

# LAFCO *of Monterey County*

## LOCAL AGENCY FORMATION COMMISSION

P.O. Box 1369 132 W. Gabilan Street, Suite 102  
Salinas, CA 93902 Salinas, CA 93901  
Telephone (831) 754-5838 Fax (831) 754-5831  
[www.monterey.lafco.ca.gov](http://www.monterey.lafco.ca.gov)

KATE McKENNA, AICP  
Executive Officer

March 4, 2008

Jacqueline R. Onciano  
Monterey County Resource Management Agency  
Planning Department  
168 West Alisal Street, 2<sup>nd</sup> Floor  
Salinas, CA 93901

RE: Rancho Cañada Village Specific Plan Draft EIR Comments (SCH# 2006081150)

Dear Jacqueline:

Thank you for the opportunity of reviewing the draft EIR for the Rancho Cañada Village Specific Plan. As a Responsible Agency, LAFCO plans to use the County's EIR to satisfy the CEQA requirements for any action it needs to take regarding the Rancho Cañada property.

As stated in LAFCO's enabling legislation, LAFCO is charged with the logical formation and determination of local agency boundaries to promote orderly development and to balance development with the "sometimes competing state interests of discouraging urban sprawl, preserving open-space and prime agricultural lands, and efficiently extending government services" (Government Code Section 56001). The Act states the Legislature's intent that each LAFCO establish written policies and procedures and exercise its powers to encourage and provide planned, well-ordered, efficient urban development patterns with appropriate consideration of preserving open-space and agricultural lands within those patterns (Government Code Section 56300).

Following are LAFCO's comments grouped by DEIR section heading and page number:

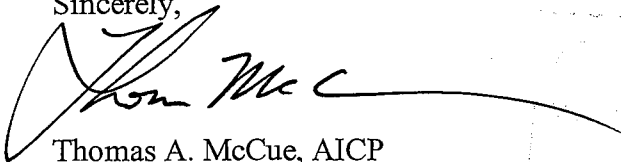
- Page 2-9, Lines 24-25: These lines contain the statement that: "The Carmel Area Wastewater District (CAWD) provides wastewater collection, treatment and disposal services to the project area." This statement is incorrect. Please note that while CAWD does provide service to adjacent properties none of the area of the proposed specific plan is currently within the boundaries of the Carmel Area Wastewater District. The property owner would need to make a request to the District to be annexed and LAFCO would need to approve this annexation prior to the provision of service. Additionally only around half of the area of the proposed specific plan is currently in CAWD's Sphere of Influence. Specifically the Sphere currently covers only APN's 015-162-025, -017, and a

portion of -039 which is immediately to the east of parcel -017. Areas outside the CAWD's Sphere of Influence will need LAFCO approval for a Sphere expansion prior to annexation.

- Page 2-12, Table 2.2: This chart should include the approval of a Sphere of Influence Amendment and an Annexation to the CAWD as required LAFCO approvals. CAWD should also be listed as a CEQA responsible agency.
- Page 3.10-3, Line 8: This table indicates that fire protection services would be provided by the Cypress Fire Protection Department. The only parcel that is currently within the boundaries of the Cypress FPD is the Stemple property (APN 015-162-016). The other properties are located within the boundaries of the Carmel Valley FPD. Any proposal to change the designation of this area from one fire protection district to another would require LAFCO approval.
- Chapter 3.5: This section on "Land Use" normally includes information on any potential conflict with any applicable policy, or regulation of an agency with jurisdiction over the project. As such LAFCO requests that the following be included under this section:
  - A review of the proposal's consistency with the Cortese-Knox-Hertzberg legislation, including consistency with the state mandated determinations and factors contained in Government Code Sections 56425(e) and 56668 for Spheres of Influence and annexations.
  - A review of the proposal's compatibility with LAFCO of Monterey County's policies, specifically the "Sphere Of Influence Policies and Criteria" and the "Standards for the Evaluation of Proposals" for annexations. These documents are attached for your reference.

Thank you for this opportunity to comment on the Draft EIR. Please contact me if you have any questions regarding this letter.

Sincerely,



Thomas A. McCue, AICP  
Senior Analyst

Attachments:

- "Sphere Of Influence Policies and Criteria"
- "Standards for the Evaluation of Proposals"

Cc: Kate McKenna, LAFCO  
Sanford Veile, Carmel Area Wastewater District  
Chief Sidney Reade, Carmel Valley Fire Protection District  
Chief George Haines, Cypress Fire Protection District

**LOCAL AGENCY FORMATION COMMISSION  
(LAFCO)  
OF MONTEREY COUNTY**

**SPHERE OF INFLUENCE POLICIES AND CRITERIA**

**I. LEGISLATIVE AUTHORITY**

The State Legislature has provided Local Agency Formation Commissions (LAFCO's) with the following directions in the preparation of spheres of influence:

1. "Among the purposes of a Local Agency Formation Commission are the discouragement of urban sprawl and the encouragement of the orderly formation and development of local governmental agencies based upon local conditions and circumstances. One of the objects of the Local Agency Formation Commission is to make studies and to obtain and furnish information which will contribute to the logical and reasonable development of local governmental agencies so as to advantageously provide for the present and future needs of each County and its communities..."
2. "In order to carry out its purposes and responsibilities for planning and shaping the logical and orderly development and coordination of local governmental agencies so as to advantageously provide for the present and future needs of the County and its communities, the Local Agency Formation Commission shall develop and determine the sphere of influence of each governmental agency within the County. As used in this section, "sphere of influence" means a plan for the probable ultimate physical boundaries and service area of a local governmental agency. In determining the sphere of influence of each local governmental agency, the Commission shall consider and prepare a written statement of its determinations with respect to each of the following:
  - 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 services in the area.
  - c. The present capacity of public facilities and the 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. Every determination made by a Commission involving proposals for changes of organization or reorganization shall be consistent with the spheres of influence of the local agencies affected by those determinations.

4. The Commission may recommend governmental reorganizations to particular agencies in the County, using spheres of influence as the basis for such recommendations."

## II. DEFINITIONS

1. Agricultural Lands: Land currently used for the purpose of producing an agricultural commodity for commercial purposes, land left fallow under a crop rotational program, or land enrolled in an agricultural subsidy or set-aside program (Government Code Section 56016).
2. Agricultural Preserve: Lands subject to an existing land conservation agreement established pursuant to the California Land Conservation Act of 1965 (the Williamson Act, Government Code Section 51200 et seq.).
3. County: Monterey County.
4. Essential Services: Those basic services necessary to protect the health, safety, and general well-being of a community, including but not limited to police, fire, water, sanitation, etc.
5. General Purpose Government: A City or County government.
6. LAFCO: Monterey County Local Agency Formation Commission.
7. Local Agency: A City or special district.
8. Open Space Lands: Parcel or area of land or water which is substantially unimproved and devoted to open space use as defined in Government Code Section 65560.
9. Planning Concern Area: An area established by the Local Agency Formation Commission with the assistance of the appropriate cities and the County designating a general area of concern of a city for which planning decisions and other governmental actions of the County may have an impact on the city. A "Planning Concern Area" will usually be larger than the adopted sphere of influence boundary and may take into consideration the planning area of the city as identified within their local general plans.
10. Prime Agricultural Land: (A) Land that, if irrigated, qualifies for rating as Class I or II in the USDA Natural Resources Conservation Service land-use capacity classification, whether or not the land is actually irrigated, provided that irrigation is feasible; (B) land that qualifies for rating 80-100 in the Storie Index Rating; (C) land that supports livestock used for the production of food and fiber and that has an annual carrying capacity equivalent to at least one animal unit per acre; (D) land planted with fruit or nut-bearing trees, vines, bushes, or crops that have a non-bearing period of less than five years and that will return during the commercial bearing period on an annual basis from the production of unprocessed agricultural plant production not less than four hundred dollars (\$400) per acre for three of the previous five calendar years; (E) Land that has returned from the production of unprocessed agricultural plant products an annual gross

value of not less than four hundred dollars (\$400) per acre for three of the previous five calendar years. (Government Code Section 56064).

11. Regional Agencies: Association of Monterey Bay Area Governments (AMBAG), Regional Water Quality Control Board, Central Coast Regional Coastal Commission, Air Pollution Control Board, etc.
12. Sphere of Influence: A plan for the probable physical boundaries and service area of a local agency. The area around a local agency eligible for annexation and extension of urban service within a twenty-year period.
13. Sphere of Influence Boundary: Boundary, adopted by the Monterey County Local Agency Formation Commission, which delineates the limits beyond which a local governmental agency will not annex territory.
14. Urban Services: Those services which are provided to an urban area including, but not limited to, police, structural fire protection, non-agricultural water, sewer, drainage, street lighting, streets and roads.
15. Urban Service Districts: Special districts which are authorized to provide public sanitary sewer services or domestic water distribution services.
16. Urban Service Area: Urban developed areas within an urban service district or city sphere of influence, which is now served by existing urban facilities, utilities, and services or is proposed to be served by urban facilities, utilities and services within the next five years.
17. Urban Transition Area: Area within the spheres of influence boundaries of a city or an urban service district which is not programmed for urban facilities or utility extensions within the next five years. This area will most likely be used for urban expansion within approximately five to twenty years.
18. Future Study Area: Territory outside of an adopted sphere of influence that may warrant inclusion in the sphere in future years. Further study would have to be completed prior to inclusion.
19. Principal County: Principal County has the meaning contained in any definition of principal county, as set forth in the principal act. If the principal act has no definition of principal county, or if there is any inconsistency between the definitions contained in two or more applicable principal acts, principal county means the county having all or the greater portion of the entire assessed value, as shown on the last equalized assessment roll of the county or counties, of all taxable property within a district or districts for which a change of organization or reorganization is proposed.

### **III. POLICY GUIDELINES FOR SPHERES OF INFLUENCE**

The Commission will generally apply the following policy guidelines in the spheres of influence program, in addition to the local conditions and circumstances of each local agency. The Monterey County Local Agency Formation Commission will consider the particular local conditions and circumstances of each agency and community.

1. LAFCO intends that its sphere of influence determination will serve as a master plan for the future organization of local government within the County. The spheres shall be used to discourage urban sprawl; limit proliferation of local governmental agencies; encourage efficiency, economy and orderly changes in local government; promote compact, community centered urban development; and minimize adverse impacts on lands classified as prime agriculture.
2. The sphere of influence lines shall be a declaration of policy which shall be a primary guide to LAFCO in the decision on any proposal under its jurisdiction. Every determination made by the Commission shall be consistent with the spheres of influence of the agencies affected by those determinations.
3. Any proposal which is inconsistent with an agency's adopted sphere of influence shall not be approved until the Commission, at a noticed public hearing, has considered an amendment or revision to that agency's sphere of influence.
4. Inclusion within an agency's sphere of influence does not assure annexation to that agency. The Commission shall evaluate boundary change proposals as they relate to all of the relevant factors listed in the Cortese-Knox Local Government Reorganization Act of 1985 (Government Code Section 56841 et seq.).
5. When possible, a single larger general purpose agency, rather than a number of adjacent smaller ones, established for a given service in the same general area will be preferred. Where an area could be assigned to the sphere of influence of more than one agency providing a particular needed service, the following hierarchy shall apply dependent upon ability to serve.
  - a. Inclusion within a City sphere of influence.
  - b. Inclusion within a multi-purpose district sphere of influence.
  - c. Inclusion within a single-purpose district sphere of influence.

In deciding which of two or more equally ranked agencies shall include an area within its sphere of influence, LAFCO shall consider the agencies' service and financial capabilities, social and economic interdependence, topographic factors, and the effect that eventual service extension will have on adjacent agencies.

6. Duplication of authority to perform similar functions in the same territory will be avoided. Sphere of influence boundaries shall not create islands or corridors unless it can be demonstrated that the irregular boundaries represent the most logical and orderly service area of an agency.

7. The adopted sphere of influence shall reflect City and County General Plans, plans of regional agencies, growth management policies, annexation policies, resource management policies, and any other policies related to ultimate boundary or service area of an affected agency unless those plans or policies conflict with the legislative intent of the Cortese-Knox-Hertzberg Act of 2000 (Government Code Section 56000 et seq.).

Where inconsistencies between plans exist, LAFCO shall rely upon that plan which most closely follows the Legislature's directive to discourage urban sprawl, direct development away from prime agricultural land and open-space lands, and encourage the orderly formation and development of local governmental agencies based upon local conditions and circumstances.

8. Extension of urban type services promotes urban development and such development belongs in cities or areas of development concentration in the unincorporated area of Monterey County. In evaluating proposals involving urban development requiring an urban level of governmental services, the Commission will discourage the formation of new special districts or premature annexation of territory within existing city spheres of influence or logical expansion area. The Commission will discourage boundary change proposals involving urban development outside adopted city spheres of influence that have the potential to negatively impact prime agriculture or open space lands, public service capacity, existing local governmental agencies, or generally represents illogical growth patterns.
9. This Commission, in recognition of the mandated requirements for considering impacts on open space lands and agricultural lands, will develop and determine spheres of influence for Cities and urban service districts in such a manner as to promote the long-term preservation and protection of this County's "Resources." The Commission believes the public interest will be best served by considering "Resources" in a broad sense to include open space, recreational opportunities, wildlife, and agricultural land. Sphere of influence determinations must conform with the Commission's Agricultural Preservation Policy adopted in November, 1979.
10. The Commission recognizes the many inter-relationships and impacts which one agency's land use, planning, and governmental decisions may have on other agencies even though they may be outside of the "sphere of influence" of the secondary agency. Consequently, this Commission, when necessary, will seek to establish and identify Areas of Planning Concern for each city within the County. The "Planning Concern Area" will seek to identify those areas which in a broad sense affect the city in terms of planning and land use decisions. Such "Planning Concern Areas" will be established with the assistance and guidance of the affected cities and the County. The "Planning Concern Area" normally will extend beyond the adopted "sphere of influence" of the city. Once established, the Commission will solicit the cooperation and involvement of the affected cities and the County to jointly involve one another in planning decisions for these areas.

#### IV. PROCEDURAL GUIDELINES

1. LAFCO will designate a sphere of influence for each local agency representing the agency's probable physical boundary within a zero to twenty year period.

2. LAFCO shall consider the following factors in determining or amending an agency's sphere of influence:
  - a. Present and future need for agency services and the service levels specified for the subject area in applicable general plans, growth management plans, annexation policies, resource management plans, and any other plans or policies related to an agency's ultimate boundary and service area.
  - b. Capability of the local agency to provide essential and urban services, taking into account evidence of resource capacity sufficient to provide for internal needs and urban expansion.
  - c. The existence of agricultural preserves, agricultural lands and open space lands in the area and the effect that inclusion within a sphere of influence shall have on the physical and economic integrity of maintaining the land in non-urban use.
  - d. Present and future cost and adequacy of services anticipated to be extended within the sphere of influence.
  - e. Present and projected population growth, population densities, land uses, land area, ownership patterns, assessed valuations, and proximity to other populated area.
  - f. The agency's capital improvement or other plans that delineate planned facility expansions and the timing of that expansion.
  - g. Social or economic communities of interest in the area.
3. The Commission may establish an urban service area within an adopted sphere of influence to discourage urban sprawl and to promote compact growth patterns. Urban service areas consist of territory now served by urban facilities, utilities and services or proposed to be served within the next five years, and may include the following:
  - a. Urbanized Areas. This includes all existing areas, either incorporated or unincorporated, developed to urban densities.
  - b. Urban Expansion Areas. This consists of vacant land, either incorporated or unincorporated, which is capable of holding urban growth expected within the next five years.

The territory included within urban service areas will be considered by LAFCO to be eligible for annexation within five years. Consideration will be given to city and special district capability to provide needed services with related time schedules for planned expansion of services. Cities and special districts are encouraged to develop Capital Improvement Programs and other plans for the phased extension of services to assist LAFCO in determining logical urban service area boundaries.



4. The Commission may establish urban transition areas within adopted spheres of influence to discourage premature pressure for development. Transition areas consist of the residual lands between designated urban service areas and the ultimate sphere of influence boundary. This land will most likely be used for urban expansion within approximately five (5) to twenty (20) years. Territory included within urban transition areas, but not within urban service areas, generally will not be considered eligible for annexation to receive urban services within five years.
5. LAFCO may adopt a zero sphere of influence encompassing no territory for an agency. This occurs where LAFCO determines that the public service functions of the agency are either non-existent, no longer needed, or should be reallocated to some other agency of government.

The local agency which has been assigned a zero sphere of influence should ultimately be dissolved. Special districts that lie substantially within the boundary or sphere of influence of a general purpose government which is capable of assuming the public service responsibilities and functions of that special district may be allocated a zero sphere of influence designation.

6. Territory not in need of urban services, including open space, agriculture, recreational, rural lands or residential rural areas, shall not be assigned to an agency's sphere of influence unless the area's exclusion would impede the planned, orderly and efficient development of an area.
7. LAFCO may adopt a sphere of influence that excludes territory currently within that agency's boundaries. This occurs where LAFCO determines that the territory consists of agricultural lands, open space lands or agricultural preserves whose preservation would be jeopardized by inclusion within the agency's sphere of influence. Exclusion of these areas from an agency's sphere of influence indicates that detachment is appropriate.
8. Two or more local agencies providing the same service(s) may be allocated a consolidated sphere of influence to include the areas served by both agencies. This would be the case where LAFCO believes that the particular service(s) should be provided to the entire area by a single local agency.
9. LAFCO may establish future study areas outside of adopted spheres of influence. These areas indicate territory which may ultimately be appropriate for inclusion within an agency's sphere upon future study or modified conditions.
10. LAFCO shall adopt, amend or revise sphere of influence determinations following the procedural steps set forth in the Cortese-Knox-Hertzberg Act of 2000 (Government Code Section 56076 et seq.).
11. LAFCO shall review sphere of influence determinations not less than every five years. If a local agency or the County desires amendment or revision of an adopted sphere of influence, the local agency by resolution may file such a request with the Executive Officer. The request shall state the nature of the proposed amendment and the reasons

for the request, include a map of the proposed amendment, and contain additional data and information as may be required by the Executive Officer.

12. The Commission encourages any private individual desiring a revision of an adopted sphere of influence to request that the affected local agency initiate sphere reconsideration by resolution to promote consultation between the parties.
13. At least 30 days prior to submitting an application to the Commission for a determination of a new sphere of influence, or to update an existing sphere of influence for a city, representatives from the city shall meet with county representatives to discuss the proposed sphere, and its boundaries, and explore methods to reach agreement on the boundaries, development standards, and zoning requirements within the sphere to ensure that development within the sphere occurs in a manner that reflects the concerns of the affected city and is accomplished in a manner that promotes the logical and orderly development of areas within the sphere. If no agreement is reached between the city and county within 30 days, then the parties may, by mutual agreement, extend discussions for an additional period of 30 days. If an agreement is reached between the city and county regarding the boundaries, development standards, and zoning requirements within the proposed sphere, the agreement shall be forwarded to the Commission, and the Commission shall consider and adopt a sphere of influence for the city consistent with the policies adopted by the Commission pursuant to this section, and the Commission shall give great weight to the agreement in the Commission's final determination of the city sphere.
14. If the Commission's final determination is consistent with the agreement reached between the city and county pursuant to subdivision 13, the agreement shall be adopted by both the city and county after a noticed public hearing. Once the agreement has been adopted by the affected local agencies and their respective general plans reflect that agreement, then any development approved by the county within the sphere shall be consistent with the terms of that agreement.
15. If no agreement is reached pursuant to subdivision 13, the application may be submitted to the Commission and the Commission shall consider a sphere of influence for the city consistent with the policies adopted by the Commission pursuant to this section.
16. When adopting, amending, or updating a sphere of influence for a special district, the Commission shall do all of the following:
  - a. Require existing districts to file written statements with the Commission specifying the functions or classes of services provided by those districts.
  - b. Establish the nature, location, and extent of any functions or classes of services provided by existing districts.
17. In order to prepare and to update spheres of influence in accordance with Section 56425, the Commission shall conduct a service review of the municipal services provided in the county or other appropriate area designated by the Commission. The Commission shall include in the area designated for service review the county, the region, the subregion, or

any other geographic area as is appropriate for an analysis of the service or services to be reviewed, and shall prepare a written statement of its determinations with respect to each of the following:

- a. Infrastructure needs or deficiencies.
  - b. Growth and population projections for the affected area.
  - c. Financing constraints and opportunities.
  - d. Cost avoidance opportunities.
  - e. Opportunities for rate restructuring.
  - f. Opportunities for shared facilities.
  - g. Government structure options, including advantages and disadvantages of consolidation or reorganization of service providers.
  - h. Evaluation of management efficiencies.
  - i. Local accountability and governance.
18. In conducting a service review, the Commission shall comprehensively review all of the agencies that provide the identified service or services within the designated geographic area.
19. The Commission shall conduct a service review before, or in conjunction with, but no later than the time it is considering an action to establish a sphere of influence in accordance with Section 56425 or Section 56426.5 or to update a sphere of influence pursuant to Section 56425.
20. Individuals desiring LAFCO to initiate revision or amendment of an existing sphere of influence shall file a written request with the Executive Officer. The request shall state the nature of the proposed amendment and the reasons for the request, include a map of the proposed amendment area, and contain additional data and information as may be required by the Executive Officer.
21. The Executive Officer shall review each request for amendment, prepare a report and recommendation, and place the request on the agenda of the next meeting of the Commission for which notice can be given after determining conformance with the California Environmental Quality Act. Copies of the Executive Officer report shall be provided to the person(s) making the request, each affected local agency, and each person who has filed a request for a report.
22. Any local agency, county, or private individual making such a request shall reimburse the Commission for the actual and direct costs incurred by the Commission. The

Commission may waive such requirement if it finds that the request may be considered as part of its periodic review of spheres of influence.

23. The Monterey County Local Agency Formation Commission shall adopt, amend, or revise spheres of influence after a public hearing called and held for that purpose. At least 15 days prior to the date of any such hearing, the Executive Officer shall give mailed notice of the hearing to each affected local agency and the County, and to any interested party who has filed a written request for such notice with the Executive Officer. In addition, at least 15 days prior to the date of any such hearing, the Executive Officer shall cause notice of the hearing to be published in a newspaper of general circulation which is circulated within the territory affected by the sphere of influence proposed to be adopted or amended.

LAFCO may continue from time to time any sphere of influence hearing. At any sphere of influence hearing, LAFCO shall hear and consider oral or written testimony presented by any affected local agency, the County, or any interested person who wishes to appear.

24. On the date and time set for hearing and provided in the notice, the Commission may, without further notice, consider the amendments to a sphere of influence or set a future date for the hearing on the request.
25. For annexations and Sphere of Influence applications, Monterey County LAFCO shall consider as part of its decision whether the proposal mitigates its regional traffic impacts by, for example, monetary contribution to a regional transportation improvement fund as established by the Transportation Agency of Monterey County or otherwise.
26. For annexations and Sphere of Influence applications, Monterey County LAFCO shall consider as part of its decision whether the city in which the annexation or Sphere of Influence amendment is proposed has included certain goals, policies, and objectives into its General Plan that encourages mixed uses, mixed densities, and development patterns that will result in increased efficiency of land use, and that encourages and provides planned, well-ordered, efficient urban development patterns.

Revised October 23, 2006

# LAFCO *of Monterey County*

---

## LOCAL AGENCY FORMATION COMMISSION

P.O. Box 1369

132 W. Gabilan Street, Suite 102

Salinas, CA 93902

Salinas, CA 93901

Telephone (831) 754-5838 Fax (831) 754-5831

CATHERINE S. WEST

Executive Officer

## STANDARDS FOR THE EVALUATION OF PROPOSALS

### Introduction

The Local Agency Formation Commission (LAFCO) of Monterey County operates pursuant to the Cortese-Knox Local Government Reorganization Act of 2000 (California Government Code, Section 56000 et seq.). Among the purposes of the Commission are the discouragement of urban sprawl and the encouragement of the orderly formation and development of local agencies based upon local circumstances and conditions.

State law provides that the Commission may adopt standards for the evaluation of proposals. The primary purpose of standards is to identify issues and requirements associated with boundary change proposals to promote achievement of LAFCO goals and objectives. Standards also promote a rational and consistent process of review, which can be applied to all proposals. It should be noted that no one standard is of paramount importance nor is universally absolute. Because local circumstances and conditions vary, the Commission must consider the facts in evidence as they relate to all standards.

California Government Code Section 56375 provides that standards may be based on any of the factors enumerated in Section 56668 as follows:

- a. Population, population density; land area and land use; per capital assessed valuation; topography, natural boundaries, and drainage basins; proximity to other populated areas; the likelihood of significant growth in the area and in adjacent incorporated and unincorporated areas during the next ten years.
- b. Need for organized community services; the present cost and adequacy of governmental services and controls in the area; probable future needs for those services and controls; probable effect of the proposed incorporation, formation, annexation, or exclusion and of alternative courses of action on the cost and adequacy of services and controls in the area and adjacent areas. "Services," as used in this subdivision, refers to governmental services whether or not the services are services which would be provided by local agencies subject to this division and includes the public facilities necessary to provide those services.

- c. The effect of the proposed action and of alternative actions on adjacent areas, on mutual social and economic interest, and on the local governmental structure of the County.
- d. The conformity of both the proposal and its anticipated effects with both the adopted Commission policies on providing planned, orderly, efficient patterns of urban development, and the policies and priorities set forth in Section 56377.
- e. The effect of the proposal on maintaining the physical and economic integrity of agricultural land, as defined by Section 56016.
- f. The definiteness and certainty of the boundaries of the territory, the non-conformance of proposed boundaries with lines of assessment or ownership, the creation of islands or corridors of unincorporated territory, and other similar matters affecting the proposed boundaries.
- g. Consistency with city or county general and specific plans.
- h. The sphere of influence of any local agency which may be applicable to the proposal being reviewed.
- i. The comments of any affected local agency.
- j. The ability of the newly formed or receiving entity to provide the services which are the subject of the application to the area, including the sufficiency of revenues for such services following the proposed boundary change.
- k. Timely availability of water supplies adequate for projected needs including, but not limited to, the projected needs as specified in Section 65352.5.
- l. The extent to which the proposal will assist the receiving entity in achieving its fair share of the regional housing needs as determined by the appropriate council of governments.
- m. Any information or comments from the land owner or owners.
- n. Any information relating to existing land use designations.

The following report lists the Local Agency Formation Commission's Standards for the Evaluation of Proposals. The standards have been organized to correspond to the major policies of the Commission including Boundaries, Duplication of Service Functions, Conformity with Planning Documents, Spheres of Influence, Environmental Impacts, Economics, Services, Phasing, Open Space, and Agricultural Land. The citation following each standard references the related State factor.

## Determination of Boundaries

1. Definite and certain maps and legal descriptions must be filed as part of an application for a boundary change proposal. All maps and legal descriptions must comply with the following LAFCO and State Board of Equalization requirements (Section 56668).

### Map:

- a. Every map shall bear a north point, graphic scale, date, title, or short-term designation and the name(s) of the affected agency or agencies.
- b. Every map must clearly indicate all existing streets, roads, and highways within and adjacent to the subject territory, together with the current names of the thoroughfares.
- c. Maps must not be drawn on paper less than 8 1/2" by 11" or larger than 24" by 36." One map, 8 1/2" by 11", must be submitted.
- d. Every map shall include a regional location vicinity map showing its relationship to the local agency to which annexation to or detachment from is proposed. The boundaries of the existing district or city (if applicable) and the proposed boundary must be distinctively shown without obliterating any essential geographic or political features.
- e. The point of beginning of the legal description must be shown on the map. The boundaries of the subject territory must be distinctively shown on the map without obliterating any essential geographic or political features. The use of yellow lines to highlight the boundaries is urged, as the color photographs a light gray.
- f. All maps must be prepared by a registered civil engineer or licensed land surveyor. Rough sketches of maps or plans will not be accepted.
- g. The computed or estimated acreage shall be set forth in the legal description or on the map.
- h. Bearings and distances must be shown on all lines. If the scale of the map is such that it is impractical to letter adjacent to or near the line, then a table may be used and the course designated by a number or a series of inclusive numbers. The table should appear on the same sheet as the map.

### Legal Description:

- a. The description must be headed with the date, title, or short-term designation of the proposal, and the name of the affected agency or agencies.

- b. Every description must be self-sufficient within itself and without the necessity of reference to any extraneous document. When a description refers to a deed of record, the deed should be used only as a secondary call.
  - c. When writing a metes and bounds description of a contiguous annexation, all details or the contiguous portion(s) of the boundary should be omitted. The junction points between the proposed boundary and the existing boundary must be clearly established.
  - d. A description making reference only to a subdivision or a lot within a subdivision or similar references without actually describing the perimeter boundary of the subject area is not acceptable.
  - e. The description must describe only the subject area. Descriptions of larger areas with exceptions are not acceptable unless the exception is an "island" totally surrounded by land proposed for annexation.
  - f. A specific parcel description in sectionalized land (e.g. the SW 1/4 of Section 22, T1N, R1W) is permissible without a metes and bounds description of the perimeter boundary.
2. To the greatest possible extent, boundaries should follow existing political boundaries and natural or man-made features such as rivers, lakes, railroad tracks, and freeways. Where boundaries do not meet this standard, the proponent shall justify the reasons for non-conformance (Section 56668 a, f).
  3. Boundaries should not be drawn so as to create an island, corridor, or strip either within the proposed territory or immediately adjacent to it. Where such an island, corridor, or strip is created, the proponent shall justify the reasons for non-conformance with this standard (Section 56668 d).
  4. Whenever practicable, boundary lines of areas proposed to be annexed to cities and/or districts shall be located so that all streets and rights-of-way will be placed within the same jurisdiction as the properties which abut thereon and/or for the benefit of which such streets and rights-of-way are intended (section 56668 d).
  5. The creation of boundaries that divide assessment parcels should be avoided whenever possible. Where such division occurs, the proponents shall justify to the Commission the necessity for such division (Section 56668 d).
  6. Boundaries should avoid dividing an existing identifiable community, commercial district, or any other area having social or economic homogeneity. Where such division occurs, the proponents shall justify the reasons for non-conformance to this standard (Section 56668 c).



7. The following guidelines related to road right-of-way apply to all proposals submitted to the Commission (Section 56668 f).

a. The following should not be allowed:

- (1) City limits which include a portion of the road right-of-way.
- (2) Road islands of county maintained roads.
- (3) Islands of road caused by annexation on both sides.
- (4) Strip annexation of roads.

\*b. In the following cases where the road is the boundary and is a major County arterial, the street or road should be retained by the County. These roads would not have direct access from the property:

- (1) Roads which carry through traffic.
- (2) Planned development by developer or city which provides limited access and protects the capacity of the road.

\*Note: Each case should be considered on its own merit.

c. The following should be annexed to the city. These roads would have direct access to the annexing property and would serve the residents of the property:

- (1) Minor or local roads.
- (2) When the street will be used for the city sewer lines, water lines, or storm drains.
- (3) Piece-meal development by developer causing difficult coordination between two or more agencies.
- (4) Where the annexation will complicate drainage or traffic control.

8. Where feasible, city and related district boundary changes should occur concurrently to avoid an irregular pattern of boundaries (Section 56668 b).

9. Should the Commission modify the boundaries of a proposal, LAFCO may condition the proposal on the proponent preparing a new boundary description which conforms with LAFCO and State Board of Equalization requirements (Section 56668 f).

10. Boundaries should reasonably include all territory which would reasonably benefit from agency services (Section 56668 b).

### **Duplication of Authority to Perform Similar Functions**

1. Proposals, where feasible, should minimize the number of local agencies and promote the use of multi-purpose agencies (Section 56841 b, c).
2. The effect of the approval of a proposal, which would result in two or more districts or a city and a district possessing any common territory, the authority to perform the same, or similar functions shall be considered by the Commission. The views of the governing body of the city or special district possessing authority to perform the same or similar function in the subject territory should be made known to the Commission. Proponents must justify the need for boundary change proposals, which result in duplication of authority to perform similar functions (Section 56668 b, c).

### **Conformance with City or County General and Specific Plans**

1. Each proposal should be consistent with the appropriate city or county general and specific plans. Where the proposal does not abide by these plans, the proponent shall specify the reasons for plan non-conformance. (Section 56668 g).
2. Pursuant to Section 56375 of the Government Code, for proposals involving city annexations, the LAFCO Executive Officer shall not file a Certificate of Filing, which acknowledges that an application is complete, until the city has completed a rezoning process for the subject property in a manner consistent with the city's general or specific plan (Section 56668 g).

### **Spheres of Influence**

1. Proposals shall be consistent with the spheres of influence for the local agencies affected by those determinations (Section 56377.5 and 56668 h).
2. In the case of agency formations, the Commission shall determine a sphere of influence within one year from the effective date of the proposal (Section 56668 h).
3. With the exception of agency formations, the Commission shall adopt a sphere for affected agencies prior to consideration of related boundary change proposals (Section 56668 h).
4. When a proposal is inconsistent with the adopted sphere of influence, the applicant shall justify reasons for amending the sphere of influence. An annexation application for land outside an adopted sphere of influence may be considered concurrently with a request for amendment to the sphere of influence (Section 56668 h).
5. Proposals involving changes of organization or reorganization affecting city boundaries shall comply with the Urban Service Area and Urban Transition Area designations. An

Urban Service Area consists of existing developed and undeveloped land within an agency's sphere of influence, which is now served by existing urban facilities, utilities, and services or is proposed to be served within five years. An Urban Transition Area is an area within the sphere of influence boundaries of a city which is not programmed for urban facilities or utility extensions within the next five years. The Urban Transition Area will most likely be used for urban expansion within 5 to 20 years (Section 56668 h).

6. Pursuant to Government Code Section 56375 (a) (2), the Commission shall not have the power to disapprove an annexation to a city, initiated by resolution, of contiguous territory which the Commission finds is located within an Urban Service Area delineated and adopted by the Commission, which is not prime agricultural land, as defined by Section 56064, and is designated for urban growth by the general plan of the annexing city (Section 56668 h).

### **Environmental Impact Assessment**

1. In January 1975, in the Bozung Case, the California Supreme Court held that LAFCOs are subject to the terms of the California Environmental Quality Act (CEQA) and the regulations of the California Resource Agency, which establishes the guidelines for its implementation. All environmental factors introduced by the proposal shall be considered as outlined in the "Monterey County Local Agency Formation Commission Guidelines for Implementation of the California Environmental Quality Act" and CEQA.
2. The potential environmental impacts of proposals involving changes of organization or reorganization shall be reviewed by LAFCO environmental staff and the appropriate environmental determination shall be considered by the Commission in accordance with the LAFCO Regulations and Procedures for the Implementation of the California Environmental Quality Act of 1970.

### **Economics, Service Delivery, and Development Patterns**

1. If a proposal is for the formation of a new agency, the application shall include a service plan demonstrating the economic feasibility of the proposed formation (Section 56668 a, b, c).
2. The Commission shall discourage proposals that would have adverse financial impacts on the provision of governmental services or would create a relatively low revenue base in relationship to the cost of affected services. Applications shall describe related service and financial impacts (including revenues and expenditures) on the County, cities, and/or special districts and provide feasible measures which would mitigate such adverse impacts (Section 56668 a, b, c).
3. Applications must address current and ultimate service needs as established by the appropriate land use plans and pre-zoning. Proposals shall not be approved unless a

demonstrated need for additional service exists or will soon exist. In reviewing boundary change proposals, the Commission shall consider alternative government structure options which may be more appropriate in light of the demonstrated need for service. The formation of or annexation to a single governmental agency, rather than several limited purpose agencies, shall be encouraged when possible (Section 56668 a, b).

4. Applications must indicate that the affected agencies have the capability to provide service. Territory shall be annexed to a city or special district only if such agency has or soon will have the capability to provide service (Section 56668 b).
5. Whenever a local agency submits a resolution of application for a change of organization or reorganization, the local agency shall submit with the resolution of application a plan for providing services within the affected territory. The plan for providing services shall include all of the following information (Section 56653):
  - a. An enumeration and description of the services to be extended to the affected territory.
  - b. The level and range of those services.
  - c. An indication of when those services can feasibly be extended to the affected territory.
  - d. An indication of any improvement or upgrading of structures, roads, sewer or water facilities, or other conditions the local agency would impose or require within the affected territory if the change of organization or reorganization is completed.
  - e. Any conditions which would be imposed or required within the affected territory such as, but not limited to, improvement or upgrading of structures, roads, and sewer or water facilities.
  - f. A description of how such services and improvements will be financed (Section 56653).

A plan for providing services may consist of:

- a. A master plan for providing services throughout all or a portion of a city sphere of influence for use in evaluating all proposals affecting the area covered in the master plan.
- b. A proposal-specific supplement which updates and/or provides a higher level of detail than is contained within the master plan for services. Such supplement may include by reference or in summary form those pertinent sections of the master plan for services which remain valid. The supplement need discuss in detail only that

information which is not current or discussed in sufficient detail in the master plan for services.

6. The Commission discourages proposals which will facilitate development that is not in the public interest due to topography, isolation from existing developments, premature intrusion of urban-type developments into a predominantly agricultural area, or other pertinent economic or social reason (Section 56668 a).
7. The Commission shall consider the testimony from all potentially affected agencies or individuals in reviewing boundary change proposals. Proposals submitted by resolution of application shall include information indicating that landowners in the affected area support the proposal (Section 56668 i).
8. An application for incorporation of a new city shall be supplemented by sufficient information to enable the Commission to determine (Section 56668 a, b, c):
  - a. The long-term fiscal feasibility of the new city. A five-year service plan including revenue projections shall be required of all incorporation proposals.
  - b. The existing and projected population base in the affected area warrants urban-type services.
  - c. The service and financial impacts on all potentially affected agencies, including existing cities, districts, and the County.
  - d. The proposal territory includes the entire area that would reasonably benefit from city services and would not logically be more appropriate for annexation to an existing city.
9. A city application for annexation of an unincorporated island without an election shall, in addition to the plan for providing services, be supplemented by sufficient information to enable the Commission to determine within the affected territory:
  - a. The total acreage of the unincorporated island and the boundaries of all cities and/or counties and, if applicable, the Pacific Ocean, which border thereon.
  - b. The presence or absence of prime agricultural land as defined in Sections 56064 of the Cortese-Knox-Hertzberg Local Government Reorganization Act.
  - c. The availability of public utility services.
  - d. The presence of public improvements.
  - e. The presence or absence of physical improvements upon each parcel.

- f. The benefits from such annexation or the benefits now being received from the annexing city.

### **Phasing**

1. The Commission, in furtherance of its objectives of preserving prime agricultural land, containing urban sprawl, and in providing a reasonable assurance of a city/district's ability to provide services shall consider the appropriateness of phasing annexation proposals which include territory that is not within a city/district's urban service area and has an expected build-out over a period longer than five to seven years (Section 56841 a, b, e).
2. Change of organization and reorganization proposals which are totally within a city or district's adopted urban service area shall not be considered appropriate for phasing. Urban service areas are, by definition, territory expected to be developed/serviced in the next five years (Section 56841 a, b, c).
3. Proposals which contain territory which is not within a city or district's adopted urban service area and have an expected build-out extending beyond a five- to seven-year period may be considered appropriate for phasing. For the purpose of this policy, "phasing" shall be defined as a planned incremental approval of a project and "building-out" shall be interpreted as 70 to 80 percent developed. When an exception from this policy is desired, the proponent shall justify to the Commission the reasons why phasing is not appropriate. Included within the justification for exception, the proponent shall demonstrate the jurisdiction's ability to provide necessary public services (Section 56841 a, b, e).

### **Open Space and Agricultural Land**

1. This Commission, through its actions, desires to maintain the physical and economic integrity of land in an agricultural preserve as may be established by either the Board of Supervisors of Monterey County or a city council within the County (Section 56841 e).
2. This Commission will attempt to guide the provision of governmental services and development to areas other than those classified as prime agricultural land as defined in Section 56064 of the Government Code, except where such development would promote the planned, orderly, and efficient development of that area (Sections 56377 a and 56841 e).
3. This Commission encourages and will assist to implement the development of existing vacant or non-prime agricultural land for urban uses within an agency's existing jurisdiction or within the agency's sphere of influence before it will consider with favor or will approve any proposal which would allow for or lead to the development of existing open space land for non-open space uses which are outside of the agency's

existing jurisdiction or outside of an agency's existing sphere of influence (Section 56377 b and 56841 e).

4. It is the policy of this Commission to encourage and to seek to provide for planned, well-ordered, efficient urban development patterns while at the same time remaining cognizant of the need to give appropriate consideration to the preservation of open space land within such patterns (Section 56300).
5. In determining whether a boundary change proposal may affect prime land, the Commission shall apply the definition of "prime agricultural land" established under the Cortese-Knox Local Government Reorganization Act Section 56064.
6. Boundary Changes proposals which would allow or likely lead to the conversion of prime agricultural land or other open space land to other than open space uses shall be discouraged by the Commission unless such an action would promote the planned, orderly, efficient development of an area, or the affected land use planning jurisdiction has accomplished the following:
  - a. Identified within its sphere of influence all "prime agricultural land" as defined under Government Code Section 56064.
  - b. Demonstrated to LAFCO that effective measures have been adopted to preserve for agricultural use prime agricultural land identified in (a). Such measures may include, but not be limited to, establishing agricultural preserves pursuant to the California Land Conservation Act; designating land for agricultural or other open space uses on that jurisdiction's general plan, adopted growth management plan, or applicable specific plan; adopting an agricultural element to its general plan; and undertaking public acquisition of prime agricultural land for the purpose of leasing back such land for agricultural use.
  - c. Pre-zoned pursuant to Government Code Section 56375 (a) (2), both territory within the agency's general planning area to be maintained for agricultural use and also territory within the annexation area to indicate anticipated level of development.
7. In reviewing a proposal which will lead to the conversion of agricultural or open space land to urban uses, the Commission will consider the following criteria to determine whether the proposed action would (a) adversely affect the agricultural resources of the community, or (b) not promote the planned, orderly, efficient development of an area:
  - a. The agricultural significance of the proposal area relative to other agricultural land in the region (soil, climate, and water factors).
  - b. The use value of the proposal area and surrounding parcels.

c. Determination as to whether any of the proposal area is designated for agricultural preservation by adopted local plans, including Local Coastal Plans, the County General Plan, Land Use and Open Space Element, and Growth Management Policies.

d. Determination of:

(1) Whether public facilities would be extended through or adjacent to any other agricultural land to provide services to the development anticipated on the proposal property.

(2) Whether the proposal area is adjacent to or surrounded by existing urban or residential development.

(3) Whether surrounding parcels may be expected to develop to urban uses within the next five years.

(4) Whether natural or man-made barriers would serve to buffer the proposal area from existing urban uses.

8. Government Code Section 51243.5 provides that the Clerk of the Board of Supervisors shall give written notice to any city within the County of its intention to consider adoption of a Williamson Act contract which includes land within one mile of the exterior boundaries of that city. Such notice shall be given at least 30 days prior to the time the Board of Supervisors intends to consider the execution of such a contract. If such city files with the Local Agency Formation Commission a resolution protesting the execution of a contract which includes land within one mile of the exterior boundaries of the city, and the Commission, following a hearing, upholds the protest upon a finding that the contract is inconsistent with the publicly desirable future use and control of the land in question, then should the Board of Supervisors execute such a contract, the city shall have the option provided in subdivision (b) of Section 51243 of not succeeding to the contract upon annexation of the land to the city.
9. Applications of protest to the establishment of a Williamson Act contract shall include the following information which is necessary for the Commission to determine that the contract is inconsistent with the publicly desirable future use and control of the land in question:
- a. A map showing the location of the contract in relation to the adopted sphere of influence of the protesting city.
  - b. A summary of the County and protesting city general or specific land use plan designations and policies for the proposed contract area and surrounding territory.
  - c. An analysis of the economic feasibility of the current and future agricultural operations in the proposed contract area and surrounding territory.



## Groundwater Standards

### Informational Requirements

1. The Commission shall encourage the Monterey County Water Resources Agency, the Pajaro Valley Water Management Agency, and the Monterey Peninsula Water Management District to complete water management plans, develop, or revise allocation of water supply as necessary, and promote County-wide standards. The LAFCO standards shall be reviewed periodically to reflect changes in information and current water management policy.
2. In considering a proposal which may significantly impact the groundwater basin, as documented by the Lead Agency pursuant to the California Environmental Quality Act (CEQA), the Commission shall review the following information. This information can be submitted to the Commission in an environmental document or as a part of the LAFCO application.
  - a. The projected water demand of the proposed project based on guidelines provided by the appropriate water resources agency.
  - b. The existing water use and historical water use over the past five years.
  - c. A description of the existing water system including system capacity serving the site.
  - d. A description of proposed water system improvements.
  - e. A description of water conservation or reclamation improvements that are to be incorporated into the project.
  - f. An analysis of the impact that proposed water usage will have on the groundwater basin with respect to water quantity and quality, including cumulative impacts.
  - g. Evidence of consultation with the appropriate water agency. The agency shall be consulted at the earliest stage of the process, so that applicable recommendations can be included in the environmental document.
  - h. A description of water conservation measures currently in use and planned for use on the site such as drought tolerant landscaping, water-saving irrigation systems, installation of low-flow plumbing fixtures, retrofitting of plumbing fixtures with low-flow devices, and compliance with local ordinances.
  - i. A description of how the proposed project complies with adopted water allocation plans.

j. A description of those proposals where the agency has achieved water savings or where new water sources have been developed that will off-set increases in water use on the project site that would be caused by the proposal.

k. A description of how the proposal would contribute to any cumulative adverse impact on the groundwater basin.

1. A description of those boundary change proposals that, when considered individually and after taking into account all mitigation measures to be implemented with the project, still cause a significant adverse impact on the groundwater basin.

3. Any proposal considered by the Commission that uses water will be referred to the Monterey County Water Resources Agency, the Pajaro Valley Water Management Agency, Monterey Peninsula Water Management District, or any other affected water agency. Recommendations of the agencies will be considered by the Commission and, where appropriate, should be incorporated into the project design prior to approval of the boundary change proposal.

4. The Commission recognizes that water usage will vary due to soil type, location of aquifer, characteristics of aquifer, and type of project. Each project must be reviewed on a case-by-case basis.

5. Should an agency adopt similar or more restrictive informational requirements, the LAFCO informational Standard Nos. 1 through 5 will no longer apply.

#### **Policy Statements**

6. The Commission will encourage boundary change proposals involving projects that use reclaimed wastewater, minimize nitrate contamination, and provide beneficial use of storm waters.

7. The Commission will encourage proposals which have incorporated water conservation measures. Water conservation measures include drought tolerant landscaping, water-saving irrigation systems, installation of low-flow plumbing fixtures, retrofitting of plumbing fixtures with low-flow devices, and compliance with local ordinances.

8. The Commission will encourage those proposals which comply with adopted water allocation plans as established by applicable cities or water management agencies.

9. The Commission will encourage those proposals where the affected jurisdiction has achieved water savings or new water sources elsewhere that will off-set increases in water use in the project site that would be caused by the proposal.

10. The Commission will discourage those proposals which contribute to the cumulative adverse impact on the groundwater basin unless it can be found that the proposal promotes the planned and orderly development of the area.

11. The Commission will discourage those boundary change proposals which, when considered individually and after taking into account all mitigation measures to be implemented with the project, still cause a significant adverse impact on the groundwater basin.