

From: [Chelsea Holup](#) on behalf of [PlanningAgency](#)
To: [Nina Bellucci](#); [Katrina Braehmer](#)
Subject: FW: Comment for June 3 Planning Commission Meeting
Date: June 02, 2021 11:26:21 AM
Attachments: [Policy OSA within City Sphere Amended 03-03-10.pdf](#)

From: Serena Coltrane-Briscoe <serenabriscoe@yahoo.com>
Sent: June 02, 2021 9:44 AM
To: PlanningAgency <PlanningAgency@sonoma-county.org>
Subject: Comment for June 3 Planning Commission Meeting

EXTERNAL

Dear Planning Commission,

I am glad you will be talking about updating policies related to ADUs and JADUs at the June 3 meeting (file #ORD21-0002). Both of these unit types provide very important additional housing opportunities in our County.

In addition to revising the County's policies to align with State policies, I would like to recommend two things:

1. Update zoning to remove outdated Z-overlays that prevent ADU development
2. Urge Sonoma LAFCO (Local Agency Formation Commission) to revise outdated policies that restrict the development of ADUs in certain neighborhoods

In my neighborhood of unincorporated Southwest Santa Rosa, I was able to successfully (but at quite a cost) remove the Z-overlay from my zoning, only to find that Sonoma LAFCO has a policy preventing me from building an ADU. Because we are a County property using City of Santa Rosa sewer service, LAFCO has jurisdiction over our ability to build additional housing, and they have told us we may not do so. This is true for all my neighbors, both those with the Z-overlay and those without. Both the County and the City of Santa Rosa have indicated their approval for an ADU, including the expanded access to sewer service, but LAFCO's policy on *Outside Service Area Agreements for Parcels within a City's Sphere of Influence* (attached) "...encourages development in cities rather than unincorporated areas," and is quite restrictive in the exceptions it offers. This policy does not align with the County's, nor the State's, priority to provide additional housing in the form of ADUs and is ripe for revision.

I believe that both removing Z-overlays where it makes sense and working with LAFCO to update their policy would help the County reach its goal of allowing for more housing. I appreciate all you can do toward that end.

Sincerely,
Serena

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Policy: Outside Service Area Agreements for Parcels within a City's Sphere of Influence

Policy

The Commission encourages development in cities rather than in unincorporated territory. The Commission recognizes that there may be efficiencies of scale and opportunities to encourage well-planned and phased development by permitting interim Outside Service Area Agreements for existing development, rather than requiring immediate annexation, when a documented threat to the public health or safety exists.

Where existing development is within a city's sphere of influence, and public services, such as water or sewer, are required to respond to an existing or impending threat to the public health or safety of the residents of the affected territory, the Commission will consider approval of an Outside Service Area Agreement.

The Commission, or by direction, the Executive Officer, will consider authorization of an Outside Service Area Agreement for existing development within a city's sphere of influence under the following conditions only:

- A. There is a documented existing or potential threat to public health or safety;
- B. The property owner and city have entered into a recordable agreement that runs with the land, limiting development to existing levels;
- C. A covenant is recorded against the property prohibiting the current and future property owners from protesting annexation to the city; and
- D. The existing development has been determined to be either legal or legally non-conforming by the Sonoma County Permit and Resource Management Department.

The Commission, or by direction, the Executive Officer will not consider authorization of an Outside Service Area Agreement for new development within a city's sphere of influence, unless the new development meets the following criteria:

- A. The new development is a 100 percent affordable project as defined in Section 50079.5 of the Health and Safety code,
- B. The proposed new development is consistent with the City and County General Plans, and
- C. Annexation to the city is not feasible at the time of application

Legal Authority

The Government Code §56133 states in part:

- (a) A city or district may provide new or extended services by contract or agreement outside its jurisdictional boundaries only if it first requests and receives written approval from the Commission in the affected county.
- (b) The Commission may authorize a city or district to provide new or extended services outside its jurisdictional boundaries but within its sphere of influence in anticipation of a later change of organization.

The Government Code authorizes a city to extend its services beyond its boundaries but clearly indicates that such action would be taken in anticipation of a later change of organization (i.e., annexation).

Background and Discussion

The Commission recognizes that cities are the logical service providers for urban-level development. In those instances where a property with existing development has a failed or failing septic system or well, the Commission will permit an Outside Service Area Agreement, provided that there is adequate assurance that the extension of services is not for new development. The Commission expects the property to be eventually annexed into the city, and the use of an Outside Service Area Agreement is an intermediate step towards annexation.

From a LAFCO perspective, an Outside Service Area Agreement can:

- Protect the public from impending threats to health and safety
- Impose restrictions that limit development to existing intensities
- Permit a city to plan for future development in an orderly manner through the use of traditional zoning or specific plans
- Discourage premature development of fringe properties

The Commission acknowledges that the annexation of individual parcels within a city sphere may be premature and may require more resources than a larger annexation of multiple parcels. In these instances, the use of an Outside Service Area Agreement would provide services to meet the immediate needs of the property owners while allowing the city sufficient time to develop a more comprehensive and beneficial plan of annexation for the entire territory.

Adopted: August 5, 2009

Amended: October 7, 2009, with technical changes

Amended: March 3, 2010