

RESOLUTION 2007-07

YOLO COUNTY LOCAL AGENCY FORMATION COMMISSION

(STANDARDS OF EVALUATION OF ANNEXATION, EXCLUSION, FORMATION, CHANGE OF ORGANIZATION AND REORGANIZATION PROPOSALS)

WHEREAS, the concept of the local agency formation commission established by State law is based on the belief that the structure of local government in California should be determined and effected on a local or regional basis rather than be determined and imposed by the government at the State level; and

WHEREAS, Section 56301 of the Government Code specifies that among the purposes of a local agency formation commission are discouraging urban sprawl, preserving open-space and prime agricultural lands, efficiently providing government services, and encouraging the orderly formation and development of local governmental agencies based upon local conditions and circumstances; and

WHEREAS, the Yolo County Local Agency Formation Commission places a high priority on the preservation of agricultural land in Yolo County and also promotion or maintenance of social and economic mix in Yolo County communities; and

WHEREAS, Section 56375(g) of the Government Code authorizes the Yolo County Local Agency Formation Commission to adopt procedures and standards for the evaluation of proposals for the creation of cities or special districts as well as proposals for the annexation and detachment of territory to and from local agencies within the County; and

WHEREAS, such standards for evaluation of proposals can also serve as guidelines for the use by the communities and the County in organizing their governmental structures to cope with present and future growth; and

WHEREAS, from time-to-time, this Commission has adopted standards for evaluation of various proposals; and

WHEREAS, Government Code §56668(o) now mandates that a LAFCO consider the extent to which the proposal will promote environmental justice (as defined therein) when reviewing a proposal; and

WHEREAS, this Commission wishes to amend its current Standards of Evaluation to incorporate and address the requirements of Government Code §56668(o), as set forth below.

NOW, THEREFORE, BE IT IS HEREBY FOUND, ORDERED AND RESOLVED by the Yolo County Local Agency Formation Commission as follows:

1. Each of the foregoing recitals is true and correct.
2. The following standards are adopted for the evaluation of proposals for a change of organization or reorganization of local agencies:

A. Choice of Entity

1. The provision of municipal services in highly urbanized areas by cities rather than by counties or special districts is favored.
2. The further development of single purpose autonomous districts is disfavored.
3. The formation of multi-purpose special districts contiguous to existing cities is disfavored.
4. The creation of a multiplicity of small cities is disfavored.
5. 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 persons and families of all incomes in the most efficient manner feasible is favored.

B. Duplication of Authority

The inclusion of territory within a city in one or more districts with common powers, or within two or more districts with common powers, is disfavored. The Commission shall determine whether an application violates the policy set forth in the preceding sentence. If the determination is in the affirmative, the Commission shall provide each affected city or district an opportunity to express its views to the Commission.

C. Territory to be Included

1. The division of existing identifiable communities is disfavored, but at the same time the inclusion of heterogeneous economic and social interests within the same entity is favored.
2. The division of existing communities identifiable on the basis of appreciable social, economic, or other factors is disfavored.
3. The division of existing commercial districts is disfavored.
4. The inclusion of contiguous or nearby urban areas within the same entity is favored.
5. The inclusion of separate existing contiguous or nearby communities identifiable on the basis of appreciable, social, economic, or other factors is favored.
6. Consistency with current spheres of influence is favored.
7. Conformity with appropriate city or county general and specific plans is favored.
8. The location of boundary lines of areas proposed for annexation to cities or districts so as to promote productivity and preservation of agricultural land is favored.
9. Proposals which result in significant or serious operational or economic

problems or disruptions of existing services in remaining adjacent territory are disfavored.

D. Economic Feasibility of Proposed Formations

1. If the proposal is for the formation of a new agency, the proponents shall demonstrate the economic feasibility of the proposed formation, taking into account both the assessed valuation of the subject territory and any other sources of revenue, compared to the type and cost of the services proposed to be provided. Any economic feasibility study shall include and address the following considerations:
 - a. Infrastructure needs or deficiencies.
 - b. Growth and population projections for the affected area.
 - c. Financing constraints and opportunities.
 - d. Cost avoidance opportunities.
 - e. Opportunities for rate restructuring.
 - f. Opportunities for shared facilities.
 - g. Government structure options, including advantages and disadvantages of consolidation or reorganization of service providers.
 - h. Evaluation of management efficiencies.
 - i. Local accountability and governance.
2. A proposal for the formation of a new agency shall also be accompanied by an analysis of the availability and economic feasibility of obtaining the proposed services from other private and public agencies.

E. Future Service

1. In evaluating a proposal, the Commission shall consider not only present service needs of the area under consideration, but shall also consider future services which may be required to take care of future growth or expansion.
2. If a proposal is submitted to extend services into a previously unserved unincorporated area or to create a new service provider with the power or authority to extend services to urban type development in a previously unserved unincorporated area, the Commission will review the proposal to ensure that it is consistent with the policies set forth in State law and local LAFCO policies.

F. Description, Service Plan and Timetable Required

Any proposal to shall be accompanied by a service plan and extension of services and completion of any related development project.

G. Terms or Conditions

1. Any term or condition recommended for the Commission to impose pursuant to §5688.5.5 et seq. must be presented by a statement in writing that includes a description of each proposed term and condition.
2. If the term or condition is proposed by an affected public agency, the statement in writing must be signed by the chief legislative or administrative officer of the agency.
3. If the term or condition is proposed by a proponent, it must be signed by one of the proponents.
4. In the absence of protest, the Commission shall evaluate the proposed terms and conditions on the basis of the written statement
5. In the case of a protest that is not resolved at the public hearing, the Commission may direct the Executive Officer to negotiate with the opposing parties and may also authorize independent evaluation of issues involved in the dispute.

H. Boundaries

1. **Definiteness**
 - a. Boundary descriptions of territory included in any proposal shall be definite and certain.
 - b. If the Commission determines that the boundary is indefinite or uncertain, it shall refer the proposal back to the proponents and require the proponents to submit a reviewed boundary description at the public hearing which is certified by the County Surveyor as being definite and certain.
2. **Preparation by County Surveyor**

If the Commission requires the inclusion of territory in addition to that proposed in an application, it may direct the County Surveyor to prepare a new boundary description.
3. **Boundaries: Splitting Lines of Assessment**

Boundaries that split lines of assessment or legal parcel boundaries are disfavored.
4. **Boundaries: Course**

Boundaries which follow existing political boundaries, and natural or manmade features such as rivers, lakes, railroad tracks, roads and freeways are favored.
5. **Boundaries: Islands, Strips, Corridors**

Boundaries which create islands, strips, or corridors are disfavored.
6. **Boundaries: Streets**

- a. Boundary lines of areas proposed for annexation to cities or districts, which include, where possible, land abutting both sides of a given street or right of way within the same entity are favored.
- b. When a boundary must follow a street or highway, the boundary will include the complete right of way for the entire street or highway.

I. Pre-Zoning

Any proposal for the annexation of territory to a city shall be accompanied by the city's general plan and pre-zoning for that territory, including the planned and probable use of the territory based upon the general plan and pre-zoning designations.

J. Regional Housing

Yolo County LAFCO encourages all pertinent agencies, both public and private, to collaborate on effective solutions to introduce more affordable housing into the County, including more housing for farm workers.

A proposal's effect on a city or cities and the County's ability to achieve their respective fair shares of the regional housing needs as determined by the Sacramento Area Council of Governments (SACOG) shall be considered. In such consideration, the Commission shall review all relevant information presented to it, including but not be limited to, the following:

1. The agency's regional housing needs allocation as determined by SACOG;
2. Whether the affected agency has recently updated (within five years) the housing element of its general plan;
3. Whether the affected agency has a certified housing element in its general plan;
4. Whether the agency has an inclusionary housing ordinance that meets the minimum standard of the SACOG Affordable Housing Compact;
5. The degree to which the agency has zoned adequate amounts and quality of land for housing;
6. The degree to which development within the agency has met that agency's its "low income" and "very low income" housing targets as determined by SACOG;
7. Whether an agency had recently changed the affected territory's zoning from residential to a non-residential use;
8. The extent to which the territory to be annexed will advance, or inhibit, the principles, goals, objectives, policies, and standards of the agency's housing element;
 - a. Whether the territory to be annexed to a city will reduce another jurisdiction's ability to meet its housing element;

- b. Whether the proposal will advance or inhibit the agency's and other agencies' jobs/housing balance; and
- c. In cases where the territory to be annexed will be used for non-residential purposes, whether said territory was designated for housing by another agency.

K. Water and Water Availability

1. For any proposal that entails the provision of water services, the timely availability of water supplies adequate for projected needs will be evaluated as specified in Government Code §§ 56668(k) and 65352.5.
2. The applicant will provide information that addresses the factors set forth in Government Code §65352.5(c).
3. The applicant will also provide sufficient information for the Commission to determine that adequate services, facilities, and improvements can be provided and financed by the agency responsible for the provision of water services, including but not limited to:
 - a. A "will serve" letter from the agency dated within six (6) months of the date of the Commission's consideration of the proposal; or
 - b. An agreement between the developer and the agency sufficient for the agency to provide water services.
4. In evaluating the annexing agency's capacity to provide water, the Commission shall take into account the agency's ability to acquire the resources necessary to provide this service, including but not limited to securing water rights.
5. Annexation to an agency that has a cease and desist order, water connection moratorium, or similar service limitation preventing it or directing it not to issue additional water connections is disfavored.
6. The Commission may waive any of the foregoing requirements on a case-by-case basis if it determines there is a public health or safety threat that justifies the extension of water service.

L. Environmental Justice

The extent to which the proposal will promote environmental justice shall be considered. As used in this subdivision, "environmental justice" means the fair treatment of people of all races, cultures, and incomes with respect to the location of public facilities and the provision of public services.

M. Property Tax Transfer Negotiations

Property tax exchange negotiations must be completed and filed with the Executive Officer before a Certificate of Filing may be issued.

N. Justification

Any interested party may show justification for a proposal which violates the

criteria set forth in this Resolution.

O. Use of Standards

In the evaluation of a proposal, the Commission shall consider these Standards for Evaluation, the Agricultural Conservation Policy, the Land Evaluation and Site Assessment model, any applicable sphere of influence, and any other criteria and requirements as may be adopted by the Commission from time-to-time, the requirements and criteria set forth in the Local Government Reorganization Act of 2000 (as it may be amended from time-to-time), including but not limited to Section 56668, any relevant information concerning the proposal, the environmental review document, the Executive Officer's report, presentations of all interested parties at the public hearing, and any other relevant information as may be submitted to the Commission in connection with its consideration of the proposal.

3. This Resolution supersedes and replaces Resolution No. **2005-13**, and those provisions (if any) of any other resolution in conflict herewith.

PASSED AND ADOPTED by the Yolo County Local Agency Formation Commission, County of Yolo, State of California, on the 10th day of December, 2007, by the following vote:

AYES:

NOES:

ABSENT:

ABSTAIN:



Olin Woods, Chair

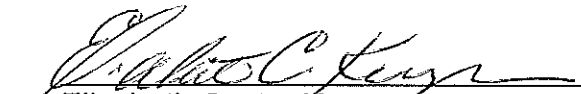
Approved as to form:



Stephen Nocita, Commission Counsel

CERTIFICATION

I hereby certify that the foregoing resolution adopting the Standards of Evaluation was duly and regularly introduced, passed and adopted by the Yolo County Local Agency Formation Commission at a regular meeting of said Commission held on the 10th day of December, 2007.


Elizabeth Castro Kemper
Executive Officer