

Volume I, Part III. GENERAL PROPOSAL POLICIES

1. General Policies

- 1.1. All proposals for consideration by the Commission are to be submitted on LAFCo application forms (See Section Appendix B, Application Forms)(§56652).
- 1.2. Applications shall be processed in an efficient and orderly manner that reduces hardship upon the applicant while ensuring compliance with the CKH Act. To that end, the applicant or applicant's representative may be required to attend a pre-application meeting to receive direction and advice regarding the processing needs and requirements of the specific action to be considered.
- 1.3. Applicants shall provide information adequate to permit LAFCo to fully consider all factors required by law including, but not limited to, mandated factors to be considered (§56668, §56668.3, §56720, §56749, §56750, §56856, §56377, §56375, §56375.3, §56375.5).
- 1.4. No application shall be deemed filed until certified resolutions providing for an agreement for redistribution of property tax, when applicable, are received. Once property tax exchange negotiations have been initiated by transmittal of the schedules prepared by the County's Auditor/Controller, six months will be allowed for completion of negotiations (Revenue and Taxation Code §99(b)(6), §56810, §56815).
- 1.5. No application will be deemed filed for processing purposes until the Executive Officer makes an environmental determination pursuant to the requirements of the California Environmental Quality Act (CEQA) and environmental documentation has been completed that adequately addresses the requirements of CEQA and Alameda LAFCo's CEQA procedures (see section 2).
- 1.6. No application will be deemed filed for processing purposes until maps and geographic descriptions that meet the criteria set forth by the State Board of Equalization and by the Alameda County Surveyor are received.
- 1.7. No application will be deemed filed until a Plan for Providing Municipal Services is received and accepted as complete by the Executive Officer. All service providers must document their ability to provide service to proposed service areas. An evaluation of a local agency's plan of service is necessary for proper consideration of any change of organization or reorganization (§56375) that expands or diminishes a service provider's responsibilities. The intent of plans of service evaluations is to ensure that the capacity, cost and adequacy of services within the district or city are not adversely impacted by the proposed LAFCo action (§56668, §56653).
- 1.8. LAFCo encourages consolidated applications where related changes of organizations are expected for adjacent territories. Petitioners are strongly encouraged to include that territory and combine applications where possible.

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- a. If applicant/s choose to proceed with separate proposals, the applicant will provide a map, which indicates the location, size and boundaries of adjacent applications.
 - b. LAFCo shall consider related applications at the same hearing where feasible, and may modify boundaries, including the addition of adjacent parcels, to encourage the orderly formation and development of local agencies based upon local conditions and circumstances (§56001, §56300, §56301).
- 1.9. No application to annex to a special district or city shall be deemed complete until the annexing special district or city provides a written statement that (1) the annexing agency will, or will not, be capable of providing adequate services when such services are projected to be needed within the area being annexed; and (2) the provision of adequate services when such services are needed within the area being annexed will, or will not, not result in a significant negative fiscal, service level or other impact (cost and adequacy of service) in areas within the special district or city then receiving such services (§56668).
 - 1.10. LAFCo actions shall be consistent with adopted procedures (§56375).
 - 1.11. LAFCo shall request that Alameda County send copies of any proposals for County approval of extensions of service to unincorporated areas to the Executive Officer. LAFCo shall review such proposals and provide comments to the County where appropriate (§56434).
 - 1.12. LAFCo shall request that Alameda County send copies of any proposed development project, which may need LAFCo approval or significantly affect regional growth issues or service provision to the Executive Officer. LAFCo shall review such proposals and provide comments to the County where appropriate.
 - 1.13. LAFCo shall favor service provision by the entity capable of providing the highest quality services in the most cost efficient and inclusive manner as defined in the Cortese Knox Hertzberg Local Government Reorganization Act (§56001).
 - 1.14. If a new single-purpose agency is proposed and may be needed, LAFCo shall consider reorganization with other single-purpose agencies that provide related services or make a determination that no such agencies are available (§56301).
 - 1.15. LAFCo shall not approve proposals involving agencies with SOIs that are more than five years old until a service review has been conducted unless the proposals impacts are insignificant as determined by the LAFCo.
 - 1.16. LAFCo actions shall seek to further service review recommendations including initiation of recommended government structure changes.

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- 1.17. LAFCo shall recognize the programs and studies of regional agencies when evaluating proposals and interpreting LAFCo policies. The objectives are to achieve consistency, to the extent appropriate and feasible, between LAFCo actions and analyses and regional agencies' planning strategies, growth forecasts, and study recommendations.
- 1.18. LAFCo shall view unfavorably any proposals that are inconsistent with General, Community or Specific or other adopted plans for the project area.
- 1.19. LAFCo shall approve, or conditionally approve, a reorganization initiated by substantially similar resolutions of agencies proposing that any part of the districts be reorganized into a single local agency. If the reorganization is approved, LAFCo may adopt terms and conditions for approval. However, LAFCo will not make material changes without notifying the affected districts. LAFCo may not add or delete districts without the applicants' approvals (§56853).
- 1.20. The Commission shall initiate and make studies of existing governmental agencies as needed (§56378) to assist the logical and reasonable development of an area and an agency's ability to provide for an area's present and future needs (§56301). In conducting special studies, the Commission may ask for information, from cities, counties, districts including school districts, community college districts, regional agencies, and state agencies and departments and such agencies shall furnish information to LAFCo. n (§56378). Private service providers will be encouraged to do so. The Commission may apply for or accept grants or funding when offered to cover the reasonable costs of any study (§56378).

2. CEQA Compliance¹

As a public agency, Alameda LAFCo must comply with the provisions of the California Environmental Quality Act (CEQA). CEQA requires public agencies to assess and disclose potential negative consequences of their actions. LAFCo is responsible for complying with CEQA when it considers an action that constitutes a project as defined by CEQA. These projects typically involve jurisdictional changes, such as district and city annexations, incorporations, and the adoption of, or amendments to, SOIs. Consistent with the requirements of CEQA, Alameda LAFCo has adopted detailed CEQA Procedures, which are published separately. Copies may be obtained at the LAFCo office.

- 2.1. LAFCo shall comply with the requirements of Public Resources Code (PRC) Code Sections 20000 et sequitur, the California Environmental Quality Act (§56658). No application shall be deemed filed for processing purposes until CEQA documentation has been completed which adequately addresses the requirements of CEQA and Alameda LAFCo's CEQA procedures.

¹ A Handbook with CEQA basics as they apply to LAFCo can be obtained at the LAFCo office. LAFCo specific CEQA Procedures have also been published and are available for purchase or review.

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- 2.2. LAFCo shall adopt its own policies and procedures for processing and administering CEQA (PRC §21082, §15022). LAFCo intends through the appropriate use of such procedures to assist with the provision and maintenance of a high quality environment in Alameda (PRC §21000, §21001), and ensure ongoing CEQA compliance by initiating revisions to reflect amendments to CEQA within 120 days of the effective date of new legislation (PRC §15022 (c)).
- 2.3. The Executive Officer shall serve as the Environmental Coordinator and have the authority to prepare or cause to be prepared the appropriate environmental documentation. The Environmental Coordinator shall be responsible for making an environmental determination pursuant to the requirements of CEQA.
- 2.4. LAFCo shall be guided by state policy when considering projects. Those policies that should be furthered within the confines of LAFCo' specific mission and as stated in PRC §21001 of the Government Code are:
- Develop and maintain a high-quality environment now and in the future, and take all actions necessary to protect, rehabilitate, and enhance the environmental quality of the state;
 - Take all actions necessary to provide the people of California with clean air and water, enjoyment of aesthetic, natural, scenic, and historic environmental qualities, and freedom from excessive noise;
 - Prevent the elimination of fish and wildlife species due to human activities, ensure that fish and wildlife populations do not drop below self perpetuating levels, and preserve for future generations representations of all plant and wildlife communities and examples of major periods of California history;
 - Ensure that the long term protection of the environment, consistent with the provision of a decent home and suitable living environment, shall be the guiding criterion when making decisions whether to approve or disapprove a proposed project;
 - Create and maintain conditions under which man and nature can exist in productive harmony to fulfill the social and economic requirements of existing and future generations;
 - Develop standards and procedures necessary to protect environmental quality; and
 - Consider qualitative factors as well as economic and technical factors, long term benefits and costs, short-term benefits and costs and less harmful alternatives to proposed actions affecting the environment.

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- 2.5. LAFCo shall implement CEQA effectively and efficiently, maximizing public participation and disclosures using the following strategies (PRC §21003):
- Meet with applicants early in the process to facilitate processing and encourage proposal changes before submittal that may eliminate or avoid potential environmental damage;
 - Integrate environmental review and other processes to the maximum extent feasible so that such processes run concurrently;
 - Prepare documents that are organized, readable and concise;
 - Omit unnecessary information and only consider feasible mitigation measures and project alternatives;
 - Provide new technical data gathered in the CEQA process to local, state and federal agency with pertinent data bases;
 - Coordinate with other agencies possessing discretionary authority over any portion of a proposed project to conserve resources with the objective of applying savings toward any project related costs.
- 2.6. LAFCo shall not act upon any change of organization or reorganization until environmental documentation has been approved that adequately addresses all potential areas of environmental concern (CEQA §21000 et sequitur).
- 2.7. Applications for city annexations shall not be deemed filed until LAFCo receives: (1) verification of an approved prezone from the annexing city (§56375); and (2) verification of a completed CEQA (and NEPA if applicable) process in which LAFCo assumed the Responsible Agency role (PRC §15042, §15050, §15051, §15096, §15381).
- 2.8. Criteria for determining the Lead Agency role are contained in PRC §15051. LAFCo will typically act as Lead Agency in reviewing:
- Changes of organization or reorganizations initiated by LAFCo pursuant to §56375 of the CKH Act;
 - Spheres of Influence Plans and Amendments;
 - Incorporations;
 - Consolidations, Detachments, Dissolutions and District Formations;
 - Service Reviews;
 - Annexations which are not a part of a larger project for which a city or county acted as Lead Agency, or for which LAFCo is the first to act; and
 - When the Lead Agency is unable to undertake, or has failed to undertake, required CEQA responsibilities pursuant to PRC §15052.

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LAFCo shall assume the Responsible Agency role for annexations that include a prezone unless the Lead Agency did not consult with LAFCo pursuant to PRC §15051(c) and PRC §15052 (a)(3), and the environmental document failed to describe, or adequately disclose, the impacts of LAFCo's actions.

- 2.9. Because LAFCo projects in Alameda County are generally initiated by a land use authority with annexations required as conditions of land use approvals, or processed with prezones, LAFCo is expected to assume the Responsible Agency role for most annexation proposals. In cases where LAFCo and another public agency qualify for Lead Agency status, the agency with the greatest responsibility for carrying out the project should assume the Lead Agency role.
- 2.10. LAFCo shall assume a Lead Agency role for a project on which it previously was a Responsible Agency if the Lead Agency failed to conduct an environmental review, a previously prepared environmental review is outdated or substantive new technical data or new information is available, or the Lead Agency failed to consult with LAFCo when it prepared its review (PRC §15052).
- 2.11. When acting as Responsible Agency, LAFCo's Environmental Coordinator shall encourage the Lead Agency to consult with LAFCo early in the environmental review process in order to facilitate and coordinate the evaluation of impacts related to future LAFCo actions. LAFCo will review and respond to Notices of Preparation as appropriate. LAFCo shall respond to requests for consultations and other reasonable information requests as soon as feasible (PRC §15103, §15082 (b), §15096 (b)).
- 2.12. LAFCo will comment, consistent with its legislated mandate and adopted mission, upon Notices of Preparation for Environmental Impact Reports for projects that may cause the conversion of important prime agricultural or open space and resource lands, not scheduled for development within five years of project approval, to urban uses (PRC §56300, §56301).
- 2.13. When determining the significance of a potential environmental impact, LAFCo shall consult with Responsible and Trustee Agencies and may consult with any agencies that might provide guidance in determining the extent and nature of impacts (PRC §15082, §15086, §15096). Where feasible, LAFCo shall use thresholds of significance established by the state, Alameda County, the local air quality management district, Association of Bay Area Governments, County Agricultural Commissioner, or other local agency possessing the technical expertise and statutory authority to determine levels of significance.
- 2.14. When evaluating environmental impacts discovered during the Initial Study process, LAFCo will identify such impacts as potentially significant and adverse if:
 - Buildout of the proposed project may cause service levels to decline below established standards, costs of service provision to rise substantially to the

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detriment of service levels, or cause those currently receiving service to receive reduced or inadequate services when such change may cause adverse health and safety or other physical impacts;

- Buildout of the proposed project may cause the infrastructure capacity of a service provider to exceed planned and safe limits when such change may cause adverse health and safety or other physical impacts;
- The proposed project includes or plans for infrastructure capacity, especially water and sewer lines, that exceed the needs of the proposed project and may be used to serve areas not planned for development, or subject to previous and adequate CEQA review, especially those containing prime agricultural land, mineral, sensitive plant and wildlife or other important natural resources;
- The proposed plan could cause health and safety or other physical impacts because a service provider is incapable of providing service, the proposal is illogical, or elements needed to provide service (water supply, treatment facilities, equipment, energy) are not available, or stressed beyond capacity.
- The proposed project may result in substantial loss of prime agricultural and open space land as defined in Part VI, or other important open space or resource land as identified in local, regional, state or federal inventories, plans or programs;
- The proposed project may cause premature, ill planned, illogical, or inefficient conversion of prime agricultural, open space, mineral resource or other important resource areas not planned for development in the next five years especially when such land is not located within the SOI of a proposed service provider and there is alternative sufficient vacant land available for development;
- The proposed project is substantially inconsistent with applicable SOI Plans, including any service plan or service review recommendations, phased land use plans of any city or county, or resource conservation plans of the state or federal government providing that:
 - a. In the case of public agency land use or resource plans, the affected agency provides specific information regarding the nature and substance of the project's potential impacts upon its plans or programs;
 - b. In the case of SOI plans and service reviews, the Environmental Coordinator reviews the appropriate plans and determines whether the level of significance warrants additional review;
- The proposed project may induce substantial growth on important agricultural and open space lands because it would:

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- a. Permit the extension of, or require, infrastructure such as flood control levees or water diversions, electrical, water or sewer lines, especially trunk lines, roadways or other public facilities that would permit new development in a substantial area currently constrained from development;
 - b. Encourage or foster development by permitting uses that adversely impact adjacent agricultural operations, significantly increase property values of adjacent or proximate resource land, or remove natural or man made buffers between urban and agricultural, mining or other conservation uses.
 - c. Be adversely and substantially inconsistent with the agricultural, open space, resource conservation or preservation, growth management, trip reduction, air quality improvement or other plans, policies or Ordinances of the General, Community, Specific or other Plan of the land use jurisdiction responsible for the project site or vicinity.
 - d. The proposed project, when considered in conjunction with other recent, present and reasonably foreseeable projects, may cause significant adverse cumulative impacts;
 - e. The project would result in substantial noncontiguous urban development which, in turn, results in adverse physical impacts;
 - f. There is no need for service and the proposed project adversely affects important public resources or the public health and safety;
- Any other impacts identified when completing the Initial Study checklist adopted as Exhibit A of LAFCo's CEQA procedures.
- 2.15. LAFCo shall not charge public agencies for reproducing a copy of an environmental document if they have jurisdiction by law with respect to the project, or individuals or organizations possess special expertise and the Environmental Coordinator desires their comments on an environmental analysis.
- 2.16. Consultants may prepare Initial Studies only if hired and supervised directly by LAFCo. In the event that a consultant, acting on behalf of LAFCo, is unable to produce an adequate environmental document, the Environmental Coordinator shall assume control of document preparation to ensure that CEQA issues are adequately addressed and processing timelines met (PRC §21082.1). If consultants are used to prepare an EIR, the Environmental Coordinator shall ensure that:
- Environmental documentation is consistent with a phased plan developed by the Environmental Coordinator and within the timelines established by CEQA;

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- Contains required environmental analysis and disclosures of issues identified in the Initial Study;
 - Reflects the independent judgment of the Lead Agency; and
 - Is adequate and complete as required by CEQA (PRC §21082.1).
- 2.17. LAFCo may assume the Lead Agency role at the request of another public agency that provides services within Alameda County for the purpose of providing environmental review for projects initiated by those governmental agencies if the Lead Agency cannot or does not desire to assume the Lead Agency role. A written agreement will be required should LAFCo agree to assume such role.
- 2.18. LAFCo may use its authority, pursuant to §56375, §56375.1, §56375.5, §56376, §56377, §56886, §56886.3, §56886.5, §56887.5, §56889, §56890, and §56815, §57302, and/or Chapter 5 of the CKH Act, to make a project self mitigating (PRC §15040, §15041, §21002).
- 2.19. Consistent with PRC §21002 of CEQA, it shall be the policy of Alameda LAFCo that no projects should be approved as proposed if there are feasible alternatives or feasible mitigation measures available that would substantially lessen the significant environmental effects of such projects.
- 2.20. LAFCo shall conduct a hearing on a Negative Declaration (ND) and Draft EIR.
- 2.21. A Notice of Intent to adopt or consider a ND or Mitigated ND shall be provided to the public not less than twenty (20) days in advance of the hearing.

3. Boundary Lines

- 3.1. LAFCo discourages boundaries that are inconsistent with other agency boundaries, overlap, or possess other characteristics that cause higher service costs to the taxpayer or confusion regarding service area boundaries.
- 3.2. Determinations made by the Commission shall be consistent with the SOIs of local agencies affected by that determination (§56375.5).
- 3.3. LAFCo shall modify, condition or disapprove proposals creating boundaries that are not definite and certain or do not conform to lines of assessment or ownership (§56668).
- 3.4. Lands to be annexed that are within an adopted SOI, shall be physically contiguous to present agency boundaries unless one of the following conditions exists:

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- a. Existing developed areas where it can be clearly found that interests of public health, safety, and welfare would best be served by the addition of the service, or which present clear or present health or safety hazards that could be mitigated by the requested change of organization;
 - b. Existing developed areas where agency facilities are present and sufficient for service and where the Commission determines that the annexation does not represent a growth-inducing factor for the area; or
 - c. Lands that are owned by the city and are being used for municipal purposes at the time Commission proceedings are initiated, and do not exceed 300 acres in area. If the city sells noncontiguous territory or leases it for development of shopping, hotel, motel or other lodging purposes, noncontiguous territory shall be automatically detached (§56375(d), (§56742).
- 3.5. Islands, peninsulas, flags, pinpoint contiguity, cherry stems and other irregular boundary lines are inconsistent with the formation of orderly and logical boundaries and shall be disapproved or strongly discouraged (§56741, §56742, §56744, §56746).
 - 3.6. Strip annexations and leapfrog annexations are generally prohibited.
 - 3.7. Resulting boundary lines should not be irregular, such as the centerline of a road of irregular width or a line drawn parallel to the center of a creek.
 - 3.8. Resulting boundary lines should not divide jurisdiction or responsibility for maintenance within a road right-of-way.
 - 3.9. Resulting boundary configurations should not produce areas that are difficult to serve (§56668, §56001).
 - 3.10. The Commission may order the inclusion of additional territory to any proposal to correct an otherwise unacceptable boundary and to accomplish its goal of creating orderly boundaries (§56668, §56001).

4. Agriculture and Open Space².

Preserving open space and prime agricultural lands while facilitating orderly growth and development is an important LAFCo goal (§56301).

- 4.1. LAFCo's decisions will reflect its legislated responsibility to work to maximize the retention of prime agricultural and important open space land while facilitating the logical and orderly expansion of urban areas (§56001).

² Additional policies affecting agriculture and open space lands are located in reorganization and Sphere of Influence sections.

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- 4.2. As defined in Government Code §56064, prime agricultural land means an area of land, whether a single parcel or contiguous parcels, that has not been developed for a use other than an agricultural use and that meets any of the following qualifications:
- (a) Land that qualifies, if irrigated, for rating as class I or class II in the USDA Natural Resources Conservation Service land use capability classification, whether or not land is actually irrigated, provided that irrigation is feasible.
 - (b) Land that qualifies for rating 80 through 100 Storie Index Rating.
 - (c) Land that supports livestock used for the production of food and fiber and that has an annual carrying capacity equivalent to at least one animal unit per acre as defined by the United States Department of Agriculture in the National Range and Pasture Handbook, Revision 1, December 2003.
 - (d) Land planted with fruit or nut-bearing trees, vines, bushes, or crops that have a nonbearing period of less than five years and that will return during the commercial bearing period on an annual basis from the production of unprocessed agricultural plant production not less than four hundred dollars (\$400) per acre.
 - (e) Land that has returned from the production of unprocessed agricultural plant products an annual gross value of not less than four hundred dollars (\$400) per acre for three of the previous five calendar years.
- 4.3. LAFCo shall discourage proposals that encourage or support urbanization outside of cities unless adverse public health and safety impacts would occur, and there is no feasible proposal alternative.
- 4.4. LAFCo shall discourage city annexations of prime agricultural or important open space areas if such areas are not needed for urbanization within five years.
- 4.5. LAFCo shall discourage Alameda County from extending urban services to areas (1) not designated or needed for urban development within five years or (2) designated for long term agricultural and open space uses in regional or city planning documents (§56434).
- 4.6. LAFCo will work to preserve agricultural and open space land resources by considering the proposal's effect on important open space and agricultural lands and by guiding development toward vacant urban land and away from agricultural and open space areas not planned or needed for development (§56377, §56001, §56301).
- 4.7. Development or use of land for other than open space uses shall be guided away from existing prime agricultural lands in open space use toward areas containing non prime agricultural lands unless that action undermines adopted county or city land use plans that include open space and agricultural land conservation policies and plans (§56377).

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- 4.8. Urbanization or nonagricultural use of existing vacant lots or prime agricultural land areas within the jurisdiction or SOI of a local agency shall be encouraged before any proposal is approved which would allow for, or lead to, the development of prime agricultural or open space lands outside the jurisdiction or SOI of any local agency (§56377, §56668).
- 4.9. LAFCo shall require that applications with prezones or SOI proposals identify areas set aside for agricultural or open space preserves and planned development and include protections for adjacent agricultural land.
- 4.10. To ensure that LAFCo actions do not adversely affect the viability of open space or agricultural land uses, LAFCo may condition an annexation approval to avoid potential impacts including setting a lower service charge rate for rural, open space, or agricultural land requested for exclusion but nevertheless included within the boundaries of a service provider. Reasons for setting different service charge rates include, but are not limited to, existence of dwellings or other structures, anticipated service frequency or probability, reductions in affordable housing stock, premature inducement of higher housing costs in an area providing affordable housing, history of previous service provision, justifications provided by the proposed service provider, and justifications provided by the person or entity requesting exclusion.
- 4.11. LAFCo shall adopt appropriate terms or conditions retaining previous conditions of approval, such as Use Permit conditions, or other mechanisms adopted by an entity losing jurisdiction over a territory when those conditions were adopted to conserve important agricultural, open space or natural resources, and cannot otherwise be ensured.