

and Initial Study attached, should be filed with the County Clerk who will also post the Notice for a period of at least thirty (30) days.

A copy of the proposed Negative Declaration must be available at the District's office for review. The Notice of Intention to Adopt a Negative Declaration (or Mitigated Negative Declaration) should be posted at the District's offices and the copy of the Negative Declaration (or Mitigated Negative Declaration) and Initial Study can be attached.

The District must provide at least a thirty-day (30-day) public review period with respect to a proposed Negative Declaration or Mitigated Negative Declaration where there are no state agencies affected. The Notice of Intention must state the date of the public hearing when the District will discuss the Negative Declaration (or Mitigated Negative Declaration) and provide for an ending date of the public review period.

If no substantial revisions are made to the Negative Declaration or Mitigated Negative Declaration after the public comment period has expired, the District may consider and approve the Negative Declaration or Mitigated Negative Declaration at its scheduled Board Meeting stated in the Notice of Intention. The Board should listen to anyone interested in providing public comment at that meeting prior to the adoption of the Negative Declaration or Mitigated Negative Declaration.

Within five (5) days of the Negative Declaration being approved, a Notice of Determination must be filed with the County Clerk in Tuolumne County. The County Clerk must file the document within twenty-four (24) hours of receipt and post it for thirty (30) days. Upon the filing of the Notice, the statute of limitations with respect to challenging the Negative Declaration will begin to accrue.

605 ANNEXATION PROCEDURES

605.1 Purpose

Property proposed for development outside the District service area but within the District's sphere of influence must be annexed to the District prior to receiving any of the services provided by the District, including water, sewer, fire or parks, or other services that might be provided by the District. Furthermore, commitments to provide service to property and/or proposed developments will not be granted until said property is annexed to the District.

Annexation is a discretionary act by the District Board of Directors. The District has responsibilities and approval authority when considering annexation and expansion into its service area. The District has the power to disapprove any annexation for which it has substantial evidence of finance-related or service-related concerns that the developer is unable to mitigate to the District's satisfaction. If the developer of a project that is to be annexed into the District has agreed to in the Annexation Agreement (Appendix 600-L) to meet all conditions and addressed required mitigations, as identified in the county Conditions of Approval, CEQA documents and SAMP, then the District's Board of Directors will consider adoption of a resolution of application to LAFCO for annexation.

605.2 Approval

In conformance with Section 608, Project Approval, District approval of residential, commercial, industrial or other types of development projects will not be granted by the Board of Directors until the entire site has been annexed to the District and all conditions required to be fulfilled prior to annexation have been met or agreed to in the Annexation Agreement.

605.3 Annexation Procedures

The annexation procedures must take place during Step 2 process described in Section 603.3. LAFCO approval of the annexation will take place only after the District's Board of Directors considers and approves the annexation. The District will transmit all of its findings with respect to the project derived from the SAMP to LAFCO for LAFCO to include in its conditions of approval of annexation. The following outlines the District's annexation process.

A. Determine Suitability

Property owners or project developers desiring annexation to the District should first determine several factors regarding their property's suitability for fire, parks, water and sanitary sewer services. These issues shall be addressed during the preparation of the SAMP and CEQA documentation conducted in Step 2 of the development process. The Developer shall address the following questions and issues:

1. Is the property presently not within the District's boundaries?
2. Is the property within the sphere of influence (Hetch Hetchy Contract Area) established for the District by the Local Agency Formation Commission (LAFCO)?
3. Where are the District's existing water, sanitary sewer, parks and fire service facilities relative to the property?
4. Is the excess capacity in the District's existing facilities adequate for the property's proposed development density?
5. Gather information regarding District annexation policies, service area, sphere of influence, and the location of existing water and sanitary sewer service facilities and available excess capacity will be provided by District staff upon request. Determination of the property's suitability for development and/or connection to the water and sanitary sewer service is the responsibility of the property owner, and his/her use of professional engineering and/or development consultants is encouraged.
6. Any concerns or issues the District Board of Directors may have with regards to community concerns and the appropriate mitigation treatment.

B. Application to LAFCO

LAFCO has been established by the State Legislature to, among other duties, review and approve or disapprove proposals for annexation of territory to special districts. Approval by

LAFCO of any annexation proposal is required before the District can approve the annexation and provide fire, parks, water, and/or sanitary sewer service.

1. To initiate the LAFCO application procedure, owners of the property proposed for annexation, or the registered voters residing within the area proposed for annexation, shall submit a petition (§56704, Ca. Gov. Code) to LAFCO. The contents of the petition, itemized below, shall conform to §56700 of the California Government Code.
2. With the petition, annexation proponents shall submit to LAFCO a map and legal description of the proposal. The contents of the map and legal description, itemized below, shall conform to LAFCO and the State Board of Equalization requirements.
3. Also with the petition, annexation proponents shall submit to LAFCO a completed application form and appropriate filing and environmental review fees.

C. District Approval of Annexation

If LAFCO accepts the annexation proposal, then it will adopt a resolution and forward it to the District. After confirmation of LAFCO acceptance, and after the annexation proponent(s) tenders to the District applicable annexation fees (discussed below) and appropriate recording and State Board of Equalization fees, as determined by LAFCO, the District's Board of Directors, at a regularly scheduled meeting, will consider approval of the proposed annexation. The Board of Directors' approval of the proposed annexation shall be formalized by the adoption of a resolution, which shall be forwarded to LAFCO prior to its consideration of said annexation. This Board resolution shall contain the following provisions:

1. That a description of the annexed lands shall be attached to said resolution;
2. The annexed land shall be subject to the District's policies, rules and regulations, charges made, and assessments levied pursuant to the provisions of the laws pertaining to Community Services Districts to pay for outstanding obligations of said District. The annexed land shall also be subject to all and any combination of assessments, tolls and charges as may exist at the adoption of the resolution and as thereafter may be established and/or levied by the County of Tuolumne and/or the District, either separately or in joint interest for any District purpose or arising from community impacts or negotiated and agreed community impact mitigations stipulated in the county Conditions of Approval;
3. The District shall be under no obligation to install water or sanitary sewer service systems or any facilities in connection with the subject annexation. The owners of the land to be annexed shall install, as and when water and sanitary sewer services are desired, without cost, charge or obligation to the District, a complete water and sanitary sewer service system as may be specified by the District, in accordance with plans and specifications approved by the District Engineer or General Manager, in a manner meeting his/her approval, and shall convey, at no cost to the District, all of said water and sanitary sewer service system, including rights of way over all parts thereof, to the District; and,

4. The project developers and/or owners of the annexed property, and their heirs, successors and assigns shall agree to abide by all District policies, rules and regulations presently established and as shall be established by the Board of Directors in the future.

D. Application to District

If annexation proponents desire to receive confirmation of District acceptance of their proposal prior to initiating the LAFCO application, the petition, map, legal description and LAFCO application form, discussed in 605.3(B), above, should be submitted to the District office. A deposit paid by the developer must also accompany said submittal to cover LAFCO's filing, if any, and LAFCO environmental review fees, State Board of Equalization fees, District processing costs and environmental review fees, if any. When the annexation process is complete or terminated, cost overruns will be billed to the applicant, and under-runs will be refunded.

The Board of Directors will consider the annexation proposal at a regularly scheduled or special Board meeting. Acceptance by the Board of the proposed annexation shall be formalized by the adoption of a resolution. Said resolution shall contain the following:

1. All of the information required in the petition, as itemized below, except for provisions regarding signatories and signatures
2. The annexation map and legal description as attachments
3. Verification that the District desires to, or not to annex the subject territory
4. Authorization for the resolution to be submitted as an application for annexation approval by LAFCO if the Board supports annexation, along with the conditions of support
5. Only if the Board agrees to proceed with annexation, a request that LAFCO approve and authorize the District to conduct proceedings for the annexation without notice and hearing and without an election (only if the petition has been signed by all of the owners of land within the boundaries of the proposed annexation).

E. Annexation Petition

In accordance with §56700 of the California Government Code, the petition proposing annexation of property to the District shall do all of the following:

1. State that the proposal is made pursuant to said §56700
2. State the nature of the proposal (i.e., annexation of property to Groveland Community Services District)
3. Include a description of the boundaries of the affected territory accompanied by a map showing the boundaries
4. State any proposed terms and conditions

5. Explain the reason for the proposal (e.g., to receive fire, parks, water, and/or sanitary sewer services)
6. State whether the petition is signed by registered voters or owners of the land
7. Designate no more than three persons as chief petitioners, including their names and mailing addresses
8. Request that proceedings be taken for the proposal pursuant to said §56700
9. State whether the proposal is consistent with the sphere of influence designated by LAFCO for the District
10. State whether any environmental review of the project and required infrastructure has been undertaken and approved

F. Processing Resolution with LAFCO and the State

After adoption of said resolution of approval by the Board of Directors, it shall be sent to LAFCO along with necessary fees, for processing of State filings, local recordings, and filing with the State Board of Equalization.

G. Descriptions and Maps

In accordance with State Board of Equalization and District requirements, annexation descriptions and maps shall conform to the following conditions:

1. All documents must be capable of producing a readable photographic image;
2. Every description must be self-sufficient within itself and without the necessity of reference to any extraneous document, with references to deeds of record used only as a secondary reference;
3. When writing a metes and bounds description of a contiguous annexation, all details of the contiguous portion(s) of the boundary may be omitted, with the points of departure from the existing boundary clearly established;
4. A specific parcel description in sectionalized land is permissible without a metes and bounds description of the perimeter boundary;
5. A parcel description making reference only to a subdivision or a lot within a subdivision is not acceptable, unless all dimensions needed to plot the boundaries are given on an accompanying plat, and the relationship of lot lines with street rights of way must be clearly indicated;

6. Every map must clearly indicate all existing streets, roads and highways within and adjacent to the lands to be annexed, together with the current names of these thoroughfares;
7. Every map shall have a legend, scale and north point;
8. The point of beginning of the legal description must be shown on the map;
9. The boundaries of the lands to be annexed must be distinctively shown on the map without obliterating any essential geographic or political features;

H. Maps

All maps must be professionally drawn (rough sketches of maps or plats will not be accepted). All descriptions must be prepared by a surveyor or civil engineer licensed in the State of California, and his/her stamp and signature shall be affixed to said description. All maps must be provided to the District in both paper format and digital format acceptable to the District.

I. Annexation Fee

The annexation fee is the amount charged to the developer as buy-in to the existing water and/or sewer infrastructure, which the developer has not contributed to, even though the developer will fund improvements to that pre-existing infrastructure. The amount of the annexation fee will be determined by the District Engineer and shall be related to the actual value of the infrastructure, which the developer is buying into, reduced to an amount per parcel or equivalent dwelling unit.

606 DEVELOPMENT AGREEMENTS

606.1 Purpose

Prior to the Board of Directors considering a private development project for approval, a Development Agreement (see Appendix 600-K for sample agreement) specifying the terms and conditions of said approval, prepared by the General Manager and/or Legal Counsel, shall be executed by the District Board of Directors and the project's developer(s) and/or property owner(s) (see Section 608—Project Approval).

606.2 Content of Agreement

The development agreement shall contain the following information:

- A. Name(s) of developer and/or project sponsor(s), and owner(s) of subject property;
- B. Assessor's parcel number of subject property;
- C. Type and purpose of project (e.g., residential, commercial, industrial, etc.);
- D. A graphic description of the project attached to the agreement as "Exhibit A;"