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Executive Officer

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Office Manager

Agenda Item: 9.a.

Meeting Date: August 3, 2017

From: George Williamson, Executive Officer & Kathy Bull, Office Manager

Subject: Policy and Procedures Update – Chapter 3

Background

Chapters 1 & 2 were presented previously and approved by the Commission. Draft updates of the Shasta LAFCO Policy Chapter 3 included for consideration are as follows:

CHAPTER 3 - COMMISSION ORGANIZATION AND TRANSACTION OF OFFICIAL BUSINESS

Section 1. Introduction

Section 2. Definitions

Section 3. Policies Pertaining to Changes of Organization or Reorganization

Section 4. Periodic Review and Update

Discussion

Staff has incorporated proposed changes Commission consideration and input.

Recommendation

Review and provide comments to staff on draft updates and adopt the updated Policies and Procedures Chapter 3.

Attachments: Draft Policy and Procedures – Chapter 3

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CHAPTER 3 GENERAL POLICIES AND STANDARDS

Section 1. General Organization Changes or Reorganization Policies

Shasta LAFCO shall apply the following policies for changes of organization or reorganization proposals, as follows:

1.1 Communication Among Local Agencies

Shasta LAFCO encourages communication and collaborative planning and studies among public agencies (such as the County, cities, and special districts), members of the public, and private sector service providers.

1.2 Public Accessibility and Accountability

Shasta LAFCO recognizes that the public's ability to participate in the local governance process is improved when the government structure is clear and accessible and when decision-makers are accountable to the public. The Commission shall consider this principle when it evaluates proposals for changes of organization or reorganization.

1.3 Discouraging Urban Sprawl

Shasta LAFCO has been directed by the State Legislature to discourage urban sprawl, and the Commission will generally deny proposals that can reasonably be expected to result in sprawl. Sprawl is characterized by irregular, dispersed, and/or disorganized urban or suburban growth patterns occurring at a relatively low density and in a manner that precludes or hinders efficient municipal services, delivery especially roads, sewer, and water.

1.4 Premature Extension of Urban Services

Shasta LAFCO discourages the extension of urban services (i.e., water and sewer service) in the absence of either existing development or plans for imminent development. Unless exceptional circumstances exist, no application for a change of organization or reorganization will be accepted until all discretionary approvals for any pending application for land use entitlements, including land divisions pertaining to the subject territory, are granted.

1.5 Adequate Services

Shasta LAFCO shall consider the ability of an agency to effectively and efficiently deliver adequate, reliable, and sustainable services and shall not approve a proposal that has significant potential to diminish the level of service in the agency's current jurisdiction. The agency will be required to provide satisfactory documentation of capacity to provide service within a reasonable period of time.

1.6 Efficient Services

Shasta LAFCO has determined that community needs are met most effectively and efficiently by proposed changes of organization and reorganization which:

- (a) diminish or eliminate a threat to public health and safety;

- (b) consolidate the activities and services of public agencies in order to obtain economies from the provision of consolidated services;
- (c) restructure agency boundaries and service areas to provide more logical, effective, and efficient local government services; and

1.7 Social and Economic Interests

Shasta LAFCO shall consider the impacts of a proposal and any alternative proposals on adjacent areas, on social and economic interests, and on the local government structures of the County. The Commission may deny a proposal if adverse impacts are not mitigated to an acceptable level.

1.8 Boundaries

Shasta LAFCO encourages and will favorably consider proposals where it can be demonstrated and findings or determinations can be made that the boundary of the proposed change of organization or reorganization is definite, certain and fully described, conforms with lines of assessment or ownership, and does not create islands or corridors of unincorporated territory (CKH Act § 56668(f)).

Shasta LAFCO also encourages and will favorably consider proposals that seek to correct illogical boundaries within the affected agency's sphere of influence. Conversely, Shasta LAFCO discourages boundaries which split neighborhoods or divide an existing identifiable community, commercial district, or other area having a social or economic identity, are drawn for the exclusive purpose of encompassing revenue-producing territories, or would cause city limits to fall within the road right-of-way or make road islands of county maintained roads. Shasta LAFCO will also exercise its statutory authority to modify proposed boundaries to include or exclude territory to accomplish policy objectives of this section.

1.9 Unincorporated Islands

Shasta LAFCO acknowledges that unincorporated islands are generally costly for county government to serve and often have service impacts on the surrounding city. Cities should be encouraged to annex unincorporated islands or land substantially surrounded by a city (G.C. § 56744 and 56375.3). LAFCO discourages the formation of special districts within unincorporated islands for services that are readily available from the surrounding city.

1.10 Conformance with General and Specific Plans

Shasta LAFCO shall approve changes of organization or reorganization only if the proposal is consistent with the applicable General Plan or Specific Plan. LAFCO shall discourage proposals that promote urban development in areas not planned for urban uses.

1.13 Consistency with Spheres of Influence

Shasta LAFCO encourages and will favorably consider proposals where it can be demonstrated and findings or determinations can be made that the proposal is consistent with the sphere of influence of any local agency that may be applicable to the proposal being reviewed (CKH Act § 56668(h)).

1.14 Environmental Review

Shasta LAFCO shall operate in accordance with the CEQA and the regulations of the California Resources Agency, which establishes the guidelines for its implementation. Furthermore, whenever an agency other than the Commission is involved in the approval of a project, the Commission prefers that the other agency be designated as the “Lead Agency.” For annexations and/or reorganizations involving annexation to a city, the city shall act as the Lead Agency under CEQA for the proposal.

Section 2. Agricultural and Open Space

2.1 Legislative Responsibility

Shasta LAFCO’s decisions shall reflect its legislated responsibility to work to maximize the retention of prime agricultural land and open space while facilitating the logical and orderly expansion of urban areas. As such, development of existing vacant lands for urban uses within the jurisdictional boundaries of a local agency shall be encouraged before any annexation proposal or change to a sphere of influence is approved which would lead to, or allow, the development of prime agricultural or open space lands outside the existing jurisdiction of any local agency.

2.2 Evaluation of Agricultural and Open Space Land

A proposal which includes agricultural or open-space designated land shall be evaluated in light of the existence of the following factors:

- (a) “prime agricultural land” as defined in G.C. §56064;
- (b) “open space” as defined in G.C. §56059;
- (c) land that is under contract to remain in agricultural or open-space use, such as a Williamson Act Contract or Agricultural/Open-Space Easement;
- (d) land which has an agricultural or open-space designation;
- (e) the adopted General Plan policies of the County and the affected city;
- (f) the physical and economic integrity of both agricultural lands proposed for conversion to urban use and adjoining land in agricultural use;
- (g) the potential for the premature conversion of agricultural or open-space designated land to urban use; and
- (h) the policies and priorities in G.C. §56377.

2.2 Conversion of Agriculture and Open Space Land

Shasta LAFCO will apply a heightened level of review when considering proposals which could reasonably be expected to induce, facilitate, or lead to the conversion of prime agricultural land or open space uses to other uses. The Commission will approve such proposals only when the Commission finds that the proposal will lead to planned, orderly, and efficient development and/or provision of services. For purposes of this standard, a proposal leads to planned, orderly, and efficient development only if all of the following criteria have been considered:

- (a) the land subject to the change of organization or reorganization is contiguous either to lands developed with an urban use or to lands which have received all discretionary approvals for urban development;
- (b) the proposed development of the subject lands is consistent with the sphere of influence plan(s) of the affected agency or agencies;
- (c) the land subject to the change of organization is likely to be developed within five years. For large development projects, annexation should be phased wherever feasible. If the Commission finds phasing infeasible for specific reasons, it may approve annexation if all or a substantial portion of the subject land is likely to develop within a reasonable period of time;
- (d) insufficient vacant non-prime or open space land exists within the existing agency boundaries or applicable sphere boundaries that is planned and developable for the same general type of use; and
- (e) The proposal will have no significant adverse effect on the physical and economic integrity of other ag/open space lands.

Section 3. Disadvantaged Unincorporated Communities

3.1 Definition

A Disadvantaged Unincorporated Community (DUC) is defined as a developed area that has been identified as such by LAFCo, the County or applicable city; or one that meets all the following criteria:

- (a) is substantially developed with at least 15 dwelling units at a density not less than one unit per acre;
- (b) does not have reliable public water, sewer, or structural fire protection service available;
- (c) includes 12 or more registered voters; and
- (d) has a median household income level of 80% or less than the statewide median household income.

The Commission may determine that a community is a DUC due to its unique circumstances even when it does not meet all the criteria identified above.

3.2 Request for Determination

In addition to those DUCs identified by LAFCo or other agencies, residents or property owners may request that LAFCo determine whether a specific area meets the definition listed above to be treated as a DUC. The review shall be conducted by LAFCo staff and shall, if appropriate, be submitted for consideration and approval by the Commission.

3.3 Identification of Disadvantaged Unincorporated Communities

The Commission will identify DUCs, for the purpose of:

- (a) Municipal Service Reviews: Any MSR conducted by Shasta LAFCO for a city or special district that provides public facilities or services related to sewers, municipal and industrial water, or structural fire protection, shall identify any DUCs within and contiguous to the sphere of influence of that city or special district and describe the present and probable needs and deficiencies for the provision of those public facilities and services within such DUC.
- (b) Sphere of Influence Updates: For any updates to a sphere of influence of a city or special district that provides public facilities or services related to wastewater, municipal and industrial water, or structural fire protection, the Commission shall consider and prepare written determinations regarding the present and probable needs and deficiencies for those public facilities and services for any DUC within or contiguous to the sphere of influence of the city or special district.
- (c) City Annexations. DUCs located adjacent to areas proposed for annexation to a city shall be included in the annexation or reorganization proposal or be separately proposed for annexation unless the Commission has determined that the disadvantaged community would not benefit by annexation, or if at least 50% of the registered voters within the affected territory have indicated opposition to annexation.