

**PROPOSED SPHERE OF INFLUENCE POLICIES WITH NOTES AND REFERENCES TO CURRENT POLICIES**

POLICY SECTIONS	PROPOSED POLICIES LANGUAGE UPDATE	WHERE LOCATED IN LAFCO'S CURRENT POLICIES	NOTES
<p><b>2.1</b></p> <p><b>SPHERE OF INFLUENCE (SOI) DEFINED</b></p>	<p>State law (GC §56076) defines a Sphere of Influence as “a plan for the probable physical boundaries and service area of a local agency, as determined by the Commission.” Local agency includes special districts and cities. In other words, a SOI boundary under State law represents the outermost possible extent of a local agency’s territorial jurisdiction and service area.</p> <p>Consistent with State law, a SOI should be based on a number of factors, including sound planning principles related to a local agency’s physical geography, its anticipated and desired growth, its ability to accommodate land uses and development in a safe and appropriate manner consistent with state goals and policies, and its ability to plan for and provide services in a cost effective and efficient manner.</p> <p>In Santa Clara County, the SOI is of critical importance to special districts as it delineates their potential physical boundaries and service area. However, the inclusion of an area within a city’s SOI boundary is not an indication that the city will either ultimately annex or provide services in the area. The critical boundary for cities is the Urban Service Area (USA), which is the definitive, Santa Clara LAFCO-adopted planning boundary indicating whether an area will be potentially annexed and provided with urban services. Santa Clara LAFCO-approved USAs serve the objectives of the Cortese-Knox-Hertzberg Act, such as directing the location of urban development to prevent urban sprawl, ensuring an agency’s ability to provide efficient services, and preserving agricultural and open space lands. Therefore, for cities in Santa Clara County, USAs serve the objectives of SOIs as defined in State law.</p> <p>To summarize, in Santa Clara County, the following definitions are maintained:</p> <p><b>Special Districts SOI:</b> SOI for a special district, means a plan for the probable physical boundaries and service area of the district, as determined by Santa Clara LAFCO.</p> <p><b>Cities SOI:</b> For cities in Santa Clara County, a SOI generally delineates areas where the city and County have shared interests in preserving non-urban levels of land use and does not necessarily indicate areas that a city will annex or provide with urban services.</p> <p>The role of USAs and the Countywide Urban Development Policies (CUDPs), both unique to Santa Clara County, are further defined and articulated in two separate chapters of the Santa Clara</p>	<p>This concept is presented in SOI Policies A(3)</p>	<ul style="list-style-type: none"> <li>• To provide greater clarity and transparency, added this new section on definitions to explain the differences between SOIs for special districts and cities which are unique to Santa Clara County.</li> </ul>

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		LAFCO policies. To fully understand how the use and application of SOI boundaries currently function in Santa Clara County, it is important to understand both the legislative history and local evolution of SOIs as a planning concept.		
2.2	<b>LEGISLATIVE HISTORY</b>	<p>Since 1963, State legislation has provided LAFCOs with authority to initiate and conduct studies on the structure of local government and the provision of services within the county. The intent of this permissive authority was to encourage LAFCOs to establish long range, comprehensive goals and plans for implementing their mandated purpose of "discouraging urban sprawl and encouraging the orderly formation and development of local agencies."</p> <p>The State Legislature declared in 1972 that LAFCOs must perform studies if they are to meaningfully carry out their "purposes and responsibilities for planning and shaping the logical and orderly development and coordination of local governmental agencies so as to advantageously provide for the present and future needs of the county and its communities". With this declaration, the Legislature amended the Knox-Nisbet Act to mandate LAFCOs to develop and determine the "sphere of influence" of each local agency within the county.</p> <p>In 1983, the Cortese-Knox Act was amended to require LAFCOs to determine the SOI of each local agency by January 1, 1985, and to mandate that all changes of organization must be consistent with adopted SOIs.</p> <p>The laws were further amended with the Cortese-Knox-Hertzberg Local Government Reorganization Act (CKH Act) of 2000, which requires LAFCOs to conduct a service review prior to or in conjunction with the establishment or amendment of a local agency's SOI. Furthermore, the CKH Act requires LAFCOs to review and update, as necessary, each local agency's SOI before January 1, 2008, and every five years thereafter, as needed.</p> <p>These successive changes to State law reflect the evolution of state policy for SOIs to secure the purposes of state LAFCO laws and ensure proper functioning of local agencies in the delivery of services. The evolution of SOI boundaries and policies in Santa Clara County follows the evolution of SOIs in State law, as well as reflecting the unique circumstances of Santa Clara County as it responded to the challenges of rapid, unplanned, uncontrolled sprawl in the decades immediately following World War II.</p>		<ul style="list-style-type: none"> <li>To provide context, added this new section on a brief legislative history of SOI requirements in State law</li> </ul>

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2.3	<p><b>DEVELOPMENT OF CITY AND SPECIAL DISTRICT SPHERES OF INFLUENCE IN SANTA CLARA COUNTY</b></p>	<p>One of the first matters that the Santa Clara LAFCO addressed upon its creation in 1963 was to establish "sphere of influence" boundaries to prevent further annexation wars. These original SOIs (later to be known as boundary agreement lines) divided the county into 15 parts and were nothing more than boundaries between each of the fifteen cities to prevent a city from annexing territory in the area of interest of another. This process of establishing SOIs (or boundary agreement lines) was essentially completed in 1967.</p> <p>These boundaries put a temporary halt to the annexation wars, and their adoption set the stage for the collaborative development and adoption of the CUDPs by Santa Clara LAFCO, the County and the 15 cities, including the establishment of USA boundaries for each of the 15 cities.</p> <p>These original SOI boundaries in many cases extended from city limits outward to the county boundary, well beyond any interest of the cities regarding annexation, much less a city's ability to serve such an expansive area. In this regard, they furthermore did not meet the intent of the subsequent 1972 SOI mandates as prescribed in the Knox Nisbet Act.</p> <p>Consequently, in June 1976, Santa Clara LAFCO renamed the SOI boundaries as the 'boundary agreement lines' and established new SOI boundaries for cities in a manner more closely related to the state requirements. These new SOI boundaries for cities generally corresponded to the outer limits of a city's planning interest, as shown on the land use diagrams of a city general plan, and inherently included areas where both the County and the city had shared interests. It is important to note that by 1973, the County and cities had mutually agreed to the CUDPs whereby urban development would henceforth be confined to lands in city jurisdiction, and lands outside city USAs would be primarily conserved for agriculture, open space, natural resource protection, and related goals of environmental stewardship.</p> <p>In 1985, Santa Clara LAFCO completed its efforts in fulfilment of state laws and formally adopted SOI boundaries for all special districts, after completing a comprehensive review and analysis necessary to make the determinations required in State law.</p> <p>Between 2005 and 2010, Santa Clara LAFCO conducted its first round of service reviews and comprehensively reviewed and updated the spheres of influence of the 15 cities and 28 special districts in the county. Since that time, Santa Clara LAFCO has continued to conduct service reviews and to review and update, as necessary, the spheres of influence of cities and special districts.</p>		<ul style="list-style-type: none"> <li>• To provide context, added this new section on the history of the development of city and special district SOIs in Santa Clara County</li> </ul>

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2.4	<b>CURRENT ROLE AND PURPOSES OF SOI BOUNDARIES</b>	<p>Sphere of Influence boundaries serve multiple purposes and may be used to:</p> <ul style="list-style-type: none"> <li>Promote orderly urban development</li> <li>Promote cooperative planning efforts among cities, the county and special districts to address concerns regarding land use and development standards, premature conversion of agricultural and open space lands and efficient provision of public services</li> <li>Serve as a master plan for future local government reorganization by providing long range guidance for efficient provision of public services; shaping logical governmental entities able to provide services in the most economic manner, avoiding expensive duplication of services or facilities</li> <li>Guide consideration of proposals and studies for changes of organization or reorganization</li> </ul>	Same as SOI Policies A(2)	
2.5	<b>SOI ADOPTION AND AMENDMENT POLICIES</b>	<p>Santa Clara LAFCO's policies for SOIs reflect the fundamental mandates of State law, the specific roles of SOIs within Santa Clara County, and appropriate procedural considerations for future changes to SOIs. The following are Santa Clara LAFCO's policies regarding the adoption, updating, and amendment of spheres of influence:</p>		<ul style="list-style-type: none"> <li>To provide better guidance and ease of use, the current policies are reorganized in this section with descriptive subtitles.</li> <li>Updated to reflect recent changes in State law and include correct references to relevant code sections.</li> <li>Updated to document and explain current LAFCO practice to provide greater clarity and transparency.</li> </ul>
		<p>1. <b>Mandate.</b> Consistent with GC §56425(a), LAFCO must adopt and maintain a SOI for each city and special district.</p>	Same as SOI Policies A(1)	
		<p>2. <b>Consistency with SOI:</b> Pursuant to GC §56375.5, LAFCO cannot take actions that are inconsistent with a SOI.</p>		<ul style="list-style-type: none"> <li>Added to provide greater clarity, transparency, and guidance, with the relevant code section in State law</li> </ul>

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	<p>3. <b>Timing of Initial Adoption.</b> State law (GC §56426.5) directs LAFCOs to establish SOIs within one year of the effective date of formation of a special district or incorporation of a new city.</p>		<ul style="list-style-type: none"> <li>• Added to provide greater clarity on exactly when LAFCO must establish a SOI for a new special district or a new city, and the relevant code section in State law</li> </ul>
	<p>4. <b>Review and Updates.</b> Consistent with GC §56425(g), LAFCO shall review and update as necessary, each sphere of influence every five years.</p>	Same as SOI Policies A(4)	<ul style="list-style-type: none"> <li>• Added reference to relevant code section in State law</li> </ul>
	<p>5. <b>Initiation.</b> Pursuant to GC §56428(a), any person or local agency may file a written request and application with the LAFCO Executive Officer requesting LAFCO to amend an adopted SOI. Although determination of the SOI is a LAFCO responsibility, LAFCO encourages the participation of the subject city or special district and other stakeholders.</p>	Restated A(7)	<ul style="list-style-type: none"> <li>• Added to provide greater clarity, transparency, and guidance on how an individual or a local agency may request an SOI amendment.</li> </ul>
	<p>6. <b>Statement of Determinations.</b> Pursuant to GC §56425(e), in determining a SOI for a local agency, LAFCO must consider and prepare a written statement of determinations regarding the following:</p> <ol style="list-style-type: none"> <li>The present and planned land uses in the area, including agricultural and open space lands</li> <li>The present and probable need for public facilities and services in the area</li> <li>The present capacity of public facilities and adequacy of public services that the agency provides or is authorized to provide</li> <li>The existence of any social or economic communities of interest in the area if the Commission determines that they are relevant to the agency</li> <li>For an update of the SOI of a local agency that provides public facilities or services related to sewers, municipal or industrial water, or structural fire protection, the present and probable need for those public facilities and services of any disadvantaged unincorporated communities within the existing SOI.</li> </ol>	Same as SOI Policies B(2), and added 2.5.6(e) to reflect recent changes to State law	<ul style="list-style-type: none"> <li>• Updated to be consistent with current State law. Since 2012, State law requires LAFCO to make a determination concerning services to disadvantaged unincorporated communities (DUCs). Proposed policy 2.5.5(e) reflects this change in State law</li> </ul>

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	<p>7. <b>Establishment of Special District Function and Classes of Service.</b> Additionally, when adopting, amending, or updating the SOI for a special district, LAFCO shall establish the nature, location, and extent of any functions or classes of services provided by existing districts and may require existing districts to file written statements with LAFCO specifying the functions or classes of service provided by the districts. (GC §56425 (i), (j))</p>	<p>Substantially the same as SOI Policies D(1), reworded to be consistent with State law</p>	<ul style="list-style-type: none"> <li>• Restated to be consistent with State law, and added reference to the relevant code sections</li> </ul>
	<p>8. <b>Service Review Requirement.</b> Consistent with GC §56430, LAFCO will prepare a service review prior to or in conjunction with the establishment or update of the SOI unless LAFCO determines that a prior service review is adequate. A SOI amendment that does not have any adverse regional, planning, economic, service, or environmental impacts will not require a service review.</p>	<p>Same as SOI Policies A(5)</p>	<ul style="list-style-type: none"> <li>• Added reference to the relevant code section in State law</li> </ul>
	<p>9. <b>Consistency with Service Reviews.</b> LAFCO will consider applicable service reviews when rendering SOI determinations and discourage SOI amendments that undermine service review determinations and recommendations.</p>	<p>Substantially similar to SOI Policies A(6), with additional clarification</p>	<ul style="list-style-type: none"> <li>• Provides clarification on how LAFCO uses service reviews when considering SOI amendment requests</li> </ul>
	<p>10. <b>City SOIs and Annexation.</b> Inclusion of territory within a city SOI should not necessarily be seen as an indication that the city will either annex or develop such territory to urban levels. The USA boundary shall serve as an indication of a city's intent for annexation, urban development and provision of urban services.</p>	<p>Substantially the same as SOI Policies A(3), minor rewording</p>	<ul style="list-style-type: none"> <li>• Reworded to provide greater clarity</li> </ul>
	<p>11. <b>Overlapping SOIs.</b> Spheres of Influence for cities and special districts may overlap when both agencies expect to provide different services to the area.</p>	<p>Same as SOI Policies B(5)</p>	

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	<p>12. <b>Special Districts Providing Urban Services Outside City USAs.</b> Consistent with the intent of the CUDPs that urban development should occur within city USAs, and that urban services necessary for urban development should only be provided within adopted USAs, SOIs for special districts which provide urban services outside USAs shall be aligned as closely as possible with existing city USAs. LAFCO shall discourage expansion of the SOI of a special district that would extend urban services for purposes of promoting new development in unincorporated areas outside city USAs.</p>	<p>Reworded for greater clarity, conceptually similar to SOI Policies B(6)</p> <p>Policy consistent with CUDP Policies 1.4</p>	<ul style="list-style-type: none"> <li>• To provide context, added language to document this policy's direct connection to the CUDPs.</li> <li>• Added language to provide better guidance on how LAFCO would apply this policy when considering such SOI amendment requests</li> <li>• This policy is reflected in LAFCO's 1983 "Master Sphere of Influence Plan for Special Districts in Santa Clara County" which established SOIs for several special districts including the Cupertino Sanitary District and West Valley Sanitation District. These districts adhere to the policy to this day.</li> </ul>
	<p>13. <b>Service Duplication.</b> LAFCO will discourage duplications in service provision when considering establishment of a new SOI or amendment of an existing SOI.</p>	<p>Same as SOI Policies B(7)</p>	
	<p>14. <b>Special District "Zero SOIs."</b> Where a special district is coterminous with or lies substantially within the boundary or SOI of a city or another district which is capable of providing the service, the special district may be given a zero sphere of influence which encompasses no territory. The zero sphere of influence designation indicates LAFCO's determination that after consideration of all factors in GC §56425, the agency should cease to exist and that its public service responsibilities should be re-allocated to another agency, as necessary, through consolidation, merger, dissolution or establishment as a subsidiary district.</p>	<p>Substantially similar to SOI Policies B(7), with additional clarification</p>	<ul style="list-style-type: none"> <li>• To provide greater clarity, added language to explain what the "Zero SOI" designation implies</li> <li>• The "Zero SOI" term dates back to LAFCO's 1983 "Master Sphere of Influence Plan for Special Districts in Santa Clara County"</li> <li>• In 1983, LAFCO adopted a "Zero SOI" for the Burbank Sanitary District, County Sanitation District</li> </ul>

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			<p>No. 2-3, and Rancho Rinconada Recreation and Park District</p> <ul style="list-style-type: none"> <li>• In 2010, LAFCO adopted a “Zero SOI” for the Saratoga Fire Protection District</li> </ul>
	<p>15. <b>City SOI Updates and Required Meeting with County.</b> Prior to a city submitting an application to LAFCO to update its SOI, the city shall complete the requirement contained in GC §56425(b) to meet with the County to discuss the proposed new SOI boundary and explore methods to reach agreement on development standards and planning and zoning requirements within the SOI. The purpose of this requirement is to consider city and County concerns and promote logical and orderly development within the SOI.</p> <p>Pursuant to GC §56425(b) &amp; (c), if an agreement is reached between the city and the County, the city must forward the agreement to LAFCO along with its application to update the SOI. LAFCO shall consider the agreement when determining the city’s SOI and give it great weight, to the extent that it is consistent with LAFCO policies. If LAFCO’s final SOI determinations are consistent with the agreement, the city and the County must adopt the agreement at noticed public hearings. After the agreement is adopted by the city and county and reflected in their respective General Plans, any County-approved development within the SOI must be consistent with the agreement terms.</p> <p>Pursuant to GC §56425(d), if no agreement is reached between the city and the County, the application may be submitted to LAFCO and LAFCO shall consider a SOI for the city consistent with LAFCO policies.</p>	Substantially the same as SOI Policies C(1)	<ul style="list-style-type: none"> <li>• Restated to make consistent with recent changes in State law and added references to the relevant code sections</li> </ul>