

# Service Extensions Outside of Jurisdictional Boundaries

LAFCO Workshop

October 29, 2015

LAFCO of Santa Clara County

# Agenda

1. LAFCO & Service Extensions Outside Boundaries
2. State Law & LAFCO Policies
3. Other Local Policies
4. LAFCO Application Process & Filing Requirements
5. Group Discussion of Scenarios
6. Questions & Answers

# What is LAFCO?

An independent local agency created by the state legislature with a mandate to:

- Encourage orderly boundaries
- Discourage urban sprawl
- Preserve agricultural and open space lands
- Ensure efficient delivery of services



# What does LAFCO do?

## LAFCO regulates:

- Boundary changes for special districts and cities
  - Annexations
  - Detachments
  - Formations
  - Incorporations
  - Consolidations / Mergers / Dissolutions\*
- Expansion of services outside an agency's boundaries
- Exercise of new and different services for special districts

# What does LAFCO do?

LAFCO plans for orderly growth and development by:

- Establishing and considering amendments to the Urban Service Areas of cities
- Establishing and updating once every 5 years or as necessary, the Spheres of Influence of cities and districts
- Conducting service reviews for cities and districts in the county
- Working collaboratively on growth, preservation, governmental efficiency and service issues

# What is a Service Extension Outside of Jurisdictional Boundaries?

- When a city or special district provides a service, by contract or agreement, outside of its existing boundaries (i.e. city limits or special district service boundary)
- Also, referred to as an “out of agency contract for services”

# **State Law & LAFCO Policies**

# Service Extensions Outside of Jurisdictional Boundaries Require LAFCO Approval

## Government Code §56133

- Service extensions outside jurisdictional boundaries require LAFCO approval
- LAFCO may authorize service extensions outside jurisdictional boundaries:
  - Within agency's SOI, in anticipation of annexation
  - Outside agency's SOI, in order to address an existing or impending public health and safety threat



# Exemptions from LAFCO Approval

## Government Code §56133(e)

- Contracts solely between public agencies as an alternative to services already being provided and where the level of service is consistent with that provided by existing service provider
- Contracts for transfer of non-potable or non-treated water
- Provision of surplus water to agricultural lands and facilities. LAFCO approval is required, if such service will support or induce development.

-Continues-

# Exemptions from LAFCO Approval

## Government Code §56133(e)

- An extended service that a city or special district was providing on or before January 1, 2001
- Publicly owned electric utility providing electric services that do not involve acquisition, construction, or installation of distribution facilities outside its boundaries

# LAFCO Policies for “Out of Agency Contract for Services” Proposals

- Annexation encouraged as an alternative to service extension
- If annexation not feasible, appropriate actions to assure future annexation required:
  - Resolution of intent to annex
  - Pre-zoning area
  - Plan for annexation of area
  - Deferred annexation agreements
  - Waiver of protest rights from property owners in area
  - Provide fees and annexation map in advance, where feasible
  - Working with neighborhood/community to facilitate annexation

# LAFCO Policies for “Out of Agency Contract for Services” Proposals

- Other factors that LAFCO will consider:
  - Public benefit and resolution of an existing health and safety hazard
  - Agency’s ability to provide services to proposal area without detracting from current service levels
  - Growth inducing impacts
  - Impacts to agricultural/open space lands
  - Consistency with policies and general plans of affected agencies

# Other Local Policies

# Jointly Adopted Countywide Urban Development Policies

LAFCO, the County, and the 15 cities, jointly developed and adopted the following policies:

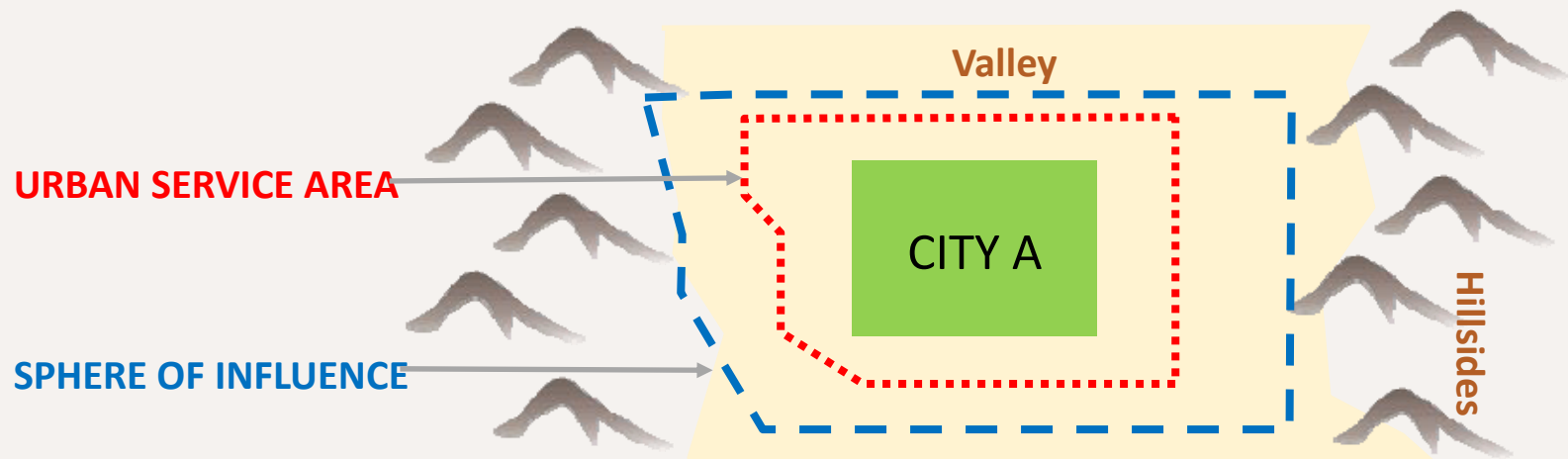
- Urban development should occur only on lands annexed to cities – and not within unincorporated areas, urban or rural
- Urban expansion should occur in an orderly, planned manner – with the cities responsible for planning and providing services to urban development, within explicitly adopted “**urban service areas**” whose expansion is subject to LAFCO approval
- Urban unincorporated islands should eventually be annexed into their surrounding cities – so that the cities have urban service responsibilities and land use authority over those lands

# Urban Service Area (USA)

## Definition:

Delineates areas currently provided with urban services, facilities and utilities; or areas proposed to be annexed into a city within 5 years in order to be developed and provided with urban services.

Cities are allowed to conduct and approve annexations of land within their USAs, if certain conditions are met



# Santa Clara County General Plan

- County limits development within rural unincorporated areas to rural land uses and densities
- County does not provide sewer/water services
- Unincorporated properties rely on onsite wells and septic systems for water supply and wastewater treatment, unless services provided by a special district or private water supplier
- New development in the unincorporated area only approved if there is a reasonable assurance that onsite wastewater treatment systems and wells will function effectively over a long period



# City of San Jose General Plan Policies

- FS-3.7** Maintain an USA in the General Plan where services and facilities provided by the City and other public agencies are generally available, and where urban development requiring such services should be located.
- FS-3.8** Maintain the City's current USA boundaries. Expansion of the USA should only be considered when necessary to provide services to existing development in need of urban services and when such expansions are consistent with LAFCO rules. Coordinate with the County to prevent future Urban Service needs beyond the current USA boundaries.
- FS-3.10** Discourage the expansion of sanitary sewer districts for areas planned in non-urban uses outside of the USA.

# City of San Jose General Plan Policies

- LU-19.1** Maintain the Greenline/Urban Growth Boundary (UGB) to delineate the extent of existing and future urban activity and to reinforce fundamental policies concerning the appropriate location of urban development.
- LU-19.6** Use the USA boundary as a tool to preserve the non-urban character of development on lands outside of the UGB. To that end, limit all new development on lands outside of the USA as follows:
1. Do not provide urban services to new development outside of the USA
  2. Require that new development projects cause no significant increase in public services or infrastructure...
  3. Distinguish between urban and non-urban uses in terms of water usage by limiting water consumption for new development to use of non-urban sources, including on-site water, and rainfall catchment...

# County Environmental Health Dept.

## Public Sanitary Sewer

- Requires proposed development to connect to sanitary sewer if property is adjacent to or within 300 feet of an available sanitary sewer, if approval from the appropriate sewer authority and LAFCO is first obtained
- Requires property with an existing septic system that is adjacent to or within 300 feet of available sanitary sewer to connect at the time of a septic system failure or when building is remodeled, increased in square footage or altered in manner as to change uninhabitable space into habitable space, if approval from appropriate sewer authority and LAFCO is first obtained

# County Environmental Health Dept.

## Wells

- No language that requires a homeowner to connect to “municipal water source”
- If a homeowner is served by a water well and the well runs dry, it would be incumbent upon the homeowner to drill another well for water

# **LAFCO Application Process and Requirements**

# LAFCO Application Process



# Application Filing Requirements

- Agency resolution seeking LAFCO approval to extend services
- Signed contract between agency and property owner(s) seeking service
- CEQA
- Documentation of public health and safety threat
- LAFCO fees

\*For a complete list: [www.santaclaralafco.org](http://www.santaclaralafco.org)

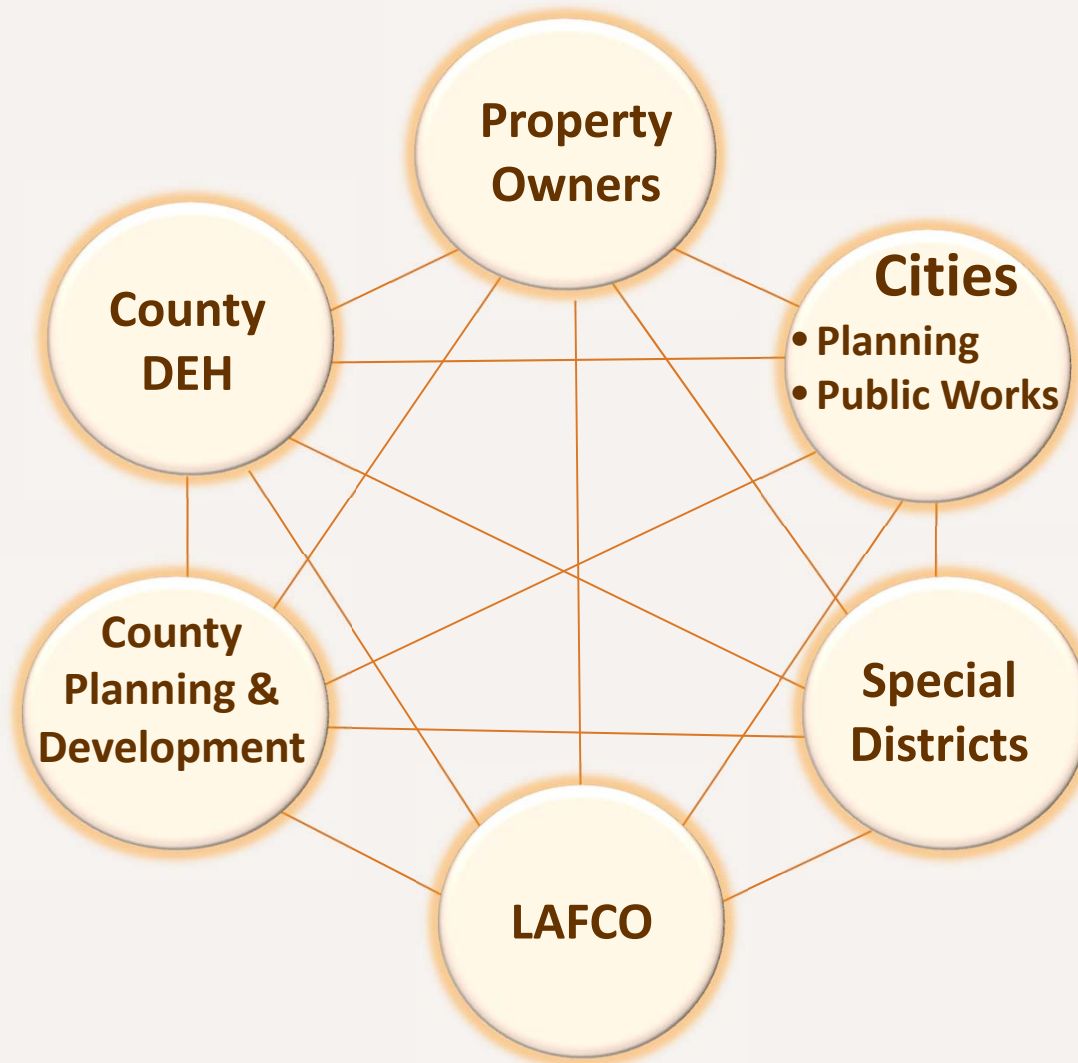
## Administrative Approval w/o Public Hearing

- LAFCO Chairperson and Executive Officer may jointly approve a request in order to address an urgent public health and safety concern
- Agency resolution seeking administrative approval to extend services
- Documentation of urgent public health and safety threat
- Signed contract between agency and property owner(s) seeking service
- CEQA Analysis
- LAFCO fees

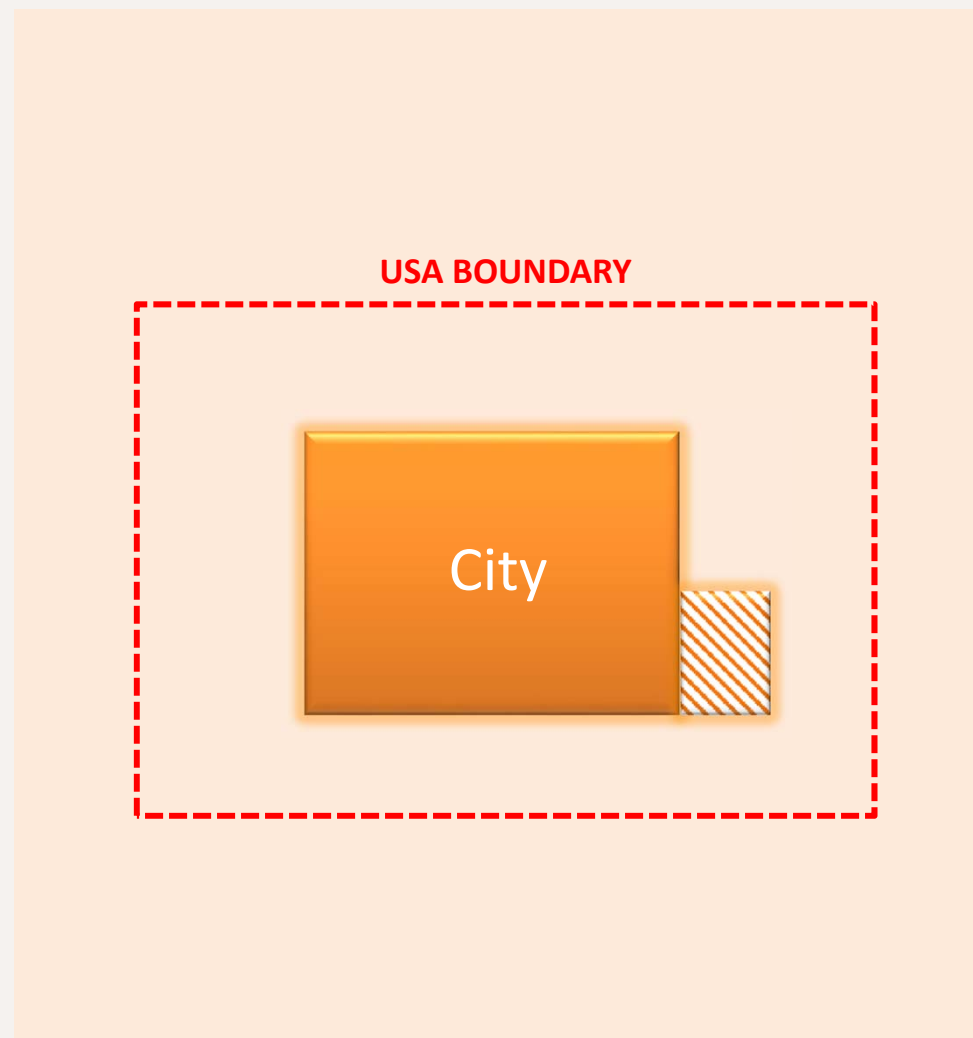


# Group Discussion of Scenarios

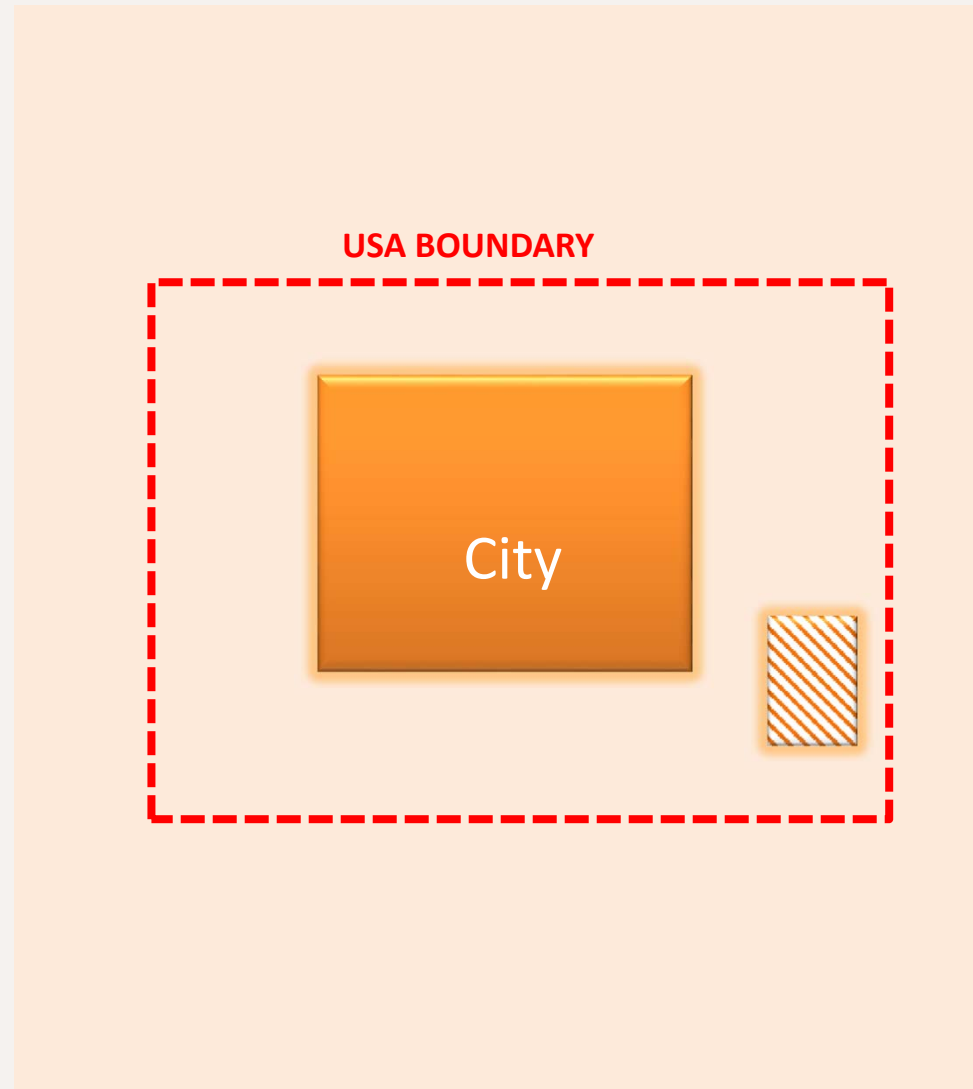
# Interjurisdictional Coordination



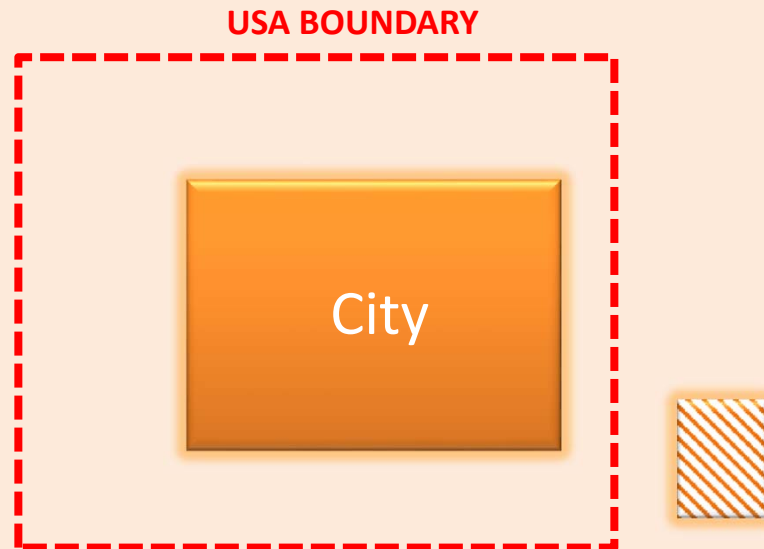
# Inside Urban Service Area (Contiguous to City)



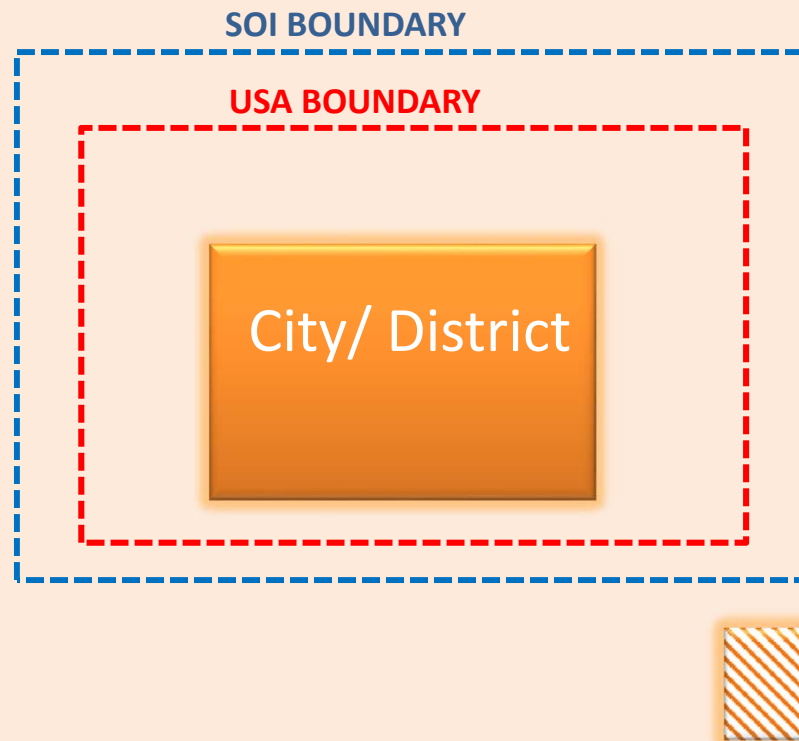
# Inside Urban Service Area (Non-Contiguous to City)



# Outside Urban Service Area



# Outside Sphere of Influence



# **Contact Information**

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# Questions & Answers