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FRESNO LOCAL AGENCY FORMATION COMMISSION (LAFCo)  
EXECUTIVE OFFICER'S REPORT

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AGENDA ITEM NO. 9

DATE: May 11, 2022  
TO: Fresno Local Agency Formation Commission  
FROM: David E. Fey, Executive Officer   
SUBJECT: Workshop – Policy Manual Update

**Recommendation:** That the Commission consider the attached amendments and provide direction.

**Background**

Commissioners will recall that staff has set up three levels of policy review:

- *Full Commission policy discussion* of the *Introduction* and *Commission Policies* to permit a narrow focus of strategically important policies (policy sections were presented to the Commission in March, continued to April); and

Attachment “A” consists of recommended amendments in “tracked changes” and Attachment “B” consist of the same changes in “accepted” form for clarity. These attachments were previously presented to the Commission and are available for public review on the LAFCo website under the March and April hearing tabs, [www.fresnolafco.org](http://www.fresnolafco.org).

- *Subcommittee Review* for procedures and administrative activities that implement policy, to be reviewed by the subcommittee (Commissioners Magsig and Santoyo) and LAFCo Counsel Price prior to the subcommittee’s recommendation to the full Commission: *Commission Standards For Changes Of Organization, Procedures For Evaluation Of Proposals, Commission Fee Schedule, Procedures For Evaluation Of Service Plans, and Regulations Affecting Special Districts*; these policies are the subject of the May meeting; and

Attachment “C” consists of recommended amendments in “tracked changes” and Attachment “D” consist of the same changes in “accepted” form for clarity.

- *Omnibus updates* of requirements mandated by statute reviewed and recommended by LAFCo Counsel; *Regulations for Conduct of Hearing, Commission Business, Conflict of Interest Code, Procedures to Implement the Political Reform Act, and Conducting Authority Proceedings*; these will be presented in June.

All proposed amendments will be presented to the Commission at its June hearing for

discussion and a recommendation for approval.

The proposed amendments are generally made for clarity whether to reduce redundancy, to update policies affected by changes to statute, or to make clear the Commission's intent.

An exception is the proposed section, "Standards for evaluation of proposals in the unincorporated portion of cities' spheres of influence." The subject of County development approvals in cities' spheres of influence was recently before the Commission with the City of Sanger's North Academy Annexation. The policies are intended to authorize staff to comment on such proposals in a manner consistent with the Legislature's intent for LAFCo to promote orderly development in cities' spheres of influence.

**SECTION 200 STANDARDS FOR CHANGES OF ORGANIZATION**

~~(GC sec. 56375 and 56841)~~

As authorized by State law, the Commission has adopted the following standards to review proposals. Each standard is developed from the factors to be considered ~~presented~~, ~~listed~~ in ~~GC sec. Section~~ 56668, and the preceding Commission policy statements. Standards are developed for review of proposals for city annexation, district annexation, city incorporation, and district formation.

The purpose of these standards is to give indication of how the staff and Commission will evaluate a proposal and make recommendation and determination.

~~Proposals meeting all Commission standards will be recommended and determined for approval. Generally, proposals should meet all standards to be approved. However, when appropriate, the Commission may waive a standard where evidence of overriding circumstances presented in the application and at the hearing warrant such a waiver.~~

**Commented [FD1]:** Delete. This language seems to limit the scope of staff's analysis of a proposal and the commission's discretion in advance of the hearing.

Revised: February 26, 1992

**210 Standards for annexation to cities and ~~urban special service districts that provide municipal services~~**

~~(GC sec. 56375)~~

Proposals shall be evaluated in light of following standards:

**Commented [FD2]:** The "urban service district" is a holdover from the Fresno City/Fresno County competition for development in the Fresno metro area. "Urban" should be changed to "municipal" for consistency with current statute and practice. Further, these standards seem to diverge from LAFCo policies that suggest a city is the appropriate service provider in its SOI. Also, such a designation limits commission's discretion to deny an annexation per 56375(a)(4)(A)

~~210.01— A p~~Proposal is consistent with the ~~adopted~~-affected agency's spheres of influence and does not conflict with the goals and policies of the Commission.

~~210.02 A p~~Proposal to annex to a city is consistent with the affected City's land use plan by ~~prezoning and approval of planning entitlement applications. Proposal to annex to a special district has been deemed consistent with the affected special district's service plan, or County general and specific plans, including adopted goals and policies.~~

**Commented [FD3]:** Prezoning requirement makes this extraneous if annexation to city; annexations to a special district should be anticipated in that district's own plan.

~~210.03— Proposal shows that there is insufficient available land within the community plan area, consistent with the community plan, to accommodate the proposed development.~~

**Commented [FD4]:** Back to the point of where the market finds property to develop; needs a willing seller, property dimensions, etc. Second, community plan is not clear. City, County?

~~210.034~~ Proposal mitigates any significant adverse effect on continuing agricultural operations on adjacent properties by execution of a right-to-farm covenant.

~~210.045~~ Proposal ~~would result in~~-is consistent with the affected city's general plan, is contiguous to the affected city, and demonstrates in its service plan ~~planned, well ordered~~that it will result in logical, orderly, and efficient development patterns and ~~service areas~~delivery, and does not encourage urban sprawl.

**Commented [FD5]:** The distinction between this policy and 210.02 is that this policy addresses consistency with service planning while the other addresses consistency with general planning.

~~210.056~~ Proposal shows that there is existing substantial development or gives an indication of future imminent development in the form of an approved tentative subdivision map or site plan

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~~review, thereby requiring municipal urban services. If no existing substantial development, a condition assuring that substantial development will occur upon annexation shall be made a part of the proposal.~~

**Commented [FD6]:** This policy reflects local political agreement to reduce speculative annexations. Delete last sentence.

~~210.067 Proposal's service plan demonstrates shows that development can be provided all necessary urban services, public and improvements or and facilities necessary, as shown by the service plan and application.~~

~~210.078 Proposals that would not create islands are discouraged. Boundaries should minimize creation of peninsulas and corridors, or other distortion of boundaries, and should include any developed islands or substantially surrounded area with the proposed developing area. (See additional peninsula guidelines)~~

**Commented [FD7]:** There aren't any such guidelines; discussed but not adopted.

~~210.09 The proposal includes mitigation of any adverse effects to subject or affected agencies through a transition agreement or other means. (Amended 5/21/03)~~

~~210.10 For any of the following special circumstances the above standards shall be used as guidelines:~~

**Commented [FD8]:** I am not sure why it is necessary to qualify these as "guidelines." The commission has the authority to act based on the nature of the proposal.

- ~~1. Request for annexation is by agency for annexation of its publicly owned property, used for public purposes.~~
- ~~2. Request for annexation is by agency in order to facilitate construction of public improvement or facility which otherwise could not be constructed.~~
- ~~3. Request for annexation is to remove an unincorporated island or substantially surrounded area.~~
- ~~4. Request for annexation is for an industrial or economic development project for which development application has been made, insufficient land exists within the subject agency to accommodate the project, and no significant adverse environmental or fiscal impact will result that cannot be mitigated.~~
- ~~5. A condition assuring the financing or completion of necessary development infrastructure before completion of annexation shall be made a part of the proposal.~~
- ~~6. The newly formed or receiving entity has the ability to provide the services which are the subject of the application to the area, including the sufficiency of revenues for those services following the proposed boundary change.~~

**Commented [FD9]:** So an EIR with unavoidable consequences doesn't make the cut?

~~08 There is a timely availability of water supplies adequate for projected needs as specified in GC sec. 65352.5.~~

~~The proposal reasonably assists the receiving entity in achieving its fair share of the regional housing needs as determined by the local council of governments. (GC sec. 56668).~~

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~~1. A proposal of any territory greater than 10 acres to annex to a city will include the annexation of a contiguous disadvantaged unincorporated community, unless an application to annex the disadvantaged unincorporated community has already been filed with the executive officer.~~

Revised: December 19, 2001; January 11, 2012

~~210.1093~~ Prezoning Requirement

~~1. As a condition to annexation a city is required to prezone the territory to be annexed. Prior to the affected city or petitioner submitting an application to the Commission for a proposed annexation (by the city or petitioners, as the case may be) the city or petitioners must have affected territory must be prezoned the affected territory consistent with the city's that city's general plan, unless the city or petitioners affected territory meets one of their exempt exceptions as presented in this sub-section below. Pre zoning is the legal process of placing a city zoning designation on territory or a portion of territory requested for annexation to the city which is located outside the present city limits. All territory included in a proposed annexation to a city without existing development entitlements on territory that is vested or already at build out shall be prezoned prior to consideration of the annexation by the Commission.~~

Commented [FD10]: Repeats, less clearly, the first PZ requirement.

~~2. If any territory included in a proposed annexation to a city is not prezoned, to qualify for an exemption from required pre zoning, two conditions must be present:~~

Commented [FD11]: Exemption from a pre zoning is not longer feasible from a city's perspective since the automatic/upon annexation zoning ordinance is largely a thing of the past.  
Rec delete this policy entirely.

~~The city proponent or petitioners are required shall to present evidence satisfactory to the Commission that the existing development entitlements on such territory is substantially included in the annexation are vested or are already at build out, and are consistent with the affected city's general plan; and~~

~~The affected city's zoning ordinance identifies what city zone district will be effective upon annexation based on existing County zoning. Such zoning will be consistent with the affected city's general plan.~~

~~A. (GC sec. 56375 [a][7]). A "Vesting" Tentative Parcel or Tract Map does not satisfy the aforesaid condition of annexation. The recordation of a "Final Map" is necessary.~~

Commented [FD12]: This is self-evident.

~~3. On a case by case basis the Executive Officer shall examine the evidence presented to the Commission by the city proponent or petitioners that territory included in an annexation is exempt from required pre zoning to determine if such evidence is acceptable. The results of this analysis shall be included in the Executive Officer's report to the Commission.~~

~~The Commission will examine each request for exemption from the pre zoning requirement, including evidence presented, on a case by case basis. The Commission may, in its discretion, approve or deny the city or petitioners request to be exempt from the pre zoning requirement. The Commission's determination is conclusive.~~

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~~If the Commission rejects a request for exemption from the rezoning requirement, the Commission will still require rezoning before the Commission takes action on the requested annexation. As a result, the Commission will continue its hearing of the matter until the affected territory is rezoned.~~

~~When territory included in a proposed annexation has been deemed exempt from the rezoning requirement and is not rezoned, the Executive Officer will issue a 21 day written notice to the subject property owners and registered voters in the affected territory, and to property owners within 300 feet of the territory, of the Commission's hearing of the proposed annexation.~~

4. ~~When territory has been rezoned, a copy of the enacted ordinance biller Ordinances verifying that required rezoning has been applied to territory included in an annexation proposal shall be submitted to the Executive Officer as a part of a complete with other required application materials. An application for annexation to a city will be deemed incomplete without submission of certified copies of the rezoning ordinance or Ordinances or a Clerk's Certification indicating the rezoning has occurred.~~

5. ~~The applicant for a proposed annexation must participate in at least one pre-application meeting with LAFCo staff and County personnel (and in the case of land owner petition a representative from the city) prior to submitting an application for annexation to LAFCo. All territory to be included in a proposed annexation shall be determined at the pre-application meeting(s). As a general rule, inclusion of additional territory (if any) by LAFCo staff shall be determined at the conclusion of the pre-application meeting(s).~~

Commented [FD13]: Not necessary if MOU process is used.

6. ~~The Commission may determine to add additional territory to an organization or reorganization. Territory may be added to an organization or reorganization to prevent the creation of county islands and/or peninsulas of land, to create more logical boundaries, or for any reason necessary to protect the public health, safety, and welfare. Should the Commission determine to add additional territory to an organization or reorganization that involve annexation of territory to a city at any time during the proceedings, consideration of the proposed annexation may be continued to allow time for the city or petitioners to prezone the additional territory or to present evidence satisfactory to the Commission that the existing development entitlements on this territory are vested or are already at build-out, and are consistent with the city's general plan (GC sec. 56375 [a][7]).~~

Commented [FD14]: Delete. Times and statutes have changed to the extent that it is highly unlikely, though not impossible, for the commission to add land at the hearing. Further, EO and counsel will surely request a continuance for, at least, revision of CEQA, rezoning, and etc.

7. ~~Pursuant to state law, cities must give public notification required for rezoning. Cities are encouraged to issue public notification of the city's intention to adopt a "Resolution of Intention" announcing the municipalities' intentions to prezone and annex territory into the jurisdiction. Cities are also encouraged to make personal contact with property owners and voters in the affected territory to explain the rezoning and annexation proposal.~~

Commented [FD15]: Not enforceable

38. The Commission shall not specify how, or in what manner, territory shall be rezoned nor shall the Commission impose any conditions that would directly regulate land use density or intensity, property development, or subdivision requirements. (GC sec. 56886).

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~~9. Municipal Codes that allow zoning of property after completion of annexation (i.e., automatic rezoning) shall satisfy the requirement to prezone property if the city proponent or petitioners present evidence satisfactory to the Commission that the existing development entitlements on the territory are vested or are already at build-out, and are consistent with the city's general plan (GC sec. 56375 (a)(7)). In such circumstances, the Executive Officer will issue the 21-day written notice as provided in 210-13-03 above. All territory included in a proposed annexation to a city without existing development entitlements on territory that is vested or already at build-out shall be prezoned prior to consideration of the annexation by the Commission.~~

Commented [FD16]: Delete. Not a thing anymore.

~~10. Concerning the processing of large-scale annexations (e.g., over 160 acres the city or petitioners are responsible for determining how all property in the affected territory will be prezoned or rezoned upon annexation pursuant to state law and LAFCo Policies, Standards and Procedures.~~

Commented [FD17]: Not a LAFCo decision

~~11. In the event of a proposed annexation of territory to a city by landowner petition, the chief proponent shall be responsible for processing a required pre-zoning application at the city for territory proposed for annexation. Required pre-zoning must take place prior to submission of an application for annexation.~~

Commented [FD18]: Duplicates an earlier policy

5. The applicant for a proposed annexation must participate in at least one pre-application meeting with LAFCo staff (or in the case of landowner petition a representative from the city) prior to submitting an application applying for annexation to LAFCo. All territory to be included in a proposed annexation shall be determined at the pre-application meeting(s). As a general rule, inclusion of additional territory (if any) by LAFCo staff may be determined at the conclusion of the pre-application meeting(s).

6. As a general rule, inclusion of additional territory (if any) by LAFCo staff may be determined at the conclusion of the pre-application meeting(s). However, the Commission may determine to add additional territory to a proposed annexation to prevent the creation of unincorporated islands and/or peninsulas of land, to create more logical boundaries, or for any reason necessary to ensure orderly, logical, and efficient boundaries.

Commented [FD19]: Easy to say but difficult to implement given fire transition agreement.

~~7.12. No subsequent change may be made to the general plan or zoning for territory included in an annexation to a city that has been prezoned or rezoned that is not in conformance with the city's general plan or zoning designations for a period of two years after the completion of the annexation. Changes to the land use designation or zoning can only be made if the legislative body for the city makes a finding at a public hearing with written notice provided no less than 21 days to the commission that a substantial change has occurred in circumstances that necessitate a departure from the pre-zoning in the application to the Commission (GC sec. 56375 (e)).~~

Commented [FD20]: Amended to be consistent with CHK 2021

Adopted: August 27, 2003

220 Standards for annexation to special districts~~annexation for rural or regional services~~

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~~220.01— The proposed annexation to a special district is consistent with the affected special district’s sphere of influence.~~

~~02 Services can be provided by the annexing special district as shown by the district’s service plan, and district annexation is the most economical and practical method of supplying the same services.~~

~~220.02 Proposal is consistent with the adopted general plan of the city or county.~~

~~220.03 Proposal is consistent with adopted spheres of influence.~~

~~220.04 Boundaries of the proposal include all of the service area.~~

~~220.035 Proposal would not have a significant adverse operational or economic effect on subject or affected agencies, and on adjacent areas.~~

~~220.046 Proposal shows a benefit to landowners and residents in the affected territory.~~

Revised: December 19, 2001

230 Standards for evaluation of proposals in the unincorporated portion of cities’ spheres of influence.

The Commission recognizes that cities and the County are considered “planning agencies” under GC sec. 65300 (Planning and Zoning Law) and are therefore responsible to prepare and adopt comprehensive, long-term general plans for the physical development of the territory under their respective jurisdiction, and of any land outside the cities’ incorporated area which in their judgment bears relation to their long-term growth and development.

GC sec. 56425 requires that the commission develop and determine the sphere of influence of each city and special district within the county and enact policies designed to promote the logical and orderly development of areas within those spheres. The SOIs typically include territory outside of a city’s limits that is also planned for growth by its general plan.

Though the commission does not adopt a SOI for the County, the County has land use jurisdiction over all unincorporated territories including those that are also within a SOI adopted by the Commission for a city or special district that provides municipal services.

The County’s general plan land use diagrams are infrequently coordinated with that of the underlying city. In most cases known to LAFCo, the County’s land use plans for territory in a city’s SOI are obsolete, meaning that they have not been updated in the current century and were not updated with the city’s own general plan updates.

As a consequence, even though both the cities and the County are complying with their respective planning and zoning obligations under law, there is a general disagreement between their respective land use plans in the unincorporated territory within cities spheres of influence. The general disagreement being that County plans rely on historical land use practices related to agricultural or rural uses and the cities plan for future urban level residential, commercial, and

**Commented [FD21]:** 1.Consistency with a city GP is a red flag given that other LAFCo policies encourage cities to be the provider of services in their SOIs.  
2.This reads like an antiquated policy to facilitate unincorporated urban-density tracts.  
3.How is this intended to play out? Why is consistency with a GP important, especially given how out of date the County plans are for metro areas already a) in a city’s SOI and b) planned by more contemporary plans?  
**Commented [FD22]:** Delete. The annexation would add to the service area, not be consistent with it.  
**Commented [FD23]:** Clarifies that this is a transition plan matter, not CEQA.



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industrial uses. Further, there is a marked difference between agricultural/rural development standards and those needed for urban uses.

The effect of this disagreement between land use plans is that the County's evaluation of planning and building activities in a city's unincorporated SOI can be at odds with the planning and development perspective of a city's general plan.

When the Commission adopts a city's sphere of influence, it does so to carry out its purposes and responsibilities for planning and shaping the logical and orderly development and coordination of local governmental agencies. These responsibilities endure long after a SOI is adopted. The following policies reflect LAFCo's continued interests in orderly and logical growth and development.

01 LAFCo will provide comment as it deems necessary on a range of development, planning, and building activities proposed in unincorporated territory within cities' spheres of influence.

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02 When development is proposed within the unincorporated portion of a city's sphere of influence the commission recommends that such development be annexed to the city and in the event that this is not possible, that development standards applied by the County be consistent with the respective city's general plan and development standards.

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~~220.07 The newly formed or receiving entity has the ability to provide the services which are the subject of the application to the area, including the sufficiency of revenues for those services following the proposed boundary change.~~

**Commented [FD24]:** a) "Newly formed" is not the same as an annexation; b) "Receiving entity has the ability to provide services" (?) Language here is odd: Is the annexation receiving or vice versa.

~~220.08 To the extent applicable, there is a timely availability of water supplies adequate for projected needs as specified in Code section 65352.5.~~

**Commented [FD25]:** This a general plan water study that would be the responsibility of the applicant in its due diligence of a GP amendment or update. Not a LAFCo matter to perform, but LAFCo would assess the data provided by the applicant.

~~Revised: December 19, 2001~~

~~230 Standards for district formation~~

~~230.01 If development requires one or more urban type services, such service cannot be provided by the following (in descending order of preference):~~

**Commented [FD26]:** This section and these criteria feel substantially out of date and out of sync. Perhaps it is the "urban" service (as opposed to ag/rural)? Second, consider City of Fresno's current interest in forming a VMD that's not related to a development and isn't an "urban" service. These criteria wouldn't apply.

~~01 Annexation to an existing city.~~

**Commented [FD27]:** A clear reference to how business was conducted long ago: Is it in an affected city's SOI? Is it new development or existing unincorporated development?

~~02 Annexation to a county service area.~~

**Commented [FD28]:** These days that's about as welcome as wet toast.

~~03 County Service Area formation.~~

What about annexation to some other kind of district? CSD?  
Also, needs to be updated to reflect consolidation mandated by state or extension of service

~~04 Annexation to a district.~~

~~If proposal is for other than urban type services that these services cannot be provided by an existing district.~~

**Commented [FD29]:** really? "development" I presume means new dev. So forming a district for new development is pretty 1970s. However, Friant Ranch wasn't new, just an expansion of WD 18. CSA 51 was new, but was never capitalized.

~~230.02 District proposed is the best suited to the purpose and better alternate types are not available.~~

**Commented [FD30]:** Again, what about the affected district's SOI?

~~230.03 Proposal shows a demonstrated need for services and a service plan showing that such services can be adequately provided and financed.~~

**Commented [FD31]:** Why didn't they think about expanding an existing district SOI/annexation first?

**Commented [FD32]:** Already required.

~~230.04 The proposal shows that the amount of revenue transferred from an agency or agencies currently providing service in the subject territory to the proposed service providing agency equals the expense which the current service provider bears in providing the services to be transferred.~~

**Commented [FD33]:** Pre-prop 13, AB 8, and County reso opposing loss of any tax revenue.

~~In the event the expense to the current service provider exceeds the amount of revenue transferred, the current service provider and new service providing agency agree to revenue transfer provisions to compensate for the imbalance. Such provisions may include, but are not limited to tax sharing, lump sum payments and payments over a fixed period of time, which may be ensured by proposal conditions.~~

~~230.05 Boundaries of the proposal include all of the service area.~~

~~230.06 Proposal is consistent with adopted spheres of influence and the adopted general plan of the city and county.~~

~~230.07 To the extent applicable, there is a timely availability of water supplies adequate for projected needs as specified in Code section 65352.5.~~

~~Revised: December 19, 2001~~

~~240 Standards for city incorporation~~

~~240.01 Mandatory Determinations for Approval~~

~~In order for LAFCo to approve a proposal to incorporate a new city the Commission must make the following determinations as required by State Law:~~

**Commented [FD34]:** Probability of a city incorporating in the county is minimal so I recommend this be deleted. Further, this is repetitive from CKH, so it is not necessary to repeat it here

- ~~1. The proposed city incorporation is consistent with and has been processed pursuant to the requirements of state law, including, but not limited to, the policies of GC secs. 56720, 56001, 56300, 56301, and 56377.~~
- ~~2. The spheres of influences of the affected local agencies have been reviewed and the proposed incorporation is consistent with those spheres of influences.~~
- ~~3. The Comprehensive Fiscal Analysis (CFA) prepared pursuant to GC sec. 56800 has been reviewed and the Controller's report (if any) prepared pursuant to GC sec. 56801 has been reviewed.~~
- ~~4. The Executive Officer's report, findings, and recommendations prepared pursuant to Section 56665 have been reviewed and the testimony presented at public hearings has been reviewed and considered.~~
- ~~5. The incorporation as proposed or as amended by the Commission complies with the requirements of GC sec. 56815, specifically LAFCo finds that the following two quantities are substantially equal:
  - ~~A. Revenues currently received by the local agency transferring the affected territory that, but for the operation of this section, would accrue to the local agency receiving the affected territory.~~
  - ~~B. Expenditures, including direct and indirect expenditures, currently made by the local agency transferring the affected territory for those services that will be assumed by the local agency receiving the affected territory.~~
  - ~~C. Notwithstanding the foregoing, the Commission may approve a proposal that includes an incorporation if it finds either of the following:
    - ~~1. The county and all of the subject agencies agree to the proposed transfer.~~~~~~

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- ~~ii. The negative fiscal effect has been adequately mitigated by tax-sharing agreements, lump-sum payments, payments over a fixed period of time, or any other terms and conditions pursuant to Section 56286.~~

### ~~240.03 Compliance with CEQA~~

~~The requirements of the California Environmental Quality Act (CEQA) shall be fulfilled pursuant to Public Resources Code, Section 21000 et seq. and the California Environmental Quality Act, CEQA Guidelines, California Code of Regulations, Title 14, Section 15000 et seq. The Commission will act as "Lead Agency" in the preparation of required studies and documents. The Commission will consider the information contained in the environmental assessment, written comments reviewed, and public testimony related to the environmental analysis prior to making a decision to approve or deny the proposed city incorporation.~~

### ~~240.04 Other Determinations Supporting Incorporation.~~

~~In addition to the determinations listed above, the following determinations are also necessary for approval of city incorporation:~~

- ~~1. A finding shall be made that the proposal for city incorporation demonstrates a significant unmet need for urban services or need for improved urban services within the territory for which incorporation is proposed.~~
- ~~2. The proposal demonstrates a significant unmet need for municipal services or need for improved municipal services within the territory proposed for incorporation.~~
- ~~3. The resolution making determinations shall include statements accepting or rejecting each of the findings and recommendations made in the Executive Officer's report and the Comprehensive Fiscal Analysis (CFA). Findings shall be made and included in the resolution that present the basis for any rejection (GC sec. 56803).~~

### ~~240.05 Principal Factors to be Considered~~

~~The principal factors listed below shall be considered in determining a decision on a proposed city incorporation. Findings may be made on any of these factors.~~

- ~~1. Consistency with adopted spheres of influence.~~
- ~~2. Consistency with adopted County general plan, specific plan and community plans to the extent the Commission determines they are relevant to the incorporation.~~
- ~~3. Density of population and well defined, reasonably compact boundaries.~~
- ~~4. The likelihood of growth within the proposed incorporation area and adjacent areas.~~

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- ~~5. Physical separation from other populated areas or from existing cities to which the proposed incorporation area could be annexed. The extent to which the proposal represents logical agency boundaries.~~
- ~~6. The extent to which population densities necessitate the provision of a broad spectrum and high degree of community services.~~
- ~~7. The extent to which the proposed city would be capable of providing efficient municipal services for the subject population.~~
- ~~8. The creation of unincorporated islands, peninsulas or other boundary issues~~

### ~~240.06 Other Factors to be Considered~~

~~Other factors to be considered shall include, but are not limited to, the following (see Government Code 56668):~~

- ~~1. Current levels of service in the area to be incorporated.~~
- ~~2. Information about population, population density; current land use, proposed land use, general plan designations and zoning; topography, natural boundaries, proximity to and effect on other populated areas.~~
- ~~3. The potential effect of the proposed incorporation on communities of interest, social and economic interests in the area, and on local governmental structure of the county.~~
- ~~4. 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 standards set forth in GC sec. 56377.~~
- ~~5. The effect of the proposal on maintaining the physical and economic integrity of agricultural lands, as defined by GC sec. 56016.~~
- ~~6. The comments and information of any affected local agency, landowner or owners, interested citizens, and registered voters in the affected territory.~~
- ~~7. The timely availability of water supplies adequate for projected needs as specified in Section 65352.5, and the provision of a sanitary sewage system.~~
- ~~8. The extent to which the proposed incorporation will address the issue of affordable housing and/or will contribute to regional housing needs as determined by the Council of Fresno County Governments.~~
- ~~9. Consideration of the regional growth goals and policies as established by a collaboration of elected officials (GC sec. 56668.5, if any).~~

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~~10. The potential effects of the incorporation on existing service providers including the County and special districts."~~

~~11. Expressed preferences of those residing within or owning property within the area proposed to be incorporated.~~

### ~~240.07—Determining a Sphere of Influence~~

~~The Commission shall determine the sphere of influence for any newly incorporated city within one year of the effective date of incorporation. At the time a proposal for an incorporation is approved the Commission may, at its discretion, determine the sphere of influence for the proposed new city (GC sec. 56426.5[a]).~~

### ~~240.08—Comprehensive Fiscal Analysis~~

~~A Comprehensive Fiscal Analysis (CFA) shall be prepared pursuant to state law. The Executive Officer shall prepare, or cause to be prepared by contract, the CFA. The analysis shall review, document, and analyze all the factors required by state law, other factors deemed necessary by the Commission or Executive Officer, and all written and oral comments received related to the analysis (GC secs. 56800 and 56815 et seq.).~~

~~The Executive Officer shall notify all interested parties that the Comprehensive Fiscal Analysis is available for public review by publishing notice in a newspaper of general circulation serving the proposed incorporation area and by mailing notice to all affected agencies, the chief proponents, and all persons who have filed a written request for notification. The notice will specify the locations where the fiscal analysis can be reviewed and the time period in which the State Controller's review can be requested.~~

### ~~240.09—Request for State Controller Review of the CFA~~

~~Any interested person, agency or appellant may request a review of the CFA by the Office of the State Controller within 30 days of the Commission's acceptance of the CFA as complete. Upon receipt of a request, the Executive Officer shall, in consultation with the State Controller's office, prepare an estimate of the cost of such a review and deliver the estimate to the requesting party. The party will be required to submit an initial deposit of 5,000.00. The Executive Officer will provide the full estimated cost of the analysis within 15 days after receiving the estimate, and execute an agreement to pay any additional cost over the estimate.~~

~~Only upon payment of the deposits and execution of the payment agreement will the request be considered complete and forwarded to the Controller's office. Failure to timely deposit the estimated cost and execute the payment agreement will be deemed a withdrawal of the request. The Controller has 45 days from receipt of request to submit a report on the questions raised in the request for analysis. Any time lines contained in an incorporation process are to be "tolled" (extended) by the amount of time necessary to obtain this report.~~

### ~~240.10—Revenue Neutrality~~

~~Pursuant to the requirements of State law the Commission will not approve a proposal for the incorporation of a city unless it determines that the statutory requirements for revenue neutrality are present or can be achieved by specific terms and conditions. The proposed city incorporation~~

## Attachment C

~~shall result in a similar exchange of both revenue and responsibility for service delivery among the county, the proposed city, and other subject agencies.~~

~~The Commission shall not approve a proposal for city incorporation unless it finds that revenues currently received by the County would accrue to the new city will be substantially equal, to expenditures currently made by the County for those services which will be assumed by the new city.~~

~~Implementation of Revenue Neutrality provisions shall insure adequate protection of the financial stability of the county and other affected agencies while at the same time permitting the incorporation of communities demonstrating the necessary resources and capacities for self-governance. The legislative mandates for achieving Revenue Neutrality shall be implemented through a rational and predictable process for gathering information, determining the appropriate content of Revenue Neutrality Terms and Conditions and providing for such revision of those Terms and Conditions as may be appropriate. (GC sec. 56815 et seq).~~

### ~~240.11 Determining Revenue Neutrality~~

~~The CFA shall provide the basis for determining the need for Revenue Neutrality. Basic objectives of negotiations between the proponents of incorporation and affected entities shall include, but are not limited to the following:~~

- ~~1. Determining a process to analyze and mitigate the fiscal impacts of incorporation on the county resulting in stable, predictable financial outcomes for both the county and the new city.~~
- ~~2. Defining the terms and budget items to be negotiated under Revenue Neutrality requirements (GC sec. 56815 et seq).~~
- ~~3. Mitigating potential fiscal losses to the county without making incorporation impossible for local communities or precluding an adequate fiscal base for new cities.~~
- ~~4. Specifying how participants in the incorporation process can develop proposed Terms and Conditions of incorporation that will meet Revenue Neutrality criteria and the standards of this Commission in making the findings required by GC secs. 56815 and 56375.~~

### ~~240.12 Revenue Neutrality Negotiations~~

~~The proponents of incorporation and affected entities may convene Revenue Neutrality negotiations independently, subject to specific timeframes set down by the Commission. The progress of the negotiations will be monitored by the Executive Officer and periodically reported to the Commission. At the Commission's discretion, the Executive Officer may be directed to organize, convene, and serve as facilitator of a Revenue Neutrality negotiating "committee" composed of representatives of the county, other affected agencies, the chief petitioners or their representatives, and other parties as deemed appropriate by the Executive Officer.~~

~~Negotiations, whether executed independently or by committee, will have an initial period to be determined by the Commission of not more than 60 days to negotiate an agreement to meet the requirements of GC sec. 56815 et seq. At the conclusion of negotiations or the end of the~~

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~~prescribed negotiating period, the Executive Officer will certify that an agreement has been reached or has not been reached. If an agreement is reached, ratification by resolution of the County Board of Supervisors and by written documentation of the parties would be included in the CFA and staff report findings and recommendations. The Executive Officer will determine a deadline at which Revenue Neutrality Negotiations will end.~~

~~If the negotiating parties do not reach agreement, the status of the negotiations will be referred to the Commission for discussion of outstanding issues at the first available meeting as determined by the Executive Officer. If revenue neutrality issues are not resolved during the course of the meeting, the Commission may direct the individual parties or the negotiating committee to resume negotiations for an additional period of time to be determined by the Commission.~~

~~If no agreement is reached within the time period determined by the parties or the negotiating committee (not more than 120 days), the Commission may, at its discretion, direct the Executive Officer to draft proposed Terms and Conditions to achieve revenue neutrality for inclusion in the CFA based on the recommendations of the CFA and all other relevant information.~~

~~The Commission will consider the Revenue Neutrality agreement, and/or the prepared Terms and Conditions, when determining a decision on the proposed city incorporation.~~

### ~~240.13 Terms and Conditions~~

~~Terms and Conditions for mitigation of negative fiscal effects and to achieve revenue neutrality may include the provisions of any tax sharing agreements reached by the parties, lump sum payments, payments over a fixed period of time, modification of incorporation boundaries or any other terms and conditions permitted under, but subject to the limitations of, GC secs. 56815 and 56826. Any Terms and Conditions that mitigate the negative fiscal effect of a proposal for city incorporation shall be included in the Commission resolution making determinations adopted pursuant to Section 56880 and the Terms and Conditions specified in the questions pursuant to Section 57134 (see GC sec. 56815[e]). The term of mitigation payments may be ongoing or limited to a specific number of years. Ongoing Revenue Neutrality Terms and Conditions may provide for the temporary and/or permanent sharing of revenues between the new city and affected agencies.~~

### ~~240.14 Commission Proceedings~~

~~The Commission shall conduct a public hearing or hearings to consider the proposed city incorporation pursuant to state law. The Executive Officer's report and recommendations and public testimony shall be considered (GC sec. 56840) at the hearing(s). The Commission shall adopt a resolution making mandatory and appropriate findings and approve, modify, or disapprove the proposed city incorporation (GC sec. 56851).~~

~~If the incorporation is approved, the Commission shall determine the final boundaries, the base property tax, the provisional appropriations limit for the proposed city (GC sec. 56810) any Terms and Conditions of approval and any other factors required or allowed by state law.~~

~~If the Commission disapproves the proposed city incorporation, no new proposal involving the same or substantially the same territory shall be initiated for one year after the date of the Commission's resolution unless this provision is waived by the Commission (Government Code 56884). Should the proposed city incorporation be approved, a protest hearing shall be held pursuant to state law. The~~



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~~Commission shall be the Conducting Authority for the protest proceedings. If the value of written protests received and not withdrawn pursuant to state law fail to terminate the proceedings an election shall be called on the question of incorporation. All expenses incurred in conducting elections for incorporation shall be paid, unless otherwise provided by agreement between the conducting authority and the proponents, by the newly incorporated city, if successful, or by the county if the incorporation proceedings are terminated (GC sec. 57150 (b)).~~

Revised: June 26, 2002

**SECTION 300 PROCEDURES FOR EVALUATION OF PROPOSALSAPPLICATIONS**

In order to fairly evaluate proposals to be reviewed by the Commission for changes of organization or reorganization, or review of sphere of influence, The Commission has adopted the following procedures in compliance with GC sec. Section 56375(g).

**301000 Information to be submitted**

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Any proposal for a change of organization or reorganization shall contain sufficient information to determine that adequate services, facilities, and improvements can be provided and financed by the agencies responsible for the provision of such services, facilities, and improvements .

**3021 Pre-application review**

01 The Commission recommends that each applicant participate in a pre-application review with LAFCo staff to provide applicants with information related to LAFCo laws, adopted policies, standards, and procedures, and provide a preliminary evaluation of the applicant's proposal.

02 Any staff comments associated with a pre-application review shall not bind the Commission in its consideration of any formal application.

03 A LAFCo pre-application review processing fee may be paid in accordance with Section 350. The fee shall be credited toward the formal application fee, should one be filed within one year from the date that the pre-application review processing fee was paid.

**303 302 Complete Applications**

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01 All applications initiated by either petition or resolution shall not be considered as complete until submitted to the Commission together with the appropriate application requirements in the form required by the Commission and Executive Officer, and as provided by GC sec. 56652.

02 The minimum application requires are:

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1. A petition or resolution of application initiating the proposal.
2. A statement of the nature of each proposal.
3. A map and description, acceptable to the executive officer and the County Assessor, of the boundaries of the affected territory for each proposed change of organization or reorganization.
4. Any data and information as may be required by any regulation of the commission.
5. Any additional data and information, as may be required by the executive officer, pertaining to any of the matters or factors which may be considered by the Ceommission.
6. The names of the officers or persons, not to exceed three in number, who are to be furnished with copies of the report by the executive officer and who are to be given mailed notice of the hearing, their physical addresses and email addresses.
7. If the applicant is a local agency serving as the CEQA lead agency, the application will contain all pertinent environmental documents. If the applicant intends that LAFCo will

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serve as the lead agency a complete application will include the commission's adopted CEQA processing fee.

8. Evidence of a property tax revenue sharing agreement pursuant to Revenue and Taxation Code.

9. LAFCo application fee as presented in section 350XXX.

03 Applications for a change of organization or reorganization submitted pursuant to this part, shall also include:

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1. A plan for providing services within the affected territory enumerating the information in GC sec. 56653.

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2. Evidence that a required rezoning has been applied to territory included in an annexation;

3. Evidence of a current transition agreement between a city and a fire protection district

04 Additional information as may be deemed necessary by the Executive Officer .

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05 -Within 30 days of the receipt of the application, the Executive Officer will make one of the following findings:

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1. The application is complete and may be accepted for processing.

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2. The application is not complete and may not be accepted for processing.

06 In the event that an application is not accepted as complete, the applicant shall be notified in writing of the determination. The notice shall specify the additional information necessary to make the application complete.

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303 Indemnification of the Commission by applicant

Commented [FD35]: Run this by KP

To further good government practices and policies of the Commission, and protect the Commission from the costs associated with legal challenges, the Commission requires that:

01— All applicants shall sign a standard short-form legal indemnity agreement before an application is certified for filing by the Executive Officer. This agreement shall provide that the applicant shall indemnify, defend, and hold harmless the Commission, its agents, officers, attorneys, and employees from any legal challenges or appeals brought to challenge the review or approval as a result of the application.

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02: At the discretion of the Executive Officer, the Commission may also require the applicant to enter into a comprehensive legal indemnity agreement providing for the terms of such indemnification and the reasonable costs incurred by the Commission associated with the preparation of such agreement shall be borne by the applicant. The comprehensive legal indemnity agreement shall be approved by the Executive Officer in consultation with LAFCo counsel.

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03. In the event that a lawsuit has been filed, or if LAFCo Counsel or the Executive Officer have reasonable grounds to believe that a lawsuit will soon be filed, with the court to challenge the Commission's review or approval of a proposal, the Executive Officer shall submit an invoice to the applicant for a deposit to be held by the Commission to offset its litigation-related expenses. The amount of the deposit will range between \$5,000 to \$20,000 depending be based upon the complexity of the matter as reasonably determined by the Executive Officer in consultation with LAFCo counsel.

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04. The Executive Officer shall not issue a Certificate of Filing for an application unless a short form or comprehensive indemnification agreement, ~~as the case may be, is~~ executed by the applicant and all preparation fees have been paid.

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Revised: August 13, 2008; August 8, 2012

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~~301—Pre-application review~~

~~301.01—Applicants including Cities, the County, Special Districts, and members of the public initiating applications shall be responsible for complying with all LAFCo laws, policies, standards, and procedures, including but not limited to, ensuring that each application contains logical boundaries and promotes orderly development. To that end, the Commission highly recommends that each applicant participate in a Pre-Application Review with LAFCo staff, which is intended to provide applicants with information related to LAFCo laws, adopted policies, standards, and procedures, and shall provide a preliminary evaluation of the applicant's proposal as it relates to LAFCo laws, adopted policies, standards, and procedures. Prior to filing a formal application with the Commission, applicants shall be informed about, and encouraged to request the Pre-Application Review. The Commission highly recommends that such review occur at the outset of, or as early as feasible, in the County's and cities' respective application review process which would result in a change of organization, reorganization, or other proposal requiring LAFCo approval. LAFCo staff is directed to place notices regarding the Pre-Application Review on the Commission's website and on all applications for a change of organization or reorganization.~~

~~301.02—Any Pre-Application Review, or any staff comments associated therewith, shall not bind the Commission in its consideration of any such proposal. A LAFCo processing fee shall be paid in accordance with Section 350 and such fee shall be credited towards payment of the formal application, should one be filed. The Pre-Application Review fee shall not be credited towards payment of the formal application fee if the application is not submitted to the Commission within one year.~~

~~301.03—All proposals initiated by either petition or resolution shall not be considered as complete until submitted to the Commission office together with the appropriate application requirements in the form required by the Commission and Executive Officer, and as provided by Section 56652.~~

Added: August 13, 2008

~~302—Environmental review~~

~~302.01—Environmental review by lead and responsible agencies is required for all proposals, with consultation of affected agencies, County, and agencies having special expertise. A determination of exemption, negative declaration, or significant impact is made by the lead agency. Where LAFCo is a responsible agency, the executive officer shall be consulted and respond for the Commission in the review process, as required by adopted Commission guidelines.~~

~~302.02—The Commission has adopted Regulations and Procedures for the Implementation of the CEQA of 1970 which specify in more detail the environmental process (refer to Sec. 550).~~

~~303—School district review for residential development~~

~~303.01—During the environmental review process, the lead agency should include consideration of school service and should consult with the affected school district(s), and the environmental document should include the district's comments. The determination of overcrowding should include consideration of existing and planned development within and outside the annexation~~

Commented [FD36]: delete this section as it is redundant to sec. 550

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~~agency boundary. The environmental document should discuss the extent potential for school of overcrowding, and conditions included in the proposal that mitigate overcrowding. Comments of the school district and the environmental document discussion should be included in the application for a change of organization, such as annexation.~~

Commented [FD37]: Old issue no longer relevant.

~~303.02 Where existing or potential problems of overcrowding are identified, the applicant, annexing agency, and any landowners are encouraged to should work with the school district and any landowners to develop thea means to ensure adequate school facilities will be available as development occurs.~~

~~303.03 In the consideringgation of whether changes of organization or reorganization should be approved, the Commission will consider whether school overcrowding has been considered in the environmental review process or in a service delivery plan. The Commission will consider whether school overcrowding has been identified as a significant environmental impact and if so, whether there have been attempts made to mitigate the overcrowding. If a significant impact has been identified but not mitigated or is found to be unavoidable, the Commission will consider whether other social, economic, or environmental concerns justify the organization or reorganization.~~

304 Meeting and notice requirement

~~304-01- Proponents of inhabited proposals shall conduct an informational meeting for the affected landowners and residents prior to the Commission's consideration of the proposal. For all inhabited proposals a meeting conducted by the proponents is required for the affected landowners and residents giving information and providing for responses. For uninhabited proposals, similar information may be provided by mail. Notice of the meeting shall be provided to landowners and residents and LAFCo. If available, such notice shall include ,also giving information of the LAFCo hearing.~~

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~~The Commission may make an exception for the mailed notice to affected landowners and residents where the proposal does not appear to be controversial, no tax or charge is proposed, and the required mailings would involve a large area and number of mailings so as to impose a financial burden on the agency. Reasons for an exception should be presented with the application.~~

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~~In addition to the legally required notice, where an exception for mailing is made, proposals shall be noticed by the proponents in local newspapers circulating in the affected area.~~

~~For inhabited or uninhabited proposals within a city's urban service area notice required by the Commission shall be only as required by State law.~~

~~304.02 When the city is required by the Commission's Standards to initiate annexation of a developed substantially surrounded area, along with the development proposal, the city and developer should meet with the residents as many times as necessary to:~~

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- 1. Review the benefits and effect of city annexation.
- 2. Review the development proposed.

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3. Hear the concerns of the residents.

4. Respond to each of the concerns.

The city may request the developer to assist in responding to and mitigating some of the concerns, and can also require the developer to show how adjacent rural residential parcels could be developed and a circulation system to provide access to these parcels. A potential increase in property value because of potential for development could change resident attitudes towards annexation.

Written documentation of the concerns and responses will be included in the LAFCo staff report to the Commission, with alternative boundaries and/or conditions, which will respond to the concerns and/or protests of residents.

Revised: June 16, 1993

305 Affected agencies and interested parties' review

Agencies whose boundaries or sphere of influence are affected, county departments and other reviewing agencies will be provided an opportunity requested to provide review and comment on the matter by the executive officer.

306 306 Commission review

306.01 A report and recommendation shall be prepared and mailed to Commission by the executive officer at least five days prior to hearing. The report includes relevant information, comments of reviewing and affected agencies, factors and policies of Commission related to proposal, and comment of affected landowners and residents as available.

306.02 The Commission in its review of the proposal shall consider:

- 1. The executive officer report, including attachments and documents.
- 2. The testimony of the proponents.
- 3. The testimony of any opponents.
- 4. Any other testimony or relevant documents.

306.03 The Commission may make a determination at the hearing, or may continue the proposal for additional information or testimony.

307 307 Revision of proposal boundaries

307.01 The full width of contiguous public rights of way may be added to a proposal at the discretion of the executive officer.

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Commented [FD38]: Third-person policy

Commented [FD39]: This is hardly a policy

Commented [FD40]: "Protest" is technically different than "opposition." Stick with 'concerns' to address public interest in a project.

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Commented [FD41]: move all to conduct of commission hearing

Commented [FD42]: It is difficult to impossible to revise a project if it hasn't been rezoned. Automatic rezoning, once prevalent, is now rare, though not completely obsolete. Condition revised annex bdy on rezoning??

This is not a good idea but its probably prudent to have this section, as revised.

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~~307.02.01~~ Request for Revision.

~~Any request by an affected agency, landowner, or interested party may request a revision of the boundaries of any proposal to add or remove adjacent contiguous territory. Such a request in writing must be received by the Executive Officer at least 15 days prior to the hearing and shall clearly justify and give reasons for the requested revision and include a map of the revision. Requests for territory not adjacent will not be considered for such revision by the Commission. Any revision may shall be subject to a fee, in accordance with the LAFCO Fee Schedule and may be subject to County review and rezoning by affected city.~~

**Commented [FD43]:** Sounds like a good idea but in practice such a change may: a) present CEQA problems if not assessed by the lead agency, and may make LAFCo the lead agency which adds complexity, time, and expense to the project including one or more continuances to dates certain/uncertain; b) adds fire transition expense; c) may increase area-based annexation fees.

~~03~~ ~~07.02~~ Review of Revision:

~~In the event of a revision, affected agencies and landowners shall be mailed a notice by LAFCO of the revision at least ten days prior to the hearing, unless hearing unless their consent is provided. Requests or revisions shall be reviewed in the same manner as the original proposal by the Executive Officer and the Commission and may be continued by the Commission from time to time, if information or adequate notice has not been provided. Any revision shall be subject to a fee, in accordance with the LAFCO Fee Schedule.~~

**Commented [FD44]:** Mailed notice gets there in 3-4 days. how would this work with RR objections? Such as Shields-Temperance?

~~04~~ ~~307.03~~ Approval of Revision:

~~When the Commission approves a revision of the boundaries from those proposed by the petition or resolution of initiation, a revised map and description shall be prepared and submitted to the Executive Officer, subject to approval by the County Assessor, prior to certification of completion.~~

Revised: January 24, 1990

~~3078~~ Amendments to/reconsideration of Commission resolution

**Commented [FD45]:** This is all out of CKH. Rec delete most of this section as repetitive.

~~In accordance with the Commission's authority under Code section 56895, a request to amend or reconsider a Commission resolution shall comply with the provisions of this section. A written request to request amendments to or reconsideration of a resolution shall be accompanied by the fee adopted by the Commission in section 350XXX.~~

~~308.01 When the Commission has adopted a resolution making determinations, any person or affected agency may file a written request with the Executive Officer requesting amendments to or reconsideration of the resolution. The request shall state the specific modification to the resolution being requested and shall state what new or different facts that could not have been presented previously, or applicable new law, are claimed to warrant the reconsideration. If the request is filed by a school district that received notification pursuant to Code section 56658, the Commission shall consider that request at a public hearing.~~

~~308.02 Notwithstanding Code section 56106, the deadlines set by Code section 56895 are mandatory. The person or agency shall file the written request within 30 days of the adoption of the initial or superseding resolution by the Commission making determinations. If no person or agency files a timely request, the Commission shall not take any action pursuant to Code section 56895.~~



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~~308.03 Upon receipt of a timely request, the Executive Officer shall not take any further action until the Commission acts on the request.~~

~~308.04 The Executive Officer shall place the request on the agenda of the next meeting of the Commission for which notice can be given as follows. The Executive Officer shall give notice of the consideration of the request by the Commission in the same manner as for the original proposal. The Executive Officer may give notice in any other manner as he or she deems necessary or desirable.~~

~~308.05 At that meeting, the Commission shall consider the request and receive any oral or written testimony. The consideration may be continued from time to time but not to exceed 70 days from the date specified in the notice. The person or agency which filed the request may withdraw it at any time prior to the conclusion of the consideration by the Commission.~~

~~308.06 At the conclusion of its consideration, the Commission may approve or disapprove with or without amendment, wholly, partially, or conditionally, the request. If the Commission disapproves the request, it shall not adopt a new resolution making determinations. If the Commission approves the request, with or without amendment, wholly, partially, or conditionally, the Commission shall adopt a resolution making determinations which shall supersede the resolution previously issued.~~

~~308.07 The determinations of the Commission shall be final and conclusive. No person or agency shall make any further request for the same change or a substantially similar change, as determined by the Commission.~~

~~308.08 Notwithstanding section 07, above, clerical errors or mistakes may be corrected pursuant to section 09, below.~~

~~308.09 The Executive Officer may, before the completion of a proceeding, on good cause being shown, correct clerical errors or mistakes made through inadvertence, surprise, or excusable neglect that may be contained in the resolution adopted by the Commission making determinations, upon written request by any member of the Commission, by the Executive Officer, or by any affected agency. A correction made pursuant to this section shall not be cause for filing a request for reconsideration.~~

Revised: December 19, 2001

### **30815 Extension of time to complete proceedings**

01 Please note that E extensions of time to complete proceedings are generally disfavored by the Commission.

02 Prior to the date of expiration, staff shall notify the proponent of the pending termination of the proceedings.

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~~03315-02~~ The proponent may request an extension of time to be considered by the Commission at a public hearing. The request for an extension of time shall be comprised of the following, including any additional information deemed necessary by the executive officer:

1. Written request for an extension of time, including the requested period of time and appropriate fee as described in Commission fee schedule section 350.
2. Description of the changed circumstances of the project that have delayed completion of proceedings.
3. An explanation of the project's feasibility and what progress will be made to complete conditions of approval and all necessary prerequisite actions by any party.
4. Written confirmation from the city or district representative to which annexation is proposed supporting the extension request; a district located within the unincorporated area, written correspondence in support of the extension request shall also be provided from the County of Fresno.

~~04~~—A copy of the Commission agenda and the Executive Officer report on the request for an extension shall be conveyed via US Mail at least five days prior to the hearing to the Commission and alternates, the persons named in the original application, each affected agency, and any person or landowner requesting notice of hearing for the application.

~~05~~—The Executive Officer's report shall indicate when the application was initially approved, how many previous extensions have been granted, and discuss any other factors that bear on the viability of the proposal.

~~315-0406~~ No more than one extension of time ~~will~~may be authorized by the Commission. Notwithstanding, any project in furtherance of the provision of governmental services on property owned by a governmental agency shall be eligible for additional extensions at the discretion of the Commission.

Adopted: June 16, 1993

Revised: April 5, 1995; June 23, 1999; January 9, 2008; April 15, 2009; November 3, 2010; February 18, 2015;

~~318~~—~~Urban service area~~

~~All cities are determined to have an Urban Service Area which shall include all territory that is within a city sphere of influence that also is found to be consistent with LAFCO Standards by the Executive Officer and Commission, that is consistent with the standards within the city/county memorandum of understanding, that is determined to be surrounded or substantially surrounded, and that meets all criteria in state law. Annexations within an Urban Service Area shall be noticed as required by law and may be placed on the Consent Calendar of the commission's agenda. Any proposal can be removed from the Consent Calendar by any member of the commission or any person requesting removal, and opportunity given for testimony relative to the proposal.~~

~~The Commission shall not have the power to disapprove an annexation to a city within an urban service area that is initiated by resolution and is contiguous territory, which the commission finds is~~

**Commented [FD46]:** From CKH:  
56080. "Urban service area" means developed, undeveloped, or agricultural land, either incorporated or unincorporated, within the sphere of influence of a city, which is served by urban facilities, utilities, and services or which are proposed to be served by urban facilities, utilities, and services during the first five years of an adopted capital improvement program of the city if the city adopts that type of program for those facilities, utilities, and services. The boundary around an urban area shall be called the "urban service area boundary" and shall be developed in cooperation with a city and adopted by a commission pursuant to policies adopted by the commission in accordance with Sections 56300, 56301, and 56425.

56375. The commission shall have all of the following powers and duties subject to any limitations upon its jurisdiction set forth in this part:

(a)(4) A commission shall not disapprove an annexation to a city, initiated by resolution, of contiguous territory that the commission finds is any of the following:...

(B) Located within an urban service area that has been delineated and adopted by a 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.

56428. (a) Any person or local agency may file a written request with the executive officer requesting amendments to a sphere of influence or urban service area adopted by the commission. The request shall state the nature of the proposed amendment, state the reasons for the request, include a map of the proposed amendment, and contain any additional data and information as may be required by the executive officer.

...(g) The commission and executive officer may review and act on any request to amend a sphere of influence or urban service area concurrently with their review and determination on any related change of organization or reorganization. In case of a conflict between the provisions of this section and any other provisions of this part, the other provisions shall prevail.

**Commented [FD47]:** Rec that we keep CKH noticing controls.

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~~not prime ag land (Section 56064) and is designated for urban growth on the city general plan (Section 56375(a)(4)).~~

**Commented [FD48]:** Rec deleting this as it removes the commission's discretion. Essentially a repeat of CKH

~~For any proposal, which does not come with consent of all landowners, the Board of Supervisors may be designated as the conducting authority, when requested by the county.~~

**Commented [FD49]:** No longer feasible.

320 ~~Extended Extension of Service procedures~~

Pursuant to ~~GC sec. Section 56133 et seq., of the Government Code, a City or District principally in Fresno County may provide new or extended services by contract or agreement outside its boundaries only if it requests and receives written approval from the Commission.~~

Requests for approval of ~~extension of~~ service shall be by application in the form provided by the Commission. All requests will be reviewed for consistency with Commission ~~Policies, Standards, and Spheres of Influence.~~

Pursuant to ~~GC section 56133(e), contracts or agreement solely involving two or more public agencies are exempt from these procedures. A service enumerated in instant aid agreements, mutual aid agreements, or similar agreements for emergency response is exempt from these procedures.~~

~~It is the policy of Fresno LAFCo that authorization of an extension of a city service shall be conditioned on the property owners' agreement to not protest annexation.~~

The following policies shall be used to evaluate applications for extended services.

~~01 "Extended service" is defined as either a new extension of physical infrastructure (service mains or facilities), or the new provision of one or more a municipal services (including but not limited to domestic water, wastewater collection, solid waste, or enhanced levels of fire or police services) by a public agency to members of the public or private property territory that is outside of the agency's LAFCo approved city limit, service area, or sphere of influence.~~

~~02 On October 1, 2014, by resolution no. 127, the Commission delegateds to the Executive Officer the authority to approve, disapprove, or approve with conditions applications for extended service.~~

~~03 The Executive Officer may deny applications for extended service if, in his/her opinion, the service is more appropriately provided through annexation or some other reasonable solution rather than by extended service.~~

04 The following procedure shall apply to applications for extended services:

~~A.1. Within 30 days of receipt of an application for extended service the Executive Officer, within 30 days of receipt of an application for extended service, shall determine whether the application is complete and acceptable for filing or whether the application is incomplete.~~

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~~B.2. If the application is determined to be incomplete, the Executive Officer shall immediately transmit that determination to the applicant, specifying those parts of the application that are incomplete and the elements necessary to make the application complete.~~

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Attachment C

G.3. Applications for extended service outside of the affected local agency's sphere of influence shall include documentation of actual impending threat to public health and safety of the residents of the affected territory. Upon receipt of such an application, the executive officer shall notify any alternate service provider, including any water corporation as defined in Section 241 of the Public Utilities Code, or sewer system corporation as defined in Section 230.6 of the Public Utilities Code that has filed a map and a statement of its service capabilities with the Commission.

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D.4. When the application is deemed complete by the Executive Officer, the Executive Officer shall, within 90 days, approve, disapprove, or approve with conditions the contract for extended services.

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E.5. The Executive Officer may require as part of his or her conditioning authority a condition of approval that the property owner benefitting from the extended service shall covenant to not protest future annexation of the subject property.

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F.6. The Executive Officer's decision regarding an application for extended service shall be conveyed by letter to the applicant in a timely manner.

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G.7. If the application is disapproved or approved with conditions, the applicant may request reconsideration pursuant to the criteria and time requirements specified in GC sec. 56895, citing the reasons for reconsideration.

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8. The Executive Officer shall provide a summary report to the Commission at the next available meeting.

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H.9. See Appendix "d," Extension of Services Worksheet

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Adopted: August 24, 1994  
Revised: December 19, 2001; October 1, 2014

**330 Sphere of influence updates and revisions**  
(GC sec. 56425)

330.01 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 Commission shall develop and determine the sphere of influence of each local governmental agency under its jurisdiction within the County pursuant to these policies. This will promote the logical and orderly development of areas within the sphere (GC sec. 56425).

330.02 Under CKH, prior to a city submitting an application to the Commission to update its sphere of influence, representatives from the city and representatives from the County shall meet to discuss the proposed new boundaries of the sphere and explore methods to reach agreement on, development standards and planning 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 an agreement is reached between the city and County, the city shall forward the agreement in writing to the Commission, along with the application to update the sphere of influence. 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 to the extent that it is consistent with Commission policies in its final determination of the city sphere.

330.03 If the Commission's final determination is consistent with the agreement reached between the city and County, CKH provides that the agreement shall be adopted by both the city and County after a noticed public hearing.

330.04 If no agreement is reached between the city and County, 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.

330.05 In determining the sphere of influence ~~of~~ for each local agency, the Commission shall consider and prepare a written statement of its determinations with respect to those specific items set forth in GC sec. 56425 or as amended, existing policy section 330 (which are hereby reaffirmed and incorporated by such reference into this amendment), which are summarized as follows:

1. The present and planned land uses in the area, including agricultural and open-space lands.
2. The present and probable need for public facilities and services in the area.
3. The present capacity of public facilities and adequacy of public services that the agency provides or is authorized to provide.
4. The existence of any social or economic communities of interest in the area.
5. For a city or special district that provides public facilities or services related to sewers, municipal and industrial water, or structural fire protection, the present and probable need

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for those public facilities and services of any disadvantaged unincorporated communities within the existing sphere of influence.

~~330.06~~ Upon determination of a sphere of influence, the Commission shall adopt that sphere, and shall review and update, as necessary, the adopted sphere not less than once every five years.

~~330.07~~ Upon determination of a ~~For any~~ sphere of influence ~~or a sphere of influence that includes~~ of a special district, the Commission shall do all of the following:

~~1.~~ Require existing districts to file written statements with the Commission specifying the functions or classes of services provided by those districts.

~~e2.~~ Establish the nature, location, and extent of any functions or classes of services provided by the affected existing special districts.

Commented [FD50]: LAFCo does this with each MSR

~~3.~~ Determine that, except as otherwise authorized by the regulations, no new or different function or class of service shall be provided by any existing district, except upon approval by the Commission.

Commented [FD51]: Line in the sand

~~330.08~~ The Commission's determination of a local agency's ~~requests that a~~ sphere of influence update shall be comprehensive, and based on historical growth patterns, and using a twenty to twenty-five year ~~planning horizon~~ projection.

~~330.09~~ The local agency's request for a sphere of influence update shall be supported by its prepared with a long-range planning document: for a city, its general plan; for a special district serving an unincorporated community, and the County general or community plan; update for the community for a special district, its master plan.

~~330.10~~ The following should be included in addition to any other matters:

~~\_\_\_\_\_~~ The present and planned land uses in the area, including agricultural and open space lands.

- ~~1.~~ Community Land Use Plan(s)
- ~~2.~~ Growth projection (population and area)
- ~~3.~~ Growth Policies and Annexation Policies
- ~~4.~~ Vacant Land Inventory
- ~~5.~~ Urban Infill Policies
- ~~6.~~ Agricultural and Open Space Conservation Plan/Policies
- ~~7.~~ The present and probable need for public facilities and services in the area.
- ~~8.~~ Urban Service and Public Facility Inventory

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- ~~9. Service agencies providing services to community~~
- ~~10. The present capacity of public facilities and adequacy of public services which the agency provides or is authorized to provide.~~
- ~~11. Master Service Plan update~~
- ~~12. Capital Facility Element~~
- ~~13. Cost/Revenue Studies~~
- ~~14. Service Transition Plan for affected agencies~~
- ~~15. The existence of any social or economic communities of interest in the area.~~
- ~~16. Identity of community of interest and needs~~
- ~~17. Impediments to annexation and mitigation of impediments~~

~~330.09 The lead planning agency should develop the sphere of influence update with the responsible agencies. The city should be the lead agency in developing the general plan/sphere of influence update; LAFCo and the county would be reviewing, responsible agencies. For unincorporated communities, the county should be the lead agency. The three agencies should develop information and consult together. Each legislative body should participate in the development of the issues and recommendations.~~

~~330.10 The Commission recommends a study area for the sphere of influence be requested during the preliminary review with LAFCo staff in order to focus the process of updating. The study area determined would give consideration to service constraints, population projection/land demand, agricultural lands and other land uses, and effect on other agencies. A briefing report will be prepared by LAFCo staff to the Commission after there is agreement on a study area.~~

~~330.11 Comprehensive Service Reviews (GC sec. 56430)~~

~~In order to prepare and to update spheres of influence in accordance with this policy, 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 sub-region, 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:~~

- ~~1. Growth and population projections for the affected area.~~
- ~~2. The location and characteristics of any disadvantaged unincorporated communities within or contiguous to the sphere of influence.~~



## Attachment C

- ~~3. Present and planned capacity of public facilities, adequacy of public services, and infrastructure needs or deficiencies.~~
- ~~4. Financial ability of agencies to provide services.~~
- ~~5. Status of, and opportunities for, shared facilities.~~
- ~~6. Accountability for community service needs, including governmental structure and operational efficiencies.~~
- ~~7. Any other matter related to effective or efficient service delivery, as required by commission policy.~~

~~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.~~

~~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 or update a sphere of influence.~~

Revised: June 16, 1993; August 24, 1994; December 19, 2001; March 5, 2008

## SECTION 350 FEE SCHEDULE

**Commented [FD52]:** Generally the amendments in this section clarify actions rather than update all fees.

Effective July 1, 2011

### 3510.01 General

Pursuant to GC sec. 56383, the commission has established a schedule of fees and service charges pursuant to GC sec. 56383, including, but not limited to, all of the following:  
the commission has established a schedule of fees and a schedule of service charges for all of the following:

- 01- Filing and processing applications filed with the commission.
- 02- Amending or updating a sphere of influence.
- 03- Reconsidering a resolution making determinations.
- 04- Proceedings undertaken by the commission and any reorganization committee.

### 351-01 Application Processing Fees

GC sec. 56069 defines a "Proposal" as a desired change of organization or reorganization initiated by a petition or by resolution of application of a legislative body or school district for which a certificate of filing has been issued.

Application Processing

Change of Organization and Reorganization. GC sec. 56021 defines a "change of organization" as any of the following:

- (a) A city incorporation.
- (b) A district formation.
- (c) An annexation to a city.
- (d) An annexation to a district.
- (e) A detachment from a city.
- (f) A detachment from a district.
- (g) A disincorporation of a city.
- (h) A district dissolution.
- (i) A consolidation of cities.
- (j) A consolidation of special districts.
- (k) A merger of a city and a district.
- (l) Establishment of a subsidiary district.
- (m) The exercise of new or different functions or classes of services, or divestiture of the power to provide particular functions or classes of services, within all or part of the jurisdictional boundaries of a special district.

GC sec. 56073 defines a "reorganization" as two or more changes of organization contained within a single proposal. For example, an annexation to a city may require detachment from an underlying special district. If a reorganization consists of annexations and detachments only, the fee for only one change of organization, whichever is larger, is charged. If other types of changes of organization are included, fee for each change of organization may be charged, may be charged at the discretion of the executive officer.

### 351-02- Fee based on acreage of entire affected territory

Proposal a ~~Acres~~ shall be determined by rounding to nearest whole number the combined ~~net gross acreage~~ of all affected parcels ~~area~~ as shown on the Assessor's Parcel Map and shall include the full rights of way of adjacent public streets.

351.03 Fee schedule for changes of organization, reorganization

Under 3 acres:	_____	\$ 1,200.00
3 to 5 acres:	_____	\$ 2,400.00
6 to 10 acres:	\$ _____	4,800.00
11 to 20 acre:	\$ _____	7,200.00
21 to 40 acres:	\$ _____	9,600.00
41 to 80 acres:	\$ _____	12,000.00
81 to 160 acres:	\$ _____	14,400.00
Over 160 acres:	\$ _____	16,800.00

351.042 Exceptions

Dissolution of a special dDistrict initiated  
by resolution of the affected special district \$ 2,400.00

Merger of a city and a district, formation of a s-or Subsidiary dDistrict \_\_\_\_\_ \$  
82,400.00

Consolidation of local agencies \$ 8,000.00  
Activation or divestiture of sSpecial dDistrict pPower(s) \$ 2,400

Commented [FD53]:

Incorporation or disincorporation of a city, or fFormation of a special district,  
Disincorporations, Dissolution

\$10,000.00 dDeposit and will be billed at cost for staff's time including legal services, government fees and charges, and for any consultant(s) that may be required, plus 9% administration fee.

Reorganization

~~If a reorganization consists of annexations and detachments only, use the fee schedule for one change of organization only, whichever is larger. If other types of changes of reorganization are included, fee for each other change may be added.~~

351.053. Sphere of Influence Revision

The fee for a proposed SOI revision is either:

1. Equivalent to the application processing fee for an equivalent change of organization or reorganization; or
2. 35% of the fee of the concurrent, and coterminous, proposed change of the organization or reorganization

1. The application fee for a sphere of influence amendment shall be equivalent to the application processing fee for an equivalent change or organization or reorganization.

2. If an application for a sphere of influence amendment is submitted at the same time as a conterminous change of organization or reorganization, the fee for the sphere of influence amendment is 35% of the fee of the corresponding change of the organization or reorganization.

06350.04 Request for Commission Review

The fee for commission review shall be \$750. "Commission review" is defined as either:

01. A request for extension of the time for completion of proceedings,
02. A request to reconsider a resolution making determinations, or
03. A request for Commission authorization of an extension of services.

Request for inclusion

Use fee schedule for annexation, where request for inclusion is made in accordance with the Commission's procedures for evaluation of proposals

Request for activation or divestiture of Special District Powers, Service, or Function

Each requested additional Power or Service	\$2,000.00
Maximum	\$5,600.00
Maximum fee for change of organization in an adopted urban service area or for changes not providing an urban service.	\$3,500.00

350.0207 Petition Check \$ 40.00

Plus signature check, per signature \$ .65

08350.03 Compliance with CEQA/NEPA where LAFCo is the Lead Agency

The fee for required CEQA and/or NEPA environmental assessment, including, but not limited to preparation of an environmental impact report, shall be a deposit of the estimated amount required to perform this activity.

**Commented [FD54]:** Adding territory to a proposal prior to the certificate of filing is a problem: this requires review for MOU consistency, R&T, CEQA and rezoning. Also, presume this is after cert of filing. 1

~~09350.04~~ Financial Feasibility Report

~~When the commission is requested to review The fee for a financial feasibility report the fee deposit shall be a deposit of the estimated amount required to perform this activity. This fee applies only when the commission is requested to perform this activity.~~

~~350.05~~ Property Tax Report

~~The fee for a property tax report shall be a deposit of the estimated amount required. This fee applies only when the Commission is requested to collect data for the purpose of negotiating property tax exchange under Revenue & Taxation Code Sec. 99 and 99.1.~~

**Commented [FD55]:** It is highly unlikely that the commission will request a report prior to an application (and fee) being submitted, further report by assessor will be part of project record.

~~10350.06~~ Copies of Papers on File

~~Any request for copies of any documents on file in the office of the Commission will be \$1.00 each page and \$0.75 after 10 pages, and as necessary to recover costs of making such copies and any mailing costs.~~

~~11350.07~~ Exceptions to Required Fees

~~The Commission may reduce or waive any processing fee by a four-fifths affirmative vote if the imposition of such fee would be detrimental to the public interest, as determined by the Commission. Any change specifically recommended by the Commission in a study approved by Commission may not require a fee. Requests must be made in writing.~~

~~350.08~~ Deferment of Fees

~~The Commission may defer the payment of a processing fee for any district change until the time the district receives its first revenue, or if terminated, until 30 days after receipt of the resolution of termination or disapproval. The deferment shall only be granted where the fee payment and no single landowner or developer project will benefit from the proposal. The Commission shall determine the deferment to be in the public interest.~~

**Commented [FD56]:** Highly unlikely to occur and in the event it is necessary it can be accommodated in 350.07.

~~350.09~~ Cost of Mailed Notice

~~Any proponent may request the executive officer to conduct the required mailed notice to affected landowners and residents. actual cost of mailing shall be paid by the proponent at the time of billing plus a 9% administration fee. A deposit to cover estimated costs may be required by the executive officer at the time the application is submitted.~~

**Commented [FD57]:** seems like we already "conduct the required notice" so what is this for?

~~350.10~~ Request for Commission Review

~~The fee for a request for extension of the time for completion of proceedings, or a request to reconsider a resolution making determinations, or a request for Commission authorization of an extension of services outside agency boundaries or sphere of influence pursuant to sec. 56133, shall be equal to 10% of the annexation fee schedule to a maximum of \$750.~~

~~350.11~~ Proposal Map and Metes and Bounds Description Check

~~The fee for this activity shall be a deposit of check of the estimated amount required.~~

**Commented [FD58]:** Assessor does this for annexations and charges LAFCo.

~~350.12~~ Legal Fees for pProposal pProcessing shall be a dDeposit of estimated amount required.

~~350.13~~ Pre-Application rReview --\$500.00

350.14 Use of Consultants

In the event that staff finds it necessary to hire a consultant to assist with the analysis of a proposal, the applicant will be responsible for depositing the expenses associated with the consultant's work, plus 15% of the total consulting fee for administration of the contract, with the Commission prior to approval of the contract. The contract will be approved in accordance with Fresno LAFCo's Financial and Accounting Procedures. If actual expenses exceed the original deposit, those additional funds plus the ~~9~~15% administrative fee shall be paid to LAFCo prior to final consideration of the proposal by the Commission.

Adopted: ~~November 29~~December 1, 1978

Revised: July 1, 1984; February 19, 1987; April 16, 1987; December 10, 1987; July 1, 1991; July 1, 1992; June 16, 1993; May 25, 1994; June 28, 1995; July 1, 1995; August 23, 1995; September 1, 1998; August 13, 2008; August 11, 2010; November 2, 2011; December 14, 2016

**Commented [FD59]:** June 28, 1978 hearing item 11: Proposal to adopt a fee schedule for proposal to be heard by commission: action was to direct staff to work with A-C; September 6, 1978, consider adopting a schedule of fees on 9/27; 9/27 item 1 adopting schedule of fees, cont to 11/29; 11/29 adopted as proposed.

## SECTION 400 PROCEDURE FOR ~~PREPARATION~~ EVALUATION OF SERVICE PLANS

~~Sec. 56653~~

The Commission has adopted the following procedures for evaluating city and district service plans, as required by Sec. 56375[h].

### 401—General

~~401.01 Pursuant to GC sec. 56653, in compliance with state law, each service plan shall list and describe the services extended, give the level and range of services, indicate when they can be provided and any improvement or upgrading of structure or facilities that will occur, indicate any condition imposed within affected area, provide information as to how each service and improvement will be financed. The applicant of a proposal for a change of organization or reorganization shall submit a plan prepared by the affected local agency for providing services within the affected territory. The plan for providing services shall include all of the following information and any additional information required by the commission or the executive officer:~~

- ~~1. An enumeration and description of the services currently provided or to be extended to the affected territory.~~
- ~~2. The level and range of those services.~~
- ~~3. An indication of when those services can feasibly be extended to the affected territory, if new services are proposed.~~
- ~~4. 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.~~
- ~~5. Information with respect to how those services will be financed.~~

~~401.02 A local agency has the option of creating and annually updating a master sService dDelivery pPlan with the information enumerated in section 401.01. This will suffice for proposal-specific service plans for the calendar year such proposals are submitted.~~

~~401.02 The Commission may establish other standards for the provision of municipal or district services and improvements.~~

### 402—Master service plans

~~402.01 A master service plan shall be prepared by each city, in cooperation with the Commission staff. This master service plan shall comply with all requirements of state law and the Commission, and shall be evaluated and approved by the affected city and the Commission. This plan shall be on file with the affected city and Commission, and be made available to any interested person or agency upon request.~~

~~402.02 The master service plan shall be considered to meet the requirement of state law for a service plan for each proposal submitted thereafter with the following exceptions:~~

~~Specific service, improvement, and financial data may be requested by the executive officer for specific applications.~~



1. ~~The affected city shall indicate for each application when the master service plan is not current and needs revision.~~
2. ~~The master service plan shall be reviewed annually and updated as necessary by the staff of the affected city in cooperation with the executive officer of the Commission. Any changes shall be evaluated and approved by the city and Commission.~~
3. ~~Any district may choose to prepare and adopt a master service plan in the same manner as provided for cities.~~

#### ~~403 Individual service plans~~

~~A separate service plan shall be required for each change of organization or reorganization where no current master service plan has been adopted by the agency and Commission.~~

## SECTION 200 STANDARDS FOR CHANGES OF ORGANIZATION

As authorized by State law, the Commission has adopted the following standards to review proposals. Each standard is developed from the factors to be considered presented in GC sec. 56668 and the preceding Commission policy statements. Standards are developed for review of proposals for city annexation, district annexation, city incorporation, and district formation.

The purpose of these standards is to give indication of how the staff and Commission will evaluate a proposal and make recommendation and determination.

Generally, proposals should meet all standards to be approved. However, when appropriate, the Commission may waive a standard where evidence of overriding circumstances presented in the application and at the hearing warrant such a waiver.

Revised: February 26, 1992

### 210 Standards for annexation to cities and special districts that provide municipal services

Proposals shall be evaluated in light of following standards:

- 01 A proposal is consistent with the affected agency's sphere of influence and does not conflict with the goals and policies of the Commission.
- 02 A proposal to annex to a city is consistent with the affected City's land use plan by rezoning and approval of planning entitlement applications. Proposal to annex to a special district has been deemed consistent with the affected special district's service plan.
- 03 Proposal mitigates any significant adverse effect on continuing agricultural operations on adjacent properties by execution of a right-to-farm covenant.
- 04 Proposal is consistent with the affected city's general plan, is contiguous to the affected city, and demonstrates in its service plan that it will result in logical, orderly, and efficient service delivery.
- 05 Proposal shows that there is existing substantial development or gives an indication of imminent development in the form of an approved tentative subdivision map or site plan review, requiring municipal services.
- 06 Proposal's service plan demonstrates that development can be provided all necessary services, public improvements and facilities.
- 07 Proposals that would create islands are discouraged. Boundaries should minimize creation of peninsulas and corridors and should include any developed islands or substantially surrounded area with the proposed developing area.
- 08 There is a timely availability of water supplies adequate for projected needs as specified in GC sec. 65352.5.

## 09 Rezoning Requirement

1. Prior to the affected city or petitioner submitting an application to the Commission for a proposed annexation the affected territory must be rezoned consistent with the city's general plan.
2. When territory has been rezoned, a copy of the enacted ordinance bill verifying that required rezoning has been applied to territory included in an annexation proposal shall be submitted to the Executive Officer as a part of a complete application. An application for annexation to a city will be deemed incomplete without submission of certified copies of the rezoning ordinance or a Clerk's Certification indicating the rezoning has occurred.
3. The Commission shall not specify how, or in what manner, territory shall be rezoned nor shall the Commission impose any conditions that would directly regulate land use density or intensity, property development, or subdivision requirements (GC sec. 56886).
5. The applicant for a proposed annexation must participate in at least one pre-application meeting with LAFCo staff (or in the case of landowner petition a representative from the city) prior to applying for annexation to LAFCo. All territory to be included in a proposed annexation shall be determined at the pre-application meeting(s). As a general rule, inclusion of additional territory (if any) by LAFCo staff may be determined at the pre-application meeting(s).
6. As a general rule, including additional territory (if any) by LAFCo staff may be determined at the pre-application meeting(s). However, the Commission may determine to add additional territory to a proposed annexation to prevent the creation of unincorporated islands and/or peninsulas of land, to create more logical boundaries, or for any reason necessary to ensure orderly, logical, and efficient boundaries.
7. No subsequent change may be made to the general plan or zoning for territory included in an annexation to a city that has been rezoned or rezoned that is not in conformance with the city's general plan or zoning designations for a period of two years after the completion of the annexation. Changes to the land use designation or zoning can only be made if the legislative body for the city makes a finding at a public hearing with written notice provided no less than 21 days to the commission that a substantial change has occurred in circumstances that necessitate a departure from the rezoning in the application to the Commission (GC sec. 56375(e)).

Adopted: August 27, 2003

## 220 Standards for annexation to special districts

- 01 The proposed annexation to a special district is consistent with the affected special district's sphere of influence.
- 02 Services can be provided by the annexing special district as shown by the district's service plan and district annexation is the most economical and practical method of supplying services.

03 Proposal would not have a significant adverse operational or economic effect on subject or affected agencies, and on adjacent areas.

04 Proposal shows a benefit to landowners and residents in the affected territory.

Revised: December 19, 2001

230 Standards for evaluation of proposals in the unincorporated portion of cities' spheres of influence.

The Commission recognizes that cities and the County are considered "planning agencies" under GC sec. 65300 (Planning and Zoning Law) and are therefore responsible to prepare and adopt comprehensive, long-term general plans for the physical development of the territory under their respective jurisdiction, and of any land outside the cities' incorporated area which in their judgment bears relation to their long-term growth and development.

GC sec. 56425 requires that the commission develop and determine the sphere of influence of each city and special district within the county and enact policies designed to promote the logical and orderly development of areas within those spheres. The SOIs typically include territory outside of a city's limits that is also planned for growth by its general plan.

Though the commission does not adopt a SOI for the County, the County has land use jurisdiction over all unincorporated territories including those that are also within a SOI adopted by the Commission for a city or special district that provides municipal services.

The County's general plan land use diagrams are infrequently coordinated with that of the underlying city. In most cases known to LAFCo, the County's land use plans for territory in a city's SOI are obsolete, meaning that they have not been updated in the current century and were not updated with the city's own general plan updates.

As a consequence, even though both the cities and the County are complying with their respective planning and zoning obligations under law, there is a general disagreement between their respective land use plans in the unincorporated territory within cities spheres of influence. The general disagreement being that County plans rely on historical land use practices related to agricultural or rural uses and the cities plan for future urban level residential, commercial, and industrial uses. Further, there is a marked difference between agricultural/rural development standards and those needed for urban uses.

The effect of this disagreement between land use plans is that the County's evaluation of planning and building activities in a city's unincorporated SOI can be at odds with the planning and development perspective of a city's general plan.

When the Commission adopts a city's sphere of influence, it does so to carry out its purposes and responsibilities for planning and shaping the logical and orderly development and coordination of local governmental agencies. These responsibilities endure long after a SOI is adopted. The following policies reflect LAFCo's continued interests in orderly and logical growth and development.

01 LAFCo will provide comment as it deems necessary on a range of development, planning, and building activities proposed in unincorporated territory within cities' spheres of influence.

02 When development is proposed within the unincorporated portion of a city's sphere of influence the commission recommends that such development be annexed to the city and in the event that this is not possible, that development standards applied by the County be consistent with the respective city's general plan and development standards.

### SECTION 300 PROCEDURES FOR EVALUATION OF APPLICATIONS

The Commission has adopted the following procedures in compliance with GC sec. 56375(g).

#### 301 Information to be submitted

Any proposal for a change of organization or reorganization shall contain sufficient information to determine that adequate services, facilities, and improvements can be provided and financed by the agencies responsible for the provision of such services, facilities, and improvements .

#### 302 Pre-application review

01 The Commission recommends that each applicant participate in a pre-application review with LAFCo staff to provide applicants with information related to LAFCo laws, adopted policies, standards, and procedures, and provide a preliminary evaluation of the applicant's proposal.

02 Any staff comments associated with a pre-application review shall not bind the Commission in its consideration of any formal application.

03 A LAFCo pre-application review processing fee may be paid in accordance with Section 350. The fee shall be credited toward the formal application fee, should one be filed within one year from the date that the pre-application review processing fee was paid.

#### 303 Complete Applications

01 All applications initiated by either petition or resolution shall not be considered as complete until submitted to the Commission together with the appropriate application requirements in the form required by the Commission and Executive Officer, and as provided by GC sec. 56652.

02 The minimum application requires are:

1. A petition or resolution of application initiating the proposal.
2. A statement of the nature of each proposal.
3. A map and description, acceptable to the executive officer and the County Assessor, of the boundaries of the affected territory for each proposed change of organization or reorganization.
4. Any data and information as may be required by any regulation of the commission.
5. Any additional data and information, as may be required by the executive officer, pertaining to any of the matters or factors which may be considered by the Commission.

6. The names of the officers or persons, not to exceed three in number, who are to be furnished with copies of the report by the executive officer and who are to be given mailed notice of the hearing, their physical addresses and email addresses.
7. If the applicant is a local agency serving as the CEQA lead agency, the application will contain all pertinent environmental documents. If the applicant intends that LAFCo will serve as the lead agency a complete application will include the commission's adopted CEQA processing fee.
8. Evidence of a property tax revenue sharing agreement pursuant to Revenue and Taxation Code.
9. LAFCo application fee as presented in section 350.

03 Applications for a change of organization or reorganization submitted pursuant to this part, shall also include:

1. A plan for providing services within the affected territory enumerating the information in GC sec. 56653.
2. Evidence that a required rezoning has been applied to territory included in an annexation;
3. Evidence of a current transition agreement between a city and a fire protection district

04 Additional information as may be deemed necessary by the Executive Officer .

05 Within 30 days of the receipt of the application, the Executive Officer will make one of the following findings:

1. The application is complete and may be accepted for processing.
2. The application is not complete and may not be accepted for processing.

06 In the event that an application is not accepted as complete, the applicant shall be notified in writing of the determination. The notice shall specify the additional information necessary to make the application complete.

### 303 Indemnification of the Commission by applicant

To further good government practices and policies of the Commission, and protect the Commission from the costs associated with legal challenges, the Commission requires that:

01 All applicants shall sign a standard short-form legal indemnity agreement before an application is certified for filing by the Executive Officer. This agreement shall provide that the applicant shall indemnify, defend, and hold harmless the Commission, its agents, officers, attorneys, and employees from any legal challenges or appeals brought to challenge the review or approval as a result of the application.

02 At the discretion of the Executive Officer, the Commission may also require the applicant to enter into a comprehensive legal indemnity agreement providing for the terms of such indemnification and the reasonable costs incurred by the Commission associated with the preparation of such agreement shall be borne by the applicant. The comprehensive legal indemnity agreement shall be approved by the Executive Officer in consultation with LAFCo counsel.

03 In the event that a lawsuit has been filed, or if LAFCo Counsel or the Executive Officer have reasonable grounds to believe that a lawsuit will soon be filed, with the court to challenge the Commission's review or approval of a proposal, the Executive Officer shall submit an invoice to the

applicant for a deposit to be held by the Commission to offset its litigation-related expenses. The amount of the deposit will be based upon the complexity of the matter as reasonably determined by the Executive Officer in consultation with LAFCo counsel.

04 The Executive Officer shall not issue a Certificate of Filing for an application unless a short-form or comprehensive indemnification agreement is executed by the applicant and all preparation fees have been paid.

Revised: August 13, 2008; August 8, 2012

#### 304 Meeting and notice requirement

01 Proponents of inhabited proposals shall conduct an informational meeting for the affected landowners and residents prior to the Commission's consideration of the proposal. For uninhabited proposals, similar information may be provided by mail. Notice of the meeting shall be provided to landowners and residents and LAFCo. If available, such notice shall include information of the LAFCo hearing.

Written documentation of the concerns and responses will be included in the LAFCo staff report to the Commission, with alternative boundaries and/or conditions, which will respond to the concerns of residents.

Revised: June 16, 1993

#### 305 Affected agencies and interested parties' review

Agencies whose boundaries or sphere of influence are affected, county departments and other reviewing agencies will be provided an opportunity to review and comment on the matter by the executive officer.

#### 306 Revision of proposal boundaries

01 The full width of contiguous public rights of way may be added to a proposal at the discretion of the executive officer.

##### 02 Request for Revision.

An affected agency, landowner, or interested party may request a revision of the boundaries of any proposal to add or remove contiguous territory. Such a request in writing must be received by the Executive Officer at least 15 days prior to the hearing and shall clearly justify and give reasons for the requested revision and include a map of the revision. A revision may be subject to a fee, in accordance with the LAFCO Fee Schedule and may be subject to County review and rezoning by affected city.

##### 03 Review of Revision

In the event of a revision, affected agencies and landowners shall be mailed a notice by LAFCO of the revision at least ten days prior to the hearing unless their consent is provided. Requests or revisions shall be reviewed in the same manner as the original proposal by the Executive Officer and the Commission and may be continued by the Commission from time to time.

04 Approval of Revision

When the Commission approves a revision of the boundaries from those proposed by the petition or resolution of initiation, a revised map and description shall be prepared and submitted to the Executive Officer, subject to approval by the County Assessor, prior to certification of completion.

Revised: January 24, 1990

307 Amendments to/reconsideration of Commission resolution

In accordance with GC sec. 56895, a request to amend or reconsider a Commission resolution shall comply with the provisions of that section. A written request to request amendments to or reconsideration of a resolution shall be accompanied by the fee adopted by the Commission in section 350.

308 Extension of time to complete proceedings

01 Extensions of time to complete proceedings are generally disfavored by the Commission.

02 Prior to the date of expiration, staff shall notify the proponent of the pending termination of the proceedings.

03 The proponent may request an extension of time to be considered by the Commission at a public hearing. The request for an extension of time shall be comprised of the following, including any additional information deemed necessary by the executive officer:

1. Written request for an extension of time, including the requested period of time and appropriate fee as described in Commission fee schedule section 350.
2. Description of the changed circumstances of the project that have delayed completion of proceedings.
3. An explanation of the project's feasibility and what progress will be made to complete conditions of approval and all necessary prerequisite actions by any party.
4. Written confirmation from the city or district representative to which annexation is proposed supporting the extension request; a district located within the unincorporated area, written correspondence in support of the extension request shall also be provided from the County of Fresno.

04 A copy of the Commission agenda and the Executive Officer report on the request for an extension shall be conveyed via US Mail at least five days prior to the hearing to the Commission and alternates, the persons named in the original application, each affected agency, and any person or landowner requesting notice of hearing for the application.

05 The Executive Officer's report shall indicate when the application was initially approved, how many previous extensions have been granted, and discuss any other factors that bear on the viability of the proposal.

06 No more than one extension of time will be authorized by the Commission. Notwithstanding, any project in furtherance of the provision of governmental services on property owned by a governmental agency shall be eligible for additional extensions at the discretion of the Commission.



Adopted: June 16, 1993

Revised: April 5, 1995; June 23, 1999; January 9, 2008; April 15, 2009; November 3, 2010; February 18, 2015

### 320 Extension of Service procedures

Pursuant to GC sec. 56133 *et seq.*, a city or district may provide new or extended services by contract or agreement outside its boundaries only if it requests and receives written approval from the Commission.

Requests for approval of extension of service shall be by application in the form provided by the Commission. All requests will be reviewed for consistency with Commission policies and spheres of influence.

Pursuant to GC sec. 56133(e), contracts or agreement solely involving two or more public agencies are exempt from these procedures. A service enumerated in instant aid agreements, mutual aid agreements, or similar agreements for emergency response is exempt from these procedures.

It is the policy of Fresno LAFCo that authorization of an extension of a city service shall be conditioned on the property owners' agreement to not protest annexation.

The following policies shall be used to evaluate applications for extended services.

01 "Extended service" is defined as either an extension of physical infrastructure (service mains or facilities), or the provision of one or more a municipal services (including but not limited to solid waste or enhanced levels of fire or police services) by a public agency to territory is outside of the agency's city limit, service area, or sphere of influence.

02 On October 1, 2014, by resolution no. 127, the Commission delegated to the Executive Officer the authority to approve, disapprove, or approve with conditions applications for extended service.

03 The Executive Officer may deny applications for extended service if, in his/her opinion, the service is more appropriately provided through annexation or some other reasonable solution rather than by extended service.

04 The following procedure shall apply to applications for extended services:

1. Within 30 days of receipt of an application for extended service the Executive Officer shall determine whether the application is complete and acceptable for filing or whether the application is incomplete.
2. If the application is determined to be incomplete, the Executive Officer shall immediately transmit that determination to the applicant, specifying those parts of the application that are incomplete and the elements necessary to make the application complete.
3. Applications for extended service outside of the affected local agency's sphere of influence shall include documentation of actual impending threat to public health and safety of the residents of the affected territory. Upon receipt of such an application, the executive officer shall notify any alternate service provider, including any water corporation as defined in Section 241 of the Public Utilities Code,

or sewer system corporation as defined in Section 230.6 of the Public Utilities Code that has filed a map and a statement of its service capabilities with the Commission.

4. When the application is deemed complete by the Executive Officer, the Executive Officer shall, within 90 days, approve, disapprove, or approve with conditions the contract for extended services.

5. The Executive Officer may require as part of his or her conditioning authority a condition of approval that the property owner benefitting from the extended service shall covenant to not protest future annexation of the subject property.

6. The Executive Officer's decision regarding an application for extended service shall be conveyed by letter to the applicant in a timely manner.

7. If the application is disapproved or approved with conditions, the applicant may request reconsideration pursuant to the criteria and time requirements specified in GC sec. 56895, citing the reasons for reconsideration.

8. The Executive Officer shall provide a summary report to the Commission at the next available meeting.

9. See Appendix "D," Extension of Services Worksheet

Adopted: August 24, 1994

Revised: December 19, 2001; October 1, 2014

### 330 Sphere of influence updates and revisions

01 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 Commission shall develop and determine the sphere of influence of each local agency under its jurisdiction within the County pursuant to these policies. This will promote the logical and orderly development of areas within the sphere (GC sec. 56425).

02 Under CKH, prior to a city submitting an application to the Commission to update its sphere of influence, representatives from the city and representatives from the County shall meet to discuss the proposed new boundaries of the sphere and explore methods to reach agreement on, development standards and planning 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 an agreement is reached between the city and County, the city shall forward the agreement in writing to the Commission, along with the application to update the sphere of influence. 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 to the extent that it is consistent with Commission policies in its final determination of the city sphere.

03 If the Commission's final determination is consistent with the agreement reached between the city and County, CKH provides that the agreement shall be adopted by both the city and County after a noticed public hearing.

04 If no agreement is reached between the city and County, 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.

05 In determining the sphere of influence for each local agency, the Commission shall consider and prepare a written statement of its determinations with respect to those specific items set forth in GC sec. 56425 or as amended, which are summarized as follows:

1. The present and planned land uses in the area, including agricultural and open-space lands.
2. The present and probable need for public facilities and services in the area.
3. The present capacity of public facilities and adequacy of public services that the agency provides or is authorized to provide.
4. The existence of any social or economic communities of interest in the area.
5. For a city or special district that provides public facilities or services related to sewers, municipal and industrial water, or structural fire protection, the present and probable need for those public facilities and services of any disadvantaged unincorporated communities within the existing sphere of influence.

06 Upon determination of a sphere of influence, the Commission shall adopt that sphere, and shall review and update, as necessary, the adopted sphere not less than once every five years.

07 Upon determination of a sphere of influence of a special district, the Commission shall establish the nature, location, and extent of any functions or classes of services provided by the affected special district.

08 The Commission's determination of a local agency's sphere of influence update shall be comprehensive, based on historical growth patterns, and use a twenty-to-twenty-five-year planning horizon.

09 The local agency's request for a sphere of influence update shall be supported by its long-range planning document: for a city, its general plan; for a special district, its master plan.

Revised: June 16, 1993; August 24, 1994; December 19, 2001; March 5, 2008

#### SECTION 350 FEE SCHEDULE

The commission has established a schedule of fees and service charges pursuant to GC sec. 56383, including, but not limited to, all of the following:

- Filing and processing applications filed with the commission,
- Amending or updating a sphere of influence,
- Reconsidering a resolution making determinations,
- Proceedings undertaken by the commission and any reorganization committee.

01 Application Processing Fees

GC sec. 56069 defines a "Proposal" as a desired change of organization or reorganization initiated by a petition or by resolution of application of a legislative body or school district for which a certificate of filing has been issued.

GC sec. 56021 defines a "change of organization" as any of the following:

- (a) A city incorporation.
- (b) A district formation.
- (c) An annexation to a city.
- (d) An annexation to a district.
- (e) A detachment from a city.
- (f) A detachment from a district.
- (g) A disincorporation of a city.
- (h) A district dissolution.
- (i) A consolidation of cities.
- (j) A consolidation of special districts.
- (k) A merger of a city and a district.
- (l) Establishment of a subsidiary district.
- (m) The exercise of new or different functions or classes of services, or divestiture of the power to provide particular functions or classes of services, within all or part of the jurisdictional boundaries of a special district.

GC sec. 56073 defines a "reorganization" as two or more changes of organization contained within a single proposal. For example, an annexation to a city may require detachment from an underlying special district. If a reorganization consists of annexations and detachments only, the fee for only one change of organization, whichever is larger, is charged. If other types of changes of organization are included, fee for each change of organization may be charged at the discretion of the executive officer.

02 Fee based on acreage of entire affected territory

Proposal acreage shall be determined by rounding to nearest whole number the combined gross acreage of all affected parcels as shown on the Assessor's Parcel Map and shall include the full rights of way of adjacent public streets.

03 Fee schedule for changes of organization, reorganization

Under 3 acres:	\$ 1,200
3 to 5 acres:	\$ 2,400
6 to 10 acres:	\$ 4,800
11 to 20 acre:	\$ 7,200
21 to 40 acres:	\$ 9,600
41 to 80 acres:	\$ 12,000
81 to 160 acres:	\$ 14,400
Over 160 acres:	\$ 16,800

04 Exceptions

Dissolution of a special district initiated by resolution of the affected special district: \$ 2,400

Consolidation, Merger, or formation of a subsidiary district: \$ 8,000

Activation or divestiture of special district power(s): \$ 2,400

Incorporation or disincorporation of a city, or formation of a special district:

\$10,000 deposit and will be billed at cost for staff's time including legal services, government fees and charges, and for any consultant(s) that may be required, plus 9% administration fee.

#### 05 Sphere of Influence Revision

1. The application fee for a sphere of influence amendment shall be equivalent to the application processing fee for an equivalent change or organization or reorganization.
2. If an application for a sphere of influence amendment is submitted at the same time as a conterminous change of organization or reorganization, the fee for the sphere of influence amendment is 35% of the fee of the corresponding change of the organization or reorganization.

#### 06 Request for Commission Review

The fee for commission review shall be \$750. "Commission review" is defined as:

1. A request for extension of the time for completion of proceedings,
2. A request to reconsider a resolution making determinations, or
3. A request for Commission authorization of an extension of services.

07 Petition Check \$ 40

Plus signature check, per signature \$ 0.65

#### 08 Compliance with CEQA where LAFCo is the Lead Agency

The fee for required CEQA environmental assessment, including, but not limited to preparation of an environmental impact report, shall be a deposit of the estimated amount required to perform this activity.

#### 09 Financial Feasibility Report

When the commission is requested to review a financial feasibility report the fee shall be a deposit of the estimated amount required to perform this activity.

#### 10 Copies of Papers on File

Any request for copies of any documents on file in the office of the Commission will be \$1.00 each page and \$0.75 after 10 pages, and as necessary to recover costs of making such copies and any mailing costs.

#### 11 Exceptions to Required Fees

The Commission may reduce or waive any processing fee by a four-fifths affirmative vote if the imposition of such fee would be detrimental to the public interest, as determined by the Commission. Any change specifically recommended by the Commission in a study approved by Commission may not require a fee. Requests must be made in writing.

12 Legal Fees for proposal processing shall be a deposit of estimated amount required.

13 Pre-Application review \$500.

14 Use of Consultants

In the event that staff finds it necessary to hire a consultant to assist with the analysis of a proposal, the applicant will be responsible for depositing the expenses associated with the consultant's work, plus 15% of the total consulting fee for administration of the contract, with the Commission prior to approval of the contract. The contract will be approved in accordance with Fresno LAFCo's Financial and Accounting Procedures. If actual expenses exceed the original deposit, those additional funds plus the administrative fee shall be paid to LAFCo prior to final consideration of the proposal by the Commission.

Adopted: November 29, 1978

Revised: July 1, 1984; February 19, 1987; April 16, 1987; December 10, 1987; July 1, 1991; July 1, 1992; June 16, 1993; May 25, 1994; June 28, 1995; July 1, 1995; August 23, 1995; September 1, 1998; August 13, 2008; August 11, 2010; November 2, 2011; December 14, 2016

#### SECTION 400 PROCEDURE FOR PREPARATION OF SERVICE PLANS

01 Pursuant to GC sec. 56653, the applicant of a proposal for a change of organization or reorganization shall submit a plan prepared by the affected local agency for providing services within the affected territory. The plan for providing services shall include all of the following information and any additional information required by the commission or the executive officer:

1. An enumeration and description of the services currently provided or to be extended to the affected territory.
2. The level and range of those services.
3. An indication of when those services can feasibly be extended to the affected territory.
4. 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.
5. Information with respect to how those services will be financed.

02 A local agency has the option of creating and annually updating a master service delivery plan with the information enumerated in section 401.01. This will suffice for proposal-specific service plans for the calendar year such proposals are submitted.