LAFCo as a Regional Partner: New Perspectives & Best Practices
October 28, 2011
Sacramento

Welcome
Introductions
Overview of Course

Kate McKenna, AICP, Executive Officer, Monterey LAFCo and Deputy Executive Officer, CALAFCO

Kathleen Rollings-McDonald, Executive Officer, San Bernardino County LAFCo

Lessons Learned When Planners Fail to Protect Open Space, Preserve Agricultural Land Resources and Discourage Urban Sprawl

Brian Leahy
Assistant Director, Division of Land Resource Protection
State of California Department of Conservation
LAFCo Objectives

- To Encourage the Orderly Formation of Local Governmental Agencies.
  
  * LAFCos review proposals for the formation of new local governmental agencies and for changes in the organization of existing agencies. There are 58 LAFCos working with nearly 3,500 governmental agencies (400+ cities, and 3,000+ special districts).

LAFCo Objectives

- Agency boundaries are often unrelated to one another and sometimes overlap at random, often leading to higher service costs to the taxpayer and general confusion regarding service area boundaries. LAFCo decisions strive to balance the competing needs in California for efficient services, affordable housing, economic opportunity, and conservation of natural resources.

LAFCo Objectives

- To Preserve Agricultural Land Resources.
  
  * LAFCo must consider the effect that any proposal will produce on existing agricultural lands. By guiding development toward vacant urban land and away from agricultural preserves, LAFCo assists with the preservation of our valuable agricultural resources.
LAFCo Objectives

- To Discourage Urban Sprawl.
  - Urban sprawl can best be described as irregular and disorganized growth occurring without apparent design or plan. This pattern of development is characterized by the inefficient delivery of urban services (police, fire, water, and sanitation) and the unnecessary loss of agricultural resources and open space lands.

LAFCo Objectives

- To Discourage Urban Sprawl.
  - By discouraging sprawl, LAFCo limits the misuse of land resources and promotes a more efficient system of local governmental agencies.
  - Since 1963 California has grown by approximately 20 million people placing amazing pressures on its natural resources and infrastructure.
Infrastructure

Electric Facilities and Solar Facilities

California Land Conservation Act of 1965: The Williamson Act
The Williamson Act: Intent And Purposes

- Maximum preservation of the State’s limited agricultural lands to assure sufficient food.
- Housing support for agricultural workers.
- Discourage premature urbanization of agricultural land.

The Williamson Act: Intent And Purposes

- Recognition of open space and recreational uses of agricultural land (§51205), including
- Preservation of wildlife habitat and scenic corridors.

Farmland Provides Basic Human Energy Needs

Photosynthesis

Food provides energy needs for the human body
Solar Sitting on Marginal Land

Multi-Benefits of Agricultural Land

Ecosystem Services: The Benefits People Obtain From Ecosystems

ECOSYSTEM SERVICES

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<th>Regulating</th>
<th>Cultural</th>
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<td>BIODIVERSITY</td>
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<td>NURTURING</td>
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Ground Water Recharge Area

How much aggregate do we use?

2008 Construction Aggregate Production:

Annual per Capita Consumption:

Irwindale's Rock Aggregate Processing Plants and Quarries
Ecosystem Services in a Complex World

Farmland Mapping and Monitoring Program Most Recent Report on Conversion of Farmland
- Between 2006-2008, 203,011 acres of irrigated farmland were idled of which 98,471 acres were classified as Prime Farmland. 72,548 acres converted to new urbanization.

Farmland Mapping and Monitoring Program Most Recent Report on Conversion of Farmland
- Over 1.3 million acres have been converted to other uses in the past 24 years.
The Strategic Growth Council

Scope and Objectives

- The Strategic Growth Council (Council) is charged with developing a process to coordinate state agency activities so they assist and support the planning and development of sustainable communities which strengthen the economy, ensure social equity, and enhance environmental stewardship.

The Strategic Growth Council

Scope and Objectives

- These activities include:
  - Improving air and water quality.
  - Protecting natural resource and agriculture lands.
  - Promoting public health.

The Strategic Growth Council

Scope and Objectives

- These activities include:
  - Increasing the availability of affordable housing.
  - Improving infrastructure systems.
  - Revitalizing urban and community centers and.
The Strategic Growth Council
Scope and Objectives

- These activities include:
  - Assisting state and local entities in meeting AB 32 goals.

Strategic Growth Council Planning
Grant Program Objectives

- Improve air and water quality.
- Promote public health.
- Promote equity.
- Increase housing affordability.
- Promote infill and compact development.
- Revitalize urban and community centers.

Strategic Growth Council Planning
Grant Program Objectives

- Protect natural resources and agricultural lands.
- Reduce automobile usage and fuel consumption.
- Improve infrastructure systems.
- Promote water conservation.
- Promote energy efficiency and conservation.
- Strengthen the economy.
Planning for Change

Current 2050

MAR PNNL/SIO

Questions?

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Break

The Opportunities and Responsibilities for Regional Leadership from LAFCos

Heather Fargo, Executive Policy Officer, California Strategic Growth Council

Who is the Strategic Growth Council? What Do We Do?

- Established in 2008 by SB 732 (Steinberg).
  - Started meeting in 2009.

- Six Governor Appointed Council Members.
  - Secretaries for EPA, HHS, CNRA, BTH, Director of OPR, Public Member.

- Three Staff, many task forces, working groups, contracts.
Funding From Proposition 84

Four Legislative Mandates

- Identify and review activities and programs of member agencies to coordinate for more sustainability.
- Assist local communities with data and information – sustainable communities learning network.

Funding From Proposition 84

Four Legislative Mandates

- Manage Grant Programs (Modeling, Planning, Greening).
- Advise Legislature and Governor.

SGC Purpose and Objectives

- Improve Air and Water Quality.
- Protect Natural Resources and Agricultural Land.
- Increase Availability of Affordable Housing.
- Improve Transportation and Reduce Greenhouse Gas Emissions.
SGC Purpose and Objectives

- Promote Public Health.
- Revitalize Urban and Community Center.
- Encourage Sustainable Land Use Planning and Greater Infill.

Really About Quality of Life for California Communities and Helping Local Government Do Better Planning.

And, What Are LAFCos Supposed To Do?

- According to the CALAFCo Website, we have a lot in common.
- LAFCos are to:
  - Encourage the Orderly Growth of Government Agencies.
  - Preserve Agricultural Land.
  - Discourage Urban Sprawl.
  - To Assure Efficient Local Government Service.
Our mandate includes all of your list directly or indirectly.
- So we should support each other!

- We are both really state agencies with very serious and similar mandates.

- I mentioned before that we have given grants for planning in 50 cities, counties and regional agencies.

- We are big on collaboration, and non collaborating applicants probably won't get funded, and won't be as successful without working with other agencies including you.

- LAFCos were listed as partners in four of those grants as part of a coordinated planning framework.

- Butte LAFCo - listed as partner, and included in Work Plan to help evaluate service capacity.
- SLO LAFCo - listed as partner, will help measure fiscal impacts of regional vs. traditional development, evaluate capabilities of jurisdictions to serve existing and future residents, and use their municipal service reviews.

- Santa Barbara LAFCo - is on technical planning advisory committee, a partner, and will help identify tools to promote economic development and reduce greenhouse gas emissions.

- LAFCos should be involved in the development of the regional Sustainable Communities Strategies required by SB375.
  - Growth strategies should be aligned with Spheres of Influence.
• LAFCos should be involved in saving farmland and reduce sprawl.
  • Critical role where you can make some noise and make a real difference.
  • If the soil, water, and weather are there, agriculture may just be the "highest and best use."

• How do we know if we are making a difference?
  • Regional Indicators.
    • Regional Progress Report.

• We are also gathering data which will be available to anyone - free of charge.
  • Parcel data and protocols with Board of Equalization and CA Technology Agency.
  • Vegetative Mapping in Sacramento Valley with Fish and Game and Chico State University.
Healthy Communities Indicators with San Francisco State University and Department of Public Health.

This data along with your own is valuable and critical information that should help with your decisions and with helping your locally elected officials in making their decisions.

Resources

- [www.sgc.ca.gov](http://www.sgc.ca.gov)
- Look at our Grant Guidelines.
- While you are not eligible, you can see where you can help your local jurisdictions with Planning and Greening.
Questions?

California
Strategic Growth Council

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Taking Your Hat Off At The Door:
Opportunities and Challenges for LAFCos as Regional Partners

Christopher P. Tooker,
Commissioner & Chair,
Sacramento County LAFCo
LAFCo Balancing Mandate

- The origins of LAFCo as a "watchdog" over local governments.
- LAFCos unique structure: Taking your hat off at the door.
- The mandate: LAFCos are responsible for processing changes of organization and other proposals pursuant to the requirements of the "CKH Act" in furtherance of the State's policy of:

LAFCo Balancing Mandate

- "discouraging urban sprawl, preserving open-space and prime agricultural lands, efficiently providing governmental services, and encouraging the orderly formation and development of local agencies based upon local conditions and circumstances."

Overview of LAFCo Planning and Regulatory Processes

- Spheres of Influence
  - LAFCos "plan for the probable physical boundaries and service area of a local agency."
  - LAFCos are required to:
    - "Develop and determine" the sphere of influence of each local agency within its jurisdiction.
Overview of LAFCo Planning and Regulatory Processes

- Spheres of Influence (continued)
  - Review and update, as necessary, each Sphere of Influence every 5 years.
  - Hold a noticed public hearing prior to adopting, amending or revising a sphere of influence.

Overview of LAFCo Planning and Regulatory Processes

- Spheres of Influence (continued)

  LAFCos are also required to:

  - Consider and prepare a written statement of its determinations with respect to each of the following:
    - The present and planned land uses in the area, including agricultural and open-space lands.

Overview of LAFCo Planning and Regulatory Processes

- The present and probable need for public facilities and services in the area.

- The present capacity of public facilities and adequacy of public services that the agency provides or is authorized to provide.
Overview of LAFCo Planning and Regulatory Processes

- The existence of any social or economic communities of interest in the area if the commission determines that they are relevant to the agency.

Overview of LAFCo Planning and Regulatory Processes

- For special districts:
  - LAFCo must require districts to identify "the functions or classes of services provided," and "establish the nature, location and extent of any functions or classes of services provided."

Overview of LAFCo Planning and Regulatory Processes

- LAFCos must:
  - Generally require that a change of organization or reorganization is consistent with the Sphere of Influence(s) of the affected agencies.
  - Consider the non-exhaustive list of factors set out in the CKH Act.
Overview of LAFCo Planning and Regulatory Processes

LAFCos may:

- Approve any proposal with or without conditions.

Overview of LAFCo Planning and Regulatory Processes

Annexations

- "The annexation, inclusion, attachment or addition of territory to a city or a district."
- Must be consistent with the Sphere of Influence of the affected city or district.

Overview of LAFCo Planning and Regulatory Processes

Annexations

- Concurrent Annexation/ Sphere of Influence Amendment.

- LAFCos are required to require that a city prezone territory prior to considering an annexation of the territory to the city.
Overview of LAFCo Planning and Regulatory Processes

- Annexations
  - Additional requirements apply to Unincorporated Island Annexations, annexations involving Williamson Act contracts, and territory within Farmland Security Zones.

Overview of LAFCo Planning and Regulatory Processes

- Incorporations
  - “The incorporation, formation, creation, and establishment of a city with corporate powers.”
  - Any area to be incorporated must have at least 500 registered voters.

Overview of LAFCo Planning and Regulatory Processes

- Incorporations
  - In addition to the general factors that must be considered for all proposals, LAFCos must also:
    - Prepare or cause to be prepared a comprehensive fiscal analysis.
Overview of LAFCo Planning and Regulatory Processes

- Incorporations
  - Make determinations on property tax exchanges, Sphere of Influence (within one year of the effective date), make findings regarding revenue neutrality, and specific findings applicable only to incorporations.

Overview of LAFCo Planning and Regulatory Processes

- Incorporations
  - LAFCo's resolution making determinations must also specifically accept or reject "each of the findings and recommendations made in the executive officer's report and the fiscal analysis."

Overview of LAFCo "Tools": Municipal Service Reviews

- If an update or the adoption of an initial Sphere of Influence is involved, LAFCo must conduct a "Municipal Service Review" and make the following determinations:
  - Growth and population projections for the affected area.
Overview of LAFCo "Tools": Municipal Service Reviews

- Present and planned capacity of public facilities and adequacy of public services, including infrastructure needs or deficiencies.
- Financial ability of agencies to provide services.

Overview of LAFCo "Tools": Municipal Service Reviews

- Status of, and opportunities for, shared facilities.
- Accountability for community service needs, including governmental structure and operational efficiencies.
- Any other matter related to effective or efficient service delivery, as required by LAFCo policy.

Overview of LAFCo "Tools": Municipal Service Reviews

- In conducting a service review, LAFCo shall comprehensively review all of the agencies that provide the identified service or services within the designated geographic area.
Overview of LAFCo “Tools”: Environmental Impact Reports

- LAFCos role in implementing CEQA depends on the type of proposal before the Commission.
  - In some instances LAFCos serve as the lead agency and must prepare the EIR.
  - In others, LAFCos are responsible agencies and need only consult on preparation of an EIR.

Overview of LAFCo “Tools”: Environmental Impact Reports

- Whatever role a LAFCo serves, its actions are often challenged on grounds it failed to comply with CEQA.

Overview of LAFCo “Tools”: Special Studies

- Government Code section 567378: In addition to its other powers, the commission shall initiate and make studies of existing governmental agencies ...
Overview of LAFCo “Tools”:
Factors

- LAFCo must consider the non-exhaustive list of factors set out in Government Code section 56668 in making determinations.
- Additionally LAFCo may, “but is not required to consider regional growth goals and policies” as set out in Government Code section 56668.5.

Overview of LAFCo “Tools”:
LAFCo Policies

- To encourage the orderly and efficient growth of government agencies.
- To preserve open space and agricultural lands.
- To discourage urban sprawl.
- To ensure efficient local government agencies provide appropriate levels of services.

LAFCo Imposes Terms and Conditions to Implement Public Policies

- LAFCo may conditionally approve any proposal to effectuate the important policies they are charged with implementing.
  - There is no consensus on how broad the authority to impose terms and conditions is.
LAFCo Imposes Terms and Conditions to Implement Public Policies

- Some argue it is restricted to fiscal, tax, governance and service issues.
- Others claim it is as broad as necessary to implement public policies.

LAFCo Imposes Terms and Conditions to Implement Public Policies

- The extent to which a LAFCo is willing to condition approval will vary from Commission to Commission and usually depend on the individual members of a Commission.

Limits on LAFCo Terms & Conditions

- Most Importantly LAFCo Cannot:
  - Directly regulate land use density or intensity, property development, or subdivision requirements.
  - While there is a debate over what direct regulation of land use includes, most LAFCOs concur that a Commission may not mandate how a particular parcel of land must be used.
Limits on LAFCo Terms & Conditions

- Other More Specific Limitations Include:
  - Disapprove annexations by resolutions of contiguous territories in unique circumstances.
  - Impose conditions on the standards or frequency of existing road maintenance in annexed territories.

Limits on LAFCo Terms & Conditions

- Other More Specific Limitations Include:
  - Require improvement of a public facility not owned by the proposing agency.
  - Approve annexation of land within a farmland security zone except in certain instances.

Limits on LAFCo Terms & Conditions

- Approve annexation of tidelands or submerged lands without approval of the States Land Commission.
- Make additions or deletions to proposals that materially alter the general nature of the proposal.
Terms & Conditions That May Be Imposed

- Payment of monies to acquire, transfer or use real or personal property of a public agency.
- Require formation of a new district.
- Require the issuance or sale of any bonds.

Terms & Conditions That May Be Imposed

- Continuation or provision of services.
- Fixing and establishment of priorities of use, or right of use, of water.
- Disposition, transfer, or division of any moneys or funds.

Terms & Conditions That May Be Imposed

- Employment, transfer, or discharge of employees.
- Designation of successor agencies.
- Approval subject to an election.
- Mitigation of negative fiscal effects of incorporations.
Terms & Conditions That May Be Imposed

- Subject to the completion of another change or organization or reorganization.

Terms & Conditions That May Be Imposed

Many LAFCos impose additional terms and conditions that effectuate the public policies they are charged with implementing even without the express authority to do so. While some experts disagree, this power is implied from the Legislative mandate given to LAFCos.

Preservation of Open Space and Agricultural Lands

- Terms requiring preservation of open space and agricultural lands most often require a certain amount of land be preserved.
  - LAFCos may not designate which parcels must be preserved; this would directly regulate land use.
Preservation of Open Space and Agricultural Lands

- Sacramento LAFCo imposed a condition on the City of Folsom when amending its SOI to set aside a specific amount of land (30%) as open space and agricultural lands as part of any future annexation proposal.

Preservation of Open Space and Agricultural Lands

- Yolo LAFCo has a policy in place that requires the applicant to obtain an acre of agricultural easement for each acre of agricultural land lost to development.

Preservation of Open Space and Agricultural Lands

- Sacramento LAFCo required the City of Sacramento, as a condition of approving an annexation, preserve an acre of land as open space or agricultural land, for every acre developed.
Water Terms and Conditions

- LAFCo may impose terms and conditions related to water in any public improvements or facilities or any other property, real or personal, including:
  - Priority of use;
  - Right of use; or
  - Capacity rights.

Water Terms and Conditions

- LAFCo cannot modify water rights fixed or established by a court or State Water Resources Control Board order.
- Because of the sensitive nature of water rights, any term or condition relating to water must be carefully researched and supported with strong factual findings.

Water Terms and Conditions

- One case set aside a LAFCo condition that de-annexed territory would no longer have to pay taxes and assessments to the former water district because the water district was created by a specific state statute that mandated continued payment, even after detachment.
CEQA Terms and Conditions

- LAFCos often consider EIIs and impose mitigation measures as a condition of approval to ensure environmental impacts are successfully mitigated.

- When a LAFCo is the lead agency, some argue that imposing mitigation measures are mandated by CEQA.

CEQA Terms and Conditions

- Whether a LAFCo must impose mitigation measures when it is a responsible agency is also open to debate.

- Sacramento LAFCo has consistently included mitigation measures as conditions of approval when approving incorporations and recent annexations, including:

CEQA Terms and Conditions

- City of Sacramento's annexation of approximately 570 undeveloped acres (2008).
- Incorporation of the City of Rancho Cordova (2002).
- Incorporation of the City of Elk Grove (2000).
Strategies for Developing Effective and Defensible Terms and Conditions

- Include findings that specify the statutory authority authorizing the term or condition or public policy implemented by the term or condition.
- Include detailed factual findings supporting the term or condition.

Strategies for Developing Effective and Defensible Terms and Conditions

- Adopt Commission specific policies and procedures to support future terms and conditions.
- If a term or condition is controversial work to get the applicant's support.

Opportunities as Regional Partners

- LAFCo has a broad "balancing mandate" which can be carried out more effectively by considering related policy objectives of regional agencies.
- LAFCo has broad authority to consider the concerns and requirements of regional agencies in its planning and decision making.
Challenges as a Regional Partner: Critical Issues Facing LAFCo's

<table>
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<tr>
<th>Issue</th>
<th>Responses</th>
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<tr>
<td>Wastewater Capacity and Water Supply</td>
<td>38 12.71%</td>
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<td>&quot;Next Round&quot; of MSR's and SOI Updates</td>
<td>30 10.03%</td>
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<td>Sustainability of local agency services</td>
<td>48 16.05%</td>
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<td>Provision of other Public services (i.e., fire ...)</td>
<td>20 6.69%</td>
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<td>Cities and Districts in fiscal distress</td>
<td>46 15.38%</td>
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<td>Well defined Agricultural Policies</td>
<td>20 6.69%</td>
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<td>Disadvantaged Communities</td>
<td>9  3.01%</td>
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<tr>
<td>Infrastructure maintenance, upgrades and financ...</td>
<td>31 10.37%</td>
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<td>Regionalization of Planning</td>
<td>20 6.69%</td>
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<td>Dissolution/Consolidation of Local Agencies</td>
<td>37 12.37%</td>
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<td>Totals</td>
<td>299 100%</td>
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Challenges as a Regional Partner: Critical Issues Facing LAFCo's

- Wastewater Capacity and Water Supply (12.37%)
- "Next Round" of MSR's and SOI Updates (12.71%)
- Sustainability of local agency services (10.03%)
- Provision of other Public services (6.69%)
- Cities and Districts in fiscal distress (6.69%)
- Well defined Agricultural Policies (6.69%)
- Disadvantaged Communities (3.01%)
- Infrastructure maintenance, upgrades and finances (31)
- Regionalization of Planning (20)
- Dissolution/Consolidation of Local Agencies (37)

Challenges as a Regional Partner: How Often Does Your LAFCo Interact with Regional Agencies?

<table>
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<td>Frequently</td>
<td>23 23%</td>
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<tr>
<td>Infrequently</td>
<td>22 22%</td>
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<tr>
<td>Only when consultation requires</td>
<td>38 38%</td>
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<tr>
<td>Not at all</td>
<td>17 17%</td>
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<tr>
<td>Totals</td>
<td>100 100%</td>
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</table>

- Frequently (23)
- Infrequently (22)
- Only when consultation requires (38)
- Not at all (17)

- Totals 100
Questions?

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Break
Overview

- Tulare County's unique situation.
- Links between LAFCO, RTPs and SCSs.
- Regional collaboration in Tulare County and the San Joaquin Valley.

TCAG / Tulare County LAFCO

- Tulare County LAFCO elected to transfer staff services from the County's Planning Department to the Tulare County Association of Governments (TCAG) effective July 1, 2010.
- TCAG is an independent agency that is staffed by County employees.
What is TCAG? (Acronym Soup)

- TCAG is the Transportation Planning Agency for Tulare County.
- COG - Council of Governments.
- MPO - Metropolitan Planning Organization.
- RTPA - Regional Transportation Planning Agency.
- TCTA - Tulare County Transportation Authority.

Regional Transportation Plan

- A federally required long-term (at least 20 years) transportation planning document [23 CFR 450.322].
- Updated at least every 4 to 5 years.
- There are additional state requirements [GC section 65080].
- Are developed by RTPAs and MPO.

SB 375 / SCS

- SB 375 requires that every MPO develop a Sustainable Communities Strategy (SCS) to be included in the RTP.
- The California Air Resources Board has set greenhouse gas targets for all MPOs to meet (based on region).
**Links between LAFCOs and RTPs**

- GC section 56668(g) requires LAFCOs to consider the region's RTP.
- GC section 65080(b)(2)(F) requires MPOs to consider SOIs in the development of the SCS.

**Regional Development of the SCS**

- Coordination between the eight MPOs in the San Joaquin Valley.
- Coordination between LAFCos and MPOs (examples: Tulare and Stanislaus).

**Tulare County - Urban Development Boundaries**

- The County and the eight cities are in the process of developing MOUs that address tax sharing, developer impact fees and development standards in unincorporated areas near the cities.
- One of the goals is for the development of a common SOI, City 20-year UDB and County 20-year UDB for each city.
Tulare Lake Basin Water Study

- $2 million state planning grant to address drinking and wastewater needs for disadvantaged communities in the Tulare Lake Basin (Tulare, Kings, Kern and Fresno Counties).
- Data collection, outreach, implementing pilot projects.

California Partnership for the San Joaquin Valley

- Formed by executive order in 2005 to focus on improving the region's economic vitality and quality of life.
Questions?

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A Multi-County Region:
San Francisco Bay Area
LAFCos’ Experience

Mona Palacios
Executive Officer
Alameda LAFCo
First, our Bay Area Region:

- Home to more than 7,000,000 people
- 9 Counties
- 101 Cities and Towns

Nine Bay Area LAFCos:

- Alameda
- Contra Costa
- Marin
- Napa
- San Francisco
- San Mateo
- Santa Clara
- Solano
- Sonoma
Regional Agencies in our Area:
- Association of Bay Area Governments (ABAG)
- Metropolitan Transportation Commission (MTC)
- Bay Conservation and Development Commission (BCDC)
- Bay Area Air Quality Management District
- Regional Water Quality Control Board

Regional Opportunities
- Bay Area's Sustainable Communities Strategy (SCS)
- San Francisco LAFCo
- Statewide Fire Map Development

Questions?
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Break

Collaboration Between LAFCo, County Planning, & State Department Of Conservation, Mining & Geology

Kathleen Rollings-McDonald
Executive Officer
San Bernardino LAFCo
For more than three years San Bernardino LAFCo evaluated competing proposals which affected significant mining resources within our Mojave Desert Region.
The changes to protect this area adjusted the spheres around the mineral resource zone.

However, after three years of review and discussion the Congress is again pursuing an agreement related to this area. Originally the bill was sponsored by Congressman "Buck" McKeon and is now been pushed by Senator Boxer - Senate Bill 759. It would again impact these mineral resources.
Questions?

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Summary and Evaluation