### LOCAL AGENCY FORMATION COMMISSION OF YOLO COUNTY

#### **OUT OF AGENCY SERVICE REVIEW**

Adopted December 4, 2014

I. BACKGROUND - Government Code §56133 requires that districts and cities obtain LAFCo approval of any new or extended services outside the agency's existing boundaries.

For LAFCo to approve the request, (1) the area to be served must be within the sphere of influence of the agency, and (2) annexation of the territory is anticipated. LAFCo may also authorize extended services outside an agency's sphere of influence (SOI) to respond to an existing or impending public health or safety threat (i.e. failing well or septic system).

The following services are exempt from this code section:

- Contracts or agreements solely involving two or more public agencies where the public service to be provided is an alternative to, or substitute for, public services already being provided by an existing public service provider and where the level of service to be provided is consistent with the level of service contemplated by the existing service provider.
- Contracts for the transfer of nonpotable or nontreated water.
- Contracts or agreements solely involving the provision of surplus water to agricultural lands and facilities, including, but not limited to, incidental residential structures, for projects that serve conservation purposes or that directly support agricultural industries. Approval from the LAFCo Commission is required before any surplus water is provided to a project that will support or induce development.
- Service that a city or district was providing on or before January 1, 2001.
- ❖ A local publicly owned electric utility, as defined by Section 9604 of the Public Utilities Code, providing electric services that do not involve the acquisition, construction, or installation of electric distribution facilities by the local publicly owned electric utility, outside of the utility's jurisdictional boundaries.

LAFCo approval of out-of-agency agreements is a discretionary action under the California Environmental Quality Act (CEQA).

- II. INITIATION OF PROCESS Government Code § 56133 specifies that a city or special district must apply for and obtain LAFCo approval before providing new or extended services outside its jurisdictional boundaries. Initiation of the process can also be made by application from the prospective recipient of the services with agreement of the agency (Community Water Coalition v. Santa Cruz County LAFCo, 200 Cal. App. 4th 1317 (2011).
- III. **STANDARDS OF EVALUATION** LAFCo will consider the following factors to determine the local and regional impacts of proposed out of agency services:
  - a) Whether annexation is a reasonable and preferable alternative to LAFCo allowing extended services outside the agency's jurisdictional boundaries.

- b) The growth inducing impacts of any proposal.
- c) Whether the proposed extension of services promotes logical and orderly development of areas within the SOI (i.e. islands, strips and corridors are disfavored).
- d) The agreed upon timetable and stated expectation for annexation to the agency providing the requested service.
- e) The proposal's consistency with the policies and plans of all affected agencies.
- f) The ability of the local agency to provide service to the proposed area without detracting from current service levels.
- g) Whether the proposal contributes to the premature conversion of agricultural land or other open space land.
- h) Whether the proposal conflicts with or undermines adopted Municipal Service Review determinations and/or recommendations.
- i) Other factors determined to be relevant by the LAFCo Commission or staff.
- IV. CONDITIONS OF APPROVAL LAFCo's authorization for extended services shall generally be valid up to one year from the date of approval and will expire unless a contract has been executed and construction commenced. If the extended services are part of an overall development proposal, the authorization shall generally be valid per the term specified by the lead agency project approvals, unless otherwise specified in the LAFCo conditions of approval.
- V. EMERGENCY CONNECTIONS In circumstances presenting an imminent peril to the public health and safety (e.g. a failing well or septic system), the Executive Officer will review the request immediately and depending on the specific nature of the problem and need for immediate action either issue a temporary approval, or defer the matter to the Commission's next meeting. If the Executive Officer gives temporary approval such approval shall only be in effect until the Commission's decision. Yolo LAFCo acknowledges that the Standards of Evaluation will not apply to emergency connections in most cases.

#### VI. DEFINITIONS

"New or Extended Services" – In determining whether out of agency services are considered "new or extended", Yolo LAFCo defines "new or extended" in terms of geographical area/territory. If a specific service (i.e. water or sewer) has been authorized outside agency boundaries to a specified territory (either by grandfathered status prior to January 1, 2001 or by subsequent LAFCo approval) a new contract for the same service within the same territory does not require additional LAFCo review.

## **Yolo Local Agency Formation Commission**

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# **APPLICATION: OUT OF AGENCY SERVICE REVIEW**

Agency making Application:					
Contact Person					
Address					
City	ate Zip				
Phone Email					
Landowner					
Address					
City	ate Zip				
Phone Email					
Property Address					
City	, CA Zip				
Parcel (s)					
Please complete all relevant questions:					
1. Is the territory within the Agency's Sphere of Influence? Yes ONo O					
2. Type of service to be provided?					

3.	Please discuss the reason for the service agreement/contract. Explain why a jurisdictional change is not possible at this time. (Indicate if this is an emergency health and safety situation).				
4.	. Is reorganization of the territory anticipated at some future time? $  \bigcirc   Yes   \bigcirc   No $				
	If yes, when?				
5.	5. If reorganization is contemplated, does the contract address this factor? $\bigcirc$ Yes $\bigcirc$ No				
	If yes, how?				
6.	. If development is proposed, please provide a description of the project.				
7.	7. Is the project approval ministerial?   Yes   No  If the project approval is discretionary, attach all supporting development documenta tion including but not limited to:				
	Development approval?		Resolution attached?		
	☐ Tentative Map and Conditions		General Plan Amendment		
	☐ Specific Plan		Subdivision Map or Parcel Map		
	Rezoning		Other		
8.	Please provide a detailed description of how services are to be extended to the property.				
Distance for connection:					

Cost of Improvement:
How is financing to occur?
ENVIRONMENTAL REVIEW
Please include a copy of environmental review conducted for the project. If exempt, please provide a copy of the Notice of Exemption.
MAPS
Please provide a vicinity map showing the property, district or city boundary, district or city sphere, and relevant proposed and existing infrastructure.
AGREEMENT/CONTRACT
Please attach a copy of the proposed agreement or contract.
Date Completed
Ву