



LOCAL AGENCY FORMATION COMMISSION

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October 14, 2020

To: LAFCo Commissioners

From: Martha Poyatos, Executive Officer *M. Poyatos*
 Rob Bartoli, Management Analyst

Subject: Consideration of Adoption of Update of Procedures for the Evaluation of Proposals

Recommendation:

The Procedures for the Evaluation of Proposals is intended to provide detailed information about the procedures for applications to LAFCo and the evaluation of the application by the Commission and staff. While this policy was last updated in 2001, the Commission and staff have utilized the latest versions of the Cortese Knox Herzberg Local Government Reorganization Act (Act) when evaluating proposals. Following the June 17, 2020 Commission hearing, the draft document was circulated to the County, cities, special districts and interested parties. LAFCo received one comment letter which is addressed below. Staff recommends that the Commission consider the report, public comment and correspondence and adopt the policies as submitted.

Background and Draft Changes

Changes in the Act since 2001 include additions and amendments to the factors to consider in reviewing a proposal and definitions. One such factor is related to environmental justice. AB 1628 (Rivas), Chapter 360 amended this factor for consideration (Section 56668(p)) to read as follows:

The extent to which the proposal will promote environmental justice. As used in this subdivision, "environmental justice" means the fair treatment and meaningful involvement of people of all races, cultures, incomes, and national origins, with respect to the location of public facilities and the provision of public services, to ensure a healthy environment for all people such that the effects of pollution are not disproportionately borne by any particular populations or communities.

Staff is concerned that as written, the amended language could be interpreted to limit Commission consideration of this factor to instances that involve siting environmentally damaging facilities in or near disadvantaged communities. Prior to the amendment, the factor addressed availability of public

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

STAFF: MARTHA POYATOS, EXECUTIVE OFFICER ▪ TIM FOX, LEGAL COUNSEL ▪ ROB BARTOLI, MANAGEMENT ANALYST ▪ ANGELA MONTES, CLERK

services (such as sewer and water) and the location of public facilities for people of all races, cultures, incomes, including disadvantaged communities. While the original intent of the amendment in AB 1628 likely to add contemplated locating “environmentally damaging facilities in disadvantaged communities” in addition to availability of public services to disadvantaged communities, the new language is not clear.

AB 1628 also amended the definition of environmental justice in two other sections of State government regulations. In these two cases, the definition now includes four statements of what environmental justice includes, but is not limited to. These statements provide clarity that is lacking in the amended language in Section 56668(p). An example of this expanded definition is shown in 30107.3 of the Public Resources Code:

SEC. 4.

Section 30107.3 of the Public Resources Code is amended to read:

30107.3.

(a) “Environmental justice” means the fair treatment and meaningful involvement of people of all races, cultures, incomes, and national origins, with respect to the development, adoption, implementation, and enforcement of environmental laws, regulations, and policies.

(b) “Environmental justice” includes, but is not limited to, all of the following:

(1) The availability of a healthy environment for all people.

(2) The deterrence, reduction, and elimination of pollution burdens for populations and communities experiencing the adverse effects of that pollution, so that the effects of the pollution are not disproportionately borne by those populations and communities.

(3) Governmental entities engaging and providing technical assistance to populations and communities most impacted by pollution to promote their meaningful participation in all phases of the environmental and land use decision making process.

(4) At a minimum, the meaningful consideration of recommendations from populations and communities most impacted by pollution into environmental and land use decisions.

Staff has utilized this expanded definition in the draft update to the policy (Page 11).

Other changes include:

- Referencing code sections as footnotes and not in text, consistent with other recently updated polices
- Removal of general LAFCo introduction and background
- Addition of definitions
- Addition of Section 56668.3 which is specific for when a proposed change of organization or reorganization includes a city detachment or district annexation
- Requirement of APN map upon submittal and copies of environmental documents
- General formatting and numbering changes

At the June 17, 2020 LAFCo meeting, the Commission directed staff to circulate the Draft Procedures document prior to the Commission's final consideration at the September 2020 meeting. On June 24, a letter was sent to the attention of City Managers, Public Work Directors, the County Manager, and Special District Managers outlining the policy and citing the updates to the document. The letter requested comments on the draft document by July 29, 2020.

Comments from Jurisdictions

To date LAFCo received one comment letter from the City of Pacifica. The comments focused on clarifying differences between the draft document and the adopted language of the Act, along with minor typographical errors. In most cases, sections in the draft were revised in response to the Pacifica comment letter to use the exact language from the Act instead of paraphrasing the sections. LAFCo staff agrees that using the language from the Act provides better cohesion between Government Code and the local LAFCo procedures. The changes in response to the City's comments are highlighted in the document in yellow.

The only comment that was not incorporated was related to the posting of the notification of a proposal at a physical location within the proposal area. When notification is required, the Act states that notification be posted near the hearing room, published in the local newspaper, and mailed to affected agencies, property owners and voters in proposal area, property owners and voters within 300 feet of the proposal area, the chief petitioners, and other persons requested notice. The City of Pacifica suggested LAFCo consider posting a notice near the proposal area, particularly when the area is inhabited. However, in staff's view this may be impractical for large annexation areas, such as the Midpeninsula Regional Open Space District's annexation of 143,000 acres, or for areas that may be difficult to gain access to, such as the Cranfield Annexation to the City of San Carlos which were not accessible to the public. The addition of notice at a site may also expose LAFCo to legal action if the notification is not properly posted at the site or if members of the public feel that the posting is inadequate. The Act provides for sufficient opportunity to receive and review notices and staff recommends adhering to the adopted state regulations.

Committee Review

On February 24, 2020 the Commission's Legislative and Policy Committee (Commissioners Lohman, Martin, and Jim O'Neill) reviewed the draft policies. After comments on the documents, the Committee recommended the updated policy document be placed on the next LAFCo agenda for information and comment. The committee also recommended that the policy documents be circulated for review to other agencies.

Recommended Action:

By motion, adopt the update to the Procedures for the Evaluation of Proposals.

Attachments

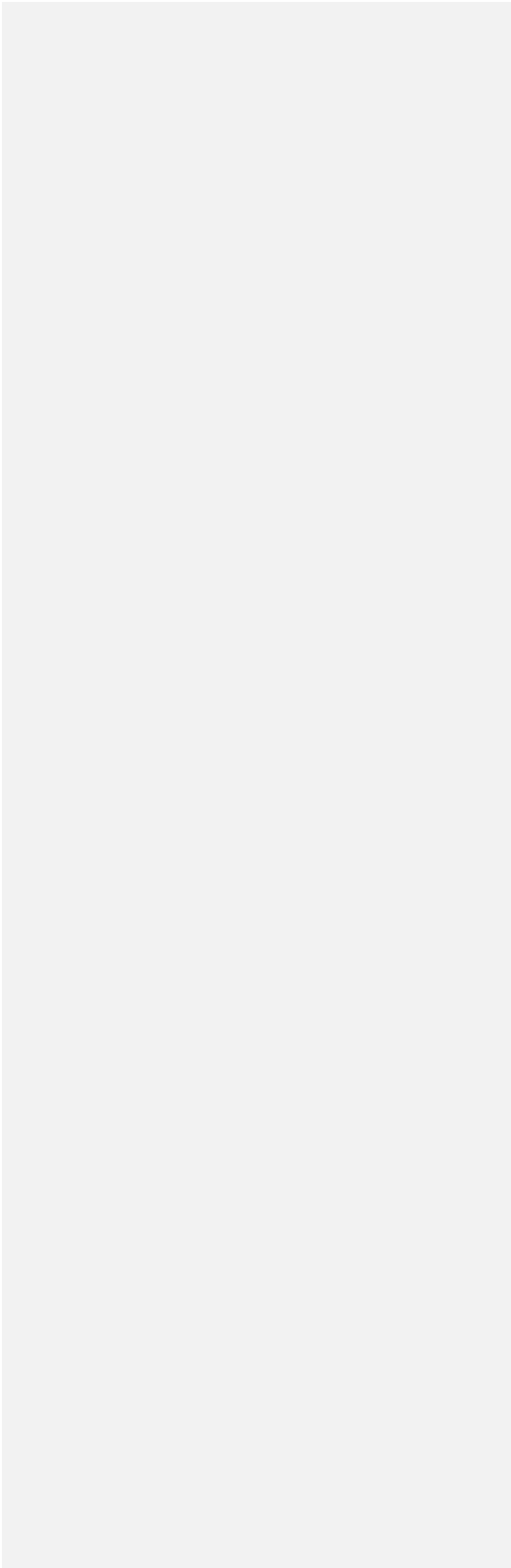
A. Updated Procedures for the Evaluation of Proposals – with revisions in response to the City of Pacifica in track changes

I

SAN MATEO LOCAL AGENCY FORMATION COMMISSION
PROCEDURES FOR THE EVALUATION OF PROPOSALS

Adopted by the Commission
February 21, 1990
Revised March 17, 1997
Revised January 17, 2001

DRAFT



SECTION I

INTRODUCTION

Purpose of the Local Agency Formation Commission

The Local Agency Formation Commission (LAFCo) was created by the State Legislature in 1963 to encourage orderly formation and expansion of local government agencies with appropriate consideration of the preservation of agricultural and open space lands. The Cortese-Knox-Hertzberg Act of 2000 includes in LAFCo's mission balancing orderly development with sometimes competing state interests of discouraging urban sprawl, preserving open space and prime agricultural lands and efficiently extending government services, as well as providing housing for persons and families of all incomes. LAFCo has responsibility in five areas affecting local government in the county:

- To encourage the orderly growth and development of government agencies;
- To review and approve or disapprove proposals for changes in the boundaries and organization of the twenty cities and approximately forty-five special districts within LAFCo jurisdiction in the county plus incorporations of new cities and formation of special districts; and
- To establish and periodically update spheres of influence—long term boundary, organization, and services plans—for the cities and special districts in the county and to conduct municipal service reviews as required for sphere of influence updates; and
- To assist in studies of existing local government agencies with the goal of improving the efficiency and reducing the cost of providing local government services; and
- To provide assistance to other government agencies and the public concerning changes in local government boundaries and organization.

Composition of San Mateo LAFCo

There is a local agency formation commission in each county in California except the City and County of San Francisco. In San Mateo County the Commission has seven members, consisting of two city council members (chosen by the mayors of the 20 cities), two members of the county Board of Supervisors (chosen by the Board), two independent special district members (chosen by a committee of special district board members representing each independent special district in the county) and one public member (selected by the other six members of the Commission with the affirmative vote of at least one member of each classification of city, county and district

Commented [RB1]: Once all LAFCo policies are updated, they will be compiled into one document with an opening about what LAFCo is, our goals, and the makeup of the Commission

membership). Each category of membership has an alternate member who serves in the absence of the regular member.

1. Purpose of these Procedures

This guide-policy is intended to provided detailed information on the San Mateo LAFCo's procedures for evaluating proposals for changes of organization pursuant to the Cortese-Hertzberg-Knox Local Government Reorganization Act of 2000, (Government Code Section 56000, (the Act)).¹ This guide-policy also provides a summary of the procedures for completing proposals after LAFCo has taken action.

~~A change of organization means any of the following:~~

- ~~• An annexation to, or detachment from a city or special district;~~
- ~~• A city incorporation;~~
- ~~• A district formation;~~
- ~~• A district dissolution;~~
- ~~• A city disincorporation;~~
- ~~• A consolidation of cities or special districts;~~
- ~~• A merger or establishment of a subsidiary district;~~
- ~~• A reorganization involving two or more of the above listed changes of organization.~~

~~Changes in the boundaries and organization of certain types of agencies are excluded from LAFCo jurisdiction, including school districts, certain types of county maintenance and lighting districts, and community facilities districts formed pursuant to the Mello-Roos Community Facilities Act.~~

2. Legislative Authority

Government Code Section 56650 states that a Commission may initiate a proceeding for a change of organization or a reorganization once a petition or resolution of application has been received. The Act allows for the Commission to prescribe the form and contents of an application. It is the intent of this policy to outline these requirements that San Mateo LAFCo has adopted for proposals.

3. Definitions

"Affected city" means any city that contains or would contain, or whose sphere of influence contains or would contain territory for which a change of organization is proposed or ordered, either singularly or as part of a reorganization.

¹ All sections are from the Government Code unless otherwise noted.

"Affected county" means any county that contains, or would contain, any territory for which a change of organization is proposed or ordered either singularly or as part of a reorganization or that contains all or any part of a district for which a change of organization or reorganization is proposed with respect to territory outside that county.

"Affected district" means any special district, as defined by Section 56036, that contains or would contain, or whose sphere of influence contains or would contain, any territory for which a change of organization is proposed or ordered either singularly or as part of a reorganization.

"Affected territory" means any territory for which a change of organization, reorganization, or sphere of influence change is proposed or ordered, or any territory to which services are proposed to be provided pursuant to sections 56133, 56133.5, or 56134.

"Annexation" means the inclusion, attachment, or addition of territory to a city or district.

"Applicant" means a local agency or person or persons that submits an application, as defined by Section 56017.2.

"Application" means any of the following:

(a) A resolution of application or petition initiating a change of organization or reorganization with supporting documentation as required by the commission or executive officer.

(b) A request for a sphere of influence amendment or update pursuant to Section 56425.

(c) A request by a city or district for commission approval of an extension of services outside the agency's jurisdictional boundaries pursuant to Section 56133.

(d) A request by a public agency for commission approval of an extension of services outside the agency's jurisdictional boundaries pursuant to Section 56134.

"Change of organization" means 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 as provided in Article 1.5 (commencing with Section 56824.10) of Chapter 5 of Part 3 of 56000this division).

Changes in the boundaries and organization of certain types of agencies are excluded from LAFCo jurisdiction, including school districts, certain types of county maintenance and lighting districts, and community facilities districts formed pursuant to the Mello-Roos Community Facilities Act.

"Consolidation" means the uniting or joining of two or more cities located in the same county into a single new successor city or two or more districts into a single new successor district.

"Detachment" means the exclusion, deletion, or removal from a city or district of any portion of the territory of that city or district.

"Disincorporation" means the dissolution, extinguishment, or termination of the existence of a city and the cessation of its corporate powers, except for the purpose of winding up the affairs of the city.

"Dissolution" means the disincorporation, extinguishment, or termination of the existence of a district and the cessation of all its corporate powers, except as the commission may otherwise provide pursuant to Section 56886 or for the purpose of winding up the affairs of the district.

"District" or "special district" are synonymous and mean an agency of the state, formed pursuant to general law or special act, for the local performance of governmental or proprietary functions within limited boundaries and in areas outside district boundaries when authorized by the commission pursuant to Section 56133.

(b) "District" or "special district" includes a county service area, but excludes all of the following:

(1) The state.

(2) A county.

(3) A city.

(4) A school district or a community college district.

(5) An assessment district or special assessment district.

(6) An improvement district.

(7) A community facilities district formed pursuant to the Mello-Roos Community Facilities Act of 1982, (Chapter 2.5 (commencing with Section 53311) of Part 1 of Division 2 of Title 5).

(8) A permanent road division formed pursuant to Article 3 (commencing with Section 1160) of Chapter 4 of Division 2 of the Streets and Highways Code.

(9) An air pollution control district or an air quality maintenance district.

(10) A zone of any special district.

"Formation" means the creation of a district.

"Incorporation" means the creation or establishment of a city. Any area proposed for incorporation as a city shall have at least 500 registered voters residing within the affected territory at the time the proposal is initiated.

"Inhabited territory" means territory within which there resides 12 or more registered voters. The number of registered voters as determined by the elections officer, shall be established as of the date a certificate of filing is issued by the executive officer.

"Local agency" means a city, county, or district.

"Merger" means the termination of the existence of a district when the responsibility for the functions, services, assets, and liabilities of that district are assumed by a city as a result of proceedings taken pursuant to this division.

"Proposal" means 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.

"Uninhabited territory" means territory within which there resides fewer than 12 registered voters. The number of registered voters, as determined by the elections officer, shall be established as of the date a certificate of filing is issued by the executive officer.

SECTION II

4. General Application Procedures GENERAL PROCEDURES FOR THE EVALUATION OF PROPOSALS

The following is a step-by-step guide to the procedures followed by LAFCo in evaluating Proposed changes in local government boundaries and organization.

Preliminary Steps

a. LAFCo encourages a pre-application discussion between the proponent and LAFCo staff, which can save the prospective applicant substantial time once the process has begun. The following steps are suggested for the applicant:

i. Call or email the LAFCo office for an appointment.

ii. ~~Bring the following information with you:~~ Provide the following information if possible:

1. A map of the property and affected area.
- ~~2.~~ General plan and zoning designations. This information may be available at the County or city planning and building departments.
- ~~2.~~
- ~~3.~~ Information on development plans, if applicable.

~~3.~~

iii. LAFCo staff will review procedure, applicable spheres of influence, information requirements and processing fees, provide application forms, and determine environmental review requirements. LAFCo staff will be able to provide information regarding, if any, applicable local agency boundaries will be altered by the proposal.

A- Application Submittal

a. a. Prior to circulating a petition for a change of organization or reorganization, the proponent must file with LAFCo, a notice of intention with the Executive Officer. The notice must include the name and mailing address of the proponent and a written statement, not to exceed 5000 words in length, stating the reasons for the proposal. The notice must be signed by the proponent. After the above filing, the petition may be circulated for signatures. A petition is not required for an Outside Service Agreement.

b. b. Proponent prepares application for proposal. An application includes the following:

~~i.~~ An application on the form provided by LAFCo.

~~i.~~

~~ii.~~ A petition of landowners or registered voters making application OR a certified resolution of application.² Note: As noted in 2 above, The applicant must file a notice of intention to circulate a petition with the Executive Officer prior to collection of signatures.

~~ii.~~

If submitted by petition, it is necessary to submit a copy with original signatures plus additional photocopies as specified on the application instructions. Signature requirements vary depending on the type of proposal; please consult LAFCo staff for details.

² Resolution of application must contain same information as a petition, except for signature requirements. (Sections 56700 and 56800)

iii. A map and a metes and bounds description of the subject area property which meet the requirements of the State Board of Equalization. LAFCo staff can provide examples.

iii-iv. Assessor Parcel Map with application area outlined to show the general location of the proposal.

v. Processing fee per the schedule of process fees adopted by the Commission made payable to "San Mateo LAFCo."

iv. Processing fee per the State Board of Equalization fee schedule made payable to the "Board of Equalization." (To be paid after LAFCo approval)

vi. _____

vii. Like other public agencies, LAFCo is required to comply with the California Environmental Quality Act (CEQA) and consider the environmental consequences of its actions. Each proposal must receive the appropriate environmental review for consideration by the Commission in making its decisions. LAFCo is frequently a "responsible agency" and reviews and considers the environmental document prepared for the project by another agency (a city, the county, or a special district).

v. Occasionally LAFCo will be the "lead agency" and may be required to prepare and certify a Negative Declaration or an Environmental Impact Report (EIR) for a proposal. If a city, the county, or a special district is the proponent, it is usually the lead agency. One of the following determinations must be made by the lead agency after the appropriate environmental review:

- a. The project is exempt and a Notice of Exemption is prepared. If LAFCo is the responsible agency, a copy of the Notice of Determination or Notice of Exemption shall be submitted.
- b. A Negative or Mitigated ~~at ive~~ Negative Declaration is prepared, circulated for public review and certified by the governing body after an initial study finds that no significant impact to the environment will occur. The lead agency is required to consult with LAFCo staff during the review process. A copy of the certified -Negative or Mitigated Mitigative Negative Declaration shall be submitted.
- c. An EIR is prepared, circulated, and certified by the governing body if a project may have significant impacts on the environment. The lead agency must consult with LAFCo staff during the process. A copy of the certified EIR shall be submitted.

vi-viii. The following information, depending upon the type of proposal:

(+) If a proposal for a change of organization or reorganization is submitted, the applicant shall submit a plan for providing services within the affected

territory!_ f a proposal is submitted by resolution of a public agency, it must include a “plan for providing services,”³ (Section 56653). The plan may follow the format provided by LAFCo.

1. If the proposal includes annexation to a city, indication that the annexing city has pre-zoned the property, such as a copy of the city council resolution approving the pre_zoning. The resolution designating pre_zoning of the territory shall specify that there will be no change in zoning for two years from the date annexation becomes effective⁴.e.

~~(2)~~_____

~~(3)~~ 2. If the proposal is for the formation of a special district, the application should include a “plan for providing services” that includes ~~provides~~^{gives} the following information:

- (a) The statutory section under which the formation is proposed to occur.
- (b) A description of the services to be extended, accompanied by a justification.
- (c) The level and range of the proposed services.
- (d) The schedule for extending services.
- (e) A description of any new facilities or improvements to existing facilities proposed.
- (f) A description of any conditions which the new district would impose or require within its boundaries upon formation.
- (g) An explanation of how district services and facilities would be financed and an operating budget for the proposed district including estimates of revenues and expenditures.
- (h) The rationale for proposed boundaries and discussion of alternative boundaries if applicable.

~~(4)~~ 3. If the proposal includes incorporation of a new city, a comprehensive fiscal analysis which includes the following⁵: ~~(Section 56800)~~:

- (a) A description of the local agencies which presently serve the community, with a discussion of the range and level of services currently provided.

³ Government Code Section 56653

⁴ Government Code Section 56375(e)

⁵ Government Code Section 56800

- (b) A description of services to be provided by the proposed city after incorporation, including the range and level of those services.
- (c) The costs to the proposed city of providing public services and facilities during the three fiscal years following incorporation and the estimated revenues during the same period.
- (d) The effects of the proposed incorporation on the adjacent communities and affected agencies, including the county.
- (e) A rationale for the proposed boundaries and a discussion of possible boundary alternatives.
- (f) Any other information and analysis needed to make the findings required by Section 56720 which requires that an incorporation be consistent with LAFCo policies promoting logical, efficient delivery of services and preservation of agricultural and open space lands and that the proposed city is expected to receive revenues sufficient to provide public services and facilities and a reasonable reserve during the first three years of incorporation.

The comprehensive fiscal analysis may be prepared by a qualified consultant for the proponents or under contract to LAFCo. If prepared by or under contract to LAFCo, the costs of the comprehensive analysis may be charged to the proponents⁶. ~~(Sections 56383 and 56654).~~

Waiver of Protest Hearing⁷

e.a. If the proposal is for uninhabited territory and has 100% landowner consent, the Commission may with the consent of the gaining agency waive protest hearing following the LAFCo hearing. Applicants in this case should provide proof of 100% consent.

d.b. If the proposal is for inhabited territory involving an annexation or detachment, the Commission may waive all protest proceedings if the following conditions are met:

The Commission must provide written notice of this hearing to all registered voters and landowners in the affected territory. The notice must state that unless opposition to the proposal or the commission's intent to waive protest proceedings is expressed, there will be no subsequent protest proceedings. All agencies that would gain or lose territory must also have consented in writing to the waiver.

⁶ Government Code Sections 56383 and 56654

⁷ Government Code Section 56663

5. Commission Proceedings

d.a. The proponent submits to LAFCo staff completed application materials ~~(Section 56652)~~.

e.b. The Executive Officer determines whether:

- i. The petition is sufficient as required by law, and issues a determination on its sufficiency within 30 days.
- ii. LAFCo is to be the lead agency for environmental review. If so, then the environmental review ~~- is undertaken described in No. 3 is undertaken.~~

f.c. The Executive Officer reviews the proposal and within 30 days of its receipt either:

a.i. Determines that the application is complete and issues a certificate of filing, setting the commission hearing date. If the proposal requires a property tax exchange between the county and any affected city (and, in some cases, a special district), the application may not be deemed complete and a certificate of filing may not be issued until the tax exchange is complete (Section 99 of the Revenue and Taxation Code).

b.ii. Determines that the application is incomplete and notifies the proponent what itemstimes are necessary to complete the application ~~(56828)~~.⁸

g.d. The Executive Officer refers the proposal to any potentially affected county departments, city(ies) or districts for review and comment.

h.e. The Executive Officer, at least 21 days prior to the date set for hearing, gives notice by:

- i. Publication in a newspaper of general circulation in the affected area.
- ii. Posting near the door of the hearing room.
- iii. Mailing or emailing to each agency whose jurisdiction or sphere of influence contains the property which is the subject of the proposal, to chief petitioner(s), and to any persons who have requested notice.

⁸ Government Code Section 56828

- iv. Mailing to registered voters within 300 feet for applications submitted by resolution of a public agency.

NOTE: Some Commission actions may be taken without published or mailed notice of hearing, such as annexations and detachments with written consent of all landowners. Notice and opportunity to request a noticed public hearing must be given to any agency whose boundaries would be changed by the proposal ~~(Section 56663)~~.⁹

~~i.f.~~ The Executive Officer reviews the application and any comments received and prepares a written report and recommendation. The report reviews pertinent factors and policies as contained in the ~~Cortese Knox Hertzberg~~ Act and the Commission's Standards for the Evaluation of Proposals, applicable spheres of influence, and general plans for the area.

~~j.g.~~ The Executive Officer mails or emails the report at least five days prior to the hearing to each commissioner, each person named in the application to receive a copy, each affected local agency requesting a report, and each agency whose boundaries or sphere of influence would be changed.

~~k.h.~~ _____ The Commission hears the proposal on the noticed day and time. The hearing may be continued for up to 70 days. The Commission considers the factors and policies contained in the ~~Cortese Knox Hertzberg~~ Act and its own Standards for the Evaluation of Proposals. The factors include, but are not ~~are~~ not limited to, (Section 56668):¹⁰

- i. ~~Population, density, land area and land use, per capita assessed valuation, topography, natural boundaries, drainage basins, proximity to populated area, likelihood of significant growth during next ten years and population~~ density; land area and land use; assessed valuation; topography, natural boundaries, and drainage basins; proximity to other populated areas; and the likelihood of significant growth in the area and in adjacent incorporated and unincorporated areas, during the next 10 years.
- ii. Need for organized community services, present cost and adequacy of government services and controls, probable future needs, probable effect of change of organization and of alternative courses of action on the cost and adequacy of services and controls in the area and adjacent area.

⁹ Government Code Section 56663

¹⁰ Government Code Section 56668

- iii. The effect of the proposed action and of alternative actions on adjacent areas, on mutual social and economic interests, and on the local government structure of the county.
- iv. Conformity of the proposal and its effects with Commission policies on providing planned, orderly, efficient **patter~~ns~~** of urban development, and with state policies and priorities on conversion of open space uses.
- v. Effect of the proposal on maintaining the physical and economic integrity of lands in an agricultural preserve in open space uses.
- ~~vi.~~ vi. Definiteness and certainty of the boundaries of the territory, the nonconformance of proposed boundaries with lines of assessment and ownership, the creation of islands and corridors of unincorporated territory, and other similar matters affecting proposed boundaries.
- ~~vi-vii.~~ vi-vii. **A regional transportation plan adopted pursuant to Section 65080**
- ~~vii-viii.~~ vii-viii. Conformity with appropriate city or county general and specific plans.
- ~~viii-ix.~~ viii-ix. The sphere of influence of any agency which may be applicable to the proposal being reviewed. ~~(See Section III for more about the adoption of spheres of influence).~~
- ~~ix-x.~~ ix-x. The comments of any affected local agency
- ~~x-xi.~~ x-xi. The ability of the newly formed or receiving entity 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.
- ~~xi-xii.~~ xi-xii. Timely availability of water supplies adequate for projected needs as specified in Section 65352.5.
- ~~xii-xiii.~~ xii-xiii. The extent to which the proposal will assist the receiving entity in achieving its fair share of the regional housing needs as determined by the appropriate council of governments.
- ~~xiii.~~ xiii. **Any information or comments from the landowner or landowners, voters, or residents of the affected territory.** ~~Any information or comments from the landowner or owners.~~
- ~~xiv.~~ xiv. Any information relating to existing land use designations.
- ~~xv.~~ xv. The extent to which the proposal will promote environmental justice. As used in this subdivision, "environmental justice" means the fair treatment and meaningful involvement of people of all races, cultures, incomes, and national origins, with respect to the location of public facilities and the provision of public services. Environmental justice includes, but is not limited to:
 1. The availability of a healthy environment for all people.
 2. The deterrence, reduction, and elimination of pollution burdens for populations and communities experiencing the adverse effects of that pollution, so that the effects of the pollution are not disproportionately borne by those populations and communities.
 3. Governmental entities engaging and providing technical assistance to populations and communities most impacted by pollution to

promote their meaningful participation in all phases of the environmental and land use decision making process.

4. At a minimum, the meaningful consideration of recommendations from populations and communities most impacted by pollution into environmental and land use decisions.

xvi. Information contained in a local hazard mitigation plan, information contained in a safety element of a general plan, and any maps that identify land as a very high fire hazard zone pursuant to Section 51178 or maps that identify land determined to be in a state responsibility area pursuant to Section 4102 of the Public Resources Code, if it is determined that such information is relevant to the area that is the subject of the proposal.

xvii. A proposal will be reviewed against the Commission's water supply policy. Safe, adequate, reliable, and resilient water supplies are fundamental to the cCounty. The Commission supports governance models that enhance and provide a more robust water supply capacity (including, but not limited to, recycling, desalination, and stormwater recapture) in the cCounty. The Commission will consider how water-related requests for sphere of influence, boundary, or service modification affect the Commission's interests.

xviii. A proposal will be reviewed against the Commission's climate change policy. Resiliency to climate change is important to the health, safety, and economic prosperity of the cCounty. The Commission supports multi-agency collaboration and governance models that provide risk reduction solutions that address sea level rise and other measures to adapt to climate change. The Commission will consider the extent to which the agency under study is planning for sea level rise, climate change, and water resiliency.

xix. Any Aanalysis will also include a review of natural hazards that may impact the jurisdiction, including wildfire, earthquakes, and flooding. Source data such as a general plan, hazard mitigation plan, land use maps, FEMA maps, and CAL Fire maps will be used to as part of this analysis.

i. If the proposed change of organization or reorganization includes a city detachment or district annexation, except a special reorganization, and the proceeding has not been terminated based upon receipt of a resolution requesting termination pursuant to either Section 56751 or Section 56857, factors to be considered by the Ceommission shall include all of the following:

i. In the case of district annexation, whether the proposed annexation will be for the interest of landowners or present or future inhabitants within the district and within the territory proposed to be annexed to the district.

- ii. In the case of a city detachment, whether the proposed detachment will be for the interest of the landowners or present or future inhabitants within the city and within the territory proposed to be detached from the city.
- iii. Any factors which may be considered by the Commission as provided in Section 56668.
- iv. Any resolution raising objections to the action that may be filed by an affected agency.
- v. Any other matters which the Commission deems material.

xiv. The Commission shall give great weight to any resolution raising objections to the action that is filed by a city or a district. The Commission's consideration shall be based only on financial or service related concerns expressed in the protest. Except for findings regarding the value of written protests, the Commission is not required to make any express findings concerning any of the other factors considered by the Commission¹¹.

i. The Commission is also required to consider the following state policies and priorities in considering proposals¹²:

- i. The Legislature recognizes that the logical formation and determination of local agency boundaries is an important factor in promoting orderly development and in balancing such development with sometimes competing state interests of discouraging urban sprawl, preserving open space and prime agricultural lands, and efficiently extending government services.
- ii. The Legislature also recognizes that providing housing for persons and families of all incomes is an important factor in promoting orderly development. The Legislature further finds and declares that this policy should be effected by the logical formation and modification of boundaries of local agencies, with a preference granted to accommodating additional growth within, or through the expansion of, the boundaries of those local agencies which can best accommodate and provide necessary governmental services and housing for ~~person~~ persons and families of all incomes in the most efficient manner feasible.
- iii. The Legislature recognizes that urban population densities and intensive residential, commercial, and industrial development necessitate a broad spectrum and high level of community services and controls.

¹¹ Government Code Section 56668.3

¹² Government Code Section 56001

iv. The Legislature recognizes that when areas become urbanized to the extent that they need the full range of community services, priorities are required to be established regarding the type and levels of services that the residents of an urban community need and desire; that community service priorities be established by weighing the total community service needs against the total financial resources available for securing community services; and that those community service priorities are required to reflect local circumstances, conditions and limited financial resources

v. The Legislature finds and declares that a single multipurpose governmental agency is accountable for community service needs and financial resources and, therefore, may be the best mechanism for establishing community service priorities especially in urban areas. a single governmental agency, rather than several limited purpose agencies, is in many cases better able to assess and be accountable for community service needs and financial resources and, therefore, may be is may be the best mechanism for establishing community service priorities, especially in urban areas. (Section 56001).

vi. Notwithstanding, the Legislature recognizes the critical role of many limited purpose agencies, especially in rural communities. The Legislature also finds that, whether governmental services are proposed to be provided by a single purpose agency, several agencies or a multi-purpose agency, responsibility should be given to the agency or agencies that can best provide government services.

The Commission may, but is not required to, consider the regional growth goals and policies established by a collaboration of elected officials only, formally representing their local jurisdictions in an official capacity on a regional or subregional basis.¹³

vii.

viii. In reviewing and approving or disapproving proposals which could reasonably be expected to induce, facilitate, or lead to the conversion of existing open-space lands to uses other than open-space uses, the Commission shall consider all of the following policies and priorities¹⁴:

i. Development or use of land for other than open-space uses shall be guided away from existing prime agricultural lands in open-space use

¹³ Government Code Section 56668.5

¹⁴ Government Code Section 56377

toward areas containing nonprime agricultural lands, unless that action would not promote the planned, orderly, efficient development of an area. Development or use of land for other than open space uses shall be guided away from existing prime agricultural lands toward areas containing nonprime agricultural lands (Section 56377).¹⁵

- ii. Development of existing vacant or nonprime agricultural lands for urban uses within the existing jurisdiction of a local agency or within the sphere of influence of a local agency should be encouraged before any proposal is approved which would allow for or lead to the development of existing open-space lands for non-open-space uses which are outside of the existing jurisdiction of the local agency or outside of the existing sphere of influence of the local agency. Development of existing vacant or nonprime agricultural lands for urban uses within the existing jurisdiction of a local agency or within the sphere of influence of a local agency should be encouraged before any proposal is approved which would allow for or lead to the development of existing open space lands which are outside the existing jurisdiction or existing sphere of influence of the local agency (Section 56377).

l.k. Within 35 days of the hearing, the Commission adopts a resolution of determinations taking the following actions:

- i. Approve or deny with or without conditions or revisions to the proposal. If denied, no new substantially similar proposal may be made for one year unless waived by the Commission (Sections 56880 and 56844).
- ii. Determine if the territory is uninhabited or ~~un~~inhabited (inhabited territory means an area in which there reside 12 or more registered voters).
- iii. Assign the proposal a ~~distinctive short-term designation to the affected territory and a description of the territory~~short-term designation.
- iv. Authorize proceedings without notice, hearing or an election, if there is 100% landowner consent and only annexations, detachments and ~~CSA~~ county service area formations are proposed (Section 56881).¹⁶

¹⁵ Government Code Section 56377

¹⁶ Government Code Section 56662

m.l. _____ The Executive Officer sends the Commission's resolution to the chief petitioners and; each agency whose boundaries will be changed ~~(Section 56882).~~¹⁷

6. Conducting Authority Proceedings¹⁸

n.a. The Commission or Executive Officer, if so delegated, sets the proposal for hearing within 35 days of the Commission's resolution date and gives notice as required. Notice must be given at least 21 days prior to the hearing and shall be:

- i. Published in a newspaper of general circulation in the area.
- ii. Posted near the hearing room.
- iii. Mailed to each affected agency which contains territory or whose sphere of influence contains territory within the proposal, chief petitioners, persons requesting notice, all property owners and registered voters in the proposal territory, and all property owners and registered voters located within 300 feet of the external boundary of the proposal territory. ~~and landowners within the territory to be formed into or annexed to or detached from an improvement district. (Sections 57002 and 57025).~~

o.b. _____ The Commission or Executive Officer, if so delegated, hears the proposal at the noticed date and time. The hearing may be continued for up to 60 days. Any written protests must be filed with the clerk by the conclusion of the hearing and must be signed, have the signature date, and address or location of the property. The value of written protests must be determined before the conducting authority may take action as prescribed in the Act. ~~(Sections 57050 and 57025).~~

p.c. ~~If the proposal is a city or district annexation or detachment, the Commission shall adopt a resolution which does one of the following~~ The proposal shall follow the Conducting Authority regulations as outlined in Chapter 4 of the Act.¹⁹

- i. Orders the change if the area is uninhabited and if no majority land value protest is received; or if it is inhabited, if less than 25% voter or land owner protest is received.
- ii. _____ Forward a resolution for change of organization for confirmation of the voters to the Board of Supervisors or city council of the affected city

¹⁷ Government Code Section 56882

¹⁸ Government Code Sections 57002, 57025, 57050

¹⁹ Government Code Section 57075

inform the Board or Council of Commission determination that the proposal is subject to an election if the territory is inhabited and 25% to 50% of the registered voters or landowners file a written protest. (Section 57075).

If an election is called, the Executive Officer is required to prepare an impartial analysis of the question for Commission approval. At the election, if the question is approved by voters, a resolution ordering the changes is adopted by the conducting authority; if the question is denied, the conducting authority adopts a resolution terminating proceedings.

- iii. Terminates proceedings if written protest is received from landowners having a majority of the land value in uninhabited territory or from a majority of the voters in the inhabited territory (Sections 57057 and 57078).

A city detachment or a district annexation may be terminated by the conducting authority (Sections 57079 and 57079.5). If the proposal is terminated, a substantially similar proposal cannot be submitted to LAFCo for one year, or for two years if an incorporation was involved (Section 57057 and 57100).

The above protest hearing procedures apply to the majority of city and special district annexations. Proceedings for other types of proposals may vary. The applicable sections of the law for the conducting authority and LAFCo staff should be consulted.

7. Completion and Effective Date

g.a. If the proposal has been approved, the applicant must also submit fees to LAFCo to be transmitted to the State Board of Equalization (Section 57200).²⁰

f.b. The Executive Officer issues a certificate of completion. The certificate of completion is recorded with the County Recorder. If no effective date has been specified in the Commission resolution, the recordation date is the effective date of the change. A statement of boundary change is prepared by the Executive Officer and filed with the State Board of Equalization and the County Assessor. Property tax resolutions, if any, are forwarded to the County Auditor/Controller to effectuate the property tax transfer (Section 57200).

²⁰ Government Code Section 57200

s.c. The Executive Officer distributes Certificate of Completion and Statement of Boundary Change to gives notice of the completion to applicants, agencies whose boundaries are affected, and affected county departments.

t.d. The affected agencies recognize the completion of the jurisdictional change, including property and sale tax transfers, change in responsibility for services such as police and fire protection, planning and building services and the like.

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