

PROPOSED URBAN SERVICE AREA POLICIES WITH NOTES AND REFERENCES TO CURRENT POLICIES

POLICY SECTIONS		PROPOSED POLICIES LANGUAGE UPDATE	WHERE LOCATED IN LAFCO'S CURRENT POLICIES	NOTES
3.1	INTRODUCTION	<p>In Santa Clara County, Urban Service Areas (USAs) are geographic planning areas that encompass all lands, incorporated or unincorporated, intended to be urbanized and provided with urban services and infrastructure upon annexation to a city.</p> <p>The definition and application of USAs in Santa Clara County are unique and are part of a long-standing countywide growth management framework referred to as the Countywide Urban Development Policies (CUDPs). Under these policies, urban expansion is to occur in an orderly, efficient, and planned manner within cities, which are solely responsible for planning and accommodating urban development within explicitly adopted USA boundaries whose location and expansion is subject to Santa Clara LAFCO approval.</p> <p>The USAs were first proposed by each of the 15 cities and adopted by Santa Clara LAFCO in 1972-1973 as further documented in the Countywide Urban Development Policy # 1.4. With the continued implementation of the CUDPs since the early 1970s, Santa Clara LAFCO assumed a critical role as the arbiter of urban area expansion through the review and amendment of USAs. This role gives Santa Clara LAFCO the responsibility to protect natural resource lands while facilitating the development of vibrant, more sustainable communities. Santa Clara LAFCO's ongoing mission creates public value across Santa Clara County, limiting unnecessary urban expansion, promoting appropriate infill and redevelopment, minimizing public service costs, and preserving the remaining vital natural and open space resources from which the county as a whole benefits.</p> <p>Because of its advance review and determination of USA boundaries, Santa Clara LAFCO does not review proposals for city annexation of unincorporated lands located within a city's USA. State law [Government Code (GC) §56757] gives cities in Santa Clara County the authority to conduct and approve such annexations within their USA boundaries if the proposals are initiated by city resolution and meet certain conditions.</p>	<p>Restated CUDP Policies 1.3</p> <p>Restated CUDP Policies 1.4</p> <p>Restated USA Policies A(3), with additional clarification</p>	<ul style="list-style-type: none"> • To provide context, added this new section on a brief history of the development of CUDPs and the adoption of USA boundaries and their unique use in Santa Clara County • Added reference to the relevant code section in State law

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3.2	URBAN SERVICE AREAS DEFINED	<p>In Santa Clara County, USA boundaries delineate and differentiate those areas intended to be urbanized from those areas not intended to be urbanized. USAs include lands currently urbanized and annexed to cities and provided with urban services, as well as unincorporated lands that a city intends to annex in order to develop those lands and provide them with urban services within five years.</p> <p>USAs intentionally exclude natural resource lands, such as agricultural and open space lands; and lands deemed generally unsuited for urban development, such as bay lands, floodplains, wetlands, hillsides and mountainous lands, seismic and/or geologic hazard areas, and very high fire hazard areas.</p>	Based on the description in the CUDP Policies 1.4, with additional clarification re. lands that are typically excluded from USAs	<ul style="list-style-type: none"> To provide greater clarity and transparency, added this new section on the definition of an USA consistent with GC §56080, which is a key planning boundary that is unique to Santa Clara County
3.3	URBAN SERVICE AMENDMENT PROCEDURAL POLICIES	The following procedures apply for processing of urban service area amendment proposals:		<ul style="list-style-type: none"> Created this new section to separate the procedural policies from the more substantive policies. For ease of use, the current policies are reorganized in this section with descriptive subtitles for clarity Added new language to document and explain current LAFCO practice, and clarify issues of concern that have come up in recent applications in order to provide greater guidance and transparency
		1. Initiation. USA amendments require Santa Clara LAFCO approval. An USA amendment request must be initiated by city council resolution and application to LAFCO.	Restated USA Policies A(2)	
		2. City Evaluation: While a city may process requests for USA amendments on behalf of property owners, it is the city's responsibility as the LAFCO applicant to first evaluate		<ul style="list-style-type: none"> Added new language to provide greater clarity, transparency, and guidance on the city's

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	<p>whether the request is consistent with the applicable city, county, and LAFCO policies and determine whether the city supports the request.</p>		<p>responsibility to first evaluate whether the USA request is consistent with the applicable local policies and whether the city should support the request</p>
	<p>3. Pre-application Meeting: In order to aid the city's evaluation of an USA amendment request, LAFCO encourages the city to have a pre-application meeting with LAFCO staff as early as possible to discuss its USA amendment plans and obtain more information on the LAFCO policies and procedures that may apply to the specific proposal.</p>		<ul style="list-style-type: none"> • Pre-application meetings are a current practice and are an important part of the USA amendment request process • Added new language to provide clarity, transparency, and guidance to cities that are considering whether to request a USA amendment
	<p>4. Major General Plan Updates. LAFCO requires that a city establish a stable baseline of its service plans and land use designations for LAFCO's evaluation of its USA amendment request. Therefore, LAFCO will not accept an USA amendment request from a city that is in the process of conducting a major General Plan update which involves changes to land use designations and service plans. LAFCO staff may consider limited exceptions on a case-by-case basis.</p>		<ul style="list-style-type: none"> • Added new language to clarify an issue of concern that has come up in recent applications and to provide advance notice to cities for greater transparency
	<p>5. USA Amendment Request Frequency. Each city may submit an USA amendment request to LAFCO once in a calendar year. The date the application is heard by LAFCO shall determine the calendar year. USA amendment requests shall be limited to once a year in order to encourage a city to consider and understand the comprehensive impacts of USA amendments on its services, facilities / infrastructure, fiscal health, and the environment; and to ensure that LAFCO considers such requests in a similarly comprehensive manner. Until a city's application has been heard and acted upon by LAFCO, no further USA amendment requests will be accepted for filing from that city.</p>	<p>Restated USA Policies A(2), with additional clarification</p>	<ul style="list-style-type: none"> • For transparency added an explanation of why there are restrictions

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	<p>6. Exception to Once-a-Year Rule. The Commission may make an exception to the once-a-year limitation for USA amendment requests when such amendment is needed to carry out some special institutional development or activity that is in the public interest. Such exceptions shall not normally be extended in connection with proposed residential, commercial, or industrial development.</p>	Same as USA Policies A(2) (third and fourth sentences)	
	<p>7. CEQA. An USA amendment proposal is considered a project under the California Environmental Quality Act (CEQA). Pursuant to CEQA, a city would be the Lead Agency for such a proposal and LAFCO would be a Responsible Agency. Therefore, LAFCO is required to rely on the city's CEQA documentation (initial study, negative/mitigated negative declaration, environmental impact report, etc.), with few exceptions. Cities must consult with LAFCO on the scoping of CEQA documentation for the potential proposal.</p>		<ul style="list-style-type: none"> • Added new language to provide greater clarity, transparency, and guidance on the different CEQA responsibilities that apply to a city and to LAFCO specific to USA amendment requests
<p>3.4 URBAN SERVICE AREA AMENDMENT POLICIES AND EVALUATION CRITERIA</p>	<p>Review and amendment of USA boundaries is Santa Clara LAFCO's primary vehicle for ensuring orderly city growth. Therefore, Santa Clara LAFCO shall carefully consider all USA amendment requests, consistent with LAFCO policies and State law.</p> <p>USA amendment proposals may involve expansion of an USA to accommodate future growth; retraction of an USA to better align with city's growth and open space / agricultural land preservation plans, and adjustments between cities' USA boundaries to facilitate island annexations and logical boundaries; and enhance service delivery and governance efficiencies.</p> <p>Consistent with the CUDPs, it is the goal of Santa Clara LAFCO that future urban development and other necessary public facilities such as schools and recreational facilities should be planned and accommodated within existing urban areas, through infill and redevelopment, rather than through the expansion of USA boundaries. Such city-centered, climate-smart growth policies play a critical role in preventing sprawl, ensuring efficient delivery of services, promoting more efficient use of existing urbanized areas, and preserving open space and agricultural lands.</p> <p>A complementary goal is that where expansion is necessary, it should be done to accommodate the demonstrated need for urban growth in as compact and efficient manner as possible, supportive of the above goal and rationale.</p> <p>To further these goals and in accordance with GC §56668, Santa Clara LAFCO must take into account many factors when considering an USA amendment proposal. Certain factors may be more applicable or more critical than others, depending on the specific proposal and</p>	First sentence is same as USA Policies A(1), with additional clarification.	<ul style="list-style-type: none"> • Added an introductory paragraph to outline the various types of USA amendment proposals • Added new language to explain LAFCO's goals with regard to accommodating urban development within existing urban areas and LAFCO's expectations with regard to USA expansion • To provide better guidance on how LAFCO would evaluate an USA amendment proposal: • Reorganized current policies by subject matter in this section. For each topic, added a policy statement and a descriptive subtitle for ease of use.

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	<p>circumstances. The following are Santa Clara LAFCO's policies and evaluative criteria for considering USA amendment proposals:</p>		<ul style="list-style-type: none"> • Added new factors required to be considered by LAFCO due to recent changes in State Law and included correct references to the relevant code sections in State law • Explained some of the factors in greater detail to provide greater clarity, transparency, and guidance
	<p>1. Infill and Efficient Development Patterns. In order to promote efficient development patterns and compact infill development and prevent the premature conversion of agricultural land in accordance with GC §56377, Santa Clara LAFCO shall discourage amendment proposals that seek to expand the USA when a city has a more than 5-years supply of vacant land within its existing USA or when a city does not clearly demonstrate the need for the USA amendment. LAFCO will consider the following evaluative criteria:</p>	<p>Consolidating USA Policies B(3)(e) and B(5), with additional clarification</p>	<ul style="list-style-type: none"> • Added new language to clarify LAFCO's policy based on GC §56377 in State law • The concept of including land needed for only 5 years of development in the USA is consistent with the definition of an USA in GC §56080 and dates back to the creation of USAs in Santa Clara County (1972-73) • The original criteria for cities to prepare and submit urban service area maps and data to LAFCO in the early 1970s required a vacant lands analysis. The criteria stated that "In determining the amount of land in the USA, the city should keep in mind the USA concept which suggests that five times the amount of land normally expected to be developed during the next year be provided within the boundaries of the USA". The

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			<p>criteria also stated that the “city should clearly demonstrate its ability and intention to provide the USA with all necessary utilities and services within the next five years.”</p> <ul style="list-style-type: none"> • Added criteria to provide greater clarity, transparency, and guidance on how LAFCO would apply this policy when considering an USA amendment request • Added Sidebar 1 (see below at the end of the table) to describe what we mean by infill development
	<p>a. The city’s explanation for why the USA amendment is necessary, why infill development is not undertaken first, and how an orderly, efficient growth pattern, consistent with LAFCO mandates will be maintained</p>	<p>Same as USA Policies B(5)</p>	
	<p>b. The city’s current vacant lands inventory for the same or similar proposed uses prepared in accordance with Santa Clara LAFCO’s Vacant Lands Methodology included as Exhibit A. The vacant lands inventory is an informational tool to help evaluate the availability of vacant lands within the city. If a city has special conditions that do not align with LAFCO’s methodology, it may also prepare an alternative vacant lands inventory and explain why the alternate analysis is more appropriate, for LAFCO’s consideration.</p>		<ul style="list-style-type: none"> • References the LAFCO Vacant Lands Inventory Methodology, a new separate document prepared to provide clarity, transparency, and specific guidance to applicants (see attached Exhibit A) • Methodology documents historic and current LAFCO practice used since 2008 for multiple USA amendment applications

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			<ul style="list-style-type: none"> To address a city's potential concerns with LAFCO's vacant lands methodology, this policy allows for a city to prepare an additional alternative vacant lands analysis and explain that analysis, for LAFCO's consideration
	<p>c. Whether the city has a more than 5-years supply of vacant lands that can be developed for the same or similar proposed uses as determined by the LAFCO Vacant Lands Methodology. If the city has more than 5-years supply, LAFCO shall consider the city's explanation for the need for more lands at this time, along with all other factors for considering USA amendment proposals.</p>	<p>Restated USA Policies B(5), with additional clarification that a substantial supply is more than 5-years supply</p>	
	<p>d. Whether and to what extent the city has developed and successfully implemented targeted strategies such as fiscal and regulatory incentives to generate active and more efficient use of vacant and underutilized lands within its existing boundaries</p>		<ul style="list-style-type: none"> Added new language to document current practice and to provide guidance on what LAFCO will consider when evaluating whether a city is implementing efficient development patterns and compact infill development
	<p>e. Whether the city has planned for and implemented policies for encouraging higher density development in order to use land more efficiently</p>		<p style="text-align: center;">“</p>
	<p>f. Whether the City has applied an appropriate general plan and pre-zoning designation to the proposal area</p>		<ul style="list-style-type: none"> Required in GC §56375(a)(7) of State law and added for clarity, transparency, and guidance

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	<p>g. Whether the proposed urban development is imminent or is likely to occur within the proposal area within the next 5 years</p>		<ul style="list-style-type: none"> • Added new language based on GC §56375(a)(7) of State law concerning intent to develop upon inclusion in the USA • The reference to 5 years is consistent with historic and current LAFCO practice, as an USA includes lands a city intends to annex in order to develop and provide urban services within 5 years • Also consistent with criteria used to create the first USAs. See Notes for Policy 3.4.1 (b). • Also, similarly referenced in the Santa Clara County General Plan. "Delineates areas currently provided with urban services, facilities, and utilities or proposed to receive such services within 5 years"
	<p>h. Whether the city has planned for locating its community's facility needs such as schools, and recreational facilities, within its existing boundaries</p>		<ul style="list-style-type: none"> • Added new language to document and explain current LAFCO practice, and to clarify an issue of concern that has come up in recent applications in order to provide greater guidance and transparency

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	<p>2. Impacts to Agricultural and Open Space Lands. In order to preserve agricultural and open space lands, Santa Clara LAFCO shall discourage amendment proposals that include or adversely impact agricultural lands and open space, consistent with GC §56377(a). LAFCO will consider:</p>	<p>Similar to USA Policies #6 and #7, with additional clarification</p>	<ul style="list-style-type: none"> • Added criteria to provide greater clarity, transparency, and guidance on how LAFCO would apply this policy when considering an USA amendment request • Added language to clarify LAFCO's policy based on GC §56377
	<p>a. Whether the proposal will result in the premature conversion of prime agricultural lands. As defined in GC §56064, "prime agricultural land" means an area of land, whether a single parcel or contiguous parcels, that has not been developed for a use other than an agricultural use and that meets any of the following qualifications:</p>		<ul style="list-style-type: none"> • Added language to quote the definition of "prime agricultural land" in State law GC §56064
	<p>i. Land that qualifies, if irrigated, for rating as class I or class II in the USDA Natural Resources Conservation Service land use capability classification, whether or not land is actually irrigated, provided that irrigation is feasible</p>		<p style="text-align: center;">“</p>
	<p>ii. Land that qualifies for rating 80 through 100 Storie Index Rating</p>		<p style="text-align: center;">“</p>
	<p>iii. Land that supports livestock used for the production of food and fiber and that has an annual carrying capacity equivalent to at least one animal unit per acre as defined by the United States Department of Agriculture in the National Range and Pasture Handbook, Revision 1, December 2003</p>		<p style="text-align: center;">“</p>
	<p>iv. Land planted with fruit or nut-bearing trees, vines, bushes, or crops that have a nonbearing period of less than five years and that will return during the commercial bearing period on an annual basis from the production of unprocessed agricultural plant production not less than four hundred dollars (\$400) per acre</p>		<p style="text-align: center;">“</p>
	<p>v. Land that has returned from the production of unprocessed agricultural plant products an annual gross value of not less than four hundred dollars (\$400) per acre for three of the previous five calendar years</p>		<p style="text-align: center;">“</p>

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	<p>b. Pursuant to GC §56668(e), whether the proposal will adversely impact the continued productivity and viability of proposal area, and/or adjacent/surrounding agricultural lands, including but not limited to the following factors:</p>	<p>Restated and expanded on USA Policies B(7), with additional clarification</p>	<ul style="list-style-type: none"> • Added language to provide greater clarity, transparency, and guidance on the factors that LAFCO would consider in determining impacts to agricultural and open space lands
	<p>i. Whether the proposal area, and/or adjacent/surrounding lands are located within an Agricultural Resource Area or Agricultural Preservation Area designated by the County, a city, or another public land conservation entity</p>	<p>Substantially similar to USA Policies B(7)(a), with additional clarification</p>	
	<p>ii. Whether the proposal area, and/or adjacent/surrounding lands are located within a designated Agricultural Zoning District in an adopted County and/or City Zoning Ordinance</p>	<p>Substantially similar to USA Policies B(7)(a), with additional clarification</p>	
	<p>iii. Whether the proposal area, and/or adjacent/surrounding lands are designated "Agriculture" in an adopted County and/or City General Plan</p>	<p>Substantially similar to USA Policies B(7)(a), with additional clarification</p>	
	<p>iv. Whether the proposal would introduce incompatible land uses into an agricultural area, generate urban/agricultural conflicts, or promote land speculation and disinvestment in agriculture – disrupting the conditions necessary for agriculture to thrive</p>		<ul style="list-style-type: none"> • Added to provide greater clarity, transparency, and guidance on the factors that LAFCO would consider in determining impacts to agricultural and open space lands
	<p>v. Whether public facilities or infrastructure (e.g. such as roads, sanitary sewers, water lines, stormwater drainage facilities) related to the proposal would be sized or situated as to facilitate conversion of agricultural lands located outside of the proposal area, or will be extended through adjacent/surrounding agricultural lands</p>	<p>Restated USA Policies B(7)(c), with additional clarification</p>	<ul style="list-style-type: none"> • Added additional examples of "public facilities or infrastructure"

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	vi. Whether natural or man-made barriers serve to buffer agricultural or existing open space lands outside of the proposal area from the effects of the proposal		<ul style="list-style-type: none"> Added to provide greater clarity, transparency, and guidance on the factors that LAFCO would consider in determining impacts to agricultural and open space lands
	vii. Whether the proposal area, and/or adjacent/surrounding lands include lands that are subject to a Williamson Act contract or Farmland Security Zone contract	Substantially similar to USA Policies B(7)(a) & (b), with additional clarification	
	viii. Whether the proposal area, and/or adjacent/surrounding lands are under an agricultural or open space conservation easement	Substantially similar to USA Policies B(7)(a) & (b), with additional clarification	
	c. The city's explanation for why the conversion of agricultural lands and/or open space is necessary to promote the planned, orderly, efficient development of the city	Same as USA Policies B(6)(b)	
	d. Whether the city has developed and successfully implemented measures/plans to first avoid and minimize the conversion of agricultural or open space lands prior to bringing forward a proposal that involves conversion of agricultural or open space lands; and in instances where it is not possible to avoid or minimize conversion, whether the proposal contains mitigation for the conversion of any such lands consistent with LAFCO policies	Conceptually similar to Agricultural Mitigation Policies	<ul style="list-style-type: none"> Added to provide greater clarity, transparency, and guidance on the factors that LAFCO would consider in determining impacts to agricultural and open space lands
	e. If an amendment proposal includes agricultural or open space lands for the purpose of preservation, LAFCO will require an explanation of why the inclusion of agricultural or open space lands is necessary and a demonstration that effective measures have been adopted for permanently protecting the agricultural or open space status of the affected territory. Such measures may include:	Conceptually similar to USA Policies B(6)(a), but reworded for greater clarity, transparency, and guidance	<ul style="list-style-type: none"> Added to provide greater clarity, transparency, and guidance on the specific examples of what LAFCO would consider as effective measures

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	i. Acquisition and transfer of ownership of agricultural land or transfer of agricultural conservation easements to an agricultural conservation entity for permanent protection of the agricultural land	“	
	ii. Acquisition and transfer of ownership of open space or transfer of open space easements to a conservation entity for permanent protection of the open space land	“	
	3. Logical, Orderly Boundaries. LAFCO shall discourage amendment proposals that will not result in logical and orderly boundaries. LAFCO will consider:		<ul style="list-style-type: none"> • Added new language to clarify LAFCO's policy based on GC §56668(f) in State law • Added criteria to provide greater clarity, transparency, and guidance on how LAFCO would apply this policy when considering an USA amendment request
	a. Whether the boundaries of the proposal are contiguous with the current USA GC [§56757(c)(6) and GC §56668(f)]		<ul style="list-style-type: none"> • Added new language to provide greater clarity, transparency, and guidance on a factor that LAFCO would consider based on GC §56668(d) and §56757(c)(6)
	b. Whether the proposal will result in islands, flags, peninsulas, corridors or other irregular boundary configurations which are illogical and/or difficult to serve [GC §56757(c)(4)]	Substantially similar to Policies on Annexation – Reorganization for Cities and Special Districts B(5), with additional clarification	<ul style="list-style-type: none"> • Added to provide greater clarity, transparency, and guidance on the factors that LAFCO would consider based on GC §56668(f) and GC§56757(c)(4)
	c. Whether the boundaries of the proposal follow natural and man-made features, such as ridge lines, drainage areas, watercourses, edges of right-of-way, and lines of assessment or ownership		<ul style="list-style-type: none"> • Added new language to provide greater clarity, transparency, and guidance on the factors that

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			LAFCO would consider based on GC §56668(a) & (f)
		d. Whether the proposed boundaries would result in a premature intrusion of urbanization into a predominantly agricultural or rural area [GC §56668(d)]	Substantially similar to USA Policies B(7), with added reference to relevant code section
		4. Avoid Natural Hazard Lands. In order to minimize public exposure to risks associated with natural hazards and limit unplanned public costs to maintain and repair public infrastructure, LAFCO shall discourage USA expansions into lands designated very high fire hazard zones and into lands subject to other natural hazards such as geologic / seismic hazards, flood hazards, and fire hazards, Pursuant to GC §56668(q), LAFCO will consider:	<ul style="list-style-type: none"> • Added new language to clarify LAFCO's policy based on GC §56668(q) • Since 2019, State law requires LAFCO to consider information contained in a local hazard mitigation plan, safety element, and maps that identify land as very high fire hazard zone when it reviews proposals
		a. Information contained in a local hazard mitigation plan	“
		b. Information contained in a safety element of a general plan	“
		c. Any maps that identify land as a very high fire hazard severity zone pursuant to GC §51178 or maps that identify land determined to be in a state responsibility area pursuant to §4102 of the Public Resources Code	“
		5. Availability of Adequate Water Supply. In order to ensure timely availability of water supplies adequate for existing and planned future needs, LAFCO shall discourage amendment proposals that do not clearly demonstrate that an adequate water supply is available to the proposal area(s) and that water proposed to be provided to new areas does not include supplies needed for unserved properties already within the city, the city's USA or other	<p>Substantially similar to USA Policies B(3)(k) and B(10), with additional clarification</p> <ul style="list-style-type: none"> • Added new language to clarify LAFCO's policy based on GC §56668(l) in State law • Added language to provide greater clarity, transparency, and guidance on the information that

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	properties already charged for city water services. In determining water availability pursuant to GC §56668(l), LAFCO will consider the following:		LAFCO will need in order to consider whether there is an adequate water supply available, and added reference to the relevant code section
	a. The city's plan for providing water service to the area and its statement of existing water supply including:	Reworded for greater clarity, conceptually similar to USA Policies B(10)(a)	<ul style="list-style-type: none"> Added language to provide greater clarity, transparency, and guidance on the specific information that LAFCO will need in order to consider whether there is an adequate water supply available
	i. The current version of the city's or water supplier's urban water management plan and capital improvement program or plan, and the current version of the groundwater management agency's groundwater sustainability plan	"	"
	ii. A description of the source or sources of the water supply currently available to the city taking into account historical data concerning wet, normal, and dry runoff years	"	"
	iii. The quantity of surface and groundwater that was purveyed by the city / water supplier in each of the previous five years including a description of the number of service units available; number of service units currently allocated; number of service units that are anticipating future service within city and current USA boundaries and number of service units needed for the proposal area	"	"
	b. Whether the city is able to provide adequate water supply to the proposal area in the next 5 years, including drought years, while reserving capacity for areas within the city and USA that have not yet developed	Same as USA Policies B(10)(b)	
	c. Whether the city is capable of providing adequate services when needed to areas already in the city, in the city's USA or to other properties entitled to service	Same as USA Policies B(10)(c)	

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	d. If capacity is not reserved for unserved property within the city and its USA, the current estimate of potential unserved properties and related water supply needs	Same as USA Policies B(10)(d)	
	e. Whether additional infrastructure and or new water supplies are necessary to accommodate future development or increases in service demand. If so, whether plans, permits and financing plans are in place to ensure that infrastructure and supply are available when necessary, including compliance with required administrative and legislated processes, such as CEQA review, CEQA mitigation monitoring plans, or State Water Resources Board allocation permits. If permits are not current or in process, or allocations approved, whether approval is expected	Same as USA Policies B(10)(e)	
	f. Whether facilities or services comply with environmental and safety standards so as to permit acquisition, treatment, and distribution of necessary water	Same as USA Policies B(10)(f)	
	6. Ability to Provide and Fund Public Services and Infrastructure. In order to ensure efficient service provision, LAFCO shall discourage amendment proposals that do not clearly demonstrate that the city has the ability to provide and fund services to the proposal area without detracting from current service levels within the city, and in areas that the city has already committed to serve. Consistent with GC §56668(b) and (k), LAFCO will consider:	Substantially similar to USA Policies B(3)(c), with additional clarification	<ul style="list-style-type: none"> • Added new language to clarify LAFCO's policy based on GC §56668(k) in State law. • Added language to provide clarity, transparency, and better guidance on how LAFCO would apply this policy when considering USA amendment requests, and added reference to the relevant code sections
	a. The city's plan for providing services (such as sewer, water, police, fire, stormwater, garbage disposal, library, lighting, parks, and street maintenance) within the proposal area prepared in accordance with LAFCO's Guide for preparing a Plan for Service included as Exhibit B, and which pursuant to GC §56653 shall include:		<ul style="list-style-type: none"> • Added new language to directly reference the requirement for preparation of a plan for services in GC §56653 of State law. • Also references LAFCO's Guide to Preparing a Plan for Services (see attached Exhibit B), an updated separate document prepared to

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			provide clarity, transparency, and specific guidance to applicants
		i. An enumeration and description of services currently provided and/or to be provided and the corresponding service provider	<ul style="list-style-type: none"> Added new language to quote GC §56653 in State law on the type of information that must be included in a Plan for Providing Services in order to provide greater clarity, transparency, and guidance to applicants
		ii. The level and range of those services as well as detailed information on the size, location, and capacity of infrastructure both existing and required	“
		iii. Estimated time frame for service delivery	“
		iv. A statement indicating capital improvements, or upgrading of structures, roads, sewers, water facilities or other conditions that the city would require in the affected territory prior to providing service	“
		v. A description of how the services will be financed	“
		b. Whether the proposal is expected to result in any significant increase in service needs and/or new facilities, personnel, apparatus or equipment as a result of adding the proposal area	<ul style="list-style-type: none"> Added new language to provide clarity, transparency, and better guidance on how LAFCO would apply this policy when considering USA amendment requests per GC §56653 Documents current LAFCO practice

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	c. Whether the anticipated increase in service needs (e.g. increase in calls for fire and police services) and/or new facilities are likely to result in an increase in service costs and how the city plans to finance the anticipated increase in service costs		“
	d. Whether the proposal will require the construction of new infrastructure (e.g. sanitary sewers, water mains, stormwater drainage facilities) and/or expansion of existing infrastructure (e.g. wastewater treatment plant, water treatment plant) and how the city plans to address the associated fiscal impacts		“
	e. The ability of school districts to provide school facilities and whether there would be sufficient school capacity available to serve the affected territory at the time of development	Substantially the same as USA Policies B(3)(d), with additional clarification	
	7. Fiscal Sustainability. In order to ensure fiscal sustainability, LAFCO shall discourage amendment proposals that would have adverse financial impacts on the provision of government services. Consistent with GC §56668(c) & (k), LAFCO will consider the following:	Reworded for greater clarity, conceptually similar to USA Policies B(3)(i), with additional clarification	<ul style="list-style-type: none"> • Added new language to clarify LAFCO's policy based on GC §56668(c) & (k) in State law, and • Added language to provide clarity, transparency, and better guidance on how LAFCO would apply this policy when considering USA amendment requests; and added reference to the relevant code sections
	a. Financial impacts to the County, and to the affected city, special districts, and school districts and the feasibility of measures identified to mitigate any adverse impacts	Consolidated USA Policies B(3)(c), (d), (f), (h), and (i)	
	b. Existence of any significant citywide infrastructure maintenance funding gaps and feasibility of the measures identified by the city to address such gaps		<ul style="list-style-type: none"> • Added new language to document and explain current LAFCO practice, and clarify issues of concern that have come up in

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			recent applications to provide greater guidance and transparency
		c. The city's anticipated need for major capital improvement projects related to water, wastewater, stormwater, roads, fire, and police services, and the feasibility of funding measures to address these needs	Expanded USA Policies B(10)(e) to apply to all services
		d. City's reliance on reserves to address financial impacts and consistency with the city's adopted reserve policy	<ul style="list-style-type: none"> Added new language to document and explain current LAFCO practice, and clarify issues of concern that have come up in recent applications to provide greater guidance and transparency
		8. Island Annexations. In order to ensure efficient service provision and orderly growth and development, LAFCO shall discourage USA amendment proposals that seek to add new lands to a city's USA when a city has unincorporated islands existing within its current USA. LAFCO will consider:	Substantially similar to Island Annexation Policies #5
		a. Whether the city has initiated and completed annexation proceedings and / or adopted annexation plans and taken appropriate actions to annex its islands as recommended in LAFCO's Island Annexation Policies	References Island Annexation Policies #6(a) and (b)
		b. The city's explanation of why annexation of the island(s) is not undertaken first	<ul style="list-style-type: none"> Added new language to allow LAFCO to consider any exceptional circumstances
		9. Conformance with Service Reviews and Spheres of Influence. In accordance with GC §56668(i), LAFCO shall consider the applicable service reviews and shall discourage amendment proposals that are inconsistent with adopted service review determinations and	Substantially similar to USA Policies B(4), with additional clarification

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		recommendations, or that are inconsistent with the LAFCO adopted sphere of influence for an affected local agency.		
		10. Conformance with City and County General Plans. In accordance with GC §56668(h), LAFCO shall consider whether the proposed USA amendment is consistent with the current city and county general plans and policies.	Substantially the same as USA Policies B(3)(l), with added reference to the relevant code section in State law	
		11. Conformance with Regional Transportation Plan. Consistent with GC §56668(g), LAFCO shall discourage USA amendment proposals that undermine the goals of the Regional Transportation Plan and Sustainable Communities Strategy prepared by the Metropolitan Transportation Commission (MTC) for the nine-county San Francisco Bay Area.	Similar to USA Policies B(3)(b)	<ul style="list-style-type: none"> • Restated to be consistent with State law, and added reference to the relevant code section in State law
		12. Impacts on Housing. LAFCO shall discourage USA amendment proposals that undermine Regional Housing Needs Allocation plans, reduce affordable housing stock, or propose additional urbanization without attention to affordable housing needs. LAFCO will consider:	Substantially the same as USA Policies B(11), with additional clarification	<ul style="list-style-type: none"> • Added reference to the relevant code section in State law
		a. The extent to which the proposal will affect a city or county in achieving their respective Regional Housing Needs Allocation plans as determined by Association of Bay Area Governments (ABAG), consistent with GC §56668(m)	Similar to USA Policies B(11)(a)	<ul style="list-style-type: none"> • Restated to be consistent with State law, and added reference to the relevant code section in State law
		b. Whether the proposal introduces urban uses into rural areas thus increasing the value of currently affordable rural area housing and reducing regional affordable housing supply	Same as USA Policies B(11)(b)	
		c. Whether the proposal directs growth away from agricultural/open space lands towards infill areas and encourages development of vacant land within existing urban areas thus decreasing infrastructure costs and potentially housing construction costs	Same as USA Policies B(11)(c)	
		d. Whether funding of infrastructure to support development in the proposal area imposes an unfair burden on residents or customers within the existing boundaries thus impacting housing construction costs in the proposal area and within existing boundaries	Same as USA Policies B(11)(d)	

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	<p>13. Environmental Justice. In accordance with GC §56668(p), LAFCO will consider the extent to which the amendment proposal will promote environmental justice, specifically the fair treatment and meaningful involvement of people of all races, cultures, incomes, and national origins with respect to the location of public facilities and the provision of public services in order to ensure a healthy environment for all people such that the effects of pollution are not disproportionately borne by any particular populations or communities.</p>		<ul style="list-style-type: none"> • Added new language to be consistent with current State law. Since 2008, State law requires LAFCO to consider environmental justice when it reviews proposals. Proposed Policy 3.4.13 reflects this change in State law
	<p>14. Public Comments. In accordance with GC §56668(j) and (n), LAFCO shall consider comments from any affected public agencies or other public agency, proponents, landowners, voters, interested parties and members of the public.</p>		<ul style="list-style-type: none"> • Added new language to be consistent with current State law. Since 2008, GC §56668(n) of State law requires LAFCO to consider comments from the “voters or residents of the affected territory” when it reviews proposals. Proposed Policy 3.4.14 reflects this change in State law
	<p>15. Agricultural Worker Housing Needs. In order to promote efficient development patterns and compact infill development and prevent the premature conversion of agricultural land in accordance with GC §56377, Santa Clara LAFCO shall encourage, to the extent possible, agricultural worker housing to be located within cities or their urban service areas, where necessary infrastructure, services, support resources, and the broader community already exists.</p> <p>However, given that agricultural workers are an essential component of Santa Clara County’s agricultural industry, Santa Clara LAFCO will give special consideration to USA amendment proposals that are for agricultural worker housing which supports the preservation of open space and agricultural lands, continued sustainability of agriculture, delivery of agricultural produce, and continued viability of Santa Clara County’s food system and shall consider the following:</p>	<p>Similar to CUDP Policies 1.3</p>	<ul style="list-style-type: none"> • Added new policy to address agricultural worker housing needs as directed by Commission on April 3, 2024 • The ABAG Farmworker Housing Toolkit recommends prioritizing ag worker housing within the city core, consistent with CUDP policies • Added new language to acknowledge the vital connection between agricultural worker housing needs and the long-term sustainability of agriculture in Santa Clara County

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			<ul style="list-style-type: none"> • Added criteria to provide greater clarity, transparency, and guidance on how LAFCO would apply this policy when considering an USA amendment that is for the purpose of developing agricultural worker housing
		<p>a. Whether the proposal fulfills the established need for agricultural worker housing and whether it is consistent with the city and/or County's long-term agricultural land conservation plans</p>	<ul style="list-style-type: none"> • Added new language to encourage cities and the County to comprehensively plan for agricultural worker housing based on documented needs and consistent with long-term agricultural land conservation plans • The ABAG Farmworker Housing Toolkit recommends development of a farmworker housing needs assessment and development of targeted programs and strategies to address the identified needs
		<p>b. Whether the proposed development of agricultural worker housing is imminent or is likely to occur within the proposal area within the next 5 years in accordance with Policy #3.4.1(g)</p>	<ul style="list-style-type: none"> • Added reference to policy re. intent to develop upon inclusion of land in the USA
		<p>c. Whether the proposal will result in logical and orderly boundaries in accordance with Policy #3.4.3, and whether the city has the ability to provide and fund necessary public services and infrastructure in accordance with Policy #3.4.6</p>	<ul style="list-style-type: none"> • Added language to specify which other key factors LAFCO must consider for an USA proposal that

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			is for the purpose of developing agricultural worker housing
		d. Whether the city has methods currently in place (e.g. deed restrictions and/or affordability covenants) to ensure that the proposed agricultural worker housing remains affordable and occupied by eligible agricultural workers at affordable rents and sales prices over the long term	<ul style="list-style-type: none"> • Added new language consistent with the Employee Housing Act [Health and Safety Code §17021.8 (i)(3)(C)]
		e. Whether the proposed agricultural worker housing will be maintained and operated by a qualified and certified affordable housing organization pursuant to Health & Safety Code §17030.10, including a public agency, or an employee housing provider.	<ul style="list-style-type: none"> • Added new language consistent with the Employee Housing Act [Health and Safety Code §17021.8 (i)(3)(A)] to provide a satisfactory living environment

Sidebar 1	Infill development refers to building on unused or underutilized lands within existing city limits or urban service areas, consistent with the city's General Plan.
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