



Solano Local Agency Formation Commission

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Original via USPS, copy via email

October 16, 2023

Jim Bermudez, Senior Planner
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Suisun City CA 94585
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Subject: Highway 12 Logistics Center Project – Notice of Availability of a Draft Environmental Impact Report

Dear Mr. Bermudez:

Thank you for emailing the Solano Local Agency Formation Commission (LAFCO) the City of Suisun City's (City) Notice of Availability (NOA) of the Draft Environmental Impact Report (DEIR) for the Highway 12 Logistics Center Project (Project) located west of the City's existing city limit lines and partially within the City's Sphere of Influence (SOI).

LAFCO is a responsible agency per the California Environmental Quality Act (CEQA) and CEQA Guidelines (Article 7 15096(d)). As a responsible agency, LAFCO will rely on the City's EIR when considering the boundary changes required for the Project. To be legally adequate, the EIR must include environmental information and analysis needed by responsible agencies such as LAFCO.

The City's EIR will have to provide information relevant to LAFCO's annexation requirements. These requirements are set forth in the Cortese-Knox-Hertzberg Local Government Reorganization Act of 2000 (CKH) (Government Code Section 56668) and Solano LAFCO's policies, authorized under CKH. Including analyses of LAFCO's annexation requirements will facilitate LAFCO's review and process. Not including analyses of LAFCO's requirements may violate CEQA and will require additional information to be prepared at the LAFCO processing stage. This would likely increase the annexation processing time.

The Project will require LAFCO approval of a reorganization, including concurrent annexations to the City, Solano Irrigation District (SID), and Fairfield Suisun Sewer District (FSSD) and detachments from the Suisun Fire Protection District (SFPD) and the County Service Area. Given that LAFCO's approval is a critical component of the Project's entitlements, the EIR must reference LAFCO's actions in the Project Description, list LAFCO as "Other Public Agency Whose Approval is Required," and evaluate LAFCO's actions and various factors in the environmental document.

Commissioners

Nancy Shopay, Chair • Ron Kott, Vice-Chair • John Vasquez • Mitch Mashburn • Steve Bird

Alternate Commissioners

Robert Guerrero • Alma Hernandez • Wanda Williams

Staff

Rich Seithel, Executive Officer • Christina Love, Deputy Executive Officer • Aaron Norman, Analyst II • Tova Guevara, Office Administrator/Clerk • Tyra Hays, Project Specialist • Mala Subramanian, Lead Legal Counsel

Our eleven comments below will focus on the most relevant factors, including the City's SOI, CKH Factors, and local policies:

1. The City's SOI

A Sphere of Influence is the "plan for the probable physical boundary and service area of a local government agency, as determined by the Commission" (Gov. Code Section 56076). The establishment of this boundary is necessary to determine which governmental agencies can provide services in the most efficient way to the people and property in any given area.

According to LAFCO's records, Suisun City's last updated the Comprehensive Municipal Service Review (MSR) in 2017 and subsequently adopted the current Sphere of Influence. LAFCO law (Govt. Code 56000 et.al) requires that MSR and SOI are reviewed and updated every five years. The MSR is a comprehensive review of the city as a whole and must rely on city master plans and capacity studies. The MSR is a LAFCO document and must be approved and adopted by LAFCO prior to or contemporaneously with any reorganization (annexation).

2. Pre-Application Consideration

Prior to any reorganization application submittal, the City should consult with other affected agencies – such as Solano Irrigation District, Suisun Fire District, and Solano County. Consultation with these agencies will be necessary for agreements and actions related to a reorganization – specifically for detachments from the agencies.

Additionally, a comprehensive review and analysis of existing land inventory, development projects, and construction/development rate should be included to complete the findings necessary for approving a reorganization.

3. Factors per Government Code (GC) Section 56668

LAFCO is required to consider various factors when evaluating a proposal pursuant to GC Section 56668(a-q) (Attachment A). For the EIR to be relied on for the potential reorganization application, it should include discussions regarding all the government code factors that are required findings for approvals for reorganizations. While all factors are important, the following may be of particular interest:

- a) 56668(a): Land area and land use, topography, natural boundaries – Consultant and coordination with Solano County and the Suisun Resource Conservation District is necessary for analysis of this factor. LAFCO will rely on written confirmation from the two agencies for their agreement to impacts on the respective agencies. LAFCO suggests the City should consider limiting the entire project site to the planned annexation areas.
- b) 56668(b): The need for organized community services; the present cost and adequacy of governmental services and controls in the area; probable future needs for those services and controls; probable effect of the proposed incorporation, formation, annexation, or exclusion and of alternative courses of action on the cost and adequacy of services controls in the area and adjacent areas
- c) 56668(c): The effect of the proposed action and alternative actions on adjacent areas- As stated in this Section and others in CKH and the Commission's policies, LAFCO is

required to consider the effect of the proposed action on adjacent areas. This includes the impact from additional traffic on Highways 12 and 80. LAFCO staff strongly suggest the EIR include traffic impact analysis with emphasis on additional truck traffic impacts at project buildout. The City should also include cumulative traffic impact from buildout of this project in addition to the other known proposed projects.

Other related traffic impacts that do not seem to be fully discussed is the requested General Plan Amendment to reduce Pennsylvania Ave. and Cordelia Rd. from a four-lane arterial to a two-lane arterial and how that change relates to regional traffic planning between Suisun City and the City of Fairfield. Because both roads traverse boundaries, regional impacts should be stated in the EIR.

- d) 56668(e): The effect of the proposal on maintaining the physical and economic integrity of agricultural lands.

Section 4.9 – Land Use and Planning, Including Agricultural Resources, Population, and Housing should include mitigation measures to address the loss of prime agricultural lands in the project area should be included for any land that meets the definition of prime agricultural land as defined by Government Code Section 56064 including:

- 1) Land that qualifies for a class I or class II rating in the USDA Natural Resources Conservation Service classification if irrigated or has potential to be irrigated.
- 2) Land with a Storie Index rating of between 80 and 100.
- 3) Land that supports livestock with a carrying capacity of one animal per acre.
- 4) Land planted with fruit or nut-bearing trees, vines, bushes or crops with a non-bearing period of less than 5 years with a return of at least \$400 per acre.
- 5) Land that has returned from the production of unprocessed agricultural plant products \$400 per acre for three of the last five years.

4. Local policies

The Commission has adopted eleven Standards according to GC Section 56375(g) and other local policies. Any application for reorganization to LAFCO is required to include a detailed analysis of Solano LAFCO 11 Standards (Attachment B). Similar as above, if LAFCO is to rely on the EIR for the reorganization request, the EIR should include analysis of Solano LAFCO's Standards.

- a) Suisun Marsh Protection Plan/Suisun Marsh Preservation Act of 1977 (Preservation Act): The Preservation Act requires local governments and districts (such as LAFCO, Solano County, Suisun Resource Conservation District, the Cities of Fairfield and Suisun City, the San Francisco Bay Conservation and Development Commission and others) with jurisdiction over the Marsh to prepare a Local Protection Program (LPP) for the Marsh consistent with the provisions of the Preservation Act. As part of the EIR, the City should analyze and discuss the proposal's consistency with the City's and LAFCO's LPP. LAFCO's LPP includes the following provisions:
- i. Within the primary management areas, existing land uses will continue.

- ii. Within the upland grasslands/secondary management areas, agricultural uses are consistent with the projection of Marsh, such as grazing, and grain production should be maintained within this area.
- iii. The Commission's Policy urges cities to detach lands within their boundaries located within the Marsh where it is no longer possible to develop such lands for urban uses.
- iv. The Commission's Policy limits special assessments against agricultural and wildlife lands for the provision of public services.
- v. The Commission's Policy prohibits extending SOI's to the Marsh unless there is a need and lands within an agency's SOI shall be designated as permanent open space.
- vi. The Commission's Policy allows for urban utilities and municipal services into the Marsh only to serve existing uses and other uses consistent with the protection of the Marsh, such as agriculture.
- vii. In the Marsh, only existing uses or uses otherwise consistent with the Suisun Marsh Protection Plan should be allowed to use the treatment capacity of the Fairfield Sub-regional Wastewater Treatment Plant (Fairfield Suisun Sewer District).

5. Project Description

- a) Section 3.2.2 (p3-17) makes a mention of gaining access to the existing railroad spur for proposed on-site uses "where future tenants identify the need" however neither the site design nor the project EIR support such a connection. Specifically, Chapter 4.12 Transportation and Circulation, page 4.12-18, identifies a potentially significant hazard to site circulation created by the spur.

Does the Railroad agree that there is "potential access" for the potential reorganization and future use? Have they weighed in on the "potential"? If this "potential" has no support or analysis, it should be removed from the Project Description.

We appreciate the opportunity to comment on the City's Project DEIR. We hope you consider our comments to address LAFCO's annexation needs so that the EIR is more useful during the LAFCO decision-making process. Please contact LAFCO staff should you have any questions.

Sincerely,



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Enclosed:

- Attachment A: CKH Factors (GC §56668)
- Attachment B: Solano LAFCO Standards

Attachment A
Government Code 56668: Factors for a Change of Organization

Factors to be considered in the review of a proposal shall include, but not be limited to, all of the following:

(a) Population 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.

(b) (1) The need for organized community services; the present cost and adequacy of governmental services and controls in the area; probable future needs for those services and controls; and probable effect of the proposed incorporation, formation, annexation, or exclusion and of alternative courses of action on the cost and adequacy of services and controls in the area and adjacent areas.

(2) "Services," as used in this subdivision, refers to governmental services whether or not the services are services that would be provided by local agencies subject to this division, and includes the public facilities necessary to provide those services.

(c) The effect of the proposed action and of alternative actions, on adjacent areas, on mutual social and economic interests, and on the local governmental structure of the county.

(d) The conformity of both the proposal and its anticipated effects with both the adopted commission policies on providing planned, orderly, efficient patterns of urban development, and the policies and priorities in Section 56377.

(e) The effect of the proposal on maintaining the physical and economic integrity of agricultural lands, as defined by Section 56016.

(f) The definiteness and certainty of the boundaries of the territory, the nonconformance of proposed boundaries with lines of assessment or ownership, the creation of islands or corridors of unincorporated territory, and other similar matters affecting the proposed boundaries.

(g) A regional transportation plan adopted pursuant to Section 65080.

(h) The proposal's consistency with city or county general and specific plans.

(i) The sphere of influence of any local agency that may be applicable to the proposal being reviewed.

(j) The comments of any affected local agency or other public agency.

(k) The ability of the newly formed or receiving entity to provide the services that are the subject of the application to the area, including the sufficiency of revenues for those services following the proposed boundary change.

(l) Timely availability of water supplies adequate for projected needs as specified in Section 65352.5.

(m) The extent to which the proposal will affect a city or cities and the county in achieving their respective fair shares of the regional housing needs as determined by the appropriate council of governments consistent with Article 10.6 (commencing with Section 65580) of Chapter 3 of Division 1 of Title 7.

(n) Any information or comments from the landowner or landowners, voters, or residents of the affected territory.

(o) Any information relating to existing land use designations.

(p) 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.

(q) 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.

(Amended by Stats. 2019, Ch. 360, Sec. 2. (AB 1628) Effective January 1, 2020.)

Attachment B

MANDATORY STANDARDS

STANDARD NO. 1: CONSISTENCY WITH SPHERE OF INFLUENCE (SOI) BOUNDARIES

An area proposed for change of organization or reorganization shall be within the affected agency's Sphere of Influence. An application for change of organization or reorganization for lands outside an adopted Sphere of Influence may be considered concurrently with a request for amendment to the Sphere of Influence, at LAFCO's discretion.

Explanation and Discussion

A finding of consistency with adopted Sphere of Influence (SOI) boundaries becomes the first test in evaluating an annexation proposal. Section 56375.5 of the Government Code requires a determination by LAFCO regarding the proposal's consistency with the Spheres of Influence of the affected local agency. In most cases, location within or outside the boundary will determine whether the application should be approved.

The SOI concept provides a rational basis for a determination whether a given agency has the most appropriate interest in providing governmental services to territory in proximity to its boundaries. The SOI boundary is not necessarily intended by law to be coterminous with the area which a given agency may eventually annex and serve. Rather, it should refer to the area which most directly involves the interest of the agency as to future urbanization, the management of resources of concern to the agency, or land use proposals of an essentially non-urban character considered by the County.

LAFCO has adopted separate Guidelines for establishing and amending SOI's. Generally, LAFCO reviews and updates agency SOI's upon completion of city or county general plan updates or amendments separate from specific proposals for change of organization or reorganization. LAFCO retains the discretion as to whether SOI boundary amendments may be heard concurrently with change of organization or reorganization proposals. Minor amendments which have not resulted from general plan amendments may be heard concurrently. LAFCO staff shall advise the Commission at least 60 days in advance of request for such a concurrent hearing; at that time, LAFCO shall make a decision as to the appropriateness of a concurrent hearing.

Required Documentation

This Standard requires that the applicant shall demonstrate that the affected territory is within the Sphere of Influence of the affected agency. This is to be shown on the required mapping submittal in response to Standard No. 7. Sphere of Influence boundary information is available from the affected agency or LAFCO Staff.

STANDARD NO. 2: CHANGE OF ORGANIZATION AND REORGANIZATION TO THE LIMITS OF THE SPHERE OF INFLUENCE (SOI) BOUNDARIES

Annexation to the limits of the SOI boundary shall not be allowed if the proposal includes land designated for open space use by the affected city's general plan for city change of organization or reorganization or County General Plan for district change or organizations or reorganization unless such open space logically relates to existing or future needs of the agency. Open space uses which may be located within agency limits include but are not limited to community and city-wide parks, recreational facilities, permanently protected open space lands, reservoirs, and storm water detention basins.

Explanation and Discussion

The annexation of land by agencies out to their SOI boundaries may be justified under certain circumstances. However, the Sphere of Influence is not necessarily an entitlement to expand jurisdictional limits all the way to the SOI boundary.

In Solano County, cities in conjunction with the County and land trusts have taken on a more active role in permanently protecting open space buffers or green belts around their communities. LAFCO has recognized these efforts in designating "urban open space" lands as part of their SOI. These lands are not intended to be annexed to a city unless the city demonstrates how the open space area is to be protected and maintain by the city and/or other conservation agency as permanent open space or public use.

For the purposes of this Standard, open space is defined as open space per section 56059 of the Cortese-Knox-Hertzberg Act and/or improved recreation lands on adopted plans; it does not include common open space within subdivisions or vacant lands planned for urbanization.

Required Documentation

This Standard applies to any application for annexation that extends to the limits of the SOI boundary and contains lands designated for open space use under the applicable general plan. In such cases, the application shall include an analysis, justification, and/or appropriate mapping demonstration that the open-space lands relate to specific needs of the annexation agency or is an integral part of the project's design. This standard will generally not be applicable to district change or organization or reorganization unless it will result in the conversion or open space lands to urban use.

Proposals which contain lands designated as urban open space to be permanently protected must be accompanied by documentation demonstration how the lands will be permanently protected by the affected agency and/or other conservation agencies.

**STANDARD NO. 3: CONSISTENCY WITH APPROPRIATE CITY
GENERAL PLAN, SPECIFIC PLAN, AREA-WIDE
PLAN AND ZONING ORDINANCE**

An application for a city change of organization or reorganization which involves the conversion of open space lands to urban use shall be denied by LAFCO if the proposed conversion is not consistent with appropriate city plans (general plans, specific plans, area-wide plans and associated zoning ordinance). The determination of consistency shall be the responsibility of the affected agency, and shall be met by a resolution approved by the agency council certifying that the proposed change of organization or reorganization meets all applicable consistency requirements of State Law, including internal consistency between the agency's adopted plans and the zoning ordinance. In the event that plan consistency is contested, LAFCO shall retain the discretion to determine the consistency question and may require additional environmental information.

Required Documentation

This standard requires that the applicant submit copies of the resolution approved by the city council of an affected city which certifies that the proposed change of organization or reorganization is consistent with the agency's general plan or specific plans, area-wide plans and zoning ordinance.

STANDARD NO. 4: CONSISTENCY WITH THE COUNTY GENERAL PLAN OF PROPOSED CHANGE OF ORGANIZATION OR REORGANIZATION OUTSIDE OF A CITY'S SPHERE OF INFLUENCE BOUNDARY

An application for a change of organization or reorganization for lands outside an adopted city Sphere of Influence boundary in unincorporated territory shall be denied by LAFCO if the land use proposed within the affected territory is not consistent with the Solano County General Plan and Zoning Ordinance. A determination of consistency shall be the responsibility of the County, and shall be met by a resolution of the Board of Supervisors certifying that the proposed change or organization or reorganization meets all applicable consistency requirements of State Law, including internal consistency between the County's General Plan and Zoning Ordinance. This Standard shall also be made to apply to proposals for the formation or the incorporation of new agencies within unincorporated territory which lies outside adopted city Sphere of Influence boundaries.

Explanation and Discussion

This Standard is necessary to eliminate potential conflict posed by an agency change of organization or reorganization which is inconsistent with the County General Plan and to provide assurance of General Plan and zoning consistency of proposals for expanding or creating new development areas outside adopted Sphere of Influences.

There no longer is a requirement in State Planning Law that agency and county general plan policies for areas within a city's Sphere of Influence be consistent. Where conflicts exist between an agency and the County, sound planning practices suggest that the agency and County resolve their differences so that the general public is not confused.

Required Documentation

This standard requires that for district changes of organization or reorganizations in unincorporated territory outside cities' Sphere of Influence, the applicant submit copies of the resolution approved by the Board of Supervisors which certifies that the proposed change of organization or reorganization is consistent with the Solano County General Plan and Zoning Regulations.

STANDARD NO. 5: REQUIREMENT FOR PRE-APPROVAL

Prior to approval by LAFCO of a city change of organization or reorganization, the affected agency shall have approved, a specific plan, pre-zoning or an equivalent providing similar detail of information on the proposed land use for the affected territory and where the change of organization or reorganization process is clearly described. Prior to approval by LAFCO of a district change of organization or reorganization, the affected agency shall pass a resolution supporting the proposal.

Explanation and Discussion

Government Code Section 56375(a)(6) prohibits LAFCO from imposing “any conditions that would directly regulate land use density or intensity, property development, or subdivision requirements.” Section 56375(a) (7), however, does require prezoning as a method to determine future land use, and consequently, to gauge the change of organization or reorganization’s impact on service delivery and conversion of open space lands and agency support for the proposal. LAFCO, however, may not specify how or in what manner territory shall be prezoned.

A District change of organization or reorganization does not require pre-zoning. Pre-approval of the proposal shall be demonstrated in a resolution supporting the change of organization or reorganization from the affected agency governing board or a letter of support from the chief administrative officer of the affected agency.

Required Documentation

This standard requires that an application for a city change of organization or reorganization shall be accompanied by copies of the agency’s ordinance prezoning the affected territory or a copy of a specific plan or equivalent and resolution of adoption. Applications for district change of organization or reorganization shall be accompanied by a copy of agency’s resolution supporting the proposal.

STANDARD NO. 6: EFFECT ON NATURAL RESOURCES

An application for annexation shall describe the amount of land involved, and the land, water, air, and biological resources affected, including topography, slope, geology, soils, natural drainages, vegetative cover, and plant and animal populations. Effects to be covered include those which will be both positive and negative and the means proposed to offset potential negative impact. LAFCO shall certify that provisions of the Solano LAFCO Environmental Guidelines for the Implementation of the California Environmental Quality Act have been complied with.

Explanation and Discussion

This Standard may already be reflected in studies provided as part of a city's adoption of a General Plan and is akin to the analysis of impacts and mitigation measures which ordinarily are revealed in an environmental assessment or environmental impact report.

The State of California Local Guidelines for Implementing the California Environmental Quality Act as currently amended has been adopted by Solano LAFCO Resolution and incorporated by reference as the Solano LAFCO Environmental Guidelines.

Required Documentation

This Standard requires that the applicant submit copies of the environmental documentation adopted or certified by the lead agency and copies of the resolution making the required environmental findings, adopting the Negative Declaration or Certifying the EIR, and making any Statement of Overriding Considerations.

DISCRETIONARY STANDARDS

STANDARD NO. 7: ESTABLISHING PROPOSAL BOUNDARIES, MAP AND GEOGRAPHIC DESCRIPTION REQUIREMENTS, OTHER REQUIRED MAP EXHIBITS

Explanation and Discussion

This Standard sets forth guidelines for establishing the boundaries of proposals. The Legislature has delegated the authority to determine the boundary of any proposal to local LAFCOs. The purpose of this Standard is to assure planned, orderly, and efficient patterns of urban growth by when possible, avoid: annexing or detaching portions of parcels, avoid conditions that would make the annexation of adjacent parcels difficult at a later date, and avoid excluding parcels that are necessary to promote efficient patterns of urban growth. Inconsistencies with any of these requirements need to be thoroughly explained and justified.

ESTABLISHING PROPOSAL BOUNDARIES

City Proposals:

Solano LAFCO shall consider the following as factors favorable to approval of a city change of organization or reorganization:

- A. The proposal would not: create islands, irregular, or illogical configuration of city limits.
 - 1) Whether unincorporated territory is an “island,” or “entire island,” or “entire unincorporated island,” or “part of a larger island,” or “surrounded,” or “substantially surrounded,” or “irregular,” or “illogical configuration” are determinations to be made by the Commission on a case by case basis, based on the evidence before it at the time those determinations are made.
 - 2) A small island of unincorporated territory that is connected to and an integral or essential part of a large unincorporated island is not an entire island and may not be annexed to a city without a protest proceeding under Government Code section 56375.3(a).
 - 3) A small island of unincorporated territory that is connected to, but not an integral or essential part of a large island, may be determined by the Commission to be an entire island or an entire unincorporated island under Government Code section 56375.3(b).
- B. Cities shall annex entire street sections whenever possible. “Half-width” streets where the city boundary is located on the centerline of the thoroughfare area are not permitted.
 - 1) When streets are used as a boundary for an annexation, the annexation proposal shall be designed to include a continuous section of roadway as far as possible and sufficient in length to provide single-agency jurisdiction for maintenance and law enforcement of the street.

- 2) When a proposal is adjacent to existing short segments of county road(s), annexation of said short segments will be required to provide single-agency jurisdiction for maintenance and law enforcement of the street.

C. Other favorable factors for city annexations:

- 1) The proposal is consistent with development approvals required under Standard No. 5.
- 2) The area will be urban within ten years consistent with the provisions under Standard No. 8.
- 3) The proposal area is adjacent to the city's boundary, within the city's sphere of influence, and adjacent to existing municipal services resulting in a logical extension of city growth.

District Proposals:

Solano LAFCO shall consider the following as factors favorable to approval of a district change of organization or reorganization:

- A. The proposal would not create irregular or illogical configuration of existing district(s) boundaries.
- B. The proposal considers the effect on adjacent incorporated and/or unincorporated communities of interest.
- C. The proposal considers and identifies the financial effects to the subject agency(ies).¹

MAP AND GEOGRAPHIC DESCRIPTION REQUIREMENTS:

LAFCO requires a sound boundary description that is acceptable to the Solano County Surveyor and the California State Board of Equalization. The map and geographic description of the proposal area shall meet the requirements set forth in Attachment A to Standard 7.

OTHER REQUIRED MAP EXHIBITS:

1. A map exhibit showing the relationship of the proposal area to an adjacent city and its sphere of influence.
2. A map exhibit showing the relationship of the proposal area to an adjacent affected special district(s) and their sphere of influence(s).
3. A map exhibit of nearby properties showing lands under Williamson Act contracts.

¹ An example is a proposed detachment from the Solano Irrigation District where the property involved is a party to the indebtedness of Monticello Dam and its irrigation facilities. In such an event, LAFCO shall impose detachment fees in accordance with a formula agreed upon with SID (or other district in a similar situation) to assure equity in meeting financial obligations of the district.

4. A map exhibit of the proposal area identifying soil types using the US Department of Agriculture symbols.

STANDARD 7 ATTACHMENT A

SOLANO LAFCO MAP & GEOGRAPHIC DESCRIPTION REQUIREMENTS

GENERAL: LAFCO requires a map and geographic description that is acceptable to the Solano County Surveyor and the California State Board of Equalization (BOE).

WHO CAN PREPARE: Maps and geographic descriptions may be prepared by any person or firm which holds a current and valid State of California license as a Registered Surveyor or Registered Civil Engineer (with a number 33965 or lower).

REVIEW REQUIREMENT: Map and geographic descriptions must be reviewed for form, content, and accuracy. Prior to preparation, please contact LAFCO if the engineer or surveyor has not previously prepared a map and geographic description for LAFCO. All map and geographic descriptions will have to be reviewed and the final must be stamped and signed by the County of Solano Surveyor.

GUIDELINES: All proposed city annexation boundaries should tie into existing city boundary. For district proposals, proposed boundaries should tie into an existing district boundary whenever possible. LAFCO staff can provide information on existing boundaries. The map and geographic description should be in agreement with each other and should independently convey the intended action(s).

COVER SHEET REQUIREMENTS:

- Title
 - "Exhibit A"
 - Project No. (as designated by LAFCO)
 - Project Name (as named by LAFCO)
 - Number of pages by exhibit identified.
- Wet signature and seal: The cover sheet, map, and geographic description must be signed and stamped by either a licensed surveyor or a registered civil engineer holding a license number 33965 or lower.
- Area for County Surveyor's signature, seal, and date.
- Area for LAFCO Executive Officer signature and date approved.
- Include the following statement: "This description and exhibit of the (insert name of project) boundary, it is not a legal property description as defined in the Subdivision Map Act and may not be used as a basis for an offer for sale of the land described. It is for assessment purposes only."

GEOGRAPHICAL DESCRIPTION REQUIREMENTS:

- Heading with "Exhibit A," project number, project name, number of pages.

- Include township and range, section number(s), or rancho(s).
- The point of beginning must reference a known major geographic position (for city annexations to an existing city boundary, for district proposals to an existing district when possible or to section corners or street centerline intersections when necessary)
- Do not write descriptions in one endless paragraph.
- Do not write descriptions in all capitals.
- Courses called from, along, and to the annexation boundary.
- State all courses required to close the traverse of the project area.
- Express specific parcel description in sectionalized land (e.g., "The SW ¼ of Section 22, T1N, R1W") or by metes and bounds. If by metes and bounds, all courses shall be numbered and listed individually in a consistent clockwise direction.
- For curves, list delta, arc length, chord, and radius, include radial bearings for all points of non-tangency. All elements required.
- Wet signature and seal

MAP REQUIREMENTS:

- Heading with "Exhibit A," project number, project name, number of pages.
- Property description (A portion of the ___¼ of Section___, T. ___N., R. ___E., M.D.M., and/or rancho, and optional: Lot, Tract, Map Name and Recorded Book, and Page)
- City, County, and State
- Month and Year
- No un-necessary data shown on map.
- All data on 8½"x11" Exhibit readable (½" border all around)
- Include a vicinity map and show the location of the project area in relationship to a larger geographic area that includes major streets and highways and other physical features.
- Include a scale and north arrow.
- Show and identify any portion of an existing district boundary in close proximity to the project area.
- Clearly show the point of beginning and it must match the geographic description.
- Line Type (New-solid and most predominant line, road/easements-dashed, others-broken) (all lines in black ink and cannot exceed 1.5 millimeter in width)
- Clearly show all existing streets, roads, and highways with their current names that are within and adjacent to the project area.
- Indicate each township and range, section lines and numbers, or ranchos that are in proximity of the project area.
- All dimensions needed to plot the boundaries must be given on the map of the project area. Each map shall have numbered courses matching the written geographic description. Index tables may be utilized.
- All parcels within the project area that touch the new boundary shall be clearly labeled with the assessor's parcel number. Interior parcels that do not touch the

boundary need not be identified on the map.

If more than one map sheet is needed, provide a key map giving the relationship of all sheets. Match lines between adjoining sheets must be used. The geography on

adjoining sheets may overlap, the project boundaries must stop at the match lines.

Wet signature and seal

STANDARD NO. 8: LIKELIHOOD OF SIGNIFICANT GROWTH AND AFFECT ON OTHER INCORPORATED OR UNINCORPORATED TERRITORY

Prior to approving an annexation, LAFCO shall make a determination that the proposed conversion of open space lands to urban use is justified by probable urban growth within a 10 year-period of time. A determination on the likelihood of significant growth justifying the conversion shall be based on analysis of local and regional demand for the proposed use.

Explanation and Discussion

To satisfy this standard an applicant is to provide data that supports a determination of the likelihood of significant growth within a 10-year period of time, justifying the conversion of the affected open space lands as defined under the Cortese-Knox-Hertzberg Act as an urban use, and that such conversion will not be detrimental to the development of existing open space lands already within the affected agency's jurisdiction. This Standard in conjunction with the other standards is designed to discourage urban sprawl, to preserve agricultural land resources and to encourage orderly growth boundaries based upon local conditions and circumstances. Under this Standard, the applicant is required.

- a) To provide data supporting the proposed conversion of open space to urban use by analyzing appropriate factors of supply and demand, and the Municipal Service Review where applicable;
- b) To discuss all lands currently within the city's jurisdiction which are intended for, or committed to similar land uses and how the proposal relates to them.
- c) To submit data to explain how the annexation will not significantly inhibit the timely development of existing vacant land currently within the city limits or inhibit the city's ability to meet it's infill goals.
- d) To submit data that supports a determination that the conversion of the land to urban use within a 10-year period of time.

In reviewing the demand analysis for a proposed use, the Commission recognizes that it is more difficult to make determinations on long term market absorption rates for multi-family residential, commercial, industrial and mix use (high density residential, commercial and industrial) land use projects than for residential land use projects.

Another basis for analyzing an annexation's compliance with this standard will be the proposal's relationship to the annexing agency's Municipal Service Review (MSR). LAFCO accepted MSRs are required prior to the consideration of annexations to agencies.

Compliance with the annexing agency's Municipal Service Review (MSR) will be based on an analysis of the proposal and its relation to the goals and policies of the agency's MSR including the growth strategy, projected growth and infill goals. LAFCO will consider its resolution of review and comment on the MSR in reviewing a proposal's consistency with the MSR.

Where large-scale and long-term projects are proposed through annexation, LAFCO may consider the likelihood of significant growth over a 10 – 20 year period of time if the project applicant and the city have entered into a development agreement. With respect to the purpose of Cortese-Knox Hertzberg, key provisions and a development agreement would include:

1. Phasing of development over a 10-20 year period in keeping with reasonable analysis of the market for new housing or other urban use consistent with policies of the General Plan.
2. Reasonable phasing to avoid premature conversion of prime agricultural lands to urban use, particularly those prime lands of greatest importance in Solano County as identified under Standard No. 9.
3. Reasonable phasing which will assure agency capability to provide urban services required without negative financial impact upon existing property owners and residents of the agency.

Finally, consideration will also be given to ABAG projections and to the preceding 10 years or more of building permit activity. Consideration will be given to the market conditions in analyzing past building permit activity.

It is on comparative analysis of the market study, the Municipal Service Review, ABAG projections and past building permit activity that a judgment as to the likelihood of significant growth with a ten-year period will be made.

Required Documentation

This standard requires for any applications for a change of organization or reorganization which will convert open space lands to urban use, each application shall include the following documentation.

1. For a change of organization or reorganization where 40 acres or more of commercial or industrial land use is proposed or where 100 acres or more of residential land use is proposed, a market study is required to document this analysis. Substantial inhabited annexations are excluded from the requirement for a market analysis. The market study should:
 - a) Clearly define the market area for the project. The level of detail provided in the market analysis shall be commensurate with the scale and complexity of the proposed development project.
 - b) Identify anticipated demand over the next ten years within the market area and document the assumptions in preparing the demand projections;
 - c) Identify the supply of land which can be put to the same use within the market area that is anticipated to be available within the next ten years; including existing vacant land currently within the city limits; and
 - d) Consistency of the proposal with the city's growth strategy and infill goals contained within the City's Municipal Service Review.
2. For a change or organization or reorganization where less than 40 acres of commercial or industrial land use is proposed or where less than 100 acres of

residential land use is proposed, the proponent shall provide an analysis of likelihood of significant growth based on available information in responding to this standard.

3. An analysis of consistency of the proposed project with the city's Municipal Service Review.
4. Documentation of the city's building permit activity over the past 10 years.
5. A copy of the development agreement (if applicable).

STANDARD NO. 9: PROTECTION OF PRIME AGRICULTURAL LAND

Urban growth shall be guided away from prime agricultural land unless such action would not promote planned, orderly, and efficient development for the agency. Development of existing vacant or non-prime agricultural lands within the agency limits should be encouraged before any proposal is approved for urbanization outside of the agency limits.

Explanation and Discussion

This Standard goes to the heart of the major objective of Cortese-Knox Hertzberg. To make the first sentence of the Standard operative, there has to be a finding as to what “planned, orderly, and effective development” means for each agency.

The second part of the Standard is permissive, in that it encourages rather than mandates the development of vacant or nonprime land already within the agency limits before pushing outward into unincorporated territory.

Maintaining the Integrity of Agricultural Lands

Maintaining the integrity of agricultural lands can only be construed as furthering the purpose of Cortese-Knox Hertzberg to avoid the premature conversion of commercial agricultural lands to urban purposes. LAFCO must evaluate the potential effect of a proposed annexation on neighboring lands in commercial agricultural use to avoid premature pressure for the conversion of such lands to urban use.

Lands included within agricultural preserves under the Williamson Act are to be protected except where land is proposed by the General Plan for eventual urbanization and where the owner had already filed a notice of non-renewal, or where an agency officially protested inclusion of the land under the Williamson Act. In the former situation, the filing of a notice of non-renewal by a landowner starts a ten-year period until the removal is completed, unless findings for cancellation of an agricultural preserve contract are made and penalty tax payments and other requirements for contract cancellation are met. In cases where cancellation of a contract will be required, evidence supporting the cancellation shall be provided to demonstrate that the findings can reasonably be made. In cases where lands were protested for inclusion in an agricultural preserve by an agency, the agency may choose not to succeed to the contract, in which case the agricultural preserve contract will terminate upon annexation.

Encouraging Infill Development

This Cortese-Knox Hertzberg policy calls for “infill” on vacant lands within municipal boundaries before extending further out into agricultural areas. A reasoned assessment of this policy is needed when one or more of the following conditions exist.

1. Where owners of infill property are not willing to sell at a fair market rate.
2. Where too many recorded lots for single-family housing exists in relation to realistic market demands for all housing types.

3. Where available property is too small in an area to accommodate long-term building objectives of the developer.
4. Where surrounding land use may be incompatible.
5. Where surrounding older housing reflects a deteriorating environment.
6. Where established single-family areas object to higher densities often necessary to justify infill investment.

An absolute requirement for infill could have a negative impact through increases in land value and, in effect can retard growth. Conversely, where adequate lands exist to meet reasonable demands of the housing market for the range of housing types required, infill can be achieved.

Evaluation Criteria

In reviewing and evaluating proposals under this Standard, LAFCO will consider the following five criteria:

1. An annexation may be considered to guide development away from prime agricultural land or other productive lands if one of the following two conditions exists.
 - a. It does not contain prime agricultural land as defined under the Cortese-Knox Hertzberg (Government code Section 56064). In determining whether or to what extent land is prime or productive a hierarchy of land classification shall be used based on the following criteria in descending order of importance.
 - 1) Land that qualifies for rating as class I or class II in the USDA Natural Resources Conservation Service land use capability classification, whether or not land is actually irrigated, provided that irrigation is feasible.
 - 2) Land that qualifies for rating 80 through 100 in the Storie Index Rating.
 - 3) Land planted with fruit or nut-bearing trees, vines, bushes, or crops that have a nonbearing period of less than five years and that will return during the commercial bearing period on an annual basis from the production of unprocessed agricultural plant production not less than four hundred dollars (\$400) per acre.
 - 4) Land that has returned from the production of unprocessed agricultural plant products an annual gross value of not less than four hundred dollars (\$400) per acre for three of the previous given calendar years.
 - 5) Land that supports livestock used for the production of food and fiber and that has an annual carrying capacity equivalent to at least one animal unit per acre as defined by the United States Department of Agriculture in the National Handbook on Range and Related Grazing

Lands, July 1967, developed pursuant to Public Law 46, December 1935.

Lands which are defined under 1 and 2 above are considered prime agricultural lands and have the greatest importance within Solano County. In reviewing lands identified as prime agriculture, consideration will be given to the economic viability of the property and whether the land can be economically and productively farmed.

- b. The area is wholly or largely surrounded by urban development.
2. If an annexation includes prime agricultural land, the annexation is considered to promote the planned orderly and efficient development of an area if:
 - a. The proposed annexation meets the requirements of Standard No. 8; and
 - b. The proposed annexation either abuts a developed portion of the agency or abuts properties which already are committed to urban development by the extension of streets and other public facilities where service extensions were predicted on adjacent lands within the proposed annexation area being developed to assist in meeting bond obligations or other financial instruments against the property; and
 - c. It can be demonstrated that there are insufficient vacant non-prime lands within the Sphere of Influence planned for the same general purpose because of one or more of the following.
 - (1) Where land is unavailable at a reasonable market rate as determined by competent market analysis.
 - (2) Where insufficient land is currently available for the type of land used proposed, as determined by competent market analysis.
 - (3) Where surrounding land use clearly is incompatible because of the age and condition of structures or mixture of land uses.
 3. Notwithstanding the factors listed above, it is the responsibility of an agency to undertake substantial actions to facilitate and encourage the infill of land within a city's limit so to minimize the need for further annexation. Such actions include, but are not limited to, the following:
 - a. Redevelopment plans and action programs.
 - b. Capital improvement programs.
 - c. Changes in land use policies and regulations.
 - d. Housing programs, including rehabilitations.
 4. Consistency with the city's Municipal Service Review and provisions for guiding future growth away from prime agricultural lands.

5. Annexation shall be prohibited on land under an agricultural preserve contract unless an agency protested the establishment of the contract and the protest was upheld by LAFCO, and/or unless a notice of non-renewal has been filed; evidence that findings supporting cancellation have been made; and the adverse effects of the annexation on the economic integrity of lands in adjoining preserves are can be reasonably mitigated.

Required Documentation

This Standard requires that any application for a change of organization or reorganization containing open-space lands to be converted to an urban use shall provide the following documentation on its impact to prime agricultural land.

1. Documentation as to whether the affected territory contains prime agricultural land as defined under Government Code Section 56064 (evaluation criteria No. 1 above) and/or whether the affected territory is under an agricultural preserve contract.
2. If the affected territory contains prime agricultural land, provide demonstrate compliance with evaluation criteria 2, 3, and 4 above.
3. If the affected territory contains lands under agricultural preserve contract, provide documentation in compliance with evaluation criteria 5 above including a copy of the notice of non-renewal.

STANDARD NO. 10: PROVISION AND COST OF COMMUNITY SERVICES

Adequate urban services shall be available to areas proposed for a change of organization or reorganization

Explanation and Discussion

This standard requires that the applicant obtain verifications from the affected agency(ies) that the full range of services required to serve the affected territory can be provided. For city annexations that propose to convert open space lands to urban uses, the proposal shall be consistent with the city's Municipal Service Review.

A "will serve" letter from the manager/director of the affected agency is required for all changes of organization and reorganizations initiated by petition by registered voters or landowners. Where more than one agency is to provide services, a "will serve" letter, the manager/director of the agency shall provide LAFCO with a statement explaining why the agency is unable to do so.

Where open space lands are proposed to be converted to uses other than open space, LAFCO may "initiate and make studies of existing government agencies. Those studies shall include, but shall not be limited to, inventorying those agencies and determining their maximum service area and service capacities. In conducting those studies, the commission may ask for land use information, studies, and plans of cities, counties, districts, including school districts, community college districts, and regional agencies and state agencies and departments" (56378)

The Municipal Service Review and if applicable, "will serve" letters(s) are intended to resolve any potential service problems related to an application prior to its submittal to LAFCO. LAFCO will consider both the Municipal Service Review, environmental documentation, other studies (as previously noted), and "will serve" letters(s) (if applicable) in reviewing this standard.

Required Documentation

For proposals initiated by petition, this standard requires that an application of a change of organization or reorganization shall be accompanied by a "will serve" letter or a statement from the affected agency(ies) as follows:

1. If a district change of organization or reorganization, a "will serve" letter from the affected district's director.
2. If a city change of organization or reorganization, a "will serve" letter from the city manager of the affected city and a "will serve" letter from the director of each special district providing services to the affected territory. (i.e. water agencies, sewer districts, recreation district).
3. If a city change of organization or reorganization that includes conversion of open space land to uses other than open space, LAFCO may "initiate and make studies of existing government agencies. Those studies shall include, but shall not be limited to, inventorying those agencies and determining their maximum service area and service capacities. In conducting those studies, the commission may ask for land

use information, studies, and plans of cities, counties, districts, including school districts, community college districts, and regional agencies and state agencies and departments” (56378)

4. When an agency will not issue a “will serve” letter, the agency manager/director shall provide a statement explaining why it is unable to do so.

STANDARD NO. 11: THE AFFECT OF THE PROPOSED ACTION ON ADJACENT AREAS, MUTUAL SOCIAL AND ECONOMIC INTERESTS, AND ON LOCAL GOVERNMENTAL STRUCTURE

The application shall describe the effect which the annexation could have on adjacent areas and outside the agency. It shall also describe any social and economic benefits, or detriments, which will accrue to the agency and other affected agencies. The proposal should not be motivated by inter city rivalry, land speculation, or other motivates not in the public interest, and should create no significant negative social or economic effects on the County or neighboring agencies.

Explanation and Discussion

This Standard responds to the Cortese-Knox-Hertzberg factor listed under Section 56668(c). As worded in the law, the factor is somewhat vague and tends to overlap with the purpose of several other Standards, including those pertaining to the protection of agricultural land, meeting needs of the housing market, orderly growth, and the provision of urban services. Consequently, meeting this Standard requires placing in perspective the overall beneficial consequences of a proposal as compared to potential negative impacts, through qualitative analysis.

Examples of mutual social and economic benefits include achieving a balanced housing supply within the community, the provision of commercial areas where existing commercial development does not meet the needs residents, the creation of new employment opportunities to meet the needs of the unemployed or under-employed, protecting sensitive resources, advancing the time when public improvements needed by the larger community may be provided, improvement of levels of service within the community without incurring additional costs or harming other public service providers and protection of communities of regional/national economic and social importance, such as Travis Air Force Base, through the utilization of permanent open space and reserve areas.

These types of benefits may, in a given case, argue for a project as off-setting negative consequences or negative determinations identified in responding to other Discretionary Standards. The written response to this standard provides the opportunity to make a case for a proposal which, based on other standards, might appear to be questionable.

Potential negative impacts upon the County and neighboring agencies will also be considered. Examples include proposals that negatively impact Special District budgets or service provision or proposals that demand Special District services without the provision of adequate funding, threaten major employers, alter current/future military missions or otherwise cause hardship to communities of regional/national economic and social importance.

Required Documentation

In cases where Special Districts might be harmed, either through detachment or annexation, the applicant should work with the Executive Director to identify the affected agencies and work with those agencies to identify and mitigate the impacts. *LAFCO will not normally approve detachments from special districts or annexations that fail to provide for adequate mitigation of the adverse impacts on the district. Where the adverse impact is fiscal,*

adequate mitigation will normally include a permanent, funding source for lost revenues or increased costs to the affected Special District. Where potential impacts on other agencies have been identified, the application may be deemed incomplete or the LAFCo hearing continued, until the applicant has met with the affected agencies and made a good faith effort to reach agreement with those agencies on appropriate mitigation.

This standard requires that an application for a change of organization or reorganization show the inter-relationship and effect of the proposed project on adjacent areas, both within and outside the boundaries of the affected agency, and to weigh the overall beneficial aspects of a proposal as compared to the potential negative impacts. The application shall provide a written response to this standard and all supporting documentation regarding mitigation.

LAFCO Action

If the applicant and the affected agencies have reached agreement on *permanent, annual* mitigation for the impacts to affected agencies, LAFCo will normally include the mitigation measures in its terms and conditions approving the change of organization. If the parties have failed to reach agreement, LAFCo shall hear from both sides and determine an appropriate mitigation, if any, and impose that mitigation to the extent it is within its powers. If the needed mitigation is not within LAFCo's authority and approval would, in the determination of the Commission, seriously impair the District's operation, the Commission may choose to deny the application.

SECTION V. MUNICIPAL SERVICE REVIEW

I. PURPOSE

To provide guidance to Solano LAFCO and agencies within its purview in preparing and conducting municipal service reviews (MSR).

II. BACKGROUND

The Cortese-Knox-Hertzberg Local Government Reorganization Act of 2000 (CKH) requires LAFCO to review municipal services. The service review provides LAFCO and agencies within its purview with a tool to comprehensively study existing and future public service conditions and to evaluate organizational options for accommodating growth, preventing urban sprawl while supporting California's anticipated growth, and ensuring that critical services are efficiently and cost-effectively provided. CKH requires all LAFCOs to conduct the MSR prior to updating the spheres of influence (SOI) of the various cities and special districts in the County (Government Code Section 56430). CKH requires an MSR and SOI update every 5 years.

III. FUNCTION OF MUNICIPAL SERVICE REVIEW

Government Code Section 56430 requires LAFCO to conduct MSRs and prepare a written statement of determination with respect to each of the following:

1. **Growth and Population Projections for the Affected Area.** This section reviews projected growth within the existing service boundaries of the city or district and analyzes the city's or district's plans to accommodate future growth.
2. **The location and characteristics of any disadvantaged unincorporated communities within or contiguous to the sphere of influence.** A disadvantaged community is defined as one with a median household income of 80 percent or less of the statewide median income.
3. **Present and Planned Capacity of Public Facilities and Adequacy of Public Services Including Infrastructure Needs or Deficiencies.** This section discusses the services provided including the quality and the ability of the city or district to provide those services, and it will include a discussion of capital improvement projects currently underway and projects planned for the future where applicable.
4. **Financial Ability of Agencies to Provide Services.** This section reviews the city's or district's fiscal data and rate structure to determine viability and ability to meet service demands. It also addresses funding for capital improvement projects.
5. **Status of and Opportunities for Shared Facilities.** This section examines efficiencies in service delivery that could include sharing facilities with other agencies to reduce costs by avoiding duplication.
6. **Accountability for Community Service Needs, including Government Structure and Operational Efficiencies.** This section examines the city's or district's current

government structure, and considers the overall managerial practices. It also examines how well the city or district makes its processes transparent to the public and invites and encourages public participation.

7. **Matters Related to Effective or Efficient Service Delivery Required by Commission Policy.** This section includes a discussion of any Solano LAFCO policies that may affect the ability of a city or district to provide efficient services.

The MSR process does not require LAFCO to initiate changes of organization based on service reviews; it only requires that LAFCO make determinations regarding the provision of public services per the provisions of Government Code Section 56430. However, LAFCO, local agencies, and the public may subsequently use the determinations to pursue changes to services, local jurisdictions, or spheres of influence. Service Reviews are intended to provide a broad analysis of service provision.

IV. WHEN PREPARED

LAFCO will determine when municipal service reviews are necessary. Generally, reviews will be prepared prior to SOI studies or updates. Service reviews may also be conducted independent of the SOI update based on a number of factors, including but not limited to, concerns of affected agencies, the public or LAFCO; public demand for a service review; public health, safety, or welfare issues; service provision issues associated with areas of growth and/or development.

Minor amendments to SOI, as determined by LAFCO, will not require a municipal service review. An amendment to the SOI of any agency may be processed and acted upon by the Commission if all of the following are met:

- The requested amendment, considered along with all other amendments approved in the last 12 months for the agency in aggregate, are less than 40 acres.
- There are no objections from other agencies that are authorized to provide the services the subject agency provides and whose SOI underlies or is adjacent to the subject territory.
- The Commission finds that the proposed amendment would not significantly interfere with the development of the updated SOI of the agency.

VI. LAFCO REVIEW OF MSR PROCESS

It is LAFCO's policy that cities prepare their MSR absent determinations. Upon review of the data LAFCO may request additional information and will add the determinations.

The MSR should be produced in the following format. A sample Table of Contents is shown below along with the sections that LAFCO will complete.

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Acronyms and Abbreviations	
1: Introduction- (Provided by LAFCO)	
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1.2 – Purpose of the Municipal Service Review	
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1.5 – California Environmental Quality Act (CEQA)	
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11: Summary of Determinations - (Provided by LAFCO).....

- Growth and Population Projections.....
- Disadvantaged Unincorporated Communities
- Present and Planned Capacity of Public Facilities
- Financial Ability to Provide Services
- Status and Opportunities for Shared Facilities
- Government Structure and Accountability
- LAFCO Policies Affecting Service Delivery

12: References

SECTION VI. ESSENTIAL REQUIREMENTS OF THE CORTESE-KNOX-HERTZBERG ACT THE LEGISLATURE'S POLICY AND INTENT FOR LAFCO

The State Legislature has set forth specific policy direction to LAFCO in carrying out its duties and responsibilities under the Cortese-Knox-Hertzberg Local Government Reorganization Act of 2000. Specifically LAFCO is directed to:

- 1) *“Encourage orderly growth and developmentlogical formation and determination of local agency boundaries” (Gov. Code Section 56001)*
- 2) *Encourage and provide for “Planned, well-ordered, efficient urban development patterns with appropriate consideration of preserving open-space lands” (Section 56300).*
- 3) *“Discouragement of urban sprawl, preserving open space and prime agricultural lands, efficiently providing government services and encouraging the orderly formation and development of local agencies based upon local conditions and circumstances” (Section 56301.)*

In reviewing and approving or disapproving proposals, the legislature has established two priorities for LAFCO (Section 56377):

- 1) *“Development or use of land for other than open-space uses shall be guided away from existing prime agricultural lands in open-space use toward areas containing nonprime agricultural lands, unless that action would not promote the planned, orderly, efficient development of an area.”*
2. *“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 shall 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.”*

These policies and priorities are fundamental in their impact on LAFCO's decision process. They give critical dimension to the manner in which individual standards are applied to the factors prescribed by the Cortese-Knox Hertzberg Act.

In addition to the basic policies and priorities discussed above, the Cortese-Knox Hertzberg Act has identified the following factors to be considered in the review of a proposal under Section 56668:

- (a) Population and population density; land area and land use; assessed valuation; topography, natural boundaries, and drainage basins; proximity to other populated areas; the likelihood of significant growth in the area, and in adjacent incorporated and unincorporated areas, during the next 10 years.

- (b) The need for organized community services; the present cost and adequacy of governmental services and controls in the area; probable future needs for those services and controls; probable effect of the proposed incorporation, formation, annexation, or exclusion and of alternative courses of action on the cost and adequacy of services and controls in the area and adjacent areas.

“Services,” as used in this subdivision, refers to governmental services whether or not the services are services which would be provided by local agencies subject to this division, and includes the public facilities necessary to provide those services.

- (c) The effect of the proposed action and of alternative actions, on adjacent areas, on mutual social and economic interests, and on the local governmental structure of the county.
- (d) The conformity of both the proposal and its anticipated effects with both the adopted commission policies on providing planned, orderly, efficient patterns of urban development, and the policies and priorities in Section 56377.
- (e) The effect of the proposal on maintaining the physical and economic integrity of agricultural lands, as defined by Section 56016.
- (f) The definiteness and certainty of the boundaries of the territory, the nonconformance of proposed boundaries with lines of assessment or ownership, the creation of islands or corridors of unincorporated territory, and other similar matters affecting the proposed boundaries.
- (g) A regional transportation plan adopted pursuant to Section 65080.
- (h) The proposal's consistency with city or county general and specific plans.
- (i) The sphere of influence of any local agency which may be applicable to the proposal being reviewed.
- (j) The comments of any affected local agency or other public agency.
- (k) 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.
- (l) Timely availability of water supplies adequate for projected needs as specified in Section 65352.5.
- (m) The extent to which the proposal will affect a city or cities and the county in achieving their respective fair shares of the regional housing needs as determined by the appropriate council of governments consistent with Article 10.6 (commencing with Section 65580) of Chapter 3 of Division 1 of Title 7.
- (n) Any information or comments from the landowner or landowners, voters, or residents of the affected territory.
- (o) Any information relating to existing land use designations.
- (p) The extent to which the proposal will promote environmental justice. 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.

- (q) 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.