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Bill Horn
County Board of
Supervisors

April 4, 2016

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Vice Chairman

Sam Abed
Mayor
City of Escondido

TO: Local Agency Formation Commission

FROM: Executive Officer
Local Governmental Analyst III

Members

Dianne Jacob
County Board of
Supervisors

SUBJECT: Revisions to Legislative Policy L-107 (Jurisdictional Conflicts
Associated with Proposed Development)

Andrew Vanderlaan
Public Member

Lorie Zapf
Councilmember
City of San Diego

On May 3, 2010, the San Diego Local Agency Formation Commission (LAFCO) adopted Legislative Policy L-107, which established 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) for annexation of territory to a city or special district.

Lorraine Wood
Councilmember
City of Carlsbad

Jo MacKenzie
Vista Irrigation District

Vacant
Special District

Since adoption, Policy L-107 has been effective in encouraging early consultation between adjacent and affected jurisdictions to identify and discuss potential jurisdictional conflicts between the proposed and existing land uses and zoning of the respective land use jurisdictions. However, in addition to potential land use and development issues, a proposed change of organization or reorganization may involve other issues of concern for affected local residents, property owners, registered voters, interested parties, and organizations/agencies (e.g., community character, service, and financial impacts, etc.).

Alternate Members

Greg Cox
County Board of
Supervisors

Chris Cate
Councilmember
City of San Diego

Racquel Vasquez
Councilmember
City of Lemon Grove

For proposal-related issues that are not specifically related to development projects or land use and zoning differences, LAFCO staff has unofficially utilized the Policy L-107 identification and discussion procedure to address and resolve proposal-related issues in association with proposed or pending LAFCO discretionary actions. Accordingly, the proposed policy revisions will expand the stated focus of the Policy L-107 procedure from the identification and discussion of “*jurisdictional conflicts associated with development projects*,” to the identification and discussion of “*any proposal-related issues in association with proposed or pending LAFCO discretionary actions*.”

Ed Sprague
Olivenhain Municipal
Water District

Harry Mathis
Public Member

Executive Officer

Michael D. Ott

Legal Counsel

Michael G. Colantuono

These changes to Policy L-107 are intended to broaden the potential jurisdictional issues that may be identified and discussed by the affected agencies and interested parties. The title of the policy and the associated LAFCO application form have also been revised to reflect the expanded scope of Policy L-107. Therefore, it is:

RECOMMENDED: That your Commission,

1. Review and discuss the revised Policy L-107; and
2. Approve the revised Policy L-107 or provide additional direction.

Respectfully submitted,



MICHAEL D. OTT
Executive Officer



ROBERT BARRY, AICP
Local Governmental Analyst III

MDO:RB:eb

Attachments:

- 1) Legislative Policy L-107 (adopted)
- 2) Legislative Policy L-107 (revised)
- 3) Policy L-107 Application Form (revised)

LEGISLATIVE POLICY L-107

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 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

Subject

JURISDICTIONAL ISSUES ASSOCIATED WITH PROPOSED OR PENDING CHANGES OF ORGANIZATION OR REORGANIZATION

Purpose

To establish a procedure for cities, special districts, the County of San Diego, and other interested parties and organizations to identify and discuss potential jurisdictional issues associated with proposed or pending LAFCO discretionary actions.

Background

Proposed changes of organization or reorganization may involve issues of concern for affected local residents, property owners, registered voters, interested parties, and organizations, as well as potential jurisdictional issues for affected cities, special districts, counties, and other public agencies.

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)], LAFCO is required to consider a number of factors in the review of a proposal, including: 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(h); the comments of any affected local agency or other public agency (Government Code § 56668(j); any information or comments from the landowner or owners, voters, or residents of the affected territory (Government Code § 56668(n); and, any information relating to existing land use designations (Government Code § 56668(o).

When there are potential jurisdictional issues associated with proposed or pending jurisdictional changes, LAFCO staff has historically encouraged the lead agency and applicant to consult with all affected jurisdictions and interested parties to identify, discuss, and resolve the jurisdictional issues prior to LAFCO submittal. Proposal-related jurisdictional issues may involve questions about community character and/or cohesion; the ability of an agency to extend public services; potential environmental impacts; appropriate transitional areas between jurisdictions; special district detachment issues; or other local community or governmental concerns.

Therefore, the following policy has been adopted to encourage and facilitate early identification, discussion and potential resolution of any jurisdictional issues associated with proposed or pending LAFCO changes of organization of reorganization. While the identified jurisdictional issues may not be ultimately resolved to the satisfaction of all interested parties, the policy requires the proposal applicant or proponent to engage the interested parties and/or jurisdictions, to address the concerns associated with the proposal, and to determine if the identified issues have been resolved, or if additional discussions would allow for resolution.

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 change of organization or reorganization, the proposal applicant and representatives from affected public agencies, interested parties, and/or organizations, shall meet at the earliest possible stage for the purpose of identifying and attempting to resolve any issues associated with the proposed jurisdictional change(s). 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 identified and unresolved jurisdictional issues.
2. The consultation process described in provision no. 1 should identify any jurisdictional issues or 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 or interested parties. 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(s) to the extent that it is consistent with State Law and San Diego LAFCO policies and procedures.
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 additional methods to improve future inter- and intra-departmental and jurisdictional communications for the purpose of discussing and commenting on proposed or pending jurisdictional changes at the earliest possible stage.

Adopted: May 3, 2010
Revised: April 4, 2016

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

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

Completion of this Jurisdictional Consultation Form is necessary if jurisdictional issues have been identified in association with a proposed or pending LAFCO application. The purpose of the jurisdictional consultation procedure is to encourage the earliest identification and discussion of jurisdictional issues and concerns. To assist LAFCO staff in the review of your LAFCO application and to determine the status of the proposal's associated jurisdictional issues, please respond to the following questions.

1. What jurisdictional issues have been identified in association with the LAFCO proposal or pending LAFCO action(s)? (Check one or more)
 - 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;
 - d. Any other local community or governmental concerns or issues associated with the LAFCO proposal or pending LAFCO action(s).

2. What parties (local agencies or organizations) have indicated opposition or concerns with the proposed LAFCO action(s)?

3. Please describe the identified local community or governmental issues associated with the LAFCO proposal or pending LAFCO action(s):

4. Please describe any outreach efforts that have been taken in regards to the identified jurisdictional issue(s):

- a. Dates of meetings/discussions held to address the jurisdictional issues:

b. Jurisdictions/organizations or other parties that participated in the meetings/discussions:

c. Outcome of the meetings/discussions:

5. If the identified jurisdictional issues were not resolved, please indicate if additional consultation is requested and describe a preferred outcome:

6. If the parties have resolved the issues associated with the proposed or pending LAFCO action(s), then sign the statement below and return this form and any applicable agreement or document demonstrating that the identified jurisdictional issues have been satisfactorily resolved and that opposition to the LAFCO proposal has been removed.

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

- have been resolved
- have not been resolved and additional discussion is requested
- have not been resolved and additional discussion is not requested

Signature of Proponent: _____ **Date:** _____

Print Name: _____

Telephone: () _____

Email: _____

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