



Lou Ann Texeira
 Executive Officer

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September 11, 2019 (Agenda)

Sept 11, 2019
 Agenda Item 11

Contra Costa Local Agency Formation Commission
 651 Pine Street, Sixth Floor
 Martinez, CA 94553

Policies and Procedures Update

Dear Members of the Commission:

This is a report from the LAFCO Policies & Procedures Committee.

In 2014, Contra Costa LAFCO adopted policies relating to islands. Since then, there have been non-substantive changes to the island statutes (Government Code section 56375.3).

The Committee recommends minor amendments to ensure consistency with current statutes. Also, the Committee recommends adding a reference to Government Code section 56744 relating to restrictions regarding the creation of islands to enhance the LAFCO island policy.

RECOMMENDATION: Approve proposed amendments to Section 2.1 Policies and Standards – Section E. Island Annexation Policies.

Respectfully submitted,
Don Blubaugh and Chuck Lewis

Attached – Contra Costa LAFCO Policies & Procedures - Section 2.1 Policies and Standards Section E. Island Annexation Policies. Section 1.4

E. Island Annexation Policies

1) General Policies

Recognizing that cities are the most logical providers of municipal services, and that unincorporated islands can be more effectively and efficiently served by surrounding cities, LAFCO is committed to the annexation of urban island areas.

LAFCO will collaborate with the County and cities in facilitating annexation of unincorporated urban islands.

LAFCO encourages the County and cities to coordinate development standards in urban island areas to facilitate the annexation of urban islands.

The Government Code contains special provisions for annexing small islands, which facilitate the annexation of islands of less than 150 acres (§56375.3).

In the interest of orderly growth and development, cities should annex urban unincorporated islands within their current SOIs before seeking to add new lands to their boundaries.

2) Annexation of Small Islands

The Legislature has delegated to local LAFCOs the authority to determine the boundary of any proposal. The purpose of this section is to recognize and harmonize existing legislation with a June 1, 2012, Opinion of the California Attorney General [95 Ops. Cal. Atty. Gen. 16 (2012)] regarding island annexations under Government Code section 56375.3. This policy will apply to the annexation of islands that were created prior to January 1, 2014 pursuant to only until January 1, 2014, unless Government Code sections 56375.3(a)(1)(A), or a successor statute, is amended to apply to changes of organization initiated on or after January 1, 2014 and 56375.4.

- a) Whether unincorporated territory is an “island,” an “entire island or entire unincorporated island,” “part of a larger island,” “surrounded,” or “substantially surrounded,” 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.
- b) 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).
- c) 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).
- d) The following factors may be considered by the Commission in determining whether unincorporated territory is an integral or essential part of a large unincorporated island: (a) topography, (b) geography, (c) land uses, (d) infrastructure and (e) patterns of service delivery.

3) LAFCO is precluded from creating islands pursuant to Government Code section 56744 unless the Commission can make required findings pursuant to Government Code section 56375(m).