

SACRAMENTO LOCAL AGENCY FORMATION COMMISSION
1112 I Street, Suite #100
Sacramento, California 95814
(916) 874-6458

February 25, 2004

TO: Sacramento Local Agency Formation Commission

FROM: Donald J. Lockhart, AICP, Assistant Executive Officer

RE: Report Back: Sacramento LAFCo Open Space Preservation Policies

Policy Issue:

Your Commission faces the challenge to encourage orderly growth and development, while balancing new development with sometimes competing state interests of discouraging urban sprawl, preserving open space and prime agricultural lands, and efficiently extending government services.

The setting of LAFCo proceedings is unique, in that land use decisions are the arrived at by the local land use agencies, i.e. county and cities. However these decisions are often reliant on the review and approval of your Commission regarding changes in boundaries, and/or provision of services

Background:

Staff has completed the statewide LAFCo outreach and review of applicable policies. As may be expected with fifty-eight counties, a common theme of the various policies emphasizes the “Local” aspect of Local Agency Formation Commissions in reflecting local community standards and concerns, such as countywide referendums.

Many LAFCos have simply adopted the criteria of the Cortese-Knox-Hertzberg Act of 2000 (CKH), as the local policy.

Attachment A provides a baseline of examples where a LAFCo has adopted local policies in addition to the base CKH criteria. The policies of selected surrounding counties are included to provide a regional context.

Staff will report back in April with the public outreach schedule, and further policy refinement for your consideration.

STATEWIDE LAFCO SELECTED AGRICULTURAL/ OPEN SPACE PRESERVATION POLICIES		
COUNTY	POLICY	STAFF COMMENTS
<p>Alameda Adopted 5/02</p>	<ul style="list-style-type: none"> • The proposed project includes or plans for infrastructure capacity, especially water and sewer lines, that exceed the needs of the proposed project and may be used to serve areas not planned for development, or subject to previous and adequate CEQA review, especially those containing prime agricultural land, mineral, sensitive plant and wildlife or other important natural resources; • The proposed project may result in substantial loss of prime agricultural and open space land... or other important open space or resource land as identified in local, regional, state or federal inventories, plans or programs; • The proposed project may cause premature, ill planned, illogical, or inefficient conversion of prime agricultural, open space, mineral resource or other important resource areas not planned for development in the next five years especially when such land is not located within the SOI of a proposed service provider and there is alternative sufficient vacant land available for development; • The proposed project is substantially inconsistent with applicable SOI Plans, including any service plan or service review recommendations, phased land use plans of any city or county, or resource conservation plans of the state or federal government providing that: <ul style="list-style-type: none"> a. In the case of public agency land use or resource plans, the affected agency provides specific information regarding the nature and substance of the project’s potential impacts upon its plans or programs; • The proposed project may induce substantial growth on important agricultural and open space lands because it would: <ul style="list-style-type: none"> a. Permit the extension of, or require, infrastructure such as flood control levees or water diversions, electrical, water or sewer lines, especially trunk lines, roadways or other public facilities that would permit new development in a substantial area currently constrained from development; 	<p>Sets levels of significance in CEQA review.</p> <p>Oversizing of infrastructure.</p> <p>Loss of prime ag or open space lands.</p> <p>Accelerate development ahead of SOI.</p> <p>Consistency with SOI.</p> <p>Growth inducing facilities.</p>

Attachment A

<p>Alameda (cont.)</p>	<p>b. Encourage or foster development by permitting uses that adversely impact adjacent agricultural operations, significantly increase property values of adjacent or proximate resource land, or remove natural or man made buffers between urban and agricultural, mining or other conservation uses.</p> <p>c. Be adversely and substantially inconsistent with the agricultural, open space, resource conservation or preservation, growth management, trip reduction, air quality improvement or other plans, policies or Ordinances of the General, Community, Specific or other Plan of the land use jurisdiction responsible for the project site or vicinity.</p> <p>d. The proposed project, when considered in conjunction with other recent, present and reasonably foreseeable projects, may cause significant adverse cumulative impacts;</p> <p>e. The project would result in substantial noncontiguous urban development which, in turn, results in adverse physical impacts;</p> <p>f. There is no need for service and the proposed project adversely affects important public resources or the public health and safety</p>	<p>Adversely impact ag operations.</p> <p>General Plan consistency.</p> <p>Noncontiguous development.</p> <p>Counter to public health and safety.</p>
<p>Contra Costa Adopted 2/99</p>	<p>Although not bound by policies of other agencies, it is the general policy of LAFCO to honor the limits placed on urban development by other agencies. Therefore, LAFCO generally has honored the County Urban Limit Line (ULL), discouraging sphere of influence (SOI) amendments and annexations beyond the ULL. A proposal for an SOI change or annexation of territory beyond the ULL generally will be denied unless the proponents present evidence demonstrating that the need for the SOI change or annexation compellingly outweighs the public interest in limiting growth to areas within the ULL.</p> <p>While not bound by the regulations promulgated by local agencies in this County, LAFCO prefers that proponents of any boundary or SOI change demonstrate that their proposal will be consistent with such local regulations as may be relevant to the factors that LAFCO must consider pursuant to Government Code Section 56668. This policy is to include (but is not limited to) the regulations of water, sewer and</p>	<p>The ULL set by 1990 voter initiative - 65% of Contra Costa set aside for open space/ ag lands and 35% set aside for urban use. The line can be changed by a 4/5 vote of the Board of Supervisors.</p> <p>Proponents to demonstrate consistency with relevant affected agency regulations.</p>

Attachment A

<p>Contra Costa (cont.)</p>	<p>transportation agencies such as the East Bay Municipal Utility District, the Central Contra Costa Sanitary District, and the Contra Costa County Transportation Authority.</p>	
<p>El Dorado Adopted 11/88 <i>Revised: 9/90, 2/96, 12/96, 11/98, 7/99, 7/01</i></p>	<p>2.10. AGRICULTURE 2.10.1. LAFCo’s decisions will reflect its legislated responsibility to work to maximize the retention of prime agricultural land while facilitating the logical and orderly expansion of urban areas (Adopted 11/5/98).</p>	<p>Also adopted CKH criteria as local policy.</p>
<p>Monterey Adopted 1979</p>	<p>Undergoing comprehensive update with focus on ag buffer language. Coordinated with County General Plan Update.</p>	<p>Staff will track process.</p>
<p>Merced Adopted 1/02</p>	<p>Policy 3: Cities should adopt phasing policies in their General Plans which identify priorities for growth and annexation which meet the joint objectives of extending urban services in an economic and efficient manner and avoiding the premature conversion of prime agricultural lands or other valuable open space resources.</p> <p>Policy 4: Where the City and County have reached agreement on proposed sphere of</p> <p>b. Does the City’s General Plan contain policy regarding the phasing of future annexations which is consistent with the policies of Merced County LAFCO and the Cortese/Knox/Hertzberg Act?</p> <p>c. Are there local policies regarding the timing of conversion of agricultural and other open space lands and the avoidance of conversion of prime soils?</p> <p>d. Does the City’s General Plan demonstrate the present and probable need for public facilities and community services (including the sequence, timing and probable cost of providing such services) within the proposed sphere of influence boundary?</p> <p>e. Does the City’s General Plan identify the existence of any social or economic communities of interest within the planning area, such as the relationship between any adjacent or nearby cities or special districts which provide urban services, which may affect the boundaries or the proposed sphere of influence?</p>	<p>Largely places onus on county and cities to adopt General Plan Policies. Also encourages urban and rural special districts to adopt local policies for timing out of area contracts.</p> <p>Rely on City/County SOI agreements.</p> <p>City General Plan Phasing.</p> <p>City General Plan Timing.</p> <p>City General Plan need for services.</p> <p>City General Plan identified communities of interest.</p>

<p>Merced (cont.)</p>	<p>Implementation: Cities that address the above referenced criteria/issues in their General Plans will have their sphere of influence amendment proposals scrutinized more thoroughly by LAFCO. The Commission shall adopt findings for each of the criteria indicating conformance with State and local LAFCO policy. Upon approval of the sphere boundary, LAFCo’s review of future annexations within this boundary will be limited to the appropriateness and efficiency of the boundary, conformance with the City’s General Plan including relevant phasing policies, and public service availability.</p> <p>However, when the Commission finds that the City’s General Plan does not satisfy one or more of the above sphere of influence criteria in accordance with State and local LAFCO policy, action on the sphere will be more limiting. Approval of an amended sphere boundary will reflect the City’s interest in the future annexation of the territory but will not represent a general acceptance of future individual annexation requests. All subsequent annexation proposals will be scrutinized against the full factors outlined in the Cortese/Knox/Hertzberg Act under Section 56668, including justification for annexing prime agricultural or other valuable open space lands when other non-prime or non-significant open space lands are available in the sphere; availability of public services; and the timing of the annexation in relation to vacant land availability within the existing City limits.</p> <p>Policy 6: Analysis of agricultural or open space impacts from an annexation will be minimized when the Commission can make a finding that these resources were fully addressed during establishment of the City’s Sphere of Influence and the annexation is consistent with any related sphere policy to protect these resources.</p> <p>Policy 7: Utilize considerations consistent with the Cortese-Knox-Hertzberg Act of 2000 when evaluating agricultural and open space impacts on an individual annexation level.</p>	<p>Implementation measure where the city General Plan addresses LAFCo criteria, provides for more extensive SOI, with phasing considerations. Lessens subsequent annexation scrutiny.</p> <p>Inadequate City General will result in more cursory SOI. Places greater scrutiny on subsequent individual annexations.</p> <p>Encourages City General Plan to establish policies.</p> <p>CKH criteria.</p>
----------------------------------	--	---

Attachment A

<p>Merced (cont.)</p>	<p>d. Evaluate any alternatives to the annexation which would be more consistent with orderly growth, open space protection and public service efficiency goals of LAFCO.</p>	<p>Alternative analysis.</p>
<p>Nevada Adopted 4/94 Amended 10/03</p>	<p>Public Interest. While the Commission is largely composed of members appointed by individual local agencies, the Legislature requires the Commissioners to exercise their independent judgment in carrying out the provisions of the Act and to make their decisions impartially, on behalf of the public as a whole. Decisions required of LAFCo relating to the most efficient form of local government and the preservation of agricultural and open space land inherently involve the balancing of potentially competing interests of cities, counties, and special districts. In addition, such determinations usually affect the public at large because of various options for the delivery of services. The legislative charge to LAFCo Commissioners is to bring their experience and perspectives to bear in a manner which carries out the best policy from the perspective of the public as a whole. Commissioners are not selected to represent or to cast the vote of their appointing agencies. While Commissioners' decisions may be informed by their experience at their agency, those decisions must not be dictated by the interests of that agency. Since Commission members are appointed by law to impartially carry out objective policies concerning public policy issues, it is presumed that they will do so. It is for this reason that the Legislature determined that it is not an automatic conflict of interest for a Commissioner to vote on issues that may affect their appointing agency. Nevertheless, if a Commissioner feels that he or she is unable to act impartially, then the Commissioner should voluntarily disqualify himself or herself.</p> <p>N. AGRICULTURAL AND OPEN SPACE LAND CONSERVATION Among LAFCo's core purposes is preservation of open space and prime agricultural ("ag") lands. The Commission will exercise its powers to conserve prime agricultural land as defined in Section 56064 of the Government Code and open space land as defined in Section</p>	<p>Policy clarifies the wearing of the "LAFCo Hat."</p>

<p>Nevada (cont.)</p>	<p>65560 of the Government Code pursuant to the following standards. In order to more effectively carry out this mandate, the Commission may develop local standards to define and identify prime agricultural and open space lands.</p> <p>1. Conditions for Approval of Prime Ag/Open Space Land Conversion. LAFCo will apply a heightened level of review when considering proposals for changes of organization or reorganization which are likely to result in the conversion of prime ag/open space land use to other uses and will approve such proposals only when the Commission finds that the proposal will lead to planned, orderly, and efficient development. For purposes of this standard, a proposal leads to the planned, orderly, and efficient development only if all of the following criteria are met:</p> <p>a) The land subject to the change of organization or reorganization is contiguous either to lands developed with an urban use or to lands which have received all discretionary approvals for urban development.</p> <p>b) The proposed development of the subject lands is consistent with the Sphere of Influence Plan(s) of the affected agency or agencies, including the Master Services Element(s), and the land subject to the change of organization is within the current five-year sphere of influence boundary or the ten-year boundary.</p> <p>c) The land subject to the change of organization is likely to be developed within five years. For very large developments, annexation should be phased wherever feasible. If the Commission finds phasing infeasible for specific reasons, it may approve annexation if all or a substantial portion of the subject land is likely to develop within a reasonable period of time.</p> <p>d) Insufficient vacant non-prime or open space land exists within the existing agency boundaries or applicable five- and ten-year sphere boundaries that is planned and developable for the same general type of use.</p> <p>e) The proposal will have no significant adverse effect on the physical and economic integrity of other ag/open space lands.</p>	<p>The Commission may develop local standards to define and identify prime agricultural and open space lands.</p> <p>Apply a “heightened level” of review when proposals likely to result in the conversion of prime ag/open space land use.</p> <p>A proposal leads to the planned, orderly, and efficient development only if specific criteria are met:</p> <p>Contiguous to existing or approved urban development</p> <p>Consistent with the Sphere of Influence and Master Services Element</p> <p>The land subject to the change of organization is likely to be developed within five years, with phasing encouraged as feasible.</p>
----------------------------------	---	---

<p>Nevada (cont.)</p>	<p>2. Approved Sphere of Influence Plan Required. The Commission will not make the affirmative finding that the proposed development of the subject lands is consistent with the relevant sphere of influence in the absence of an approved Sphere of Influence Plan ...</p> <p>3. Finding with Respect to Alternative Sites. The Commission will not make the affirmative finding that insufficient vacant non-prime or open space land exists within the sphere of influence unless the appropriate jurisdiction has:</p> <p>a) Identified within its sphere of influence all "prime agricultural land" and "open space land."</p> <p>b) Enacted measures to preserve prime ag/open space land identified within its sphere of influence for agricultural or open space use.</p> <p>c) Adopted as part of its General Plan specific measures to facilitate and encourage in-fill development as an alternative to the development of prime ag/open space lands.</p> <p>4. Determining Impact on Adjacent Ag/Open Space Lands. In making the determination whether conversion will adversely impact adjoining prime agricultural or open space lands, LAFCo will consider the following factors:</p> <p>a) The prime ag/open space significance of the subject and adjacent areas relative to other ag/open space lands in the region.</p> <p>b) The use of the subject and the adjacent areas.</p> <p>c) Whether public facilities related to the proposal would be sized or situated so as to facilitate the conversion of adjacent or nearby prime ag/open space land or will be extended through or adjacent to any other prime ag/open space lands which lie between the project site and existing facilities.</p> <p>d) Whether natural or man-made barriers serve to buffer adjacent or nearby prime ag/open space land from the effects of the proposed development.</p> <p>e) Applicable provisions of the General Plan open space and land use elements, applicable growth-management policies, or other statutory</p>	<p>Approved Sphere of Influence Plan Required,</p> <p>Identify all "prime agricultural land" and "open space land."</p> <p>Enact measures to preserve prime ag/open space land identified within the SOI General Plan Infill Strategy as alternative to prime ag/open space development</p> <p>Adequate natural or man-made buffers.</p> <p>Encourages General Plan agriculture, open space preservation and growth-</p>
----------------------------------	---	--

Attachment A

<p>Nevada (cont.)</p>	<p>provisions designed to protect agriculture or open space.</p>	<p>management policies, or other statutory provisions.</p>
<p>Placer</p>	<p>Discourages speculative proposals (i.e., without a specific development plan). Require a market absorption study to determine need. Discourages" urban style development adjacent to city boundaries</p>	<p>Flexible policy, largely reliant on County General Plan – various preservation programs, Zoning, Williamson Act.</p>
<p>Riverside Adopted 12/99</p>	<p>Strategy 1.1.1 Annexation proposals covering undeveloped or agricultural parcels to cities or districts providing urban services should demonstrate that: 1. Urban development is likely to occur within the next ten years over a substantial portion of the proposal area, and; 2. Urban development will be contiguous with existing or proposed development.</p> <p>Consistent with <i>Objective No. 3</i> and legislative intent expressed in Cortese-Knox (<i>sic</i>), this Strategy shall be implemented with due consideration for preserving open space lands within urban development patterns.</p> <p>Objective No. 2: Preserve the physical and economic integrity of agricultural lands. Strategy 1.2.1 City SOIs shall be directed away from substantial areas of prime agricultural land, unless: 1. The result would not facilitate an orderly development pattern; and, 2. The city’s general plan allows for the continued operation of agricultural uses and provides guidelines for the ultimate development of agricultural land at the time the use is terminated or development is proposed. Strategy 1.2.2 LAFCO shall deny the annexation of agricultural lands unless they meet the criteria specified below: 1. The annexation of land located within an agricultural preserve may be approved only when:</p>	<p>Urbanization within ten years, contiguous to development.</p> <p>Consider existing development patterns.</p>

Attachment A

<p>Riverside (cont.)</p>	<p>a) A notice of non-renewal or cancellation has been filed on the affected property proposed for annexation, or, b) The jurisdiction’s General Plan contains appropriate language: 1) To allow for the effective and continued operation of agricultural uses, and; 2) To provide guidelines for the ultimate development of agricultural land at the time the preserve is terminated or development is proposed. 2. The loss of non-prime agricultural lands should not be a central issue for annexation where city or county general plans provide for urban development and the proposal would not impact the integrity of surrounding prime agricultural lands. Objective No. 3: Preserve open space within urban development patterns.</p> <p>Strategy 1.3.1 The Commission shall consider the preservation of open space lands as a valid reason for the annexation of undeveloped land.</p>	<p>Status of Williamson Act Contracts (non-renewal)</p> <p>General Plan has Right to Farm criteria.</p> <p>Annexation may be viable means of open space preservation.</p>
<p>San Joaquin</p>	<p>Has not adopted any specific policies with regard to agricultural preservation. Adhere to CKH.</p>	<p>Working with County Planning to develop community separator policies.</p>
<p>Sonoma Amended 4/02</p>	<p><u>Agricultural Lands</u> In addition to considering the policies and priorities set forth in Government Code Section 56377 (Appendix A), this Commission shall conform to the following policies in reviewing and approving or disapproving proposals which may result in the conversion of agricultural land to non-agricultural uses: a. The Commission shall consider whether the proposal would adversely affect the County’s agricultural resources based on the following factors: 1) Agricultural significance of the subject territory and adjacent areas relative to other agricultural lands in the region. 2) Use of the subject territory and adjacent areas. 3) Whether public facilities for proposed development would be a) sized or situated so as to facilitate conversion of adjacent or nearby agricultural land, or b) extended through agricultural lands which lie between the project site and existing facilities.</p>	<p>Consider impacts on countywide ag resources.</p> <p>CKH Criteria</p>

<p>Sonoma (cont.)</p>	<p>4) Whether uses incompatible with adjacent agricultural uses are expected to result from the proposal and whether natural or man-made barriers would buffer adjacent or nearby agricultural lands from the effects of proposed development or other incompatible uses.</p> <p>5) Whether the subject territory is located within the sphere of influence of a city or district providing sewer and/or water service or within an “Urban Service Boundary” designation of the Sonoma County General Plan.</p> <p>6) Provisions of applicable general plan open space and land use elements, growth management policies, or other statutory provisions designed to protect agriculture.</p> <p>b. The Commission shall discourage proposals which would likely convert to urban uses those lands identified by the County General Plan as suitable for long-term agricultural or open space use or identified by the Sonoma County Agricultural Preservation and Open Space District Acquisition Plan as a priority for acquisition or protection in cooperation with willing landowners.</p> <p>This Commission hereby requests the Board of Supervisors of Sonoma County to initiate discussions with the cities in the county regarding development of the following:</p> <ol style="list-style-type: none"> 1) Guidelines for the protection of community separators. 2) Joint intercity community separator agreements to protect the rural, agricultural, and open-space lands between cities. 3) Procedures providing for some flexibility in changing the form and location of community separators, provided there is no net loss of separator acreage and any agreed-to core separator acreage remains intact within the community separators. 4) Support for the Sonoma County Agricultural Preservation and Open Space District’s acquisition and preservation of community separators as its highest priority in its soon-to-be adopted acquisition plan. 5) Procedures for transferring development rights from land within the community separators to existing under-utilized urban areas of the 	<p>Consider County General Plan USB.</p> <p>Consider applicable annexing agency General Plan policies and programs.</p> <p>Support local Open Space District.</p> <p>LAFCo requests Board of Supervisors to initiate city community separator discussions.</p> <p>Procedure for Transfer of Development Rights (TDR)</p>
----------------------------------	--	--

Attachment A

Sonoma (cont.)	county to protect the open-space character of community separators.	
Sutter	Has not adopted any specific policies with regard to agricultural preservation. Adhere to CKH.	Defer to local land use agencies – county and two cities.
Yolo	Policies are presently being revisited.	Your staff will continue to collaborate w/Yolo staff in policy development.