents readily available to its staff in Sacramento where all processing at the state level is performed. Boundary descriptions that merely cite recorded documents or refer to assessor's parcels are of very limited value to the Board's cartographic staff and shall be rejected. (see Items 3.A.1, 3.A.2 and 3.A.5 below).

- (1) Every written geographic description must be self-sufficient within itself without the necessity of reference to any extraneous document. A boundary description that relies solely on the use of secondary references shall be cause for rejection. The cartographic staff must be able to plot the boundaries from the written description.

Example:

Unacceptable: "...thence northerly to the southwest corner of that certain property recorded in Book 12, Page 15 of Recorded Deeds..."

Acceptable: "...thence North 1° 18'56" West a distance of 150' to the southwest corner of that certain property recorded in Book 12, Page 15 of Recorded Deeds..."

- (2) The written geographic description shall be expressed as either a bearings and distances description, or as a specific parcel description in sectionalized land (e.g., The SW 1/4 of Section 22, T1N, R1W). When the description is by metes and bounds, all courses shall be numbered and described with bearings and distances written in a consistent clockwise direction. All courses required to close the traverse of the subject territory shall be stated. All curves shall be described by direction of concavity. Delta, arc length, chord and radius shall be listed, including radial bearing for all points of non-tangency.
- (3) The written geographic description shall be a document separate from any maps.
- (4) The written description shall be of the subject territory only. If a complete description of the special district is filed, that portion of the subject territory shall be clearly identified in a separate document.
- (5) The geographic description shall have a point of beginning referenced to a known major geographic position (*Example: section corners, intersection of street or road centerlines, intersection of street centerline and city, county or district boundary at time of filing, etc.*). A point of beginning that is tied to a fence post, tree or pipe in the ground is not considered a major geographic position. A point of beginning that refers only to a tract map, a subdivision map or a recorded survey map will be rejected. It is preferred that the point of beginning be the point of departure from an existing district boundary (when applicable).
- (6) **Effective January 1, 2000**, the point of beginning shall be described by the California State Plane Coordinate System, 1983 datum (see Item 3.B.5 below).
- (7) The written description shall state the acreage for each separate single area (see Section 4 for a definition of single area) and the combined total acreage of subject territory.

Example: "Area A containing x.xx acres, Area B containing x.xx acres: Total computed acreage containing xx.xx acres more or less."

**B. MAPS:** *Items 1 through 14 shall apply to all map documents pursuant to Section 54902, Government Code.*

- (1) All maps shall be professionally drawn or copied. Rough sketches or pictorial drawings will be rejected. Assessor parcel maps will not be accepted as a substitute for the project map.
- (2) Every map shall bear a scale and a north arrow. Every map shall be of a sufficient size to allow Tax Area Services to plot the boundary without difficulty. **Reduced maps are not acceptable and will be rejected.** Every map shall be of a scale common to the industry. All lettering and numbering on the map must be legible.
- (3) A vicinity map shall be included.
- (4) The point of beginning shall be clearly shown on the map and referenced to a known geographic point (see Item 3.B.5 above).
- (5) **Effective January 1, 2000**, every boundary description and map shall contain a minimum of four geodetic control points that are referenced to the California State Plane Coordinate System, 1983 datum (see Item 3.B.6 above).

Acceptable control points: Section corners, section 1/4 corner, section centerpoints; the intersection of street, road, or highway centerlines

Unacceptable control points: Reference to a recorded deed, recorded survey or tract map. A tie to an insignificant monument that can change, move or erode over time (*Example: fence posts, marks on trees, etc.*).

- (6) All prior annexations contiguous with the subject territory shall be shown listing the annexation number, the resolution number, resolving agency name, ordinance or official record number and recording date.
- (7) All dimensions needed to plot the boundaries must be given on the map of the subject territory. Each map shall have numbered courses matching the written geographic description. All courses shall be numbered and described with bearings and distances written in a consistent clockwise direction. All courses required to close the traverse of the subject territory shall be drawn. All curves shall be described by direction of concavity. Delta, arc length, chord and radius, including radial bearing for all points of non-tangency shall be listed. Index tables may be utilized.

- (8) Every map must clearly indicate all existing streets, roads, and highways, together with the current names of these thoroughfares, within and adjacent to the subject territory. The relationship of the subject territory to street rights-of-ways and street centerlines must be clearly indicated. Other pertinent physical features should be included. Do not include topographic contour or elevation lines unless they are specifically called out in the geographic description.
- (9) The boundaries of the subject territory shall be distinctively delineated on the map without obliterating any essential geographic or political features. The boundaries of the subject territory shall be the most predominant line on the map. Boundary lines that are delineated by a line that exceeds 1.5 millimeter in width shall be rejected. The use of graphic tape or broad tip marking pens to delineate the boundary is not acceptable.
- (10) All parcels within the subject territory that touch the new boundary shall be clearly labeled with the assessors parcel number. Interior parcels that do not touch the exterior boundary need not be identified.
- (11) If the subject territory has interior islands of exclusion, or the boundary has a peninsula of exclusion (or inclusion), that area(s) shall be shown enlarged in a marginal sketch. This sketch shall be of sufficient size and scale to allow Tax Area Services to plot the boundary without difficulty. The parcels in the sketch that touch the boundary shall be clearly labeled with the assessor parcel numbers.
- (12) When it is necessary to use more than one map sheet to show the boundaries of the subject territory, the sheet size shall be uniform. A small key map giving the relationship of the several sheets shall be furnished. Match lines between adjoining sheets shall be used. While the geography on adjoining sheets may overlap, the project boundaries must stop at the match lines. Tax Area Services has standardized on the D size (24" x 36") map sheet, but will accept larger or smaller map sizes depending on the size and complexity of the individual single area.
- (13) Maps of the subject territory shall be drawn to these standard minimum scales:

(For a multiple-area filing, the size and complexity of each single area should govern the map scale.)

Acreage within Minimum  
Project Area Map Scales

1 - 40 acres	1" = 100'
41 - 2000 acres	1" = 200'
201 - 1000 acres	1" = 400' or 1" = 800'
over 1001 acres	1" = 800' or 1" = 1200'

- (14) If any segment of the boundary is shorter than 1/40 of the map scale (i.e., 10 feet on a 1" = 400' scale map) that segment should be shown enlarged in a marginal sketch.

**C. ELECTRONIC/DIGITAL MAPS: *It is strongly recommended that all maps submitted to the State Board of Equalization be filed in electronic/digital form.***

- (1) **Media:** 3.5" diskette, double sided high density (1.44 mg) or 100mg ZIP disk. Please use separate disks for each filing. The diskette shall have an adhesive label applied that states:
  - (a) the agency and/or special district submitting the map
  - (b) name of the project/short title
  - (c) number of diskettes for the filing
  - (d) county name(s)
- (2) **File Format:** Tax Area Services will only accept files in AutoCAD .dwg format. Drawings shall be in vector format only. Raster files, raster-vector hybrid, tiff, .pcx, .eps or any other drawing formats will be rejected. Tax Area Services will not accept a print file.
- (3) **Compressed Files:** Tax Area Services will only accept files that have used PKZIP as the compression tool or is compressed as a self-extracting file. A copy of PKUNZIP must be included on the diskette. It is preferred that uncompressed files be sent.
- (4) **Required files:** The diskette shall contain only the following files
  - (a) map/drawing file(s)



- (b) ASCII text file labeled "read\_me.txt" listing the name, address and phone number of the agency/special district; county name, city name (if applicable), project/short title of the action; name, address and phone number of office that prepared the map file; list of files on individual diskettes (if more than one diskette is sent for the action), California State Plane Coordinate System zone and datum (NAD '83 or '27), and any other pertinent data that relates to the map files only. Please be brief.
  - (c) PKUNZIP if the drawing is a compressed file
- (5) **Contents of map files:** Maps that are filed electronically shall conform to the same requirements for a manually drawn map as described in this document (Items 3.B.1 through 3.B.14).
  - (6) **Plotting:** The map must be plot ready without requiring any additional work by the Tax Area Services staff. The maps will be plotted out and shared with other departments and agencies in paper format. **Digital information will not be shared without the permission of the applicant.** The map drawing file shall have the same appropriate borders, legends, title blocks, signature block and any necessary information that is required for a manually drawn map. Sheet size and plotting scale shall be listed in the "read\_me.txt" file.
  - (7) **Scale:** The drawing shall be at real-world scale.
  - (8) **Line types:** All line types shall be continuous with the exception of street centerlines.
  - (9) **Layers:** The drawing file(s) shall contain, but not limited to, the following three layers:
    - (a) **Boundary:** The complete perimeter boundary of the subject territory. Any portion of the boundary coterminous to an existing boundary shall be drawn. The boundary shall be drawn as a closed figure. A segment of the existing district boundary sufficient to establish the relationship of the subject territory to the district shall be drawn. This shall apply to both contiguous and non-contiguous relationships to the existing district boundary.
    - (b) **Backgrnd:** All line work to delineate existing lot lines and other pertinent physical features (rivers, streams, canals, etc.) within and adjacent to the subject territory; centerlines for all streets, roads, highways including dimensions and labels, directly relating to the perimeter boundary of the subject territory; right-of-way for all streets, roads, highways, including dimensions and labels, directly relating to the perimeter boundary of the subject territory; Township and Range and section lines with appropriate labels, use when applicable. This may be multiple layers if named appropriately. The vicinity map shall be on this layer.
    - (c) **Border:** Borderlines, north arrow, scale, title blocks, signature block and all associated text.

**4. DEFINITIONS AND SPECIAL FEE PROVISIONS:**

- A. "Single area" means any separate geographical area regardless of ownership. A lot, a subdivision or a township could each be a "Single area". For the purpose of this schedule a geographical area which is divided into two or more parcels by a roadway, railroad right-of-way, river or stream, shall be considered a "Single area". Separated geographic areas that are not contiguous to each other shall not be considered a "Single area". A "Single area" does not include two areas that are contiguous to an existing boundary of a city or district but not to each other.
- B. "Contiguous" shall be defined as two polygons that share a common line segment.
- C. "Zones" include temporary zones in highway lighting districts, other zones, zone of improvement, zone of benefit, improvement districts, or any other sub-units of a county, city or parent district.
- D. "Concurrent transaction" includes any combination of formations, annexations and withdrawals of a single area under one resolution or ordinance. The fee shall be according to the fee schedule, Section 5; there is no additional costs for the number of transactions involved. If there is more than one resolution or ordinance, each single area must be separately computed under the fee schedule, Section 5.
- E. The fees in Section 5 of this schedule are based on the concept that any given action is confined to a single county. If more than one county is involved, add \$300.00 for the second and each additional county involved.
- F. Coterminous transaction: If an annexed or detached territory comprises an entire city, district, or zone without affecting the existence of that city, district or zone, the total processing fee shall be \$300.00. If the coterminous transaction contains areas of exclusion, each area of exclusion shall be considered a single area transaction and all requirements shall apply and the fees calculated as such. *Example: A district is formed coterminous with a city boundary and contains two areas of exclusion of four acres each; the total fee is \$1,000 (see Section 5, Schedule of Processing Fees).*
- G. Payment of the fee for the formation of a city or district may be deferred until that city or district receives its first revenue (Section 54902.5, Government Code). Each deferment shall be subject to a \$35 billing charge.

**IMPORTANT:** IF YOU HAVE AN UNUSUAL SITUATION OR ARE UNSURE, DO NOT GUESS AT THE FEE, CALL (916) 322-7185 OR WRITE TO: TAX AREA SERVICES SECTION, STATE BOARD OF EQUALIZATION, 450 N STREET, MIC: 59, P.O. BOX 942879, SACRAMENTO, CA 94279-0059 FOR HELP TO DETERMINE THE CORRECT FEE.

**5. SCHEDULE OF PROCESSING FEES:** See Section 4 for definitions and modifications of the fees under certain circumstances. Multiple area filings for special revenue districts shall be calculated as a single area transaction for each area separately. A separate fee must be computed for each ordinance or resolution. All fees are required at the time of filing. Please make checks payable to the State Board of Equalization.

**Single Area Transactions:**

Acreage within <u>subject territory</u>	Single Area <u>Mapping fee</u>
Less than 1 acre	\$300
1 - 5	\$350
6 - 10	\$500
11 - 20	\$800
21 - 50	\$1,200
51 - 100	\$1,500
101 - 500	\$2,000
501 - 1,000	\$2,500
1,001 - 2,000	\$3,000
2,001 and above	\$3,500

The following transactions may supersede or combine with the single area transaction fee schedule	
Deferral of Fees	\$35
Additional County per transaction	\$300
Consolidation per district or zone	\$300
Entire district transaction	\$300
Coterminous transaction	\$300
Dissolution or Name change	\$0

Please mail to the Board of Equalization, Tax Area Services Section, 450 N Street, MIC:59,  
P.O. Box 942879, Sacramento, California 94279-0059.

<b>BOE USE ONLY</b>
B.O.E. File No.: _____

County:	County # :	Acreage:	Fee: \$	Res./Ord. No.:	
Conducting Authority:				LAFCo. Res.:	
Short Form Designation:				Effective Date:	

1. **Type of action:**  
(check one only)

<input type="checkbox"/>	01 Annexation to district	<input type="checkbox"/>	06 Consolidation of TRA's	<input type="checkbox"/>	10 Redevelopment
<input type="checkbox"/>	02 Annexation to city	<input type="checkbox"/>	07 Detachment from district	<input type="checkbox"/>	11 Name change
<input type="checkbox"/>	04 City incorporation	<input type="checkbox"/>	08 Dissolution of district	<input type="checkbox"/>	12 Reorganization
<input type="checkbox"/>	05 Consolidation of district	<input type="checkbox"/>	09 Formation-District	<input type="checkbox"/>	13 School district change

2. **Principal City/District(s) affected by action:**

DISTRICT NAME	DISTRICT NAME

3. **Affected territory is legally:**

<input type="checkbox"/>	Inhabited	<input type="checkbox"/>	Developed	<b>Number of Areas:</b> _____
<input type="checkbox"/>	Uninhabited	<input type="checkbox"/>	Undeveloped	

4. **The affected territory:**

<input type="checkbox"/>	Will be taxed for existing bonded indebtedness or contractual obligations as set forth by the terms and conditions as stated in the resolution.
<input type="checkbox"/>	Will not be taxed for existing bonded indebtedness or contractual obligations.

5. **Election:**

<input type="checkbox"/>	An election authorizing this action was held on _____ date
<input type="checkbox"/>	This action is exempt from election.

6. **Enclosed are the following items required at the time of filing:**

<input type="checkbox"/>	Fees	<input type="checkbox"/>	Map(s) and supporting documents
<input type="checkbox"/>	Legal description	<input type="checkbox"/>	Assessor parcel number(s) of affected territory
<input type="checkbox"/>	Resolution of conducting authority	<input type="checkbox"/>	County auditor's letter of TRA assignment (consolidated counties only)
<input type="checkbox"/>	Certificate of Completion (LAFCO only)		


7. **City boundary changes only:**

<input type="checkbox"/>	Map of limiting addresses (2 copies)	<input type="checkbox"/>	Vicinity maps (2 copies)
<input type="checkbox"/>	Alphabetical list of all streets within the affected area to include beginning and ending street numbers		
<input type="checkbox"/>	<b>Estimated population is:</b>		

8. **Required:**

According to section 54902 of the Government Code, copies of these documents must be filed with the county auditor and county assessor.

Board of Equalization will acknowledge receipt of filing to:

NAME Ruth Marston	<b>BOE USE ONLY</b>  chk #:  amt:  ltr #:	
TITLE LAFCO Clerk		
AGENCY Santa Clara County LAFCO		
STREET 70 W. Hedding Street, 10th Flr., East Wing		
CITY San Jose		ZIP CODE 95110
TELEPHONE NO. (408 ) 299-4321, Ext. 5613		FAX NO. (408 ) 298-8460
E-MAIL ADDRESS ruth.marston@bos.co.santa-clara.ca.us		
SIGNATURE OF AGENCY OFFICER		DATE
		

(LAFCO Executive Director)

**SANTA CLARA COUNTY  
LOCAL AGENCY FORMATION COMMISSION**

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

**CONSENT TO WAIVER OF PROTEST PROCEEDINGS**

This form must be completed by agencies losing or gaining territory if they desire that protest proceedings following a LAFCO hearing be waived.

DESIGNATED TITLE OF PROPOSAL: \_\_\_\_\_

Brief Description of Proposal: \_\_\_\_\_

\_\_\_\_\_  
\_\_\_\_\_  
The City/ District of \_\_\_\_\_ gaining / losing territory as a result of this proposal does hereby consent to the waiver of protest proceedings following the LAFCO hearing in accordance with Government Code Section 56663 (c) & (d)

\_\_\_\_\_  
Signature of Authorized Representative

\_\_\_\_\_  
Date

\_\_\_\_\_  
Title of Representative

*In the case of inhabited (12 or more registered voters) or uninhabited city or district annexations or detachments or both, § 56663 (c) & (d) allows for waiver of protest proceedings if:*

1. *All landowners in area agree in writing to proposal and*
2. *All agencies losing or gaining territory have consented in writing to a waiver of protest proceedings and*
3. *The commission has provided written notice to all registered voters and property owners in the affected area and no opposition is received from them prior to or during the commission meeting*

*If at the public hearing there is opposition expressed regarding the proposal or the Commission's intent to waive protest proceedings, then protest proceedings will be required.*

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**PARTY DISCLOSURE FORM**

PURSUANT TO GOVERNMENT CODE SECTION 84308, this form must be completed by applicants for, or persons who are the subject of, any proceeding involving a license, permit, or other entitlement for use pending before the Local Agency Formation Commission. (Please see next page for more information and definitions of terms used.)

*Please use one form per person. Use additional paper, if necessary.*

DESIGNATED TITLE OF PROPOSAL: \_\_\_\_\_

PARTY'S NAME: \_\_\_\_\_

\_\_\_\_\_ I have not made a contribution greater than \$250 to any member of the Santa Clara Local Agency Formation Commission (LAFCO) listed below within twelve (12) months of the LAFCO filing date of \_\_\_\_\_.

\_\_\_\_\_ I have made the following contribution(s) greater than \$250 to the following member(s) of LAFCO within twelve (12) months of the LAFCO filing date of \_\_\_\_\_.

Name of Member: \_\_\_\_\_

Date of Contribution: \_\_\_\_\_ Amount: \_\_\_\_\_

Name of Member: \_\_\_\_\_

Date of Contribution: \_\_\_\_\_ Amount: \_\_\_\_\_

Name of Member: \_\_\_\_\_

Date of Contribution: \_\_\_\_\_ Amount: \_\_\_\_\_

Signature: \_\_\_\_\_ Date: \_\_\_\_\_

**LAFCO COMMISSIONERS**

Donald Gage, County Representative  
Blanca Alvarado, County Representative  
Pete McHugh, Jr., County Alternate  
Linda LeZotte, San Jose Representative  
Chuck Reed, San Jose Alternate  
Suzanne Jackson, City Representative  
Mary Lou Zoglin, City Alternate

Susan Vicklund Wilson, Public Representative  
Pat Figueroa, Public Alternate

## **INFORMATION AND DEFINITIONS**

### **Basic Provisions of Government Code Section 84308**

1. If you are an applicant for, or the subject of, any proceeding involving a license, permit, or other entitlement for use, you are prohibited from making a campaign contribution of greater than \$250 to any commissioner, his or her alternate, or any candidate for such position. This prohibition begins on the date your application is filed or the proceeding is otherwise initiated, and the prohibition ends three (3) months after a final decision is rendered by LAFCO. In addition, no commissioner, alternate, or candidate may solicit or accept a campaign contribution of more than \$250 from you during this period. **These prohibitions also apply to your agents, and, if you are a closely held corporation, to your majority shareholder as well.**
2. You must file the attached disclosure form and disclose whether you or your agent(s) have in the aggregate contributed more than \$250 to any commissioner, his or her alternate, or any candidate for the position during the twelve (12) month period preceding the filing of the application or the initiation of the proceeding.
3. If you or your agent have made a contribution to any commissioner, alternate, or candidate during the twelve (12) months preceding the decision on the application or proceeding, that commissioner must disqualify himself or herself from the decision. However, disqualification is not required if the commissioner, alternate, or candidate returns the campaign contribution within thirty (30) days of learning about both the contribution and the proceedings.

### **Definition of Terms**

1. A proceeding involving "a license, permit, or other entitlement for use" includes all business, professional, trade and land use licenses and permits, and all other entitlements for use, including all entitlements or land use; all contracts (other than competitively bid, labor or personal employment contracts) and all franchises.
2. Your "agent" is someone who represents you in connection with a proceeding involving a license, permit, or other entitlement for use. **If an individual acting as an agent is also acting in his or her capacity as an employee or member of a law, architectural, engineering, consulting firm, or similar business entity, both the business entity and the individual are "agents".**
3. To determine whether a campaign contribution of greater than \$250 has been made by you, campaign contributions made by you within the preceding twelve (12) months must be aggregated with those made by your agent within the preceding twelve (12) months or the period of the agency, whichever is shorter. Campaign contributions made to different commissioners, their alternates, or candidates are not aggregated.

This notice summarizes the major requirement of Government Code Section 84308 of the Political Reform Act and two (2) California Administrative Code Sections 18438-18438.8.

For more information, contact Kathy Kretchmer, Deputy County Counsel at (408) 299-2111, or the Fair Political Practices Commission, 428 J Street, Suite 800, Sacramento, California, 95814, (916) 322-5901

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**LOBBYING DISCLOSURE FORM**

This form must be completed by applicants for, or persons who are the subject of, any proceeding involving a license, permit, or other entitlement for use pending before the Local Agency Formation Commission. (Please see next page for more information and definitions of terms used.)

*Please use additional paper, if necessary.*

DESIGNATED TITLE OF PROPOSAL: \_\_\_\_\_

APPLICANT: \_\_\_\_\_

Name of Lobbyist: \_\_\_\_\_

Person/ Entity Paying Lobbyist: \_\_\_\_\_

Name of Lobbyist: \_\_\_\_\_

Person/ Entity Paying Lobbyist: \_\_\_\_\_

Name of Lobbyist: \_\_\_\_\_

Person/ Entity Paying Lobbyist: \_\_\_\_\_

Name of Lobbyist: \_\_\_\_\_

Person/ Entity Paying Lobbyist: \_\_\_\_\_

Signature: \_\_\_\_\_ Date: \_\_\_\_\_

## **POLICY AND DEFINITIONS**

### **Definition of lobbyist**

A lobbyist is "an individual or entity who is compensated and who communicates directly with LAFCO Commissioners, Alternates, and/or the Executive Officer to influence the Commission's or the Executive Officer's action on behalf of his client or employer". Communication includes ex parte communications as well as presentations at Commission meetings. This definition does not include:

- a. Any elected public official acting in his official capacity, or any employee of governmental agency acting in the scope of his/her employment.
- b. Any employee of a newspaper or other periodical of general circulation, or radio or television station, acting within the scope of their employment.

### **Filing Schedule**

Any person or entity meeting this definition and who is lobbying the Commission or Executive Director in regard to an application before LAFCO needs to file a declaration prior to the hearing on the LAFCO application, or at the time of the hearing if that is the initial contact. In addition to submitting a declaration, any lobbyist speaking at the LAFCO hearing must so identify themselves as lobbyists and identify on the record the name of the person or entity making payment to them.

Additionally every applicant shall file a declaration under penalty of perjury listing all lobbyists that they have hired to influence the action taken by LAFCO on their application. This affidavit is due at the time of application filing and is to be updated, if necessary, one week prior to the hearing date of the application.

The declaration shall be made on a form provided by LAFCO and shall include the name of the lobbyist, the name of the application of interest and the name of the person or entity paying the lobbyist in regard to the application. The declaration shall be signed under penalty of perjury.

### **Filing Office**

Declarations shall be submitted to the LAFCO Executive Director and posted on the web site once it is in operation. The declarations shall become part of the LAFCO file on the application.

### **Enforcement**

Failure of an applicant or a lobbyist to file the declaration, or to identify oneself as a lobbyist prior to speaking on a matter, shall result in the inability of the Commission to take action on the application. In addition, failure to file the declaration or the filing of an erroneous declaration shall result in a penalty of \$500.00, said assessment to be deposited in the LAFCO budget.

### **Effective Date**

These policies shall apply to all LAFCO applications submitted for filing after April 11, 2001.



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**2001**

**SCHEDULE OF MEETINGS AND APPLICATION FILING DATES**

<b>FOR MEETING OF:</b>	<b>FILING DEADLINE:</b>
Wednesday, February 14, 2001	Wednesday, December 27, 2000
Wednesday, April 11, 2001	Wednesday, February 21, 2001
Wednesday, June 13, 2001	Wednesday, April 25, 2001
Wednesday, August 8, 2001	Wednesday, June 20, 2001
Wednesday, October 10, 2001	Wednesday, August 22, 2001
Wednesday, December 12, 2001	Wednesday, October 24, 2001

**TIME OF MEETING:** 1:15 p.m.  
second Wednesday of even months

**MEETING LOCATION:** County Government Center  
Board of Supervisors' Chambers  
70 West Hedding Street, First Floor  
San Jose, CA 95110

**FILING LOCATION:** County Government Center  
Office of the Clerk of the Board of Supervisors  
70 West Hedding Street, 10th Floor  
San Jose, CA 95110  
(408) 299-4321

**SANTA CLARA COUNTY  
LOCAL AGENCY FORMATION COMMISSION**

County Government Center, 11<sup>th</sup> Floor, East Wing  
70 West Hedding Street, San Jose, California 95110  
(408) 299-3800 (408) 295-1613 Fax  
Neelima Palacherla, Executive Director

**2001 LAFCO MEMBERSHIP**

Santa Clara LAFCO is composed of five members:

- Two County Supervisors selected by the Board of Supervisors
- One City of San Jose City Council Member chosen by the City Council
- One other City Council Member chosen by the Cities Selection Committee
- One Public Member chosen by the other four members

Alternate members for each of the four categories are selected in the same manner. The commissioners and alternates serve a four-year term.

<b>COMMISSIONERS</b>	<b>TERM EXPIRATION</b>	<b>TERM APPOINTMENT</b>
Blanca Alvarado (County Representative)	May, 2002	May, 1998
Don Gage, Vice Chair (County Representative)	May, 2002	May, 1998
Suzanne Jackson, Chair (Cities Representative)	May, 2004	May, 2000
Linda LeZotte (City of San Jose)	May, 2004	January, 2001
Susan Vickland Wilson (Public Representative)	May, 2003	May, 1999
<b>ALTERNATES</b>		
Pete McHugh (County Representative)	May, 2001	May 1997
Mary Lou Zoglin (Cities Representative)	May, 2004	May, 2004
Chuck Reed (City of San Jose)	May, 2004	January, 2001
Pat Figueroa (Public Representative)	May, 2003	May, 1999

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**2001 LAFCO STAFF ROSTER**

STAFF	ADDRESS	PHONE / FAX
<p>Neelima Palacherla LAFCO Executive Director</p> <p>neelima.palacherla@ceo.co.scl.ca.us</p>	<p>County Executive's Office 11th Floor, 70 W. Hedding St San Jose, CA 95110.</p>	<p>(408) 299-3800, ext. 7027 (408) 295-1613 Fax</p>
<p>Ruth Marston LAFCO Clerk</p> <p>ruth.marston@bos.co.scl.ca</p>	<p>Office of Clerk of the Board 10th Floor, 70 W. Hedding St San Jose CA 95110</p>	<p>(408) 299-4321, ext. 5613 (408) 298-8460 Fax</p>
<p>Kathy Kretchmer LAFCO Counsel</p> <p>Kathy.Kretchmer@mail.cco.co.scl.ca.us</p>	<p>County Counsel Office 9<sup>th</sup> Floor, 70 W. Hedding St San Jose, CA 95110</p>	<p>(408) 299-2111 (408) 292-7240 Fax</p>
<p>Colleen Oda LAFCO Planner</p> <p>sylvia.donati@pln.co.scl.ca.us</p>	<p>County Planning Office 7<sup>th</sup> Floor, 70 W. Hedding St San Jose, CA 95110</p>	<p>(408) 299-2454, ext. 236 (408) 279-8537 Fax</p>
<p>Ginny Millar Surveyor</p> <p>ginny.millar@pln.co.scl.ca.us</p>	<p>County Surveyor Office 7<sup>th</sup> Floor, 70 W. Hedding St San Jose, CA 95110</p>	<p>(408) 299-2871, ext. 304 (408) 279-8537 Fax</p>

Revised LAFCO Application

CITY-CONDUCTED

ANNEXATION

AND

REORGANIZATION

**SANTA CLARA COUNTY  
LOCAL AGENCY FORMATION COMMISSION**

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(408) 299-4321 (408) 298-8460 Fax

**CITY CONDUCTED ANNEXATION AND REORGANIZATION**

*Most city annexations and reorganizations (including annexations and detachments) in Santa Clara County qualify for a "city-conducted" annexation process, pursuant to Government Code Section 56826 which has now been reformatted into Government Code Section 56757 in the new Cortese Knox Hertzberg Act (effective January 1, 2001). Such proposals are not heard by LAFCO, but by the City Council of the appropriate City. After the City Council decision, the city files the paperwork for finalization of the proposal with LAFCO staff. The filing may be submitted at any time; there are no filing date restrictions.*

Attached is a packet of information about city conducted reorganizations including filing requirements for finalization of a city-conducted reorganization. It includes the following material:

1. Government Code Section 56757 in the new Cortese Knox Hertzberg Act
2. Annexation/Reorganization Policies (Santa Clara LAFCO policies)
3. City-Conducted Reorganizations Filing Requirements
4. Sample copies of Legal Map and Description
5. City Conducted Reorganizations Fee Schedule
6. State Board of Equalization Mapping and fee requirements
7. Statement of Boundary Change Form

If you have any questions regarding these requirements or the application packet, please contact the LAFCO Clerk, at (408) 299-4321.

56757.

(a) The commission shall not review a reorganization that includes an annexation to any city in Santa Clara County of unincorporated territory that is within the urban service area of the city if the reorganization is initiated by resolution of the legislative body of the city.

(b) The city council shall be the conducting authority for the reorganization and the proceedings for the reorganization shall be initiated and conducted as nearly as may be practicable in accordance with Part 4 (commencing with Section 57000).

(c) The city council, in adopting the resolution approving the reorganization, shall make all of the following findings:

(1) That the unincorporated territory is within the urban service area of the city as adopted by the commission.

(2) That the county surveyor has determined the boundaries of the proposal to be definite and certain, and in compliance with the road annexation policies of the commission. The city shall reimburse the county for the actual costs incurred by the county surveyor in making this determination.

(3) That the proposal does not split lines of assessment or ownership.

(4) That the proposal does not create islands or areas in which it would be difficult to provide municipal services.

(5) That the proposal is consistent with the adopted general plan of the city.

(6) That the territory is contiguous to existing city limits.

(7) That the city has complied with all conditions imposed by the commission for inclusion of the territory in the urban service area of the city.

(d) All reorganizations which involve territory for which the land use designation in the general plan of the city has changed from the time that the urban service area of the city was last adopted by the commission, and which are processed by a city pursuant to this section shall be subject to an appeal to the commission upon submission of a petition of appeal, signed by at least 50 registered voters in the county.

(e) An appeal to the commission may also be made by submission of a resolution of appeal adopted by the legislative body of a special district solely for the purpose of determining whether some or all of the territory contained in the reorganization proposal should also be annexed or detached from that special district.

(f) Any petition submitted under subdivision (d) or resolution submitted under subdivision (e) shall be submitted to the executive officer within 15 days of the adoption by the city council of the resolution approving the annexation. The executive officer shall schedule the hearing for the next regular meeting of the commission as is practicable. The commission may set a reasonable appeal fee.

<b>POLICIES RELATIVE TO ANNEXATION/REORGANIZATIONS FOR CITIES AND SPECIAL DISTRICTS</b>
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**A. GENERAL GUIDELINES**

1. The Commission will encourage city processing of annexations and reorganizations within Urban Service Areas without LAFCO review, pursuant to Government Code Section 56826.
2. Urban development should take place in cities rather than in unincorporated territory
3. Whenever possible, cities should pursue development of vacant incorporated land before annexation of fringe areas.
4. Annexations and reorganizations should result in logical and reasonable expansions for cities and special districts.
5. Cities are encouraged to pursue annexation of unincorporated islands.
6. Cities are encouraged to exchange territory between them to improve illogical boundary or service situations.
7. The Commission encourages local agencies to seek means for increasing governmental efficiency and reducing overlaps of service provisions. Specifically:
  - a. Annexation to an existing agency is favored over creation of a new agency.
  - b. Creation of subsidiary districts, and mergers or consolidation of special districts, are encouraged whenever possible.

**B. ANNEXATION/REORGANIZATION POLICIES**

1. LAFCO will strongly discourage city annexations of land outside Urban Service Areas until inclusion into the Urban Service Area is appropriate. However, the Commission recognizes that in some circumstances, city annexations outside Urban Service Areas will help promote preservation of agriculture, open space, and/or greenbelts. Such cases will be considered on their merits on a case-by-case basis. LAFCO will reconsider allowance of exceptions if it appears a pattern of such requests is developing.

2. Where development outside Urban Service Areas will necessitate annexations to special districts, LAFCO will consider city general plans, joint city/county plans, and land use studies, such as the South County Plan and Preservation 2020, in reviewing proposals.
3. Proponents must clearly demonstrate that the city or special district is capable of meeting the need for services.
4. Boundaries of proposals must be definite and certain, and split lines of assessment must be avoided wherever possible.
5. The boundaries of a proposed annexation or reorganization must not create or result in areas that are difficult to serve.
6. Pre-zoning is a requirement for city annexation, unless it can be clearly demonstrated by the applicant that pre-zoning is unnecessary. Where territory is prezoned agricultural, but has an urban use designation on the city's general plan, the applicant will be required to demonstrate why such an annexation is not in violation of the Cortese-Knox Local Government Reorganization Act, which requires LAFCO to:
  - a. Steer growth away from agricultural areas; and
  - b. Determine that annexation and development of land for non-agricultural purposes is not premature.
7. For annexations for residential development of five acres or more, a copy of the application shall be sent to the appropriate school district(s) for the purpose of ascertaining the impact the proposal may have on the district's ability to provide educational services.
8. All applications for annexations where prezoning indicates that land development could cause the number of vehicle trips per day to exceed 2,000, shall be sent by the LAFCO Executive Officer to the County Transportation Agency for comment as to impact on regional transportation facilities and services.
9. Where service providers other than the reorganizing agencies may be substantively impacted by a proposed reorganization, LAFCO shall request comments on the proposal from the affected service providers. Comments received will be a factor considered in reviewing the proposal.
10. Concurrent detachment of territory from special districts which will no longer provide service is a required condition of city annexation.



11. Special district annexations which result in duplication of authority to perform similar functions must be clearly justified. Reasonable justifications shall include, but not be limited to:
  - a. Health-related needs for services outside city boundaries, such as sewer services to replace a failing septic system for existing development.
  - b. Safety-related needs for services outside city boundaries such as provision of fire protection service to unincorporated development.

**C. STREET ANNEXATION POLICIES**

1. Cities will be required to annex entire street sections whenever possible.
2. When streets are used as a boundary for an annexation, the annexation proposal shall be designed to include a continuous section of roadway sufficient in length to allow maintenance and policing of the street by a single jurisdiction. Annexation of full-width sections normally shall be made in increments of not less than one thousand feet, or the distance between two consecutive intersections, where 50 percent or more of the frontage on both sides of the street in said increment has been or is to be included in the city. This policy shall not supercede other provisions in State law.
3. Annexation of existing short segments of county road to provide single-agency jurisdiction of a full-width section of the road or to provide continuity of city limits shall be accomplished in the most practical manner.
4. When a street is the boundary line between two cities, the centerline of the street may be used as the boundary. Such street annexations shall occur in increments as described in Policy 2, above.
5. Half-street annexations will not be approved except as provided in Policies 3 and 4, above, unless otherwise provided by State law.

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**FILING REQUIREMENTS**

**CITY-CONDUCTED ANNEXATIONS OR REORGANIZATION**

A city-conducted annexation filing for finalization will consist of the following and will not be deemed complete until all requirements are fulfilled.

1. One certified copy of resolution, making the findings required by California Government Code section 56757, each including a legal description and map as Exhibits A and B.

The map and legal description should meet the standards of both Santa Clara County LAFCO and the State Board of Equalization. Legal descriptions and boundaries other than those shown on previously recorded legal documents shall be prepared by a person authorized to practice land surveying (i.e., any licensed land surveyor, or any civil engineer registered prior to January 1, 1982, pursuant to California Business and Professions Code sections 8700-8806)

2. The original copy of the County Surveyor's statement of the proposal's compliance with the applicable portions of California Government Code Section 56757. The Surveyor will charge any fee pertaining to the work involved in preparing the statement directly to the City.
3. The original copy of the County Assessor's statement of the proposal's compliance with the applicable portions of California Government Code Section 56757. The Assessor will charge any fee pertaining to the work involved in preparing the statement directly to the City.
4. Two copies of completed Statement of Boundary Change Form.
5. LAFCO Filing fees plus the State Board of Equalization fees.

**NOTES**

1. *The above filing requirements are to be forwarded by the city to LAFCO staff following the city council hearing. The City may require additional information and application material from the applicant for the City Council public hearing process.*
2. *City conducted annexation provisions for Santa Clara County have been reformatted into Government Code Section 56757 in the new Cortese Knox Hertzberg Act. They used to be under Section 56826 in the previous version.*

(Sample Legal Description for Local Agency Formation  
Commission Proposals)

"EXHIBIT A"

Date: \_\_\_\_\_

Annexation to: \_\_\_\_\_  
\_\_\_\_\_

Name of Annexation: \_\_\_\_\_  
\_\_\_\_\_

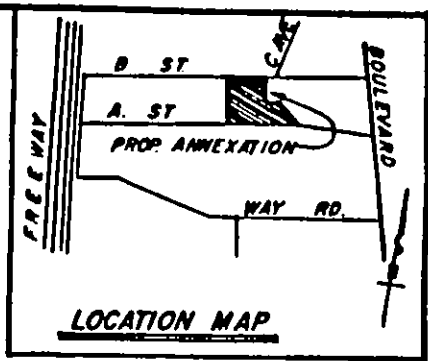
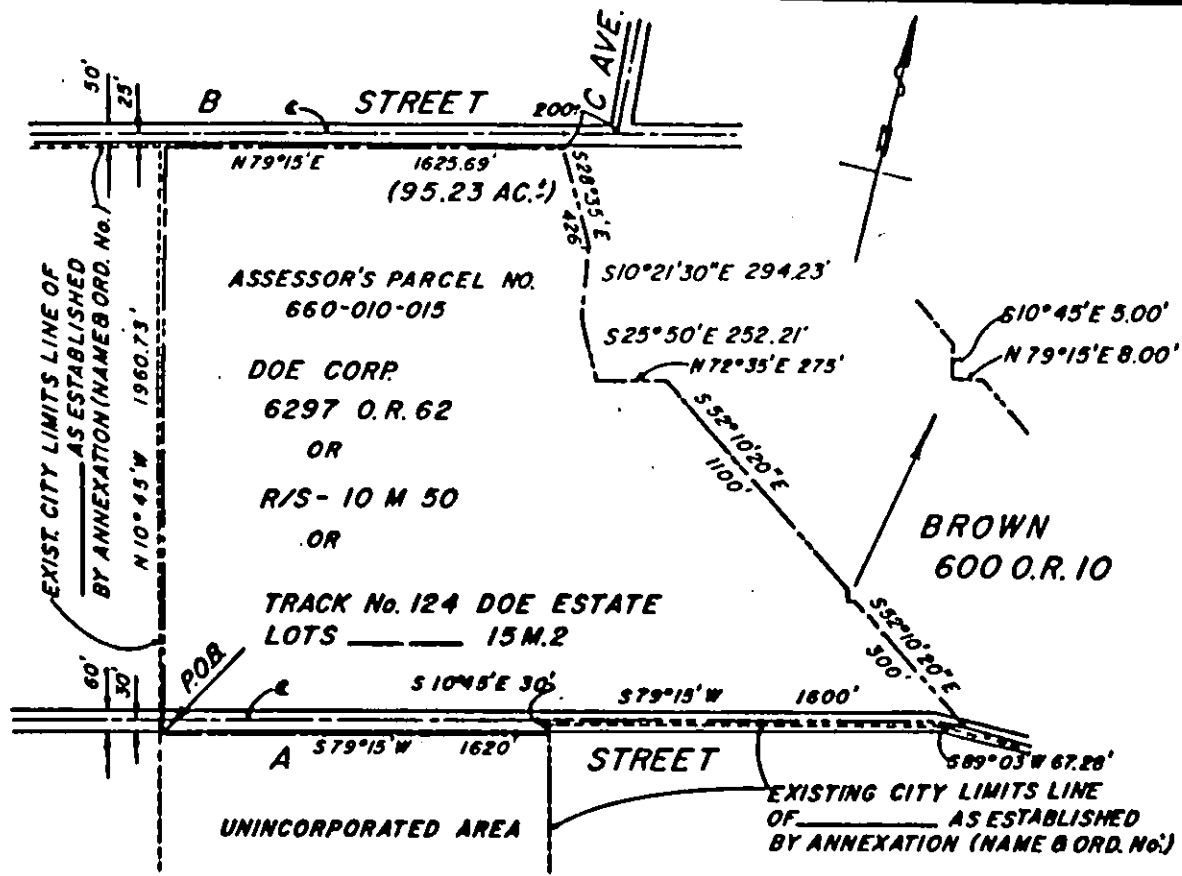
**Description Requirements**

The description (and attached map) shall accurately describe boundaries so that they can be located in the field, plotted on maps and expeditiously checked against existing County maps and records. These courses shall have bearings and distances, and shall call out existing city boundaries as primary calls.

*(Sign and Seal)*

Revisions: \_\_\_\_\_  
(Date)

By: \_\_\_\_\_  
(Initials)



SAMPLE MAP  
FOR  
LOCAL AGENCY FORMATION  
COMMISSION PROPOSALS.

----- BOUNDARY LINE OF PROPOSED ANNEXATION  
 - - - - - EXISTING CITY LIMITS LINE

**MAP REQUIREMENTS.**

1. OVERALL MAP SIZE  
MIN. - 8.5" X 11"  
MAX. - 11" X 17"
2. USE AND SHOW ADEQUATE MARGINS.
3. TITLE BLOCK (MIN. REQUIREMENTS AS SHOWN.)
4. LEGEND AND NORTH ARROW.
5. LOCATION MAP
6. SHOW EXISTING CITY LIMITS, ANNEXATION NAME AND ORDINANCE NUMBER.
7. SHOW POINT OF BEGINNING OF DESCRIPTION.
8. WHEN PROPOSING TO SPLIT LINES OF ASSESSMENT, INDICATE BOUNDARIES OF ORIGINAL PARCEL.
9. SHOW ALL BEARINGS, DISTANCES, LOT NUMBERS, AND REFERENCES USED IN THE DESCRIPTION.
10. SHOW ASSESSOR'S PARCEL NUMBERS
11. SHOW AREA OF ANNEXATION IN ACRES.
12. SHOW ALL ROADS AND WIDTH OF ROADS.
13. SIGN AND SEAL.

**EXHIBIT B**

**PROPOSED ANNEXATION TO \_\_\_\_\_ ENTITLED \_\_\_\_\_**

DATE _____	SCALE _____
BY _____	

STATE BOARD OF EQUALIZATION

**CHANGE OF JURISDICTIONAL BOUNDARY**  
REQUIREMENTS FOR STATEMENTS, BOUNDARY DESCRIPTIONS, MAPS  
and SCHEDULE OF PROCESSING FEES

Sections 54902, 54902.5, Government Code

December 2, 1998

1. **GENERAL APPLICATION.** Fees and requirements set forth in this schedule shall apply to all statements filed pursuant to Sections 54900 to 54903 of the Government Code. Provisions and definitions given in Sections 3 and 4 below are to help you compute the fees and serve as guidelines to ensure acceptance of maps and boundary descriptions.
  - A. Final date to file with the State Board of Equalization for a change of jurisdictional boundary for special revenue district is **on or before December 1 of the year immediately preceding** the year in which the assessments or taxes are to be levied.
  - B. All fees shall accompany the statements.
  - C. Mail statements, maps and fees to **Tax Area Services Section, State Board of Equalization, 450 N Street, MIC: 59, P.O. Box 942879, Sacramento, CA 94279-0059.** Inquiries concerning these requirements should be sent to Mr. David J. Martin or call (916) 322-7185 Fax (916) 327-4251.
2. **STATEMENTS REQUIRED TO FILE FOR A CHANGE OF JURISDICTIONAL BOUNDARIES:** The items listed below shall be submitted together as a single package. Incomplete packages will be rejected.
  - A. **Statement of boundary change (Form BOE-400-TA; no substitutions accepted)**
  - B. **Certificate of completion (if applicable)**
  - C. **Copy of the resolution from the governing board**
  - D. **Written geographic description of the subject territory as defined in Section 3**
  - E. **Maps and supporting documents**
  - F. **List of assessor parcel numbers for parcels within the subject territory**
  - G. **Letter of tax rate area assignment from the County Auditor (consolidated counties only)**
  - H. **Fees**
3. **DESCRIPTIONS AND MAPS:** Upon completion of the initial processing, all filed documents are microfilmed and then destroyed. Any document that will not produce a readable photographic image shall be rejected and returned to the applicant for replacement.

It is strongly recommended that maps be submitted in electronic/digital format. Refer to Item 3.C below.

**ALL DOCUMENTS SHALL CONFORM TO ITEMS 3.A.1 THROUGH 3.B.14 BELOW WITHOUT EXCEPTION.**

- A. **WRITTEN GEOGRAPHIC DESCRIPTIONS OF JURISDICTIONAL BOUNDARY CHANGES:** *Items 1 through 7 shall apply to all documents pursuant to Section 54902, Government Code.*

Tax Area Services is not involved in issues related to property ownership. Descriptions of territory that are required in the filing process with the State Board of Equalization are used to establish geodetic position and are not intended to establish property ownership in a court of law. Subdivision maps, assessor's maps and deeds are not on file with the State Board of Equalization; nor are such documents readily available to its staff in Sacramento where all processing at the state level is performed. Boundary descriptions that merely cite recorded documents or refer to assessor's parcels are of very limited value to the Board's cartographic staff and shall be rejected. (see Items 3.A.1, 3.A.2 and 3.A.5 below).

- (1) Every written geographic description must be self-sufficient within itself without the necessity of reference to any extraneous document. A boundary description that relies solely on the use of secondary references shall be cause for rejection. The cartographic staff must be able to plot the boundaries from the written description.

Example:

Unacceptable: "...thence northerly to the southwest corner of that certain property recorded in Book 12, Page 15 of Recorded Deeds..."

Acceptable: "...thence North 1° 18'56" West a distance of 150' to the southwest corner of that certain property recorded in Book 12, Page 15 of Recorded Deeds..."

- (2) The written geographic description shall be expressed as either a bearings and distances description, or as a specific parcel description in sectionalized land (e.g., The SW 1/4 of Section 22, T1N, R1W). When the description is by metes and bounds, all courses shall be numbered and described with bearings and distances written in a consistent clockwise direction. All courses required to close the traverse of the subject territory shall be stated. All curves shall be described by direction of concavity. Delta, arc length, chord and radius shall be listed, including radial bearing for all points of non-tangency.
- (3) The written geographic description shall be a document separate from any maps.
- (4) The written description shall be of the subject territory only. If a complete description of the special district is filed, that portion of the subject territory shall be clearly identified in a separate document.
- (5) The geographic description shall have a point of beginning referenced to a known major geographic position (*Example: section corners, intersection of street or road centerlines, intersection of street centerline and city, county or district boundary at time of filing, etc.*). A point of beginning that is tied to a fence post, tree or pipe in the ground is not considered a major geographic position. A point of beginning that refers only to a tract map, a subdivision map or a recorded survey map will be rejected. It is preferred that the point of beginning be the point of departure from an existing district boundary (when applicable).
- (6) **Effective January 1, 2000**, the point of beginning shall be described by the California State Plane Coordinate System, 1983 datum (see Item 3.B.5 below).
- (7) The written description shall state the acreage for each separate single area (see Section 4 for a definition of single area) and the combined total acreage of subject territory.

Example: "Area A containing x.xx acres, Area B containing x.xx acres: Total computed acreage containing xx.xx acres more or less."

**B. MAPS: Items 1 through 14 shall apply to all map documents pursuant to Section 54902, Government Code.**

- (1) All maps shall be professionally drawn or copied. Rough sketches or pictorial drawings will be rejected. Assessor parcel maps will not be accepted as a substitute for the project map.
- (2) Every map shall bear a scale and a north arrow. Every map shall be of a sufficient size to allow Tax Area Services to plot the boundary without difficulty. **Reduced maps are not acceptable and will be rejected.** Every map shall be of a scale common to the industry. All lettering and numbering on the map must be legible.
- (3) A vicinity map shall be included.
- (4) The point of beginning shall be clearly shown on the map and referenced to a known geographic point (see Item 3.B.5 above).
- (5) **Effective January 1, 2000**, every boundary description and map shall contain a minimum of four geodetic control points that are referenced to the California State Plane Coordinate System, 1983 datum (see Item 3.B.6 above).

Acceptable control points: Section corners, section 1/4 corner, section centerpoints; the intersection of street, road, or highway centerlines

Unacceptable control points: Reference to a recorded deed, recorded survey or tract map. A tie to an insignificant monument that can change, move or erode over time (*Example: fence posts, marks on trees, etc.*).

- (6) All prior annexations contiguous with the subject territory shall be shown listing the annexation number, the resolution number, resolving agency name, ordinance or official record number and recording date.
- (7) All dimensions needed to plot the boundaries must be given on the map of the subject territory. Each map shall have numbered courses matching the written geographic description. All courses shall be numbered and described with bearings and distances written in a consistent clockwise direction. All courses required to close the traverse of the subject territory shall be drawn. All curves shall be described by direction of concavity. Delta, arc length, chord and radius, including radial bearing for all points of non-tangency shall be listed. Index tables may be utilized.

- (8) Every map must clearly indicate all existing streets, roads, and highways, together with the current names of these thoroughfares, within and adjacent to the subject territory. The relationship of the subject territory to street rights-of-ways and street centerlines must be clearly indicated. Other pertinent physical features should be included. Do not include topographic contour or elevation lines unless they are specifically called out in the geographic description.
- (9) The boundaries of the subject territory shall be distinctively delineated on the map without obliterating any essential geographic or political features. The boundaries of the subject territory shall be the most predominant line on the map. Boundary lines that are delineated by a line that exceeds 1.5 millimeter in width shall be rejected. The use of graphic tape or broad tip marking pens to delineate the boundary is not acceptable.
- (10) All parcels within the subject territory that touch the new boundary shall be clearly labeled with the assessors parcel number. Interior parcels that do not touch the exterior boundary need not be identified.
- (11) If the subject territory has interior islands of exclusion, or the boundary has a peninsula of exclusion (or inclusion), that area(s) shall be shown enlarged in a marginal sketch. This sketch shall be of sufficient size and scale to allow Tax Area Services to plot the boundary without difficulty. The parcels in the sketch that touch the boundary shall be clearly labeled with the assessor parcel numbers.
- (12) When it is necessary to use more than one map sheet to show the boundaries of the subject territory, the sheet size shall be uniform. A small key map giving the relationship of the several sheets shall be furnished. Match lines between adjoining sheets shall be used. While the geography on adjoining sheets may overlap, the project boundaries must stop at the match lines. Tax Area Services has standardized on the D size (24" x 36") map sheet, but will accept larger or smaller map sizes depending on the size and complexity of the individual single area.
- (13) Maps of the subject territory shall be drawn to these standard minimum scales:

(For a multiple-area filing, the size and complexity of each single area should govern the map scale.)

Acreage within Minimum  
Project Area Map Scales

1 - 40 acres	1" = 100'	
41 - 2000 acres	1" = 200'	
201 - 1000 acres	1" = 400'	or 1" = 800'
over 1001 acres	1" = 800'	or 1" = 1200'

- (14) If any segment of the boundary is shorter than 1/40 of the map scale (i.e., 10 feet on a 1" = 400' scale map) that segment should be shown enlarged in a marginal sketch.

**C. ELECTRONIC/DIGITAL MAPS: *It is strongly recommended that all maps submitted to the State Board of Equalization be filed in electronic/digital form.***

- (1) **Media:** 3.5" diskette, double sided high density (1.44 mg) or 100mg ZIP disk. Please use separate disks for each filing. The diskette shall have an adhesive label applied that states:
  - (a) the agency and/or special district submitting the map
  - (b) name of the project/short title
  - (c) number of diskettes for the filing
  - (d) county name(s)
- (2) **File Format:** Tax Area Services will only accept files in AutoCAD .dwg format. Drawings shall be in vector format only. Raster files, raster-vector hybrid, tiff, .pcx, .eps or any other drawing formats will be rejected. Tax Area Services will not accept a print file.
- (3) **Compressed Files:** Tax Area Services will only accept files that have used PKZIP as the compression tool or is compressed as a self-extracting file. A copy of PKUNZIP must be included on the diskette. It is preferred that uncompressed files be sent.
- (4) **Required files:** The diskette shall contain only the following files
  - (a) map/drawing file(s)

- (b) .ASCII text file labeled "read\_me.txt" listing the name, address and phone number of the agency/special district; county name, city name (if applicable), project/short title of the action; name, address and phone number of office that prepared the map file; list of files on individual diskettes (if more than one diskette is sent for the action), California State Plane Coordinate System zone and datum (NAD '83 or '27), and any other pertinent data that relates to the map files only. Please be brief.
  - (c) PKUNZIP if the drawing is a compressed file
- (5) Contents of map files: Maps that are filed electronically shall conform to the same requirements for a manually drawn map as described in this document (Items 3.B.1 through 3.B.14).
  - (6) Plotting: The map must be plot ready without requiring any additional work by the Tax Area Services staff. The maps will be plotted out and shared with other departments and agencies in paper format. **Digital information will not be shared without the permission of the applicant.** The map drawing file shall have the same appropriate borders, legends, title blocks, signature block and any necessary information that is required for a manually drawn map. Sheet size and plotting scale shall be listed in the "read\_me.txt" file.
  - (7) Scale: The drawing shall be at real-world scale.
  - (8) Line types: All line types shall be continuous with the exception of street centerlines.
  - (9) Layers: The drawing file(s) shall contain, but not limited to, the following three layers:
    - (a) Boundary: The complete perimeter boundary of the subject territory. Any portion of the boundary coterminous to an existing boundary shall be drawn. The boundary shall be drawn as a closed figure. A segment of the existing district boundary sufficient to establish the relationship of the subject territory to the district shall be drawn. This shall apply to both contiguous and non-contiguous relationships to the existing district boundary.
    - (b) Backgrnd: All line work to delineate existing lot lines and other pertinent physical features (rivers, streams, canals, etc.) within and adjacent to the subject territory; centerlines for all streets, roads, highways including dimensions and labels, directly relating to the perimeter boundary of the subject territory; right-of-way for all streets, roads, highways, including dimensions and labels, directly relating to the perimeter boundary of the subject territory; Township and Range and section lines with appropriate labels, use when applicable. This may be multiple layers if named appropriately. The vicinity map shall be on this layer.
    - (c) Border: Borderlines, north arrow, scale, title blocks, signature block and all associated text.



**4. DEFINITIONS AND SPECIAL FEE PROVISIONS:**

- A. "Single area" means any separate geographical area regardless of ownership. A lot, a subdivision or a township could each be a "Single area". For the purpose of this schedule a geographical area which is divided into two or more parcels by a roadway, railroad right-of-way, river or stream, shall be considered a "Single area". Separated geographic areas that are not contiguous to each other shall not be considered a "Single area". A "Single area" does not include two areas that are contiguous to an existing boundary of a city or district but not to each other.
- B. "Contiguous" shall be defined as two polygons that share a common line segment.
- C. "Zones" include temporary zones in highway lighting districts, other zones, zone of improvement, zone of benefit, improvement districts, or any other sub-units of a county, city or parent district.
- D. "Concurrent transaction" includes any combination of formations, annexations and withdrawals of a single area under one resolution or ordinance. The fee shall be according to the fee schedule, Section 5; there is no additional costs for the number of transactions involved. If there is more than one resolution or ordinance, each single area must be separately computed under the fee schedule, Section 5.
- E. The fees in Section 5 of this schedule are based on the concept that any given action is confined to a single county. If more than one county is involved, add \$300.00 for the second and each additional county involved.
- F. Coterminous transaction: If an annexed or detached territory comprises an entire city, district, or zone without affecting the existence of that city, district or zone, the total processing fee shall be \$300.00. If the coterminous transaction contains areas of exclusion, each area of exclusion shall be considered a single area transaction and all requirements shall apply and the fees calculated as such. *Example: A district is formed coterminous with a city boundary and contains two areas of exclusion of four acres each; the total fee is \$1,000 (see Section 5, Schedule of Processing Fees).*
- G. Payment of the fee for the formation of a city or district may be deferred until that city or district receives its first revenue (Section 54902.5, Government Code). Each deferment shall be subject to a \$35 billing charge.

**IMPORTANT:** IF YOU HAVE AN UNUSUAL SITUATION OR ARE UNSURE, DO NOT GUESS AT THE FEE, CALL (916) 322-7185 OR WRITE TO: TAX AREA SERVICES SECTION, STATE BOARD OF EQUALIZATION, 450 N STREET, MIC: 59, P.O. BOX 942879, SACRAMENTO, CA 94279-0059 FOR HELP TO DETERMINE THE CORRECT FEE.

**5. SCHEDULE OF PROCESSING FEES:** See Section 4 for definitions and modifications of the fees under certain circumstances. Multiple area filings for special revenue districts shall be calculated as a single area transaction for each area separately. A separate fee must be computed for each ordinance or resolution. All fees are required at the time of filing. Please make checks payable to the **State Board of Equalization**.

**Single Area Transactions:**

Acreage within subject territory	Single Area Mapping fee
Less than 1 acre	\$300
1 - 5	\$350
6 - 10	\$500
11 - 20	\$800
21 - 50	\$1,200
51 - 100	\$1,500
101 - 500	\$2,000
501 - 1,000	\$2,500
1,001 - 2,000	\$3,000
2,001 and above	\$3,500

The following transactions may supersede or combine with the single area transaction fee schedule	
Deferral of Fees	\$35
Additional County per transaction	\$300
Consolidation per district or zone	\$300
Entire district transaction	\$300
Coterminous transaction	\$300
Dissolution or Name change	\$0

Please mail to the Board of Equalization, Tax Area Services Section, 450 N Street, MIC:59,  
 P.O. Box 942879, Sacramento, California 94279-0059.

<b>BOE USE ONLY</b>
B.O.E. File No.: _____

County:	County # :	Acreage:	Fee: \$	Res./Ord. No.:	
Conducting Authority:				LAFCo. Res.:	
Short Form Designation:				Effective Date:	

1. <b>Type of action:</b> (check one only)	<input type="checkbox"/> 01 Annexation to district	<input type="checkbox"/> 06 Consolidation of TRA's	<input type="checkbox"/> 10 Redevelopment
	<input type="checkbox"/> 02 Annexation to city	<input type="checkbox"/> 07 Detachment from district	<input type="checkbox"/> 11 Name change
	<input type="checkbox"/> 04 City incorporation	<input type="checkbox"/> 08 Dissolution of district	<input type="checkbox"/> 12 Reorganization
	<input type="checkbox"/> 05 Consolidation of district	<input type="checkbox"/> 09 Formation-District	<input type="checkbox"/> 13 School district change

2. <b>Principal City/District(s) affected by action:</b>	DISTRICT NAME	DISTRICT NAME

3. <b>Affected territory is legally:</b>	<input type="checkbox"/> Inhabited	<input type="checkbox"/> Developed	Number of Areas: _____
	<input type="checkbox"/> Uninhabited	<input type="checkbox"/> Undeveloped	

4. <b>The affected territory:</b>	<input type="checkbox"/> Will be taxed for existing bonded indebtedness or contractual obligations as set forth by the terms and conditions as stated in the resolution.
	<input type="checkbox"/> Will not be taxed for existing bonded indebtedness or contractual obligations.

5. <b>Election:</b>	<input type="checkbox"/> An election authorizing this action was held on _____ date
	<input type="checkbox"/> This action is exempt from election.

6. <b>Enclosed are the following items required at the time of filing:</b>	<input type="checkbox"/> Fees	<input type="checkbox"/> Map(s) and supporting documents
	<input type="checkbox"/> Legal description	<input type="checkbox"/> Assessor parcel number(s) of affected territory
	<input type="checkbox"/> Resolution of conducting authority	<input type="checkbox"/> County auditor's letter of TRA assignment (consolidated counties only)
	<input type="checkbox"/> Certificate of Completion (LAFCO only)	

7. <b>City boundary changes only:</b>	<input type="checkbox"/> Map of limiting addresses (2 copies)	<input type="checkbox"/> Vicinity maps (2 copies)
	<input type="checkbox"/> Alphabetical list of all streets within the affected area to include beginning and ending street numbers	
	<input type="checkbox"/> Estimated population is: _____	

8. **Required:** According to section 54902 of the Government Code, copies of these documents must be filed with the county auditor and county assessor.

Board of Equalization will acknowledge receipt of filing to:

NAME Ruth Marston	<b>BOE USE ONLY</b>	
TITLE LAFCO Clerk		
AGENCY Santa Clara County LAFCO		
STREET 70 W. Hedding Street, 10th Flr., East Wing		
CITY San Jose		chk #:
ZIP CODE 95110		amt:
TELEPHONE NO. (408 ) 299-4321, Ext.5613		ltr #:
FAX NO. (408 ) 298-8460		
E-MAIL ADDRESS ruth.marston@bos.co.santa-clara.ca.us		
SIGNATURE OF AGENCY OFFICER	DATE	

(LAFCO Executive Director)

**SANTA CLARA COUNTY  
LOCAL AGENCY FORMATION COMMISSION**

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

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**FEE SCHEDULE**

**CITY CONDUCTED ANNEXATIONS OR REORGANIZATIONS**  
**LAFCO Finalization Fees for Proposals NOT Heard by LAFCO**

(Pursuant to Government Code Section 56757 in the new Cortese Knox Hertzberg Act)

For City-processed annexations and reorganization, LAFCO retains responsibility for filing with appropriate state and local agencies. This finalization fee does not apply to annexations processed by LAFCO. In forwarding resolutions to LAFCO for finalization, please enclose separate checks:

- One check payable to **LAFCO** for finalization fees, and
- One check payable to **State Board of Equalization** (SBE) for SBE processing. Please check with the SBE schedule of processing fees or if you have a question, call the LAFCO office at number above.

LAFCO Finalization Fee: \$ 225.00

State Board of Equalization Processing Fee \$ \_\_\_\_\_

Project: \_\_\_\_\_

Received by: \_\_\_\_\_

Date: \_\_\_\_\_

Effective April 12, 1995

**SANTA CLARA COUNTY  
LOCAL AGENCY FORMATION COMMISSION**

County Government Center, 10<sup>th</sup> Floor, East Wing  
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(408) 299-4321 (408) 298-8460 Fax

**2001 LAFCO STAFF ROSTER**

<b>STAFF</b>	<b>ADDRESS</b>	<b>PHONE / FAX</b>
Neelima Palacherla LAFCO Executive Director  neelima.palacherla@ceo.co.scl.ca.us	County Executive's Office 11th Floor, 70 W. Hedding St San Jose, CA 95110.	(408) 299-3800, ext. 7027 (408) 295-1613 Fax
Ruth Marston LAFCO Clerk  ruth.marston@bos.co.scl.ca	Office of Clerk of the Board 10th Floor, 70 W. Hedding St San Jose CA 95110	(408) 299-4321, ext. 5613 (408) 298-8460 Fax
Kathy Kretchmer LAFCO Counsel  Kathy.Kretchmer@mail.cco.co.scl.ca.us	County Counsel Office 9 <sup>th</sup> Floor, 70 W. Hedding St San Jose, CA 95110	(408) 299-2111 (408) 292-7240 Fax
Colleen Oda LAFCO Planner  sylvia.donati@pln.co.scl.ca.us	County Planning Office 7 <sup>th</sup> Floor, 70 W. Hedding St San Jose, CA 95110	(408) 299-2454, ext. 236 (408) 279-8537 Fax
Ginny Millar Surveyor  ginny.millar@pln.co.scl.ca.us	County Surveyor Office 7 <sup>th</sup> Floor, 70 W. Hedding St San Jose, CA 95110	(408) 299-2871, ext. 304 (408) 279-8537 Fax

Revised LAFCO Application

OUT-OF-AGENCY

CONTRACT

FOR SERVICES

-  
**SANTA CLARA COUNTY  
LOCAL AGENCY FORMATION COMMISSION**

County Government Center, 10<sup>th</sup> Floor, East Wing  
70 West Hedding Street, San Jose, California 95110  
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**OUT OF AGENCY CONTRACT FOR SERVICES**

Attached is an Out of Agency Contract for Services (OACS) Application Packet.  
It includes the following material:

1. OACS Policies
2. Government Code Section 56133
3. OACS Filing Requirements
4. OACS Application Form
5. Environmental Information Form
6. Party Disclosure Forms
7. Lobbying Disclosure Forms
8. OACS Fee Schedule
9. Meeting and Filing Dates
10. Commission and staff roster

If you have any questions regarding these requirements or the application packet, please contact the LAFCO Clerk, at (408) 299-4321.

(a) A city or district may provide new or extended services by contract or agreement outside its jurisdictional boundaries only if it first requests and receives written approval from the commission in the affected county.

(b) The commission may authorize a city or district to provide new or extended services outside its jurisdictional boundaries but within its sphere of influence in anticipation of a later change of organization.

(c) The commission may authorize a city or district to provide new or extended services outside its jurisdictional boundaries and outside its sphere of influence to respond to an existing or impending threat to the public health or safety of the residents of the affected territory if both of the following requirements are met:

(1) The entity applying for the contract approval has provided the commission with documentation of a threat to the health and safety of the public or the affected residents.

(2) The commission has notified any alternate service provider, including any water corporation as defined in Section 241 of the Public Utilities Code, or sewer system corporation as defined in Section 230.6 of the Public Utilities Code, that has filed a map and a statement of its service capabilities with the commission.

(d) The executive officer, within 30 days of receipt of a request for approval by a city or district of a contract to extend services outside its jurisdictional boundary, shall determine whether the request is complete and acceptable for filing or whether the request is incomplete. If a request is determined not to be complete, the executive officer shall immediately transmit that determination to the requester, specifying those parts of the request that are incomplete and the manner in which they can be made complete. When the request is deemed complete, the executive officer shall place the request on the agenda of the next commission meeting for which adequate notice can be given but not more than 90 days from the date that the request is deemed complete, unless the commission has delegated approval of those requests to the executive officer. The commission or executive officer shall approve, disapprove, or approve with conditions the contract for extended services. If the contract is disapproved or approved with conditions, the applicant may request reconsideration, citing the reasons for reconsideration.

(e) This section does not apply to contracts or agreements solely involving two or more public agencies where the public service to be provided is an alternative to, or substitute for, public services already being provided by an existing public service provider and where the level of service to be provided is consistent with the level of service contemplated by the existing service provider. This section does not apply to contracts for the transfer of nonpotable or nontreated water. This section does not apply to contracts or agreements solely involving the provision of surplus water to agricultural lands and facilities, including, but not limited to, incidental residential structures, for projects that serve conservation purposes or that directly support agricultural industries. However, prior to extending surplus water service to any project that will support or induce development, the city or district shall first request and receive written approval from the commission in the affected county. This section does not apply to an extended service that a city or district was providing on January 1, 1994. This section does not apply to a local publicly owned electric utility, as defined by Section 9604 of the Public Utilities Code, providing electric services that do not involve the acquisition, construction, or installation of electric distribution facilities by the local publicly owned electric utility, outside of the utility's jurisdictional boundaries.

**POLICIES FOR "OUT-OF-AGENCY CONTRACT FOR SERVICES"  
PROPOSALS**

1. A city or special district may provide new or extended services by contract or agreement outside its jurisdiction only upon LAFCO approval. Agreements for services solely between public agencies, for the transfer of non-potable or non-treated water, or for the provision of surplus water to agricultural lands for projects which serve conservation purposes or directly support agricultural industries, in accordance with the provisions of Government Code section 56133, do not need LAFCO approval.
2. LAFCO shall not accept for review any proposal, which is outside of the agency's sphere of influence.
3. LAFCO will consider whether annexation is a logical alternative to extending services beyond the jurisdictional boundaries of a local agency.
4. LAFCO will consider the public benefit of the proposal, including the resolution of an existing health and safety hazard.
5. LAFCO will consider factors such as the following to determine the local and regional impacts of an out-of-agency contract for services:
  - a. The growth inducing impacts of any proposal.
  - b. The proposal's consistency with the policies and general plans of all affected local agencies.
  - c. The ability of the local agency to provide service to the proposal area without detracting from current service levels.
  - d. Whether the proposal contributes to the premature conversion of agricultural land or other open space land.
6. An administrative approval may be allowed for those projects which pose an urgent health or safety concern, without consideration by LAFCO. The administrative approval shall be made jointly by the LAFCO Chairperson (or Vice Chairperson if the Chair is not available) and the Executive Director. Both must agree that an administrative approval is appropriate, based upon the criteria outlined below:
  - a. The lack of service being requested constitutes an immediate health and safety concern.
  - b. The property is currently developed.

*Adopted on December 11, 1996*



**SANTA CLARA COUNTY  
LOCAL AGENCY FORMATION COMMISSION**

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

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**FILING REQUIREMENTS**

**OUT OF AGENCY CONTRACT FOR SERVICES**

An application for *Out of Agency Contract for Services* will not be deemed complete unless all the following requirements are fulfilled:

1. Six (6) copies of *Out of Agency Contract for Services Application Form*
2. Certified resolution from agency requesting LAFCO action and five (5) copies
3. Three (3) copies of signed contract between agency and property owners seeking service stipulating the terms and conditions of extending service to the property and indicating service is contingent on LAFCO approval
4. Four (4) copies of maps depicting properties seeking service and existing city, urban service area and sphere of influence boundaries.
5. Three (3) copies of *Environmental Information Form* if requesting categorical exemption from CEQA. If not categorically exempt, 10 copies of a certified environmental document discussing the impacts addressed in LAFCO's *Project Evaluation Policies*, regarding regional and cumulative impacts, the impacts on agricultural and open space resources and any other environmental issues identified by staff. Negative declarations must include an initial study.

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* will need to be completed and signed before meeting with LAFCO staff to determine lead agency status.

6. Three (3) copies of any staff reports submitted to agency's planning commission, council or board pertaining to proposal
7. If proposal is requested to alleviate a health and safety concern, a letter describing the situation is required from County Environmental Health Department or other appropriate agency.
8. Four (4) sets of mailing labels of property owners in the project area, all affected cities and special districts and any project managers or consultants interested in receiving public notice.

9. A list of Assessors Parcel numbers of parcels within the project area, with names of property owners, current City and/or County General Plan land use designations, zoning designations and existing land use for each property.
10. Party disclosure forms signed by each property owner and any other affected party or agent included in the proposal
11. Lobbying Disclosure forms filed by any person who meets the definition of "lobbyist" as indicated on the form.
12. Any additional information required by the Executive Director
13. Filing fee deposit.

**ADMINISTRATIVE APPROVAL REQUESTS require the following additional information:**

1. Certified resolution from agency requesting LAFCO action stating that an urgent health and safety concern exists, which requires immediate action
2. Letter from County Environmental Health or other appropriate agency stating that an immediate danger to health and safety exists and that there are physical restrictions that prohibit a conventional service delivery method typically suited to the unincorporated area (i.e., septic tank, private well, etc.)

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**APPLICATION FORM**

**OUT OF AGENCY CONTRACT FOR SERVICES**

**APPLICANT INFORMATION**

Date: \_\_\_\_\_

Agency seeking LAFCO Approval: \_\_\_\_\_

Contact Person: \_\_\_\_\_ Phone: \_\_\_\_\_

Address: \_\_\_\_\_

Property Owner: \_\_\_\_\_ Phone: \_\_\_\_\_

Assessor's Parcel Number: \_\_\_\_\_

Property Address: \_\_\_\_\_

Mailing Address: \_\_\_\_\_

**PROJECT INFORMATION**

*Please provide the following information. You may attach additional sheets as needed.*

1. Type of service to be provided: \_\_\_\_\_

\_\_\_\_\_

2. Reason for out of agency service contract: \_\_\_\_\_

\_\_\_\_\_

3. Project area within agency's Sphere of Influence? Yes \_\_\_ No \_\_\_.

If not, a sphere amendment should be requested concurrent with this

application. If an amendment is not being requested, provide documentation of existing or impending threat to public health or safety.

- 
4. Please explain agency's plans, policies or guidelines relating to providing services outside its jurisdictional boundaries.

- 
- 
5. Please explain why annexation is not being considered as an alternative to providing services outside the agency's jurisdictional boundaries at this time.

- 
- 
6. Is annexation of the project area anticipated in the future? If yes, what are the agency's plans and timelines for it? Please provide relevant information, which demonstrates that the service contract is in anticipation of a future annexation.

- 
- 
7. If development is proposed, please provide a description of the proposed project.

- 
- 
8. Please provide a detailed description of how services are to be extended to the property/properties (e.g., distance to water or sewer connections, cost of improvements, method of financing, etc.)
- 
- 
-

**ENVIRONMENTAL STATUS OF APPLICATION**

1. \_\_\_\_\_ (name of City / District), as Lead Agency for environmental review of the project, in compliance with CEQA has:

\_\_\_\_\_ determined that the proposal is statutorily exempt from the provisions of CEQA pursuant to CEQA Guidelines Section \_\_\_\_\_ (cite class exemption section) because \_\_\_\_\_.

\_\_\_\_\_ determined that the proposal is categorically exempt from provisions of CEQA pursuant to CEQA Guidelines Section \_\_\_\_\_.

\_\_\_\_\_ completed an Initial Study and Negative Declaration for the annexation, 10 copies of which are attached to this application

\_\_\_\_\_ completed a final EIR for the project , 10 copies of which are attached to this application.

2. \_\_\_\_\_ LAFCO is to be Lead Agency for the environmental review of the project as indicated in attached confirmation from LAFCO Executive Director.

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.

\_\_\_\_\_  
(PRINT name of person completing this application)

\_\_\_\_\_  
(Signature) \_\_\_\_\_  
(Date)

\_\_\_\_\_  
(Address)

**FOR STAFF USE:**

PROPOSAL DESIGNATION: \_\_\_\_\_

**SANTA CLARA COUNTY  
LOCAL AGENCY FORMATION COMMISSION**

County Government Center, 10<sup>th</sup> 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)

**SANTA CLARA COUNTY  
LOCAL AGENCY FORMATION COMMISSION**

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

**PARTY DISCLOSURE FORM**

PURSUANT TO GOVERNMENT CODE SECTION 84308, this form must be completed by applicants for, or persons who are the subject of, any proceeding involving a license, permit, or other entitlement for use pending before the Local Agency Formation Commission. (Please see next page for more information and definitions of terms used.)

*Please use one form per person. Use additional paper, if necessary.*

DESIGNATED TITLE OF PROPOSAL: \_\_\_\_\_

PARTY'S NAME: \_\_\_\_\_

\_\_\_\_\_ I have not made a contribution greater than \$250 to any member of the Santa Clara Local Agency Formation Commission (LAFCO) listed below within twelve (12) months of the LAFCO filing date of \_\_\_\_\_.

\_\_\_\_\_ I have made the following contribution(s) greater than \$250 to the following member(s) of LAFCO within twelve (12) months of the LAFCO filing date of \_\_\_\_\_.

Name of Member: \_\_\_\_\_  
Date of Contribution: \_\_\_\_\_ Amount: \_\_\_\_\_

Name of Member: \_\_\_\_\_  
Date of Contribution: \_\_\_\_\_ Amount: \_\_\_\_\_

Name of Member: \_\_\_\_\_  
Date of Contribution: \_\_\_\_\_ Amount: \_\_\_\_\_

Signature: \_\_\_\_\_ Date: \_\_\_\_\_

- LAFCO COMMISSIONERS**  
Donald Gage, County Representative  
Blanca Alvarado, County Representative  
Pete McHugh, Jr., County Alternate  
Linda LeZotte, San Jose Representative  
Chuck Reed, San Jose Alternate  
Suzanne Jackson, City Representative  
Mary Lou Zoglin, City Alternate

Susan Vicklund Wilson, Public Representative  
Pat Figueroa, Public Alternate

## INFORMATION AND DEFINITIONS

### Basic Provisions of Government Code Section 84308

1. If you are an applicant for, or the subject of, any proceeding involving a license, permit, or other entitlement for use, you are prohibited from making a campaign contribution of greater than \$250 to any commissioner, his or her alternate, or any candidate for such position. This prohibition begins on the date your application is filed or the proceeding is otherwise initiated, and the prohibition ends three (3) months after a final decision is rendered by LAFCO. In addition, no commissioner, alternate, or candidate may solicit or accept a campaign contribution of more than \$250 from you during this period. **These prohibitions also apply to your agents, and, if you are a closely held corporation, to your majority shareholder as well.**
2. You must file the attached disclosure form and disclose whether you or your agent(s) have in the aggregate contributed more than \$250 to any commissioner, his or her alternate, or any candidate for the position during the twelve (12) month period preceding the filing of the application or the initiation of the proceeding.
3. If you or your agent have made a contribution to any commissioner, alternate, or candidate during the twelve (12) months preceding the decision on the application or proceeding, that commissioner must disqualify himself or herself from the decision. However, disqualification is not required if the commissioner, alternate, or candidate returns the campaign contribution within thirty (30) days of learning about both the contribution and the proceedings.

### Definition of Terms

1. A proceeding involving "a license, permit, or other entitlement for use" includes all business, professional, trade and land use licenses and permits, and all other entitlements for use, including all entitlements or land use; all contracts (other than competitively bid, labor or personal employment contracts) and all franchises.
2. Your "agent" is someone who represents you in connection with a proceeding involving a license, permit, or other entitlement for use. **If an individual acting as an agent is also acting in his or her capacity as an employee or member of a law, architectural, engineering, consulting firm, or similar business entity, both the business entity and the individual are "agents".**
3. To determine whether a campaign contribution of greater than \$250 has been made by you, campaign contributions made by you within the preceding twelve (12) months must be aggregated with those made by your agent within the preceding twelve (12) months or the period of the agency, whichever is shorter. Campaign contributions made to different commissioners, their alternates, or candidates are not aggregated.

This notice summarizes the major requirement of Government Code Section 84308 of the Political Reform Act and two (2) California Administrative Code Sections 18438-18438.8.

For more information, contact Kathy Kretchmer, Deputy County Counsel at (408) 299-2111, or the Fair Political Practices Commission, 428 J Street, Suite 800, Sacramento, California, 95814, (916) 322-5901

SANTA CLARA COUNTY  
LOCAL AGENCY FORMATION COMMISSION

County Government Center, 10<sup>th</sup> Floor, East Wing  
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(408) 299-4321 (408) 298-8460 Fax

**LOBBYING DISCLOSURE FORM**

This form must be completed by applicants for, or persons who are the subject of, any proceeding involving a license, permit, or other entitlement for use pending before the Local Agency Formation Commission. (Please see next page for more information and definitions of terms used.)

*Please use additional paper, if necessary.*

DESIGNATED TITLE OF PROPOSAL: \_\_\_\_\_

APPLICANT: \_\_\_\_\_

Name of Lobbyist: \_\_\_\_\_

Person/ Entity Paying Lobbyist: \_\_\_\_\_

Name of Lobbyist: \_\_\_\_\_

Person/ Entity Paying Lobbyist: \_\_\_\_\_

Name of Lobbyist: \_\_\_\_\_

Person/ Entity Paying Lobbyist: \_\_\_\_\_

Name of Lobbyist: \_\_\_\_\_

Person/ Entity Paying Lobbyist: \_\_\_\_\_

Signature: \_\_\_\_\_ Date: \_\_\_\_\_

## **POLICY AND DEFINITIONS**

### **Definition of lobbyist**

A lobbyist is "an individual or entity who is compensated and who communicates directly with LAFCO Commissioners, Alternates, and/or the Executive Officer to influence the Commission's or the Executive Officer's action on behalf of his client or employer". Communication includes ex parte communications as well as presentations at Commission meetings. This definition does not include:

- a. Any elected public official acting in his official capacity, or any employee of governmental agency acting in the scope of his/her employment.
- b. Any employee of a newspaper or other periodical of general circulation, or radio or television station, acting within the scope of their employment.

### **Filing Schedule**

Any person or entity meeting this definition and who is lobbying the Commission or Executive Director in regard to an application before LAFCO needs to file a declaration prior to the hearing on the LAFCO application, or at the time of the hearing if that is the initial contact. In addition to submitting a declaration, any lobbyist speaking at the LAFCO hearing must so identify themselves as lobbyists and identify on the record the name of the person or entity making payment to them.

Additionally every applicant shall file a declaration under penalty of perjury listing all lobbyists that they have hired to influence the action taken by LAFCO on their application. This affidavit is due at the time of application filing and is to be updated, if necessary, one week prior to the hearing date of the application.

The declaration shall be made on a form provided by LAFCO and shall include the name of the lobbyist, the name of the application of interest and the name of the person or entity paying the lobbyist in regard to the application. The declaration shall be signed under penalty of perjury.

### **Filing Office**

Declarations shall be submitted to the LAFCO Executive Director and posted on the web site once it is in operation. The declarations shall become part of the LAFCO file on the application.

### **Enforcement**

Failure of an applicant or a lobbyist to file the declaration, or to identify oneself as a lobbyist prior to speaking on a matter, shall result in the inability of the Commission to take action on the application. In addition, failure to file the declaration or the filing of an erroneous declaration shall result in a penalty of \$500.00, said assessment to be deposited in the LAFCO budget.

### **Effective Date**

These policies shall apply to all LAFCO applications submitted for filing after April 11, 2001.

**SANTA CLARA COUNTY  
LOCAL AGENCY FORMATION COMMISSION**

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

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**2001**

**SCHEDULE OF MEETINGS AND APPLICATION FILING DATES**

<b>FOR MEETING OF:</b>	<b>FILING DEADLINE:</b>
Wednesday, February 14, 2001	Wednesday, December 27, 2000
Wednesday, April 11, 2001	Wednesday, February 21, 2001
Wednesday, June 13, 2001	Wednesday, April 25, 2001
Wednesday, August 8, 2001	Wednesday, June 20, 2001
Wednesday, October 10, 2001	Wednesday, August 22, 2001
Wednesday, December 12, 2001	Wednesday, October 24, 2001

**TIME OF MEETING:** 1:15 p.m.  
second Wednesday of even months

**MEETING LOCATION:** County Government Center  
Board of Supervisors' Chambers  
70 West Hedding Street, First Floor  
San Jose, CA 95110

**FILING LOCATION:** County Government Center  
Office of the Clerk of the Board of Supervisors  
70 West Hedding Street, 10th Floor  
San Jose, CA 95110  
(408) 299-4321

**SANTA CLARA COUNTY  
LOCAL AGENCY FORMATION COMMISSION**

County Government Center, 11<sup>th</sup> Floor, East Wing  
70 West Hedding Street, San Jose, California 95110  
(408) 299-3800 (408) 295-1613 Fax  
Neelima Palacherla, Executive Director

**2001 LAFCO MEMBERSHIP**

Santa Clara LAFCO is composed of five members:

- Two County Supervisors selected by the Board of Supervisors
- One City of San Jose City Council Member chosen by the City Council
- One other City Council Member chosen by the Cities Selection Committee
- One Public Member chosen by the other four members

Alternate members for each of the four categories are selected in the same manner. The commissioners and alternates serve a four-year term.

<b>COMMISSIONERS</b>	<b>TERM EXPIRATION</b>	<b>TERM APPOINTMENT</b>
Blanca Alvarado (County Representative)	May, 2002	May, 1998
Don Gage, Vice Chair (County Representative)	May, 2002	May, 1998
Suzanne Jackson, Chair (Cities Representative)	May, 2004	May, 2000
Linda LeZotte (City of San Jose)	May, 2004	January, 2001
Susan Vickland Wilson (Public Representative)	May, 2003	May, 1999
<b>ALTERNATES</b>		
Pete McHugh (County Representative)	May, 2001	May 1997
Mary Lou Zoglin (Cities Representative)	May, 2004	May, 2004
Chuck Reed (City of San Jose)	May, 2004	January, 2001
Pat Figueroa (Public Representative)	May, 2003	May, 1999



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

**2001 LAFCO STAFF ROSTER**

STAFF	ADDRESS	PHONE / FAX
<p>Neelima Palacherla LAFCO Executive Director</p> <p>neelima.palacherla@ceo.co.scl.ca.us</p>	<p>County Executive's Office 11th Floor, 70 W. Hedding St San Jose, CA 95110.</p>	<p>(408) 299-3800, ext. 7027 (408) 295-1613 Fax</p>
<p>Ruth Marston LAFCO Clerk</p> <p>ruth.marston@bos.co.scl.ca</p>	<p>Office of Clerk of the Board 10th Floor, 70 W. Hedding St San Jose CA 95110</p>	<p>(408) 299-4321, ext. 5613 (408) 298-8460 Fax</p>
<p>Kathy Kretchmer LAFCO Counsel</p> <p>Kathy.Kretchmer@mail.cco.co.scl.ca.us</p>	<p>County Counsel Office 9<sup>th</sup> Floor, 70 W. Hedding St San Jose, CA 95110</p>	<p>(408) 299-2111 (408) 292-7240 Fax</p>
<p>Colleen Oda LAFCO Planner</p> <p>sylvia.donati@pln.co.scl.ca.us</p>	<p>County Planning Office 7<sup>th</sup> Floor, 70 W. Hedding St San Jose, CA 95110</p>	<p>(408) 299-2454, ext. 236 (408) 279-8537 Fax</p>
<p>Ginny Millar Surveyor</p> <p>ginny.millar@pln.co.scl.ca.us</p>	<p>County Surveyor Office 7<sup>th</sup> Floor, 70 W. Hedding St San Jose, CA 95110</p>	<p>(408) 299-2871, ext. 304 (408) 279-8537 Fax</p>

Revised LAFCO Application

URBAN SERVICE AREA (USA)

AND

SPHERE OF INFLUENCE (SOI)

AMENDMENTS

**SANTA CLARA COUNTY  
LOCAL AGENCY FORMATION COMMISSION**

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

**URBAN SERVICE AREA (USA) AND SPHERE OF INFLUENCE (SOI)  
AMENDMENTS**

Attached is an Urban Service Area (USA) or Sphere of Influence (SOI) Application Packet. It includes the following material:

1. USA Policies and SOI Policies
2. USA and SOI Filing Requirements
3. USA and SOI Application
4. Environmental Information Form
5. Party Disclosure Forms
6. Lobbying Disclosure Forms
7. USA and SOI Fee Schedule
8. Meeting and Filing Dates
9. Commission and Staff roster

If you have any questions regarding these requirements or the application packet, please contact the LAFCO Clerk, at (408) 299-4321.

## URBAN SERVICE AREA POLICIES

### A. General Guidelines

Review and amendment of Urban Service Area boundaries is the Commission's primary vehicle for encouraging orderly city growth.

### B. Urban Service Area Amendment Policies

1. LAFCO will review/amend a city's Urban Service Area once a year, if such review is desired by the city and initiated by city resolution and application. Until a city's application has been heard and acted upon by the Commission, no further Urban Service Area amendments will be accepted for filing from that city. LAFCO may make an exception to the once a year limitation upon Urban Service Area amendment requests where amendment is needed to carry out some special institutional development or activity that is in the public interest. Such exception shall not normally be extended in connection with proposed residential, commercial, or industrial development.
2. LAFCO will require application of an appropriate general plan designation to territory proposed for inclusion in an Urban Service Area.
3. LAFCO encourages contractual agreements and/or plans between the cities and the County which define:
  - a. Growth at the urban fringe; and
  - b. Potential new growth areas.
4. LAFCO will consider factors such as the following to determine the local and regional impacts of a proposed Urban Service Area amendment:
  - a. The ratio of lands planned for residential use to lands planned for employment-producing use
  - b. The existence of adequate regional and local transportation capabilities to support the planned city growth;
  - c. Ability of the city to provide urban services to the growth areas without detracting from current service levels;
  - d. The ability of school districts to provide school facilities;

- e. Whether the conversion of agricultural and other open space lands is premature, or if there are other areas into which to channel growth;
  - f. The role of special districts in providing services;
  - g. Environmental considerations which may apply;
  - h. The impacts of proposed city expansion upon the County as a provider of services;
  - i. Fiscal impacts on other agencies
5. When a city with a substantial supply of vacant land within its Urban Service Area applies for an Urban Service Area expansion, LAFCO will require an explanation of why the expansion is necessary, and how an orderly, efficient growth pattern, consistent with LAFCO mandates, will be maintained.
6. The Commission will discourage Urban Service Area expansions which include agricultural or other open space land unless the city has accomplished one of the following:
- a. Demonstrated to LAFCO that effective measures have been adopted for protecting the open space status of the land. Such measures may include, but not limited to, establishment of agricultural preserves pursuant to the California Land Conservation Act; adoption of city/County use agreements or applicable specific plans; implementation of clustering or transfer-of-development-rights policies; evidence of public acquisition; or
  - b. Demonstrated to LAFCO that conversion of such lands to other than open space uses is necessary to promote the planned, orderly, efficient development of the city.
7. The Commission will consider whether an Urban Service Area amendment, leading to the conversion of agricultural or other open space land, will adversely affect the open space resources of the County. Factors to be studied include, but are not limited to:
- a. The agricultural significance of the amendment area relative to other agricultural lands in the region (soil, climate, water-related problems, parcel size, current land use, crop value, Williamson Act contracts, etc.)

- b. The economic viability of use of the land for agriculture;
  - c. Whether public facilities, such as roads, would be extended through or adjacent to other agricultural lands in order to provide services to anticipated development in the amendment area;
  - d. Whether the amendment area is adjacent to or surrounded by existing urban or residential development.
8. Where appropriate, LAFCO will consider adopted policies advocating maintenance of greenbelts or other open space around cities in reviewing Urban Service Area amendments.

## **SPHERE OF INFLUENCE POLICIES**

### **A. General Guidelines**

1. Pursuant to Government Code Section 56425, LAFCO must adopt a Sphere of Influence for each local governmental agency. Once established, a Sphere of Influence shall be used as a guide to LAFCO in the determination of any proposal concerning cities or special districts and territory adjacent thereto.
2. LAFCO may include areas of planning concern in city Spheres of Influence. Inclusion of territory within a Sphere of Influence should not necessarily be seen as an indication that the city will either annex or develop to urban levels such territory. The Urban Service Area boundary will serve as LAFCO's primary means of indicating a city's intention of development and provision of urban services.
3. The Commission may periodically review and update the Spheres of Influence developed and determined by it, either at the request of a local government agency or at its own discretion.

### **B. Adoption and Amendment Policies for City Spheres of Influence**

1. LAFCO will require consistency with city general plans in adopting or amending a Sphere of Influence. Joint City/County Specific Plans and factors such as density policies, development standards, geology, and future use will be considered by the Commission when establishing Spheres of Influence.
2. Pursuant to Government Code Section 56425, LAFCO will consider and make a written finding regarding the following, in adopting or amending a Sphere of Influence:
  - a. The present and planned land uses in the area, including agricultural and open space lands;
  - b. The present and probable need for public facilities and adequacy of public facilities and services in the area;
  - c. The present capacity of public facilities and adequacy of public services which the agency provides or is authorized to provide;
  - d. The existence of any social or economic communities of interest in the area if the Commission determines that they are relevant to the agency.

3. LAFCO will consider fiscal impacts of proposed Sphere amendments. Where such amendments may have negative fiscal impacts upon the County of other local agencies, LAFCO may require mitigations thereof from the city proposing the amendment.
4. LAFCO will consider city annexation proposals outside the Urban Service Areas, but within Spheres of Influence, only if such annexations will promote LAFCO's mandate to preserve open space areas, including agricultural open space and greenbelts.
5. LAFCO shall amend the Sphere of Influence of an affected agency in the event a change of organization is approved which does not conform to the adopted Sphere of Influence.
6. Spheres of Influence for cities and special districts may overlap when both agencies expect to provide service to the area.
7. In the case of Palo Alto, the following policies apply:
  - a. The Sphere of Influence includes all lands within the Palo Alto Boundary Agreement Area except those Stanford lands outside the Palo Alto Urban Service Area which are reserved for academic use.
  - b. It is acknowledged that the establishment of these boundaries is not meant to imply that it would be appropriate to allow new governmental formations within the territory that is excluded from the Palo Alto Sphere of Influence merely because such territory is being excluded therefrom at this time.
  - c. The Palo Alto Sphere of Influence boundary should be reviewed in the future if:
    - 1 There is any amendment of the County General Plan or the University's Land Use Plan that changes an academic land use designation to non-academic, or the reverse; or
    - 2 Santa Clara County adopts any other policy that might alter the likelihood or annexation of any areas of Stanford.

**C. Adoption and Amendment Policies for Special District Spheres of Influence**

1. Adoption or amendment proposals for special district Spheres of Influence will be reviewed for conformity with the County General Plan and the general plans of the cities served by the district. Spheres



of Influence for districts which provide urban services will generally be tied to city growth plans.

2. LAFCO will discourage duplications in service provision in reviewing new or amended Sphere proposals. Where a special district is coterminous with, or lies substantially within, the boundary or Sphere of Influence of a city which is capable of providing the service, the special district may be given a zero sphere of influence which encompasses no territory.
3. LAFCO will consider fiscal impacts of district growth upon the County, affected cities, and other special districts.

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(408) 299-4321 (408) 298-8460 Fax

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**FILING REQUIREMENTS**

**URBAN SERVICE AREA (USA) AND SPHERE OF INFLUENCE (SOI) AMENDMENTS**

An *Urban Service Area or Sphere of Influence Amendment* filing will consist of the following, and will not be deemed complete until all the following requirements are fulfilled:

1. Six (6) copies of USA /SOI Application Form.
2. A detailed letter of request, stating the reason for request, the size and the location of proposal.
3. Certified resolution from agency requesting LAFCO action and five (5) copies. An USA amendment proposal may ONLY be initiated by resolution of involved agency and not by private citizen. Application is limited to one per year.

A SOI amendment proposal may be filed by written request by any person or local agency.

4. Six (6) copies of maps depicting subject individual properties in the proposal and existing city, urban service area, sphere of influence boundaries and relationship of the proposed boundary to any street right of way or center line or affected property line. Legal description is preferred, but not required.

If a proposal unavoidably splits lines of assessment, mapping shall be submitted for which definite and certain boundaries can be determined.

5. A list of Assessors Parcel Numbers of parcels within the project area, with names of property owners, current City and/or County General Plan land use designations, zoning designations and existing land use for each property.
6. Three (3) copies of *Environmental Information Form* if requesting categorical exemption from CEQA. If not categorically exempt, 10 copies of a certified environmental document discussing the impacts addressed in LAFCO's *Project Evaluation Policies*, regarding regional and cumulative impacts, the impacts on agricultural and open space resources and any other environmental issues identified by staff. Negative declarations must include an initial study.

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* will

need to be completed and signed before meeting with LAFCO staff to determine lead agency status.

7. Vacant land inventory within the urban service area by land use designation. If the amount of vacant land exceeds a five-year supply, explanation is required for why the expansion is necessary and how an orderly and efficient growth pattern will be maintained.
8. A plan for services is required, unless the environmental document fully discusses the extent of urban services to be provided, as well as the city's capability of providing these services within a five year time period.
9. Ten (10) copies of a Fiscal Impacts Report analyzing the fiscal impacts of the proposal on the affected local agencies, including the requesting agency, the County, special districts and any affected school districts. The impacts to the County shall be developed using the fiscal impacts worksheet developed by the County.
10. Three (3) copies of any staff reports submitted to agency's planning commission, council or board pertaining to proposal.
11. Four (4) sets of mailing labels of property owners in the project area, all affected cities and special districts and any project managers or consultants interested in receiving public notice.
12. Party disclosure forms signed by each property owner and any other affected party or agent included in the proposal.
13. Lobbying Disclosure forms filed by any person who meets the definition of "lobbyist" as indicated on the form.
14. Any additional information required by the Executive Director.
15. Filing fee deposit.

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**APPLICATION FORM**

**URBAN SERVICE AREA (USA) AND SPHERE OF INFLUENCE (SOI) .  
AMENDMENTS**

**APPLICANT INFORMATION**

Date: \_\_\_\_\_

Agency seeking USA / SOI amendment: \_\_\_\_\_

Contact Person: \_\_\_\_\_ Phone: \_\_\_\_\_

Address: \_\_\_\_\_

Private Citizen seeking SOI amendment: \_\_\_\_\_

Phone: \_\_\_\_\_

Assessor's Parcel Number: \_\_\_\_\_

Property Address: \_\_\_\_\_

Mailing Address: \_\_\_\_\_

**PROJECT INFORMATION**

*Please provide the following information. You may attach additional sheets as needed and indicate so.*

1. Project Description: Request for inclusion to / exclusion from USA / SOI of the City / District of \_\_\_\_\_ for year \_\_\_\_\_.
3. Number of application areas: \_\_\_\_\_
4. Number of acres and parcels in each application area: \_\_\_\_\_

5. For USA amendment, is proposal contiguous to existing USA and agency boundaries?

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

6. What is the relationship of the proposed boundaries to any adopted urban growth boundaries, or greenlines?

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

7. Please explain agency's plans, policies or guidelines relating to USA and / or SOI amendments.

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

**ENVIRONMENTAL STATUS OF APPLICATION**

*Check the appropriate section to indicate the status of compliance with CEQA.*

1. \_\_\_\_\_ (name of City /District), as Lead Agency for environmental review of the project, in compliance with CEQA has:

\_\_\_ determined that the proposal is statutorily exempt from the provisions of CEQA pursuant to CEQA Guidelines Section \_\_\_\_\_ (cite class exemption section) because \_\_\_\_\_.

\_\_\_ determined that the proposal is categorically exempt from provisions of CEQA pursuant to CEQA Guidelines Section \_\_\_\_\_.

\_\_\_ completed an Initial Study and Negative Declaration for the annexation, 10 copies of which are attached to this application

\_\_\_ completed a final EIR for the project , 10 copies of which are attached to this application.

2. \_\_\_\_ LAFCO is to be Lead Agency for the environmental review of the project as indicated in attached confirmation from LAFCO Executive Director.

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.

\_\_\_\_\_  
(PRINT name of person completing this application)

\_\_\_\_\_  
(Signature)

\_\_\_\_\_  
(Date)

\_\_\_\_\_  
(Address)

FOR STAFF USE:

PROPOSAL DESIGNATION: \_\_\_\_\_

**SANTA CLARA COUNTY  
LOCAL AGENCY FORMATION COMMISSION**

County Government Center, 10<sup>th</sup> 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

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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:

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**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)

**SANTA CLARA COUNTY  
LOCAL AGENCY FORMATION COMMISSION**

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

**PARTY DISCLOSURE FORM**

PURSUANT TO GOVERNMENT CODE SECTION 84308, this form must be completed by applicants for, or persons who are the subject of, any proceeding involving a license, permit, or other entitlement for use pending before the Local Agency Formation Commission. (Please see next page for more information and definitions of terms used.)

*Please use one form per person. Use additional paper, if necessary.*

DESIGNATED TITLE OF PROPOSAL: \_\_\_\_\_

PARTY'S NAME: \_\_\_\_\_

\_\_\_\_\_ I have not made a contribution greater than \$250 to any member of the Santa Clara Local Agency Formation Commission (LAFCO) listed below within twelve (12) months of the LAFCO filing date of \_\_\_\_\_.

\_\_\_\_\_ I have made the following contribution(s) greater than \$250 to the following member(s) of LAFCO within twelve (12) months of the LAFCO filing date of \_\_\_\_\_.

Name of Member: \_\_\_\_\_

Date of Contribution: \_\_\_\_\_ Amount: \_\_\_\_\_

Name of Member: \_\_\_\_\_

Date of Contribution: \_\_\_\_\_ Amount: \_\_\_\_\_

Name of Member: \_\_\_\_\_

Date of Contribution: \_\_\_\_\_ Amount: \_\_\_\_\_

Signature: \_\_\_\_\_ Date: \_\_\_\_\_

**LAFCO COMMISSIONERS**

Donald Gage, County Representative  
Blanca Alvarado, County Representative  
Pete McHugh, Jr., County Alternate  
Linda LeZotte, San Jose Representative  
Chuck Reed, San Jose Alternate  
Suzanne Jackson, City Representative  
Mary Lou Zoglin, City Alternate  
Susan Vicklund Wilson, Public Representative  
Pat Figueroa, Public Alternate

## INFORMATION AND DEFINITIONS

### Basic Provisions of Government Code Section 84308

1. If you are an applicant for, or the subject of, any proceeding involving a license, permit, or other entitlement for use, you are prohibited from making a campaign contribution of greater than \$250 to any commissioner, his or her alternate, or any candidate for such position. This prohibition begins on the date your application is filed or the proceeding is otherwise initiated, and the prohibition ends three (3) months after a final decision is rendered by LAFCO. In addition, no commissioner, alternate, or candidate may solicit or accept a campaign contribution of more than \$250 from you during this period. **These prohibitions also apply to your agents, and, if you are a closely held corporation, to your majority shareholder as well.**
2. You must file the attached disclosure form and disclose whether you or your agent(s) have in the aggregate contributed more than \$250 to any commissioner, his or her alternate, or any candidate for the position during the twelve (12) month period preceding the filing of the application or the initiation of the proceeding.
3. If you or your agent have made a contribution to any commissioner, alternate, or candidate during the twelve (12) months preceding the decision on the application or proceeding, that commissioner must disqualify himself or herself from the decision. However, disqualification is not required if the commissioner, alternate, or candidate returns the campaign contribution within thirty (30) days of learning about both the contribution and the proceedings.

### Definition of Terms

1. A proceeding involving "a license, permit, or other entitlement for use" includes all business, professional, trade and land use licenses and permits, and all other entitlements for use, including all entitlements or land use; all contracts (other than competitively bid, labor or personal employment contracts) and all franchises.
2. Your "agent" is someone who represents you in connection with a proceeding involving a license, permit, or other entitlement for use. **If an individual acting as an agent is also acting in his or her capacity as an employee or member of a law, architectural, engineering, consulting firm, or similar business entity, both the business entity and the individual are "agents".**
3. To determine whether a campaign contribution of greater than \$250 has been made by you, campaign contributions made by you within the preceding twelve (12) months must be aggregated with those made by your agent within the preceding twelve (12) months or the period of the agency, whichever is shorter. Campaign contributions made to different commissioners, their alternates, or candidates are not aggregated.

This notice summarizes the major requirement of Government Code Section 84308 of the Political Reform Act and two (2) California Administrative Code Sections 18438-18438.8.

For more information, contact Kathy Kretchmer, Deputy County Counsel at (408) 299-2111, or the Fair Political Practices Commission, 428 J Street, Suite 800, Sacramento, California, 95814, (916) 322-5901

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(408) 299-4321 (408) 298-8460 Fax

**LOBBYING DISCLOSURE FORM**

This form must be completed by applicants for, or persons who are the subject of, any proceeding involving a license, permit, or other entitlement for use pending before the Local Agency Formation Commission. (Please see next page for more information and definitions of terms used.)

*Please use additional paper, if necessary.*

DESIGNATED TITLE OF PROPOSAL: \_\_\_\_\_

APPLICANT: \_\_\_\_\_

Name of Lobbyist: \_\_\_\_\_

Person/ Entity Paying Lobbyist: \_\_\_\_\_

Name of Lobbyist: \_\_\_\_\_

Person/ Entity Paying Lobbyist: \_\_\_\_\_

Name of Lobbyist: \_\_\_\_\_

Person/ Entity Paying Lobbyist: \_\_\_\_\_

Name of Lobbyist: \_\_\_\_\_

Person/ Entity Paying Lobbyist: \_\_\_\_\_

Signature: \_\_\_\_\_ Date: \_\_\_\_\_

## **POLICY AND DEFINITIONS**

### **Definition of lobbyist**

A lobbyist is "an individual or entity who is compensated and who communicates directly with LAFCO Commissioners, Alternates, and/or the Executive Officer to influence the Commission's or the Executive Officer's action on behalf of his client or employer". Communication includes ex parte communications as well as presentations at Commission meetings. This definition does not include:

- a. Any elected public official acting in his official capacity, or any employee of governmental agency acting in the scope of his/her employment.
- b. Any employee of a newspaper or other periodical of general circulation, or radio or television station, acting within the scope of their employment.

### **Filing Schedule**

Any person or entity meeting this definition and who is lobbying the Commission or Executive Director in regard to an application before LAFCO needs to file a declaration prior to the hearing on the LAFCO application, or at the time of the hearing if that is the initial contact. In addition to submitting a declaration, any lobbyist speaking at the LAFCO hearing must so identify themselves as lobbyists and identify on the record the name of the person or entity making payment to them.

Additionally every applicant shall file a declaration under penalty of perjury listing all lobbyists that they have hired to influence the action taken by LAFCO on their application. This affidavit is due at the time of application filing and is to be updated, if necessary, one week prior to the hearing date of the application.

The declaration shall be made on a form provided by LAFCO and shall include the name of the lobbyist, the name of the application of interest and the name of the person or entity paying the lobbyist in regard to the application. The declaration shall be signed under penalty of perjury.

### **Filing Office**

Declarations shall be submitted to the LAFCO Executive Director and posted on the web site once it is in operation. The declarations shall become part of the LAFCO file on the application.

### **Enforcement**

Failure of an applicant or a lobbyist to file the declaration, or to identify oneself as a lobbyist prior to speaking on a matter, shall result in the inability of the Commission to take action on the application. In addition, failure to file the declaration or the filing of an erroneous declaration shall result in a penalty of \$500.00, said assessment to be deposited in the LAFCO budget.

### **Effective Date**

These policies shall apply to all LAFCO applications submitted for filing after April 11, 2001.

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70 West Hedding Street, San Jose, California 95110  
(408) 299-4321 (408) 298-8460 Fax

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**FEE SCHEDULE**

- **URBAN SERVICE AREA AMENDMENTS**
- **SPHERE OF INFLUENCE AMENDMENT**
- **OUT OF AGENCY SERVICE AGREEMENTS**
- **CHANGES OF ORGANIZATION INCLUDING:**
  - **City annexations outside of urban service areas**
  - **Formations, consolidations or dissolutions of special districts**
  - **Incorporations or dissolutions of cities**

Section 56383 of the Government Code directs that LAFCO shall be reimbursed for actual and direct costs incurred.

In implementing this full-cost-recovery fee authority, LAFCO has established a \$5,000 deposit payable at the time the application is filed. If actual costs are less than \$5,000, the Commission will refund the difference to the applicant. If actual costs exceed \$5,000, an additional invoice will be sent to the applicant. IF additional fees are required, LAFCO approval will be conditional upon final payment within 35 days of the LAFCO hearing date.

Deposit:       \$5,000

Project:       \_\_\_\_\_

Received by: \_\_\_\_\_

Date:         \_\_\_\_\_

Effective April 12, 1995



**SANTA CLARA COUNTY  
LOCAL AGENCY FORMATION COMMISSION**

County Government Center, 11<sup>th</sup> Floor, East Wing  
70 West Hedding Street, San Jose, California 95110  
(408) 299-3800 (408) 295-1613 Fax  
Neelima Palacherla, Executive Director

**2001 LAFCO MEMBERSHIP**

Santa Clara LAFCO is composed of five members:

- Two County Supervisors selected by the Board of Supervisors
- One City of San Jose City Council Member chosen by the City Council
- One other City Council Member chosen by the Cities Selection Committee
- One Public Member chosen by the other four members

Alternate members for each of the four categories are selected in the same manner. The commissioners and alternates serve a four-year term.

<b>COMMISSIONERS</b>	<b>TERM EXPIRATION</b>	<b>TERM APPOINTMENT</b>
Blanca Alvarado (County Representative)	May, 2002	May, 1998
Don Gage, Vice Chair (County Representative)	May, 2002	May, 1998
Suzanne Jackson, Chair (Cities Representative)	May, 2004	May, 2000
Linda LeZotte (City of San Jose)	May, 2004	January, 2001
Susan Vickland Wilson (Public Representative)	May, 2003	May, 1999
<b>ALTERNATES</b>		
Pete McHugh (County Representative)	May, 2001	May 1997
Mary Lou Zoglin (Cities Representative)	May, 2004	May, 2004
Chuck Reed (City of San Jose)	May, 2004	January, 2001
Pat Figueroa (Public Representative)	May, 2003	May, 1999

**SANTA CLARA COUNTY  
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70 West Hedding Street, San Jose, California 95110  
(408) 299-4321 (408) 298-8460 Fax

**2001 LAFCO STAFF ROSTER**

STAFF	ADDRESS	PHONE / FAX
<p>Neelima Palacherla LAFCO Executive Director</p> <p>neelima.palacherla@ceo.co.scl.ca.us</p>	<p>County Executive's Office 11th Floor, 70 W. Hedding St San Jose, CA 95110.</p>	<p>(408) 299-3800, ext. 7027 (408) 295-1613 Fax</p>
<p>Ruth Marston LAFCO Clerk</p> <p>ruth.marston@bos.co.scl.ca</p>	<p>Office of Clerk of the Board 10th Floor, 70 W. Hedding St San Jose CA 95110</p>	<p>(408) 299-4321, ext. 5613 (408) 298-8460 Fax</p>
<p>Kathy Kretchmer LAFCO Counsel</p> <p>Kathy.Kretchmer@mail.cco.co.scl.ca.us</p>	<p>County Counsel Office 9<sup>th</sup> Floor, 70 W. Hedding St San Jose, CA 95110</p>	<p>(408) 299-2111 (408) 292-7240 Fax</p>
<p>Colleen Oda LAFCO Planner</p> <p>sylvia.donati@pln.co.scl.ca.us</p>	<p>County Planning Office 7<sup>th</sup> Floor, 70 W. Hedding St San Jose, CA 95110</p>	<p>(408) 299-2454, ext. 236 (408) 279-8537 Fax</p>
<p>Ginny Millar Surveyor</p> <p>ginny.millar@pln.co.scl.ca.us</p>	<p>County Surveyor Office 7<sup>th</sup> Floor, 70 W. Hedding St San Jose, CA 95110</p>	<p>(408) 299-2871, ext. 304 (408) 279-8537 Fax</p>

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(408) 299-4321 (408) 298-8460 Fax

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**2001**

**SCHEDULE OF MEETINGS AND APPLICATION FILING DATES**

<b>FOR MEETING OF:</b>	<b>FILING DEADLINE:</b>
Wednesday, February 14, 2001	Wednesday, December 27, 2000
Wednesday, April 11, 2001	Wednesday, February 21, 2001
Wednesday, June 13, 2001	Wednesday, April 25, 2001
Wednesday, August 8, 2001	Wednesday, June 20, 2001
Wednesday, October 10, 2001	Wednesday, August 22, 2001
Wednesday, December 12, 2001	Wednesday, October 24, 2001

**TIME OF MEETING:** 1:15 p.m.  
second Wednesday of even months

**MEETING LOCATION:** County Government Center  
Board of Supervisors' Chambers  
70 West Hedding Street, First Floor  
San Jose, CA 95110

**FILING LOCATION:** County Government Center  
Office of the Clerk of the Board of Supervisors  
70 West Hedding Street, 10th Floor  
San Jose, CA 95110  
(408) 299-4321