

**POLICIES AND PROCEDURES FOR
SPHERES OF INFLUENCE**

(Adopted September 21, 2007)

(Revised December 14, 2012)

The San Joaquin Local Agency Formation Commission is required to adopt a sphere of influence for each local governmental agency within its jurisdiction. A sphere of influence is defined as a “plan for the probable physical boundaries and service area of a local agency as determined by the Commission” (Government Code Section 56076). A sphere is primarily a planning tool that provides guidance in reviewing individual proposals. Inclusion within an agency’s sphere does not indicate that an affected area automatically will be annexed; an adopted sphere of influence is only one of several factors the Commission must consider in reviewing individual proposals (Government Code Section 56668).

The sphere of influence process is perhaps the most important planning function given to LAFCo by the State Legislature. San Joaquin LAFCo shall use Spheres of Influence to:

1. Promote orderly growth and urban development.
2. Promote cooperative planning efforts among cities, the county and special districts to address concerns regarding land use and development standards, premature conversion of agriculture and open space lands, efficient provision of services, and discouragement of urban sprawl.
3. Serve as a master plan for future local government reorganization by providing long range guidelines for efficient provision of public services.
4. Guide consideration of proposals and studies for changes of organization or reorganization.
5. For cities and special districts that provide public facilities or services related to sewers, municipal and industrial water, or structural fire protection, the present and probable need for those public facilities and services within any disadvantaged unincorporated communities (DUCs) within the sphere of influence.

While LAFCo encourages the participation and cooperation of the subject agencies, Sphere of Influence Plans are a LAFCo responsibility and the Commission is the sole authority as to the sufficiency of the documentation and the Plan’s consistency with law and LAFCo policy.

In determining a sphere of influence, the Commission is required to consider and make written determinations with respect to the following factors (Government Code Section 56425):

1. The present and planned land uses in the area, including agricultural and open space lands.
2. The present and probable need for public facilities and services in the area.
3. The present capacity of public facilities and adequacy of public services that the agency provides or is authorized to provide.
4. The existence of any social or economic communities of interest in the area if the Commission determines that they are relevant to the agency.

A. PROCEDURAL GUIDELINES FOR DETERMINING SPHERES OF INFLUENCE

1. Timeframe: Territory that is currently receiving services from a local agency, or territory that is projected to need a local agency's services within a 0-30 year timeframe may be considered for inclusion within an agency sphere. "Sphere horizons" or planning increments should depict the agency's logical boundary at a time period of between 5 and 10 years and at the end of the 30-year time period.
2. Consistency Required: Territory will not be considered for inclusion within a City's sphere of influence unless the area is included within the city's general plan land use element. The adopted sphere of influence shall also consider City and County general plans, growth management policies, annexation policies, resource management policies, and any other policies related to ultimate boundary area of an affected agency unless those plan or policies conflict with the legislative intent of the Cortese-Knox-Hertzberg Act (Government Code Section 56000 et seq.).

Where inconsistencies between plans exist, LAFCo shall rely upon that plan which most closely follows the legislature's directive to discourage urban sprawl and encourage the orderly formation and development of local governmental agencies based upon local conditions and circumstances.

3. General Plan Approach: LAFCo would prefer a sphere of influence proposal where the city has adopted general plan policies, implementing ordinances and programs that address: smart growth principles; infill and redevelopment strategies to minimize conversion of open space/agricultural land; mixed use and increased densities; job development centers; community buffers; and habitat, agriculture and open space preservation strategies.
4. Open Space and Rural Lands: Territory not in need of urban services, including open space, agriculture, recreational, rural lands, or residential rural areas shall not be assigned to an agency's sphere of influence unless the area's exclusion would impede the planned, orderly and efficient development of the area. Open space and agriculturally designated lands as designated by the applying agency

may be considered for inclusion within a sphere if the agency can demonstrate that a preservation plan can effectively preserve such lands within the agency's sphere.

5. Community Separators: Sphere of influence boundaries shall, to the extent feasible, maintain a separation between existing communities to protect open space and agricultural lands and the identity of an individual community.
6. Regional Housing Needs: The sphere of influence plans for cities should consider the agency's policies and approaches to meet its fair share of regional housing needs.
7. Districts and Cities: LAFCo shall encourage districts and cities to develop plans for the orderly detachment, merger/dissolution of a district when districts have significant territory within a proposed city's sphere of influence.
8. Types of Spheres: In addition to a traditional sphere, the following other types of spheres may be considered by the Commission:
 - a. A special district that provides services, which ultimately will be provided by another agency, will be assigned a **zero sphere**.
 - b. If additional information is necessary to determine a sphere boundary, but is currently unavailable, a **partial sphere** may be approved and a **special study area** may be designated.
 - c. A local agency may be allocated a **coterminous sphere** if there is no anticipated need for the agency's services outside its existing boundaries, or if there is insufficient information to support inclusion of areas outside the agency's boundaries in the sphere of influence.
9. Sphere Hierarchy: Where an area could be assigned to the sphere of influence of more than one agency providing needed service, the following hierarchy shall apply dependent upon ability to serve, *unless an agency or district has specialized capacity to provide such service*:
 - a. Inclusion within a municipality sphere of influence.
 - b. Inclusion within a multipurpose district sphere of influence.
 - c. Inclusion within a single-purpose district sphere of influence.
10. Areas of Interest: LAFCo may, at its discretion, designate a geographic area beyond the sphere of influence as an Area of Interest to any local agency.

- a. Areas of Interest is a geographic area beyond the sphere of influence in which land use decisions or other governmental actions of one local agency (the “Acting Agency”) impact directly or indirectly upon another local agency (“the Concerned Agency”).
 - b. Within each Area of Interest there is to be no more than one city.
 - c. LAFCo will notify any Concerned Agency when LAFCo receives notice of a proposal of another agency in the Area of Interest and will give great weight to its comments.
 - d. LAFCo encourages agencies to provide advance notice to other agencies of any action or project being considered within the Area of Interest and commit to considering any comments made by the other agency. Agencies may formalize agreements through Memorandums of Understanding (M.O.U.s.)
11. Adoption and Revision: LAFCo will adopt a sphere of influence after a public hearing and pursuant to the procedures set forth in Section 56427 of the Cortese-Knox-Hertzberg Act. Sphere actions are subject to the provisions of the California Environmental Quality Act. A sphere of influence shall be updated every five years or more often if deemed necessary by the Commission. Whenever possible, city sphere updates shall be scheduled to coincide with City General Plan updates.

B. SPHERE OF INFLUENCE PLAN

The Sphere of Influence Plan for each governmental agency within San Joaquin LAFCo jurisdiction shall contain each of the following:

- 1. Present and planned land uses in the area including agricultural and open space lands.
 - a. A map defining the probable 30-year boundary of its service area and defining the agency’s sphere horizons at the end of the 5-10 and 30 year time period coordinated with the Municipal Service Review.
 - b. Maps and explanatory text delineating the following:
 - (1) Present land uses including improved and unimproved development, agricultural lands and open space areas.
 - (2) Propose future use of the area.

2. The present and probable need for public facilities and services (i.e., water, sewer, drainage, police and fire) for the sphere including the need of all types of major facilities not just those provided by the agency.
3. The present capacity of public facilities and adequacy of public services that the agency provides or it's authorized to provide.
4. Identification of any social or economic communities of interest.
5. A phasing plan for annexation of territory in the sphere of influence that is time-coordinated (5-10 and 30 year time period) and consistent with the Municipal Service Review.
6. Existing and projected population at the various sphere horizons.
7. In determining the 0-30 year timeframe, LAFCo shall consider and accord reasonable deference to each local agency's policies with respect to the rate of residential and non-residential growth, anticipated absorption of land, and the agency's policies and strategies for economic and employment growth.

C. AMENDMENTS AND UPDATES OF SPHERES

1. Amendments and Updates Defined: Amendments generally involve changes to a Sphere of Influence Map or Plan that are proposed by an agency or individual to accommodate a specific proposal. An amendment may or may not involve changes to the Municipal Service Review of the agency.

Updates generally involve a comprehensive review of the entire sphere of influence, including the map and Municipal Service Review.

2. Amendments Required: An amendment to the Sphere of Influence Plan will be required in the following circumstances:
 - a. When an agency seeks to add new territory or remove territory from its sphere.
 - b. When an agency seeks to move territory already within its sphere from one sphere horizon to another.
 - c. When a district seeks to provide a new or different function or class of service.
 - d. When an agency proposes a significant change in its plans for service which makes the current Municipal Service Review inaccurate.

3. Precedence of Amendments over Annexations: Sphere of influence amendments shall precede consideration of proposals for changes of organization or reorganization. Proposals may be considered at the same meeting.
4. Consistency Required: Amendment proposals must be consistent with an updated Municipal Service Review.
5. Demonstrated Need Required: An application for amendment to a sphere of influence must demonstrate a probable need or (in the case of reduction of the sphere) lack of need or capacity to provide service.
6. Sphere of Influence Amendment and Update Procedures: As required by Government Code Section 56425, each request for sphere amendment or update must be heard in a public hearing and is subject to the provisions of the California Environmental Quality Act.