

Policy: Designation of Disadvantaged Unincorporated Communities

Policy

The Commission determines that a “disadvantaged unincorporated community” in Sonoma County is a community identified in the 2010 United States Census as a “Census Designated Place,” with an annual median household income that is less than 80 percent of the statewide annual median household income pursuant to Section 79505.5(a) of the Water Code. The disadvantaged unincorporated communities in Sonoma County are: Boyes Hot Springs, Cazadero, Glen Ellen, Guerneville, Monte Rio, Temelec and Valley Ford.

Although, currently, there are no disadvantaged unincorporated communities contiguous to or surrounded by a city in Sonoma County, it is the Commission’s policy to deny an application for annexation to a city of territory greater than 10 acres if there exists a disadvantaged unincorporated community that is contiguous to the area of proposed annexation, unless an application to annex the disadvantaged unincorporated community has been filed with the executive officer. An application for annexation of the disadvantaged community shall not be required if an application for the same disadvantaged unincorporated community has been made in the preceding five years or if the Commission finds, based on written evidence, that a majority of the registered voters within the affected territory are opposed to annexation.

The Commission determines that “written evidence,” as used in Government Code Section 56375(a)(8)(B)(ii), may be in the form of annexation sentiment survey results from registered voters of the disadvantaged unincorporated community. The survey mailing list should be provided to the Commission, and the annexation survey should include information explaining the costs and benefits of potential annexation with regard to services, land use, voting, etc. The survey must be completed no more than two years prior to the filing of the annexation proposal.

Legal Authority

The Commission is governed by the Cortese-Knox-Hertzberg Local Government Reorganization Act of 2000, as amended (Government Code §56000 et seq.) (“the Act”).

The Commission has both the power and duty to review and approve, with or without amendment, wholly, partially, or conditionally, or disapprove proposals for changes of organization or reorganization, consistent with written policies, procedures, and guidelines adopted by the Commission (Government Code §56375). The Commission may adopt standards for any of the factors enumerated in Government Code §56668. In approving or disapproving a proposed change of organization or reorganization, the Commission shall consider, as one of the factors, the effect of the proposed action and

of alternative actions on adjacent areas, on mutual social and economic interests, and on the local governmental structure of the County (Government Code §56668(c)).

With the passage of Senate Bill 244 (Wolk) in 2011, the state recognized the need to include “disadvantaged unincorporated communities” into existing cities, when possible. That end, the law states:

Section 56375 (A) Except for those changes of organization or reorganization authorized under Section 56375.3, and except as provided by subparagraph (B), a commission shall not approve an annexation to a city of any territory greater than 10 acres, or as determined by commission policy, where there exists a disadvantaged unincorporated community that is contiguous to the area of proposed annexation, unless an application to annex the disadvantaged unincorporated community to the subject city has been filed with the executive officer.

(B) An application to annex a contiguous disadvantaged community shall not be required if either of the following apply:

- (i) A prior application for annexation of the same disadvantaged community has been made in the preceding five years.*
- (ii) The commission finds, based upon written evidence, that a majority of the residents* within the affected territory are opposed to annexation.*

The law permits the Commission, by policy, to set the threshold that triggers the requirement to annex territory. This policy establishes the threshold for Sonoma LAFCO.

Government Code Section 56033.5 defines “disadvantaged unincorporated community” as

Inhabited territory, as defined by Section 56046, or as determined by commission policy, that constitutes all or a portion of a “disadvantaged community” as defined by Section 79505.5 of the Water Code.

The law also allows the Commission discretion to determine what constitutes the physical boundaries of a “disadvantaged community.” This policy provides definitive and identifiable communities.

Section 79505.5(a) of the Water Code provides that:

Disadvantaged community¹ means a community with an annual median

¹ As approved in AB 2698, the 2012 CALAFCO Omnibus Bill, this is changed to “registered voters” as of January 2013.

household income that is less than 80 percent of the statewide annual median household income.

Finally, using the 2010 Census and the benchmark for income standards, the Commission establishes definite criteria for determining the existing disadvantaged unincorporated communities.

Background and Discussion

In 2011, the Cortese-Knox-Hertzberg Act was amended, under Senate Bill 244 (Wolk), to require a number of actions by LAFCO.

- With few exceptions, the Commission cannot approve a proposal for annexation of territory greater than 10 acres or as determined by Commission policy if a disadvantaged unincorporated community is contiguous to the area proposed for annexation unless an application for annexation of the disadvantaged unincorporated community has been filed with the executive officer.
- In updating an agency's sphere of influence after July 1, 2012, the Commission must consider and prepare, as part of a written statement of determinations for a city or special district that provides public facilities or services that relate to sewers, municipal and industrial water, or structural fire protection, the present and probable need for those facilities and services of any disadvantaged unincorporated communities within the agency's existing sphere of influence.
- In conducting a Municipal Service Review, the Commission must prepare a statement of determinations, which includes the location and characteristics of any disadvantaged unincorporated community within or contiguous to an agency's sphere of influence and the present and planned capacity of public facilities, adequacy of public services, and infrastructure needs or deficiencies including needs or deficiencies related to sewers, municipal and industrial water, and structural fire protection in any disadvantaged, unincorporated communities within or contiguous to an agency's sphere of influence.

In determining what constitutes a "community" so as to then identify a "disadvantaged unincorporated community," the Commission could have considered the numerous neighborhoods and communities that exist throughout the County. However, although small neighborhoods may have more than 10 dwelling units in close proximity and are unincorporated, they typically are not considered a "community." There are in the County, however, 28 identified unincorporated island, fringe or legacy communities, all of which are designated as "census designated places" in the 2010 U.S. Census. These communities are stated in the Table 1.

Of these communities, the only unincorporated island community within or contiguous to the sphere of influence of any city is Roseland, within the sphere of influence of the City

of Santa Rosa. However, based on the definition as stated above, Roseland is not considered a “disadvantaged unincorporated community.” Because of the potential that Roseland or another community may, someday, qualify as a disadvantaged unincorporated community, the policy reflects the requirements of the law in confirming that 10-acre minimum and determination of “written evidence.”

Table 1. 2010 Census Designated Places

Bloomfield	Glen Ellen	Occidental
Bodega Bay	Graton	Penngrove
Bodega	Fulton	Roseland
Boyes Hot Springs	Geyserville	Salmon Creek
Carmet	Guerneville	Sea Ranch
Cazadero	Jenner	Sereno del Mar
El Verano	Kenwood	Temelec
Eldridge	Larkfield-Wikiup	Timber Cove
Fetters Hot Springs	Monte Rio	Valley Ford
Forestville		

The Commission believes that the purpose of the Wolk bill is to address the complex legal, financial, and political barriers that contribute to regional inequity and infrastructure deficits within disadvantaged unincorporated communities. When applied to Sonoma County, in many instances, it does not make sense. For example, Temelec is not an “disadvantaged community” when applying criteria of quality of infrastructure, housing quality, and neighborhood amenities. However, under the limited criteria within the law, Temelec is designated as a “disadvantaged unincorporated community.”

The Commission believes that designation of “disadvantaged unincorporated communities” and the factors that define them should be more reflective of local conditions. The Commission believes that additional criteria for consideration in identifying a “disadvantaged unincorporated community” should be incorporated into the law. These are: (1) the area is contiguous to an urbanized area, (2) the area completely lacks or has substandard infrastructure, and (3) the area is a social or economic community of interest as defined by the Commission. The criteria of a community with an annual median household income that is less than 80 percent of the statewide annual median household income should be one of several criteria, however, not required for qualification.

Policy Adoption

Adopted: October 10, 2012