

SAN MATEO



LOCAL AGENCY FORMATION COMMISSION

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March 6, 2019

To: LAFCo Commissioners
From: Martha Poyatos, Executive Officer *M. Poyatos*
Subject: Consideration of Adoption of Updates to Policy for Extension of Service Outside Jurisdictional Boundaries (Government Code Section 56133)

Background

Government Code Section 56133 states that a city or district may provide new or extended services by contract or agreement outside its jurisdictional boundary only if it first requests and receives written approval from the commission. LAFCo may approve a sewer or water extension outside jurisdictional boundaries, but within its sphere of influence in anticipation of future annexation. Over recent years, pursuant to Government Code Section 56133 the Commission has reviewed and approved various applications from various cities and districts (primarily the City of Redwood City) to extend water service outside jurisdictional boundaries.

As a result, staff prepared draft clarifying language to the policy to include a requirement for annexation agreements to meet the provisions of section 56133. Staff has also prepared a draft revision to the policies to include city or district adopted annexation plans in addition to annexation agreements. Both documents are based on input from the Commission's 2018 Legislative and Policy Committee (Chair Draper, Vice Chair Cosgrove, and Commissioner Martin).

At the December 12, 2018 LAFCo meeting, the Commission directed staff to circulate the Clarifying Policy document (Attachment A), with revisions requested by Chair Draper, to cities and special districts prior to the Commission's final consideration of the document at the March 2019 meeting. The Commission also directed staff to conduct outreach to cities and districts regarding the Draft Revised Service Extension.

On December 28, 2018, a letter (Attachment B) was sent to the attention of City Managers, Public Works Directors, the County Manager, and Special District Managers outlining the rationale for the clarifying policy and citing the updates to the document. The letter requested comments on the draft clarifying policy document by February 19, 2019.

COMMISSIONERS: ANN DRAPER, CHAIR, PUBLIC ▪ JOSHUA COSGROVE, VICE CHAIR, SPECIAL DISTRICT ▪ RICH GARBARINO, CITY ▪ DON HORSLEY, COUNTY ▪ MIKE O'NEILL, CITY ▪ WARREN SLOCUM, COUNTY ▪ RIC LOHMAN, SPECIAL DISTRICT

ALTERNATES: KATI MARTIN, SPECIAL DISTRICT ▪ HARVEY RARBACK, CITY ▪ JAMES O'NEILL, PUBLIC ▪ DAVE PINE, COUNTY

STAFF: MARTHA POYATOS, EXECUTIVE OFFICER ▪ REBECCA ARCHER, LEGAL COUNSEL ▪ ROB BARTOLI, MANAGEMENT ANALYST

Comments from Jurisdictions

To date, the only comments received are from the City of Redwood City requesting additional time and submitting the attached comments on March 11 (Attachment C).

The following is a summary of the City's comments in bold and LAFCo's responses in italic:

Comment 1) City of Redwood City stated that policy now appears to compel actual annexation of properties contiguous to City or district boundaries in order for properties to receive service.

Government Code Section 56133 was enacted in 1994 to prevent cities and districts from circumventing the LAFCo process by extending service to properties without annexation. Section (b) states that "The commission may authorize a city or district to provide new or extended services outside its jurisdictional boundary but within its sphere of influence in anticipation of a later change of organization." The term change of organization is defined in Government Code Section 56021 and includes annexation to a city and/or a district. Section 56133 permits outside service extension in anticipation that the territory proposed for service extension will later be annexed to the service provider.

LAFCos are encouraged under state law to promote the orderly formation and development of local agencies. Areas that are within a city's or district's sphere of influence are within the sphere in anticipation of future annexation when feasible. In considering feasibility of an annexation LAFCo staff considers the location of the parcel(s) requesting service to the city or district boundary. Feasibility of an annexation can include factors such as parcel location relative to jurisdictional boundary, whether adjacent parcels are within city or district boundaries and access/egress.

Two examples that illustrate feasible annexation are 343-375 Alameda de las Pulgas which was annexed to the City in 2007 and 1250, 1252 and 1254 Edgewood Road annexed in 2011. Maps of these annexations are attached to illustrate the feasibility of annexation as well an example of a contiguous parcel that is not a candidate for immediate annexation (Attachment D and E).

The Legislative Authority section of LAFCo policy references the underlying government code sections that LAFCo utilizes to review and permit Outside Service Agreements. In cases where an Outside Service Agreement is appropriate, the proposed policy requires a condition that an annexation agreement, recorded covenant, or other instrument that promotes annexation be a condition of LAFCo approval. This requirement would be executed along with Outside Service Agreement for a water or sewer connection to a parcel in the unincorporated sphere of influence of any city or districts.

The distinction that is made between the Legislative Authority and Section 4 is that Section 4 sets factors for review of an Outside Service Agreement. If an area that is proposed for service extension is found to be feasible for annexation, as determined by the LAFCo Executive Officer, then annexation should be pursued and not an Outside Service Agreement. As Section 4(d) notes, "If logical and orderly development can be achieved via annexation in lieu of an outside extension of service, annexation should be favored." This would be determined through the pre-application process.

Comment 2) City of Redwood City states that references to threats to public health or safety for developed parcels that are mentioned in Section 4(j) of the LAFCo policy should be more appropriately references in the “Emergency Connections Procedures. “

Section 4(j) of the proposed LAFCo policy specifies the criteria for an outside service agreement. This can included a threat to public health or safety that can be mitigated with a service extension.

Section 5, “Emergency Connections Procedures,” focus on the expedited procedures for approving an Outside Service Agreement to mitigate a public health or safety threat. The Emergency Connections Procedures allows for the delegation of authority to the LAFCo Executive Officer or to the Chairperson and Executive Officer to approve an Agreement when the delay in placing the item on a LAFCo meeting agenda would cause undue hardship, as the Commission only meets every other month. To be able to qualify for the Emergency Connections Procedures, the Outside Service Agreement must meet the criteria listed in Section 4(j) and Section 5.

City of Redwood City states that there is a reference to compliance with City and County General Plan for properties located outside of a sphere of influence in Section 4(j)(iii)(3). The City states that in areas that are outside a city’s sphere, they would not have a General Plan that covers this area.

Section 4(j)(iii)(3) has been revised to state that “The service extension complies with the City and/or the County General Plans and other applicable regulations.”

Comment 3) City of Redwood City states that requiring an agreement for developed parcels within a sphere of influence during an existing or impending threat to health and safety may not be feasible and may contradict the requirements in Government Code Section 56133(c). Section 56133(c) specifics two requirements: 1) documentation of the threat and 2) notification to alternative service providers. The City also cites the potential for delay in executing an annexation agreement in time-sensitive health and safety situations.

By way of clarification, Section 56133 C) applies only to service extensions to territory outside an agency’s jurisdiction and sphere. In that case, there is not a requirement for an annexation agreement. The draft policies Paragraph 4(j)(iii) have been amended to include notification of any alternate service provider.

Section 56133 does not preclude LAFCo from setting conditions beyond documentation of impending public health threat and notification of alternative provider. Section 56133 (d) permits the Commission to approve, deny or approve with conditions extension of service outside jurisdictional boundaries.

Regarding the ability to request an applicant to agree to a future annexation agreement as part of the Outside Service Agreement, similar agreements have been approved by jurisdictions in the County (including the City of Redwood City) and the State as part of their Outside Service Agreement with the property owner.

In regard to time-sensitive situations, LAFCo staff believes that the proposed provisions for an emergency connection combined with a city or district having adopted forms and procedures in place would allow LAFCo and the City to coordinate the necessary steps in a timely manner.

Comment 4) City of Redwood City identified overlap in language between Sections 2b and 2c and suggested revisions to the section to be in alignment with Government Code Section 561333(e)(2)

The language in Section 2(a), 2(b), and 2(c) have been amended for clarification.

Committee Review

On February 21, 2019, the Commission's Legislative and Policy Committee (Chair Draper and Commissioner Martin) recommended approval of the Clarifying policy. After the adoption of the clarifying policy by LAFCo, staff will then conduct outreach related to the Draft Revised Service Extension policy that includes the requirement of city or district adopted annexation plans.

Recommended Action:

By motion, adopt the attached Extension of Service Outside Jurisdictional Boundaries – Clarifying Policy

Attachments

- A. Policy and Procedure for Review of Requests for Extension of Service Outside Jurisdictional Boundaries – Clarifying Policy with revisions in response to City of Redwood City
- B. December 28, 2018 Letter to Affected Cities and Special Districts
- C. Comment Letter from the City of Redwood City dated March 11, 2019
- D. Map of previously annexed parcels to Redwood City
- E. Maps of nonviable property for annexation

**SAN MATEO LOCAL AGENCY FORMATION COMMISSION
POLICY AND PROCEDURE FOR REVIEW OF REQUESTS
FOR EXTENSION OF SERVICE OUTSIDE JURISDICTIONAL BOUNDARIES**

In 2001, San Mateo LAFCo adopted a policy for the extension of services outside of jurisdictional boundaries. This policy was intended to allow for local implementation of the Cortese-Knox-Hertzberg Act related to the provision of services outside to areas in San Mateo County. The majority of requests for extension of services have been for sewer or water extensions that typically involved infill development in unincorporated areas under the County's land use jurisdiction, but within a city's sphere of influence (SOI). Affected parcels have not been contiguous to the city and therefore not eligible for immediate annexation.

Since the initial policy, the economic recovery and increased demand for housing on the peninsula has increased the number of new developments requesting outside service extensions on vacant parcels as well as subdivisions within these unincorporated islands that are not contiguous to city boundaries. In response to these increased requests, LAFCo has clarified and updated the policy to reflect changes to the Cortese-Knox-Hertzberg Act, revised language that promotes the future annexation of the property, clarified the specific criteria for when services would be extended, and memorialized emergency extension procedures. These updates are reflected in this policy document.

1. Legislative Authority

Government Code Section 56133 provides that any city or district that plans to provide new or extended services by contract or agreement outside its jurisdictional boundaries must apply for and obtain written approval from the local agency formation commission in the affected county.

Paragraph (b) of Section 56133 further states that LAFCo may approve extension of service outside an agency's boundaries and within its sphere of influence in anticipation of future annexation.

As approval of such an extension is discretionary and must be done in anticipation of future annexation, San Mateo LAFCo will require that each application for extension be conditioned upon an executed and recorded deferred annexation agreement, a recorded covenant, or some other instrument that evidences or promotes likelihood of annexation of the property.

The Commission may also approve extension of service outside boundaries and outside its sphere of influence to respond to an existing or impending threat to the public health or safety if both of the following requirements are met:

- a. The agency applying for the contract approval has provided the commission with documentation of a threat to health and safety, and
- b. The commission has notified any alternate service provider, including any water or sewer system corporation, which has filed a map and a statement of its service capabilities with the commission.

2. **Agreements and Contracts Not Subject to Section 56133**

The following agreements/contracts between public agencies are not subject to LAFCo approval under Section 56133:

- a. Agreements for services solely between public agencies where the public service to be provided is an alternative to, or substitute for, public services already being provided or more public agencies where the public service to be provided is an alternative to, or substitute for, public services already being provided by an existing public service provider and where the level of service to be provided is consistent with the level of service contemplated by the existing service provider.;
- b. Agreements for the transfer of nonpotable or nontreated water. transfer of non-potable or non-treated water, or for the provision of surplus water to agricultural lands for projects which serve conservation purposes or directly support agricultural industries.
- c. Agreements Provision of surplus water to agricultural lands and facilities, including, but not limited to, incidental residential structures, for projects that serve conservation purposes or that directly support agricultural industries. However, prior to extending surplus water service to any project that will support or induce development, the city or district shall first request and receive written approval from the commission in the affected county. or contracts solely involving the provision of surplus water to agricultural lands and facilities, including, but not limited to, incidental residential structures, for projects that serve conservation purposes or that directly support agricultural industries.

~~Approval from the Commission is required before any surplus water is provided to a project that will support or induce development.~~

- d. An extended service that a city or district was providing on or before January 1, 2001.
- e. A local publicly owned electric utility, as defined by Section 9604 of the Public Utilities Code, providing electric services that do not involve the acquisition, construction, or installation of electric distribution facilities by the local publicly owned electric utility, outside of the utility's jurisdictional boundary.
- f. A fire protection contract, as defined in of Government Code Section 56134, subdivision (a).

These agreements and contract exemptions only apply to the commission of the county in which the extension of service is proposed.

LAFCo approval of extension of service outside jurisdictional boundaries is a discretionary action under the California Environmental Quality Act (CEQA).

3. Procedure for Processing Applications for Extension of Service Outside Jurisdictional Boundaries

In implementing Government Code Section 56133, the Commission shall process applications for extension of service outside agency boundaries in the following manner:

- a. LAFCo staff shall encourage pre-application consultation and assist the applicant in investigating annexation prior to submitting a formal application for extension of services outside jurisdictional boundaries. It is the intent of the Commission that properties that are contiguous to city or district boundaries be annexed to the city or district in order to receive service. Consideration may be given to parcel configuration, relationship of the parcel to city streets and efficient jurisdictional boundaries. The agency proposing to extend service shall submit a resolution of application, a completed application form, applicable fees and the agency's form of agreement with the property owner for extension of service to the Executive Officer.
- b. Once submitted, the Executive Officer shall deem the application acceptable for filing within 30 days of receipt, or if the application is incomplete, transmit a letter to the applicant stating the reasons the application is incomplete. Upon determination that an

application is acceptable for filing, the application shall be placed on the Commission's agenda within 90 days.

- c. LAFCo shall process the application in the manner it processes applications for organizational change to the extent that the application shall be referred for comment to affected county, city(ies), district(s).
- d. The Executive Officer shall transmit the Commission's decision in writing to the affected city or district, the County of San Mateo Planning and Building Department, and the property owner.

4. Factors to Consider in reviewing Applications

Upon review and consideration of the application materials specified in b above, the Commission may approve, approve conditionally, deny, or continue to a later date the application for extension of service outside jurisdictional boundaries. If the application is denied or approved with the conditions, the applicant may request reconsideration, citing the grounds for reconsideration. LAFCo will consider the following factors to determine the local and regional impacts of the proposed service outside of jurisdictional boundaries:

- a. Whether annexation is a reasonable and preferable alternative to LAFCo allowing for the extension of services outside the agency's or district's jurisdictional boundaries;
- b. The growth inducing impacts of any proposal;
- c. Whether the proposed extension of service promotes logical and orderly development within the SOI. The creation of islands, strips, and corridors, the annexation of the properties that abut incorporated areas at the rear of the property only, or the annexation of properties where access is only available through unincorporated areas are disfavored;
- d. The agreed upon timetable and stated expectation for annexation, where feasible and within LAFCo policy, to the agency providing the requested service. If logical and orderly development can be achieved via annexation in lieu of an outside extension of service, annexation should be favored;
- e. The proposal's consistency with the policies and plans of all affected agencies;

- f. The ability of the local agency to provide service to the proposed areas without detracting from current service levels;
- g. Whether the proposal contributes to the premature conversion of agricultural land or other open space land;
- h. Extent to which the proposal will assist the entity in achieving its fair share of regional housing needs;
- i. Whether the proposal conflicts with or undermines adopted Municipal Service Review determinations and/or recommendations.
- j. When a proposal is located within a sphere of influence of the following criteria shall apply as well:
 - i. For developed parcels within a sphere of influence
 - 1. There is a documented existing or potential threat to public health or safety, or proposed new development is consistent with the City and County General Plans and other applicable regulations, and annexation to the city or district is not feasible at the time of application, and
 - 2. The property owner and city or district have entered into a recordable agreement to future annexation and said agreement runs with the land and shall inure to future owners of the property.
 - ii. For undeveloped parcels within a sphere of influence
 - 1. The proposed new development is consistent with the city and County General Plans and other applicable regulations, and
 - 2. Annexation to the city or district is not feasible at the time of application, and
 - 3. The property owner and city have entered into a recordable agreement to future annexation and said agreement runs with the land and shall inure to future owners of the property.
 - iii. For all properties located outside a sphere of influence
 - 1. The extension of service mitigates existing or impending health and safety concern. Certification of the impending or existing public health threat is provided by the Director of Environmental Health, and
 - 2. The property is currently developed, and

3. The service extension complies with the City and/or County General Plans and other applicable regulations, and

3.4. The commission has notified any alternate service provider, including any water corporation as defined in Section 241 of the Public Utilities Code, that has filed a map and a statement of its service capabilities with the commission, and

4.5. No future expansion of service will be permitted without approval from LAFCO.

5. Emergency Connections Procedures

- a. If at the time of the Commission's meeting agenda is prepared, an application for extension of service to a developed parcel within or outside a city's sphere of influence necessary to mitigate an existing or impending health and safety risk is scheduled for action by the subject City Council or District Board, but is too late to be noticed and placed on the agenda of the next LAFCo meeting for formal action, and delay until the subsequent Commission agenda would cause undue hardship, the Executive Officer, as part of their regular report to the Commission, shall provide a report describing the proposed extension and terms of the proposed agreement which is pending action by the city council or district board.

Pursuant to Section 56133, the Commission may consider delegation to the Executive Officer the authority to consider and approve the application following formal action by the legislative body of the city or district if the action taken does not vary from the report provided to the Commission and if the proposed extension meets all of the following conditions:

- i. Service/infrastructure extension is exempt from the California Environmental Quality Act (CEQA), and
- ii. Certification is provided by the Director of Environmental Health of an impending or existing public health threat, and
- iii. The service extension complies with the City and County General Plans and other applicable regulations.

- b. An administrative approval may be allowed for those projects that pose an urgent health or safety concern, without consideration by LAFCo if the project is brought to the Executive Officer's attention without adequate time to place the matter on the Commission's agenda. The administrative approval shall be made jointly by the LAFCo Chairperson (or Vice Chairperson if the Chair is not available) and the Executive Officer. Both must agree that an administrative approval is appropriate, based upon the criteria outlined below:
- i. Service/infrastructure extension is exempt from the California Environmental Quality Act (CEQA), and
 - ii. Certification is provided by the Director of Environmental Health of an impending or existing public health threat, and
 - iii. The property is currently developed, and;
 - iv. There are physical restrictions on the property that prohibit a conventional service delivery method typically suited to the unincorporated area (i.e., septic tank, private well, etc.), and;
 - v. The service extension complies with the City and County General Plans and other applicable regulations, and;
 - vi. The property owner and city have begun the process to enter into a recordable agreement to future annexation and said agreement runs with the land and shall inure to future owners of the property. An exception to this requirement is the extension of sewer or water service by a city to territory located in the boundaries of the neighboring city because there is no alternative service provider and city boundaries would not be altered.

Adopted January 17, 2001

Revised November 21, 2001

Revised 2018



December 28, 2018

To: City Managers
City Public Work Directors
County Manager
County Public Works Director
Special Districts Managers

From: Martha Poyatos, Executive Officer

Subject: Request for Comments on Draft Clarification of Outside Service Extension Policy for San Mateo Local Agency Formation Commission (LAFCo)

In recent years, pursuant to Government Code Section 56133, the Commission has reviewed and approved various applications from various cities and districts to extend utilities such as water and sewer service outside jurisdictional boundaries. Section 56133 states that a city or district may provide new or extended services by contract or agreement outside its jurisdictional boundary only if it first requests and receives written approval from the commission. LAFCo may approve a sewer or water extension outside jurisdictional boundaries, but within its sphere of influence in anticipation of future annexation.

In response to these requests, the Commission directed staff to draft clarifying language to the policy to include a requirement for annexation agreements to meet the provisions of Section 56133. At the December 19, 2018 LAFCo meeting, the Commission directed staff to circulate the draft document to affected cities and special districts for comment on the policy.

The updates to the existing policy include the following:

- An introduction section has been added to the policy to give context and background to the Commission's policy.
- Under the Legislative Authority header, language was added to clarify that the approval of a service extension is a discretionary action by the Commission and that this service extension shall include an agreement or some other document that promotes the likelihood of future annexation for the service area.
- The list of agreements and contracts which are not subject to LAFCo approval was also updated to reflect changes to state law.
- Statements regarding the processing of an application were added to help clarify and standardize procedures. This included detailing the factors that LAFCO will use in

COMMISSIONERS: ANN DRAPER, CHAIR, PUBLIC ▪ JOSHUA COSGROVE, VICE CHAIR, SPECIAL DISTRICT ▪ RICH GARBARINO, City ▪ DON HORSLEY, COUNTY ▪ MIKE O'NEILL, CITY ▪ WARREN SLOCUM, County ▪ VACANT, SPECIAL DISTRICT

ALTERNATES: KATI MARTIN, SPECIAL DISTRICT ▪ HARVEY RARBACK, CITY ▪ JAMES O'NEILL, PUBLIC ▪ DAVE PINE, COUNTY

STAFF: MARTHA POYATOS, EXECUTIVE OFFICER ▪ REBECCA ARCHER, LEGAL COUNSEL ▪ ROB BARTOLI, MANAGEMENT ANALYST

considering proposals requesting extension of sewer or water. Specific factors for developed parcels and vacant parcels have also been included in this update to assist applicants, staff, and the Commission in processing service extension applications.

- Emergency procedures for when a service connection is necessary to mitigate an immediate or impending health and safety risk were also updated. The draft policy document allows for an administrative approval, where there is an urgent health or safety concern documented by the County's Environmental Health Department.

These updates acknowledge obstacles to annexation (e.g. not being contiguous, county road standards and conditions that may not meet city standards, city zoning regulations that are more restrictive than county zoning and lack of adopted annexation plans by cities) and provide for service extension in a manner that promotes the likelihood of future annexation.

Regarding the requirement for an annexation agreement, this requirement is supported by an opinion California Attorney General from 1993 which concludes that "A city may enforce an annexation agreement executed by the City and the landowner, as a condition of receiving city sewer services, to waive his or her right to protest the annexation of the property to the city when such becomes legally permissible, with the waiver binding upon the landowner, future landowners, long-term lessees of the property but not other persons residing on the property unless they have acknowledge of the agreement."

Please direct comments or questions regarding this draft policy to Rob Bartoli (rbartoli@smcgov.org) by **February 19, 2019**. An electronic version of the draft policy can also be sent to you for review if requested. It is anticipated that the Commission will consider the updated policy including comments at the March 20, 2019 LAFCo meeting.

Separately, LAFCo Staff will be reaching out to affected cities and special districts regarding future potential amendments to the policies that would include annexation plans adopted by the cities and districts for territory included in their sphere of influence.

We appreciate your attention to the draft updated policy and hope that you will contact us if you have questions.

Attachment A: Policy and Procedure for Review of Requests for Extension of Service Outside Jurisdictional Boundaries – Clarifying Policy

Attachment B: Policy and Procedure for Review of Requests for Extension of Service Outside Jurisdictional Boundaries – Existing Policy (Last revised November 21, 2001)

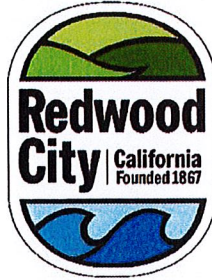
Attachment C: Distribution List

COMMISSIONERS: MIKE O'NEILL, CHAIR, City ▪ ANN DRAPER, VICE CHAIR, PUBLIC ▪ JOSHUA COSGROVE, Special City ▪ RICH GARBARINO, City ▪ DON HORSLEY, COUNTY ▪ JOE SHERIDAN, Special District ▪ WARREN SLOCUM, County

ALTERNATES: KATI MARTIN, SPECIAL DSTRIC ▪ HARVEY RARBACK, CITY ▪ JAMES O'NEILL, PUBLIC ▪ DAVE PINE, COUNTY

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March 11, 2019

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MAR 11 2019

LAFCo

Mr. Rob Bartoli
Management Analyst
San Mateo LAFCo
455 County Center, 2nd Floor
Redwood City, CA 94063

Subject: Comments on Draft Clarification on Outside Service Extension Policy for San Mateo Local Agency Formation Commission (LAFCo).

Mr. Bartoli,

This letter is in response to LAFCo Request for Comments letter dated December 28, 2018 from Mrs. Marth Poyatos, LAFCo Executive Officer, on the abovementioned subject. Our staff has reviewed the proposed policy revisions and have the following comments and questions.

First, the policy now appears to compel actual annexation of properties contiguous to City or district boundaries in order for those properties to receive service (Sec. 3.a). This is further described in the various factors to be considered in reviewing applications, such as whether annexation is a "reasonable and preferable" alternative to LAFCo allowing for the extension (Sec. 4.a; see also Sec. 4.d). Similarly, it is not clear when annexation would not be "feasible" at the time of application (Sec. 4.j.i.1) and who determines what is "feasible".

This however would be a significant change to existing policy and practice that favored or encouraged (but did not require) annexation, which as you know is a complex process. Moreover, this change is at odds with the "Legislative Authority" portion of the draft policy, which instead provides that LAFCo will require extension applications to be conditions upon execution of an annexation agreement, recorded covenant, or other instrument that promotes annexation (Sec. 1). We may be misunderstanding the proposed changes, and that actual annexation would not be required in order to provide service outside of the City's jurisdiction. If so, it is requested that clarification be provided and the appropriate changes made to the draft policy.

Second, with regard to the more detailed factors to be considered in Section 4(j), we have two specific comments. There is a reference to threats to public health or safety for developed parcels, when that would seem to be a more appropriate reference in the "Emergency Connections Procedures" portion of the policy (Sec. 4.j.i.1). Also, there is a reference to compliance with City and County General Plans for properties located outside of a sphere of

influence, when the Redwood City General Plan does not cover such areas (Sec. 4.j.iii.3). We suggest rephrasing to City "or" County General Plans.

Third, in requiring an agreement for developed parcels within a sphere of influence (Page 5 Item 4.j.i.) during an existing or impending threat to health and safety, the proposed policy appears to exceed and may contradict the requirements in GC Section 56133(c). That section specifies the following two requirements: 1) documentation of the threat and 2) notification to alternate service providers. Furthermore, obtaining an agreement may not be practical or an agreement cannot be properly executed prior to service extension during some health and safety emergencies and time-critical situations.

Finally, there appears to be some overlap in language between Sections 2b and 2c. Section 2b should be revised with the additional clause and conditions edited to be consistent with the exemptions for nonpotable and nontreated water stated in GC Section 56133(e)(2),

Thank you for the opportunity to comment on the proposed draft policy. If you have any questions, please contact me at (650) 780-7370, or by email at ssarwary@redwoodcity.org.

Sincerely,



Saber Sarwary
City Engineer

cc. Steven Turner, Acting Community Development Director
Prasanna Rasiah, Sr. Assistant City Attorney.

Redwood City Annexations Map

1250, 1252 and
1254 Edgewood
Road (Annexed in
2012)

City of San
Carlos SOI

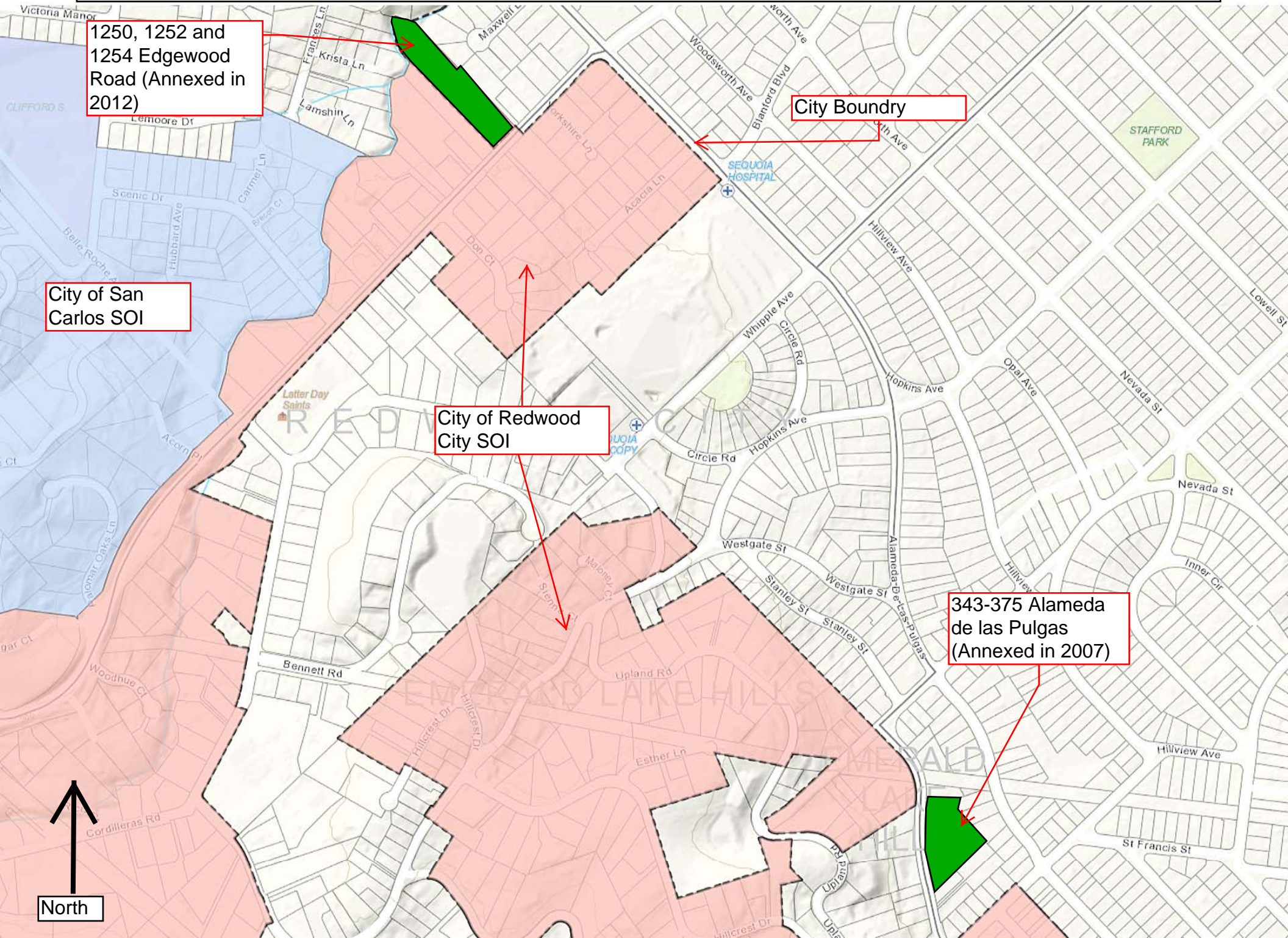
City of Redwood
City SOI

City Boundry

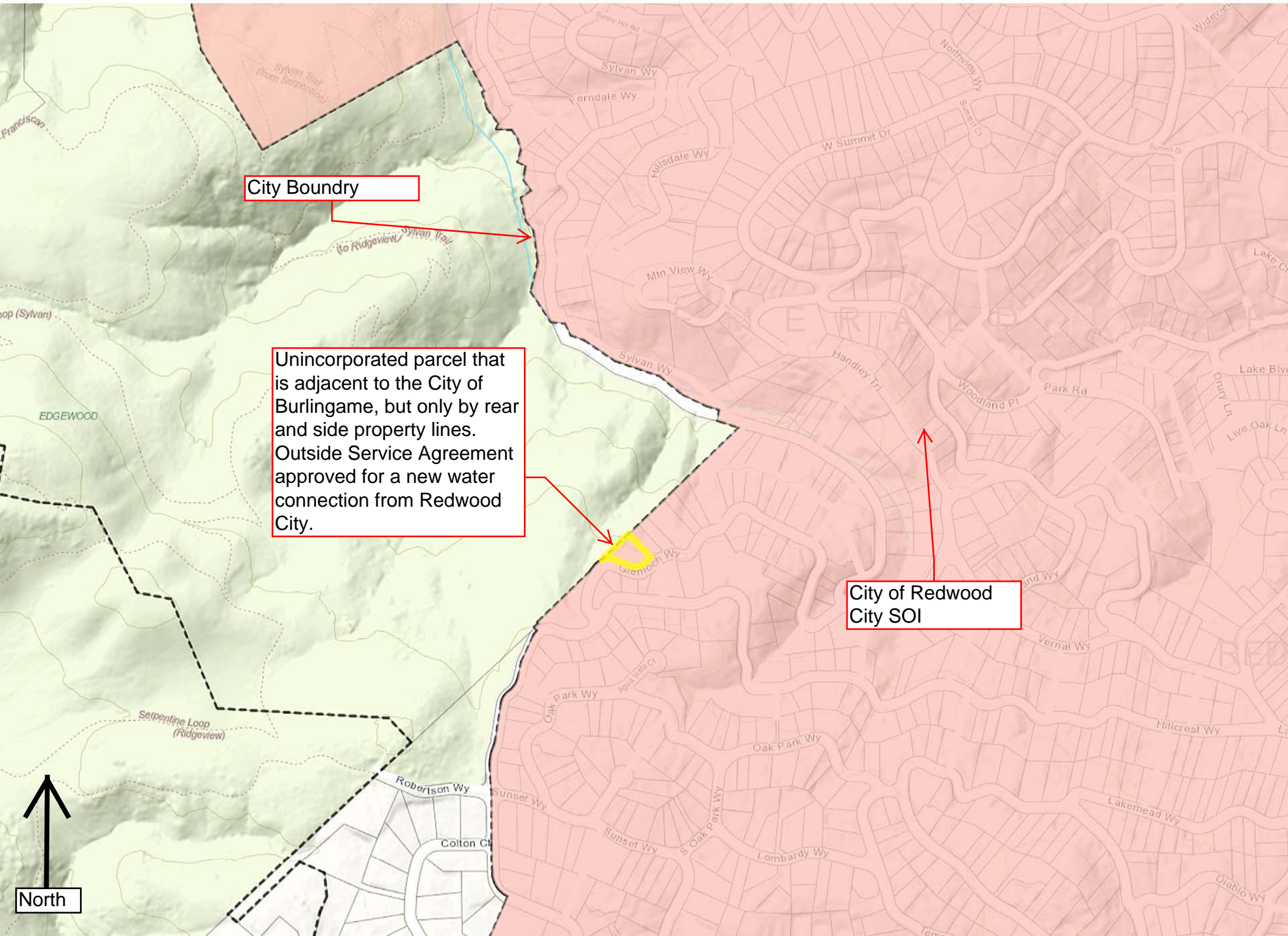
343-375 Alameda
de las Pulgas
(Annexed in 2007)



North



Redwood City - Nonviable Candidate for Annexation



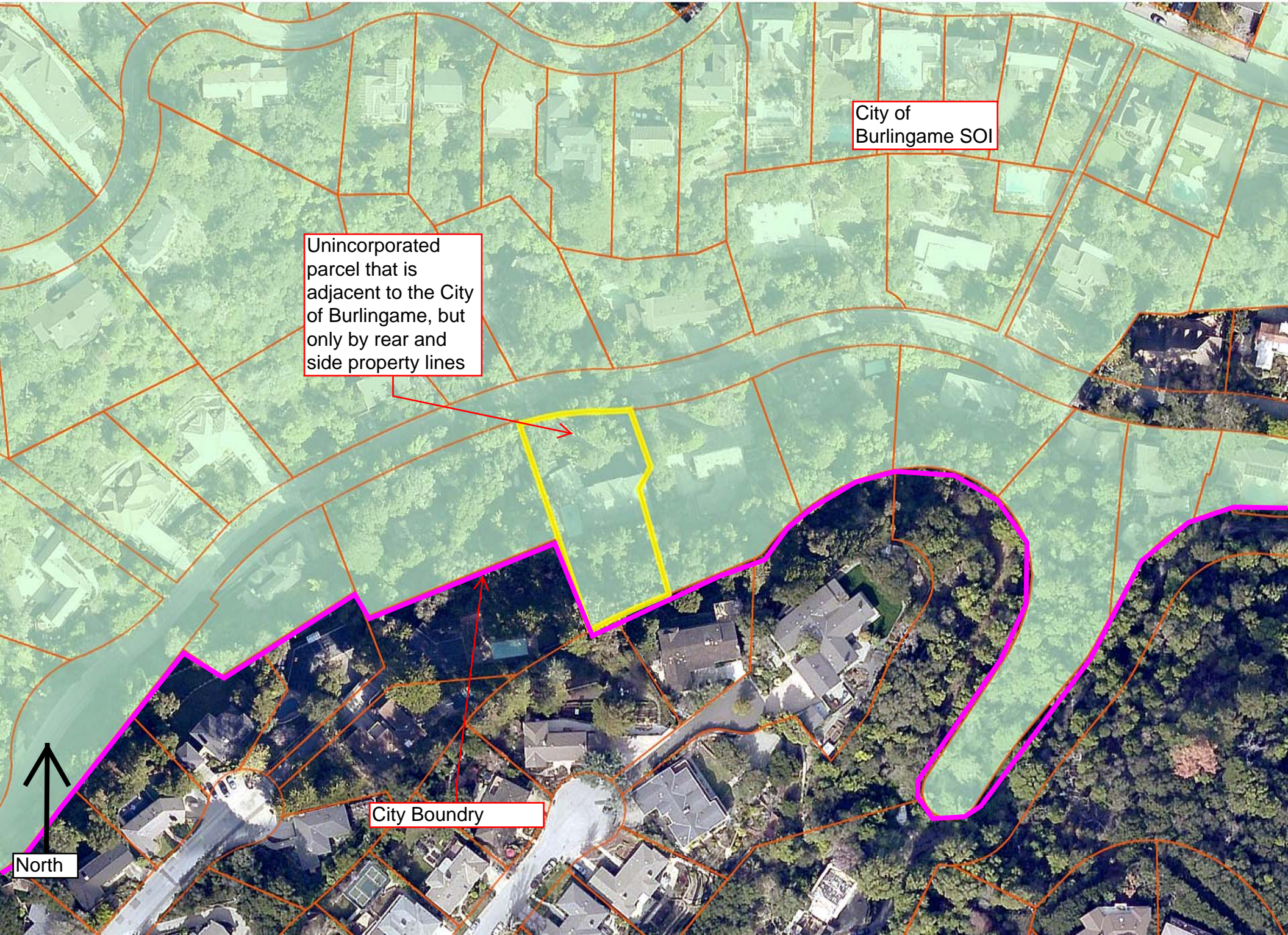
City Boundry

Unincorporated parcel that is adjacent to the City of Burlingame, but only by rear and side property lines. Outside Service Agreement approved for a new water connection from Redwood City.

City of Redwood City SOI

North

Burlingame Hills Map - Nonviable Candidate for Annexation



City of
Burlingame SOI

Unincorporated
parcel that is
adjacent to the City
of Burlingame, but
only by rear and
side property lines

City Boundry

North