



## MARIN LOCAL AGENCY FORMATION COMMISSIONS

### Regional Service Planning / State of California

*Keene Simonds, Executive Officer*

## Primer on Area Planning Commissions

### Background...

- In **1929** the Legislature authorized all cities and counties to ability to create jurisdiction-wide planning commissions.
- The Legislature made the planning commission a mandatory requirement in **1965** with the added directive for these bodies to prepare a plan for the physical development of the community, also known as a “general plan” for approval by the council or board.
- In **1971** – and in response to a specific issue generated out of Coachella Valley (Riverside County) – the Legislative amended State law to allow cities and counties to appoint one or more “Area Planning Commissions” with the authority to regulate land use in prescribed portions of their jurisdictions.
- Current statutory power is codified in Government Code Section 65100 and 651001. This section used to reference “area planning commissions” but was changed at some point to now reference multiple commissions.

### What are Area Planning Commissions...

- A city council or county board of supervisors may create an Area Planning Commission (APC) to regulate land use in a specified portion of the city or county.
- The city council or board of supervisors designates the issues over which the APC will have control.
- On delegated issues, the APC has the same level of authority as the citywide or countywide planning commission and is separate from its control.
- Similar to citywide and countywide planning commissions’ the decisions made by APCs may be appealed directly to the city council or county board of supervisors.
- APCs are created by ordinance shall include all of the following:
  - official name
  - area of jurisdiction
  - duties and responsibilities
  - number, term, and composition of its members and method for selection
- Funding can come from the (a) city or county or (b) community services district.

### APCs' Functional Role

- Legislative remedy when community voters believe local land use control by a city or county is not local enough.
- APCs serve as smaller-scaled planning commissions.
- APCs can serve as an alternative to incorporation and/or as a transitional conduit to a future incorporation.
- The legislative intent is for an APC to serve as a regulator but could be advisory. (A municipal advisory council is the legislative remedy for purely advisory purposes.)

### APCs as of Date...

- A cursory review via Google makes it unclear whether there are active APCs in California. Just don't know...
- Two likely reasons why APCs are not prevalent in California: (a) hidden legislation makes it unlikely too many are even aware of the authority and (b) a county or city's unwillingness to decentralize land use control.
- Political decision. The creation of a APC creates a precedent and may significantly alter land use decision making in their respective jurisdiction; could make it more fragmented; could also create competition issues...
- In order for a APC to be created you would need a sympathetic local supervisor and a willing board of supervisors and/or city council.

### Alternative / Municipal Advisory Councils (MACs)...

- Similar to APCs with the key distinction that they are advisory bodies only and interest extends beyond land use per say... serve as mini BOS or councils
- Numerous MACs in California and most – if not all – are funded, staffed, and governed by an existing community services district.

### The Connection to LAFCOs...

- State law allows CSDs to fund APCs and MACs under presumed agreement with the county or city that they – the CSD – have say in operations and/or serve on the governing body.
- State law requires CSDs to first request and receive LAFCO approval to activate their latent power to fund APCs and MACs.