

MARIN LOCAL AGENCY FORMATION COMMISSION

RESOLUTION NO. 01-24

RESOLUTION ADOPTING REVISED TEXT OF THE DUAL ANNEXATION POLICY

WHEREAS, the Marin Local Agency Formation Commission adopted the Dual Annexation Policy on July 13, 1977, to enhance the orderly development of local government agencies; and

WHEREAS, the Dual Annexation Policy has been reviewed and amended from time-to-time since that date; and

WHEREAS, most recently, the Commission undertook the *Novato Area Boundary Policy Study*, which examined in detail the function and implications of the Dual Annexation Policy in the most rapidly growing area of Marin County; and

WHEREAS, said Commission and its appointed Subcommittee has worked to engage affected cities and special districts in its discussion and held public workshops and hearings concerning the Dual Annexation Policy,

WHEREAS, notice of public hearing on amendments to the Dual Annexation Policy was published on December 1, 2000 and continued through October 11, 2001, during which time the Commission received and considered public testimony on amendments to the text of the Dual Annexation Policy,

NOW, THEREFORE, BE IT RESOLVED, that the revised text of the Dual Annexation Policy, attached to this Resolution as Exhibit "A" and incorporated herein, is adopted for the guidance of the Commission, its staff, and persons, agencies and groups coming before the Commission in preparing, evaluating and processing proposals for changes of local government boundaries and organization.

PASSED AND ADOPTED by the Marin County Local Agency Formation Commission on this 13th day of October, 2001, by the following votes:

AYES: Commissioners Bach, Blanchfield, Chapman, Heller, Murray and Rodoni

NOES: None

ABSENT: Commissioner Kress


JEFFRY BLANCHFIELD, Chairperson

ATTEST:


PETER V. BANNING, Executive Officer

DUAL ANNEXATION POLICY
(Rev. October 11, 2001)

Dual Annexation Policy

Annexations of unincorporated land to special districts that provide services necessary for urban development shall require concurrent or subsequent annexation to a city if the land is located within the city's sphere of influence. The Commission may, however, defer the requirement for annexation to the city if the Commission determines that each of the following conditions has been met:

1. The County Board of Supervisors has adopted plans or policies specifically for the subject area that support the extension of urban services (e.g., community plan or designated urban service area); and
2. All affected agencies have been notified and given adequate time to review and comment on the proposed annexation; and
3. Application of the policy at the present time would result in illogical boundaries or inefficient provision of local services.

The purposes of this policy are to allow the Commission to:

1. Encourage orderly growth and development by determining logical and timely boundary changes of local agencies.
2. Make boundary decisions in the long-term best interests of the efficient delivery of local services and the assignment of appropriate local political responsibility for those services pursuant to Government Code 56001.¹
3. Provide for the orderly implementation of adopted city and special district spheres of influence.
4. Restrict extension of urban services to areas within cities or to unincorporated areas where County-adopted planning policies support provision of urban services for that area.

Legislative Authority

Government Code Section 56844 and its subsections give LAFCO broad authority to add conditions to the approval of boundary changes:

Any change of organization or reorganization may provide for, or be made subject to one or more of, the following terms and conditions.

....

(o) The initiation, conduct, or completion of proceedings on a proposal made under, and pursuant to, this division.

....

(v) Any other matters necessary or incidental to any of the terms and conditions specified in this section.

Policy Application

The Dual Annexation Policy will be applied to annexations and reorganizations affecting property located within a city's sphere of influence.

Implementation of this policy may be deferred at the discretion of the Commission through the use of an agreement between the city and the property owner providing for future annexation by the city. Approval of such boundary changes will comply with this policy upon execution of such an agreement.

Procedure

LAFCO staff shall provide written notice to affected agencies of the applicability of the Dual Annexation Policy with a request for agency comment on the proposal. Additional time (within timeframes specified in the Cortese-Knox-Hertzberg Act) will be extended for response by the affected city council if requested.

Applicants may comply with the Dual Annexation Policy in one of two ways:

1. Filing application for a reorganization that includes annexation to both the special district and the city, or
2. Filing application for district annexation only with a request for deferral of the Dual Annexation Policy. If the proposal is approved, the Commission may attach conditions providing for city annexation at a later date.

Request for Delayed Implementation

1. Applicants seeking delayed implementation of the policy shall make the request in writing at the time of application and state the reasons in support of the request.
2. The applicant's request for deferral will be circulated to all affected agencies for comment for a minimum of 60 days. LAFCO staff will extend the comment period for an additional 30 days at the request of an affected agency.
3. The Commission will give great weight to the comments of any affected agency objecting to the action.
4. Applicants will retain the option of amending their proposal up to the issuance of the Certificate of Filing (scheduling a hearing before LAFCO) for the proposal.

¹ Government Code Section 56001, as amended, reads in part: ". . . The Legislature recognizes that urban population densities and intensive residential, commercial, and industrial development necessitate a broad spectrum and high level of community services and controls. The Legislature also recognizes that when areas become urbanized to the extent that they need the full range of community services, priorities are required to be established regarding the type and levels of services that the residents of an urban community need and desire; that community service priorities be established by weighing the total community service needs against the total financial resources available for securing community services; and that those community service priorities are required to reflect local circumstances, conditions, and limited financial resources. The Legislature finds and declares that a single multipurpose governmental agency is accountable for community service needs and financial resources and, therefore, may be the best mechanism for establishing community service priorities especially in urban areas. Nonetheless, the Legislature recognizes the critical role of many limited purpose agencies, especially in rural communities. The Legislature also finds that, whether governmental services are proposed to be provided by a single-purpose agency, several agencies, or a multipurpose agency, responsibility should be given to the agency or agencies that can best provide government services.