

To: Olin Woods, Chair, and Members of the
Yolo County Local Agency Formation Commission

From: Cindy Tuttle, Interim Executive Officer

Date: December 12, 2011

Subject: Review and File Legislative Follow-up Report Relative to SB 244 (Wolk) and SB 618 (Wolk) and Direct Staff to Prepare Policies for Commission Approval to Implement the Intended Purpose of SB 244 by Adopting a Definition of "Inhabited Territory" That More Closely Reflects the Disadvantaged Unincorporated Communities in the County.

Recommended Action

1. Review and file legislative follow-up report relative to SB 244 (Wolk) and SB 618 (Wolk).
2. Direct staff to prepare policies for Commission approval to implement the intended purpose of SB 244 by adopting a definition of "inhabited territory" that more closely reflects the disadvantaged unincorporated communities in the County.

Fiscal Impact

No direct fiscal impact.

Reason for Recommended Action

At its October 24, 2011 meeting, the Commission was updated on legislation that CALAFCO monitored for the 2011-12 legislative session. Staff was directed to follow-up at the next regular LAFCO meeting with more information regarding SB 244 and SB 618.

COMMISSIONERS

*★ Public Member Olin Woods, Chair ★
★ County Member Matt Rexroad, Vice Chair ★
★ City Members Stephen Souza, Skip Davies ★ County Member Don Saylor ★*

ALTERNATE COMMISSIONERS

★ Public Member Robert Ramming ★ City Member Bill Kristoff ★ County Member Jim Provenza ★

STAFF

*★ Executive Officer Christine M. Crawford, AICP ★ Assistant Executive Officer Elisa Carvalho ★
★ Commission Clerk Terri Tuck ★ Commission Counsel Robyn Truitt Drivon ★*

Background

This report is a follow up to the Commission's directive relative to SB 244 (Wolk) and SB 618 (Wolk). Specifically, the Commission asked if Yolo County has any "disadvantaged unincorporated communities" as defined in SB 244 and what impact SB 618 has on the LAFCO Agricultural Policy.

SB 244 (Wolk) Local Government: Land Use: General Plan: Disadvantaged Unincorporated Communities.

This bill requires local agencies to plan for specified disadvantaged communities through the Local Agency Formation Commission planning process and general plan updates.

Per SB 244's definition, Yolo County has several "disadvantaged unincorporated communities" including parts or all of Madison, Knights Landing, Yolo, Esparto, Zamora and Dunnigan. In addition, there may be other areas within Yolo County that meet the definition that do not have a defined identity or area name. (i.e. Westucky area)

SB 244 defines a disadvantaged unincorporated community as follows:

CKH §56033.5. "Disadvantaged unincorporated community" means inhabited territory, as defined by Section 56046¹, or as determined by commission policy, that constitutes all or a portion of a "disadvantaged community" as defined by Section 79505.5² of the Water Code.

Thus, SB 244 defines, for purposes of LAFCO, the term "disadvantaged unincorporated community" to mean inhabited territory with 12 or more registered voters, or as determined by LAFCO policy, that constitutes all or a portion of a "disadvantaged community," which is defined in the Water Code to be "a community with an annual median household income that is less than 80 percent of the statewide annual median household income."

SB 244 creates an unfunded mandate that will impact Yolo LAFCO over time as MSR/SOI's are updated. Specifically it requires LAFCO, in determining the sphere of influence of each local agency, to additionally consider, for a city or special district that provides public facilities or services related to sewers, municipal and industrial water, or structural fire protection, the present and probable need for those public facilities and

¹ "Inhabited Territory" is defined in §56046 as territory within which there reside 12 or more registered voters. Currently LAFCO does not have a commission policy outside of that found in the Cortese-Knox- Hertzberg Reorganization Act of 2000 (CKH).

² §79505.5 (Water Code), "Disadvantaged community" means a community with an annual median household income that is less than 80 percent of the statewide annual median household income.

services of any disadvantaged unincorporated communities within the existing sphere of influence, beginning with the next sphere of influence update on or after July 1, 2012.

CALAFCO was successful in having the “or as determined by LAFCO policy”, language added to SB 244. Yolo LAFCO should consider crafting a policy to meet the intended purpose of SB 244 by adopting a definition of “inhabited territory” that more closely reflects the disadvantaged unincorporated communities in the County rather than the fall back definition in the bill (§56046, CKH) that creates a patchwork of isolated areas within larger unincorporated communities.

SB 618 (Wolk) Local Government: Solar-use Easement

This bill authorizes a city or county and a landowner to simultaneously rescind a Williamson Act contract on marginally productive or physically impaired lands and enter into a solar-use easement that restricts the use of land to photovoltaic solar facilities, as specified.

SB 618 does not appear to impact Yolo LAFCO’s Agricultural Conservation Policy (Ag Policy). The Ag Policy is a consideration only if one of these parcels of land that has been or may be converted to a solar facility is part of an annexation application. If the facility exists at the time of application the policy would not be applicable and other LAFCO policies would apply to the consideration of annexation. The Ag Policy, as written, would apply if the facility has not been built and the land is open space and/or agricultural.