

**SAN DIEGO LAFCO
JURISDICTIONAL CONSULTATION
Policy L-107 Form**

Completion of this Jurisdictional Consultation Form is necessary if there are jurisdictional issues associated with a pending or future LAFCO application. The purpose of the jurisdictional consultation procedure is to encourage the early identification and resolution of jurisdictional issues and concerns. To assist LAFCO staff in the review of your LAFCO application and to determine whether adequate measures have been taken to identify and resolve issues, please respond to the following questions.

1. What jurisdictional issues pertain to the LAFCO proposal or pending LAFCO action?

- a. Differing development standards between existing and proposed service providers or jurisdictions;
- b. Existing and/or planned land uses and zoning, including densities, community character, and appropriate jurisdictional transition areas;
- c. Existing and/or planned provision of governmental services, including any potential impacts to service levels or financial ability to sustain service levels;

2. What parties (local agencies or organizations) are opposed to the proposed LAFCO action? _____

3. Are there any other local community or governmental concerns associated with the LAFCO proposal or pending LAFCO action: Yes No

Please specify: _____

4. Respond to the following for efforts that have been taken to resolve jurisdictional issues:

a. List the dates of any meetings/discussions held to resolve jurisdictional issues: _____

b. List the jurisdictions and organizations that participated in the meetings/discussions: _____

c. What was the outcome of the meetings/discussions: _____

5. If the jurisdictional issues were not resolved, discuss whether additional consultation is needed and a preferred outcome: _____

6. If the parties resolved the issues associated with the pending or future LAFCO action, then sign the statement (below) and return this form and any applicable agreements that have been reached.

As a representative/proponent of the proposed LAFCO action (e.g., annexation, detachment, sphere change, etc.), I believe the jurisdictional issues associated with this LAFCO proposal:

- have been resolved
- have not been resolved

Attached is a copy of the related agreement or other document demonstrating that jurisdictional issues have been satisfactorily resolved.

Signature of proponent

Print name

Telephone

Date

**San Diego Local Agency Formation Commission
9335 Hazard Way, Suite 200
San Diego, CA 92123
(858) 614-7755**

Subject

JURISDICTIONAL CONFLICTS ASSOCIATED WITH PROPOSED DEVELOPMENT

Purpose

To establish a procedure for cities, special districts, and the County of San Diego to discuss and potentially resolve jurisdictional conflicts associated with development projects that require LAFCO discretionary approval(s).

Background

Proposed development projects that involve annexation of territory to a city or special district can result in conflicts between the proposed and existing land uses and zoning of the respective land use jurisdictions. While LAFCO is prohibited by State Law from directly regulating land use density or intensity, property development, or subdivision requirements (Government Code § 56375(a)(6)), it is required to consider in the review of a jurisdictional proposal, the consistency with city or county general plans (Government Code § 56668(g)).

In terms of city annexation proposals, Government Code § 56375(a)(7) requires LAFCO to base its decision on a proposal to annex territory to a city upon the general plan and rezoning of the subject city. However, LAFCO is also required to consider the following factors in the review of a proposal: the effects of a proposal on adjacent areas (Government Code § 56668(c); the proposal's consistency with city or county general and specific plans (Government Code § 56668(g); the comments of any affected local agency or other public agency (Government Code § 56668(i); and, any information relating to existing land use designations (Government Code § 56668(n). With the exception of (Government Code § 56375(a)(7), LAFCO must consider the same factors when evaluating the annexation of unincorporated territory to special districts.

Within the local development approval process, LAFCO staff has historically encouraged the lead agency for the development to consult with the adjacent jurisdictions in order to identify and resolve any potential jurisdictional issues prior to LAFCO submittal.

To facilitate discussion and resolution of any inconsistencies between the affected

land use authorities, the following policy has been adopted to encourage logical and orderly development that reflects the concerns of the affected city, special districts, and the County of San Diego.

Policy

It is the policy of the San Diego Local Agency Formation Commission that:

1. Prior to submission of a proposal requesting LAFCO consideration of a city or special district jurisdictional change, representatives from the affected city, special districts, County of San Diego, and applicable planning, sponsor groups and organizations shall meet at the earliest possible stage for the purpose of identifying and attempting to resolve issues associated with the proposed jurisdictional change. The Executive Officer may waive the consultation procedure outlined in this provision when it can be determined with certainty that there will be no possibility that the proposal in question will result in significant jurisdictional impacts.
2. The consultation process described in provision no. 1 should identify any jurisdictional concerns related to:
 - a. Differing development standards;
 - b. Existing and/or planned land uses and zoning, including densities, community character, and appropriate jurisdictional transition areas;
 - c. Existing and/or planned provision of governmental services, including any potential impacts to service levels or financial ability to sustain service levels; and,
 - d. Any other local community or governmental concerns.
3. If an agreement is reached regarding provision no. 2, the subject proposal's LAFCO application shall include signed confirmation by representatives of the agencies. LAFCO applications shall include signature confirmation forms documenting the agreement.

4. The Commission shall consider the agreement in its evaluation of the proposed jurisdictional change to the extent that it is consistent with State Law and San Diego LAFCO policies and procedures. The agreement may reference, but not be limited to, approved tax sharing agreements among subject local agencies.
5. If the parties have consulted in accordance with this policy and are unable to reach agreement, the parties shall, in writing, inform the Executive Officer of the areas in which they are unable to reach agreement and the desired outcome. Thereafter, the proposal shall proceed in accordance with State Law and applicable San Diego LAFCO policies and procedures.
6. Affected local agencies shall be encouraged to explore methods to improve inter- and intra-departmental and jurisdictional communication for the purpose of discussing and commenting on proposed development and jurisdictional changes.

Adopted: May 3, 2010

Cross-reference:

SAN DIEGO LAFCO POLICY:

- L-100 CITY ANNEXATION OF UNINCORPORATED TERRITORY WITHIN SPECIAL DISTRICTS
- L-103 RECOGNITION OF UNINCORPORATED COMMUNITIES

SAN DIEGO LAFCO PROCEDURES:

- SPHERES OF INFLUENCE
- LAFCO-INITIATED PROPOSALS