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### LAFCO NO LAUGHING MATTER

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This is the first of a two-part series on LAFCO. The first part describes what LAFCO is and the second will describe some recent activities that reveal LAFCO's modus operandi in Santa Barbara County.

The Local Agency Formation Commission is one of those government agencies that most people have never heard of but that fundamentally shapes our communities and wields a lot of power over our lives.

If a city wants to annex new lands or expand its Sphere of Influence, it must go through LAFCO. If some residents in an unincorporated area of the county want new or improved services, such as roads, they must go through LAFCO to create a special district to provide the desired service.

If a special district wants to increase its service area or alter its organizational structure, it must go through LAFCO.

In each of these cases, those opposing the changes will also find themselves before LAFCO. So if your neighbors want improved roads or a new sewer system in your unincorporated area that will mean higher user fees or property taxes for you, LAFCO makes the call.

If your city wants to develop beyond its current city limits, changing the character of your community, LAFCO is a key decision maker.

LAFCO is a hybrid agency — neither state nor local — charged with bringing order to changes in jurisdiction within a county-wide area. It is LAFCO, then, that determines what entity governs on which issues over specific geographic areas within a county. LAFCO is a supra-agency that

creates the overarching framework among agencies providing services at the local level.

California established LAFCOs in 1963 because of a never-before-witnessed land speculation and development frenzy that was sweeping the state. Almost overnight, developers were transforming orchards, farms and ranches into housing tracts outside existing city boundaries.

Special districts, used mainly to provide irrigation for agriculture, were employed by developers to provide urban services. Developers used special districts to provide the necessary roads, water, sewer and fire services that allowed them to develop far from existing towns, drawing off businesses and hollowing out commercial districts.

Cities countered by annexing whatever areas they could, including non-adjacent lands. This led to leap-frog development, peculiar city boundaries, costly services and a huge loss in agricultural lands.

In 1963, after a major study, the state enacted the Knox-Nisbet Act, which set up Local Agency Formation Commissions (LAFCOs) in each county to address the misuse of land and the incoherent proliferation of local governmental agencies.

The statute was amended in 2000 (the Cortese-Knox-Hertzberg Act) after the 21st Century Commission issued its report, Growth Within Bounds, in response to yet another growth surge in the state.

LAFCOs help local governments deal more effectively with urban growth. Specifically, LAFCOs are supposed to discourage urban sprawl, preserve open-space and prime agricultural lands and ensure that governmental services are provided in an orderly and efficient manner.

An earlier, state-level program (the California Boundary Commission) had failed, so the county-level LAFCO program was designed to allow for flexibility based on local conditions while ensuring cross-the-board consideration of statutory purposes.

LAFCOs are independent agencies that enjoy almost unprecedented discretion. They are not directly accountable to the people over whom they exercise power. Although LAFCOs are required to put their policies in writing and are encouraged to make their policies and notices of public hearings available on their Web sites, they are not required to make written findings to justify their decisions, and those decisions cannot be appealed to any higher authority.

LAFCO decisions are final and conclusive. As a hybrid agency, LAFCO's performance is not evaluated by either the state, the county or any other local entity.

So if you disagree with a LAFCO decision to create a special district for which you will pay, or a decision to allow annexations for major new development in your community, or you believe LAFCO has disregarded its mandate to discourage urban sprawl into agricultural lands, you have very little recourse.

Many view the Santa Barbara County LAFCO as pro-development and at odds with the purposes for which it was created. For some case studies, don't miss next week's column.

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