

Draft Resolution No.

111 Santa Rosa Avenue, Suite 240
Santa Rosa, California 95404

April 5, 2023

Resolution of the Sonoma Local Agency Formation Commission of the County of Sonoma, State of California, Authorizing the Executive Officer to apply a Blanket Authorization for the Extension of Public Services to Accessory Dwelling Units on Parcels Located within Specific Geographical Areas Outside of an Agency's Jurisdictional Boundary

Whereas, Prior to the State granting authority to LAFCOs over the extension of an agency's services outside of its boundary, extraterritorial services were provided through a variety of means, including infrastructure agreements and assessment districts; and

Whereas, Section 56133 of the California Government Code requires a city or district to obtain written approval from LAFCO to provide new or extended services by contract or agreement outside its jurisdictional boundary and

Whereas, In recent years, the California State legislature has passed a series of laws to remove barriers to the development of housing and has specifically addressed the development of Accessory Dwelling Units (ADUs) and

Whereas, The extension of new or additional extraterritorial utility services to these structures requires that LAFCO authorize an Outside Service Area Agreement (OSAA); and

Whereas, Many of the requests for the extension of service come from owners whose parcels are included within the boundary of a geographically defined agreement or assessment areas that was established prior to 2001 and

Whereas, The Commission adopted a policy formalizing the authority of the Executive Officer to review and approve or disapprove this extension of services through the authorization of Outside Service Area Agreements (OSAA) and

Whereas, At its March 1, 2023, meeting, the Local Agency Formation Commission of the County of Sonoma (Commission or LAFCO) was presented with a request from staff to consider a blanket authorization for the extension of the existing public service(s) to Accessory Dwelling Units (ADUs) on parcels located within specific geographical agreement and assessment areas and

Whereas, After consideration of the matter, the Commission finds that a blanket authorization in these agreement and assessment areas will harmonize the

Commission's policy with State and local policies and it will provide clarity and increase efficiency; and

Whereas, The Commission finds this is not a project under Section 15061(b)(3) of the CEQA Guidelines and

NOW, THEREFORE, based on the foregoing findings and determinations and the record of these proceedings, the Commission hereby declares, and orders as follows:

1. The recitals set forth above are true and correct and incorporated into this resolution by this reference.
2. The Executive Officer is authorized to apply the blanket authorization for the extension of the existing public service(s) to Accessory Dwelling Units (ADUs) on parcels located within specific geographical agreement and assessment areas under the following conditions:
 - a. The parties to the agreements establishing the service area (e.g., the city and county) have determined in writing that extension of service to an ADU will not require an amendment to the existing agreements or require major infrastructure not contemplated by the existing inter-agency agreement and
 - b. The City has confirmed in writing that it is willing and has capacity to serve the extension of service to an ADU and
 - c. The County of Sonoma has confirmed in writing that the addition of an ADU on the parcel is legal.
3. The blanket authorization does not apply to the following:
 - a. The extension of a public service (e.g., water or sewer) not provided under the existing inter-agency agreement.
 - b. The extension of service to new parcels created from a lot split or other subdivision of the existing parcel.
 - c. The extension of service to a territory resulting from a lot line adjustment and/or the merging of a parcel, or portion thereof, located within the agreement area with one or more.
4. For all other unincorporated parcels with existing public service(s) or authorized OSAs, staff will continue to review and analyze requests for new or additional services to serve ADUs on a case-by-case basis using State law, the

Commission's policies, and the terms of existing inter-agency agreements, if any, for direction.

5. Nothing in this resolution shall be construed to mean that the Commission is waiving authority over extraterritorial service authorizations pursuant to California Government Code Section 56133.

THE FOREGOING RESOLUTION was introduced at a regular meeting of this Local Agency Formation Commission on the 5th day of April 2023 and ordered adopted by the following vote:

COMMISSIONERS:

AYES:
NOES:
ABSTAIN:

Whereupon, the Chairman declared the foregoing resolution adopted, and

So Ordered

Attest:

BY: _____ Date: _____
Mark Bramfitt, Executive Officer

The within instrument is a correct copy of the original on file in this office.

Attest:

BY: _____ Date: _____
Clerk