

2. SPHERES

The Commission is charged with adopting and updating a Sphere of Influence (SOI) for each city and special district under its jurisdiction within the county.¹ In addition to developing an SOI for each agency, state law requires LAFCO to enact policies designed to promote the logical and orderly development of areas within the sphere.²

SPHERES OF INFLUENCE

An SOI is a LAFCO-approved plan that designates an agency's probable future boundary and service area. Spheres are planning tools used to provide guidance for individual boundary change proposals and are intended to encourage efficient provision of organized community services, discourage urban sprawl and premature conversion of agricultural and open space lands, and prevent overlapping jurisdictions and duplication of services.

Every determination made by a commission must be consistent with the SOIs of local agencies affected by that determination;³ for example, territory may not be annexed to a city or district unless it is within that agency's sphere. In other words, the SOI essentially defines where and what types of government reorganizations (e.g., annexation, detachment, dissolution and consolidation) may be initiated. If and when a government reorganization is initiated, there are a number of procedural steps that must be conducted for a reorganization to be approved. Such steps include more in-depth analysis, LAFCO consideration at a noticed public hearing, and processes by which affected agencies, property owners and/or residents may voice their approval or disapproval.⁴

On a regional level, LAFCO promotes logical and orderly development of a community through reconciling differences between agency plans so that the most efficient urban service arrangements are created for the benefit of area residents and property owners. Yuba LAFCO policies envision the SOI as a master plan for the future organization of local governments within the County by providing long-range guidelines for the efficient provision of services to the public. Further, its policies are that SOIs should discourage duplication of services by local governmental agencies, guide the Commission's consideration of individual proposals for changes of organization, and identify the need for specific reorganization studies, and provide the basis for recommendations to particular agencies for government reorganizations.⁵

¹ The initial statutory mandate, in 1971, imposed no deadline for completing sphere designations. When most LAFCOs failed to act, 1984 legislation required all LAFCOs to establish spheres of influence by 1985.

² Government Code §56425(a).

³ Government Code §56375.5.

⁴ For more details on the types of government reorganizations and required procedures, please refer to the Cortese-Knox Hertzberg Government Reorganization Act of 2000 (CKH Act).

⁵ Yuba LAFCO, *Policies, Standards and Procedures*, December 2007, Section 4.1.

The Cortese-Knox-Hertzberg (CKH) Act requires LAFCO to develop and determine the SOI of each local governmental agency within the county and to review and update the SOI every five years. LAFCOs are empowered to adopt, update and amend the SOI. They may do so with or without an application and any interested person may submit an application proposing an SOI amendment.

The fundamental policy of LAFCO in considering the development status of land, located in or adjacent to an established city sphere of influence and contiguous to a city boundary shall be that such development is preferred in cities.⁶ If a city submits an application to amend its SOI, it must first negotiate the boundaries, development standards, and zoning requirements within the annexable sphere area with the county. LAFCO reserves the right to require cities to negotiate such agreements with the county prior to approving the sphere update.

SOI POLICY APPROACHES

LAFCO may recommend government reorganizations to particular agencies in the county, using the SOIs as the basis for those recommendations. Based on review of the guidelines and practices of Yuba LAFCO as well as other LAFCOs in the State, various conceptual approaches have been identified from which to choose in designating an SOI:

- 1) **Coterminous Sphere:** The sphere for a city or special district that is the same as its existing boundaries.
- 2) **Annexable Sphere:** A sphere larger than the agency's boundaries identifies areas the agency is expected to annex. The annexable area is outside its boundaries and inside the sphere.
- 3) **Detachable Sphere:** A sphere that is smaller than the agency's boundaries identifies areas the agency is expected to detach. The detachable area is the area within the agency bounds but not within its sphere.
- 4) **Zero Sphere:** A zero sphere indicates the affected agency's public service functions should be reassigned to another agency and the agency should be dissolved or combined with one or more other agencies.
- 5) **Consolidated Sphere:** A consolidated sphere includes two or more local agencies and indicates the agencies should be consolidated into one agency.
- 6) **Limited Service Sphere:** A limited service sphere is the territory included within the SOI of a multi-service provider agency that is also within the boundary of a limited purpose district which provides the same service (e.g., fire protection), but not all needed services. Territory designated as a limited service SOI may be considered for annexation to the limited purpose agency without detachment from the multi-service provider. This type of SOI is generally adopted when a) the limited service provider is providing adequate, cost effective and efficient services, b) the multi-service agency is the most logical provider of the other services, c) there is no feasible or logical SOI alternative, and d) inclusion of the territory is

⁶ Yuba LAFCO, *Policies, Standards and Procedures*, December 2007, Section 7.3(a).

in the best interests of local government organization and structure in the area. Government Code §56001 specifically recognizes that in rural areas it may be appropriate to establish limited purpose agencies to serve an area rather than a single service provider, if multiple limited purpose agencies are better able to provide efficient services to an area rather than one service district. Moreover, Government Code Section §56425(i), governing sphere determinations, also authorizes a sphere for less than all of the services provided by a district by requiring a district affected by a sphere action to “establish the nature, location, and extent of any functions of classes of services provided by existing districts” recognizing that more than one district may serve an area and that a given district may provide less than its full range of services in an area.

- 7) Sphere Planning Area: LAFCO may choose to designate a sphere planning area to signal that it anticipates expanding an agency’s SOI in the future to include territory not yet within its official SOI.
- 8) Provisional Sphere: LAFCO may designate a provisional sphere that automatically sunsets if certain conditions occur. This report contains provisional spheres for several fire districts that are intended to elicit progress toward consolidation or enhanced collaboration to achieve efficiencies and improve service levels.
- 9) Area of Concern: LAFCO may designate an Area of Concern (AOC) for a city extending beyond its official SOI. Such an area is where planning decisions and other governmental actions of the County may have an impact on the city, or where urbanization may occur in the long-term. An AOC is not within the official SOI of a city. Annexation may not be initiated for territory within a city’s AOC unless and until it is included in a local agency’s SOI.

SOI UPDATE PROCESS

LAFCO is required to establish SOIs for all local agencies and enact policies to promote the logical and orderly development of areas within the SOIs. Furthermore, LAFCO must update those SOIs every five years.

In updating the SOI, LAFCO is required to conduct a municipal service review (MSR) and adopt related determinations. Accordingly, Yuba LAFCO adopted countywide MSR determinations on July 24, 2008. In addition, in adopting or amending an SOI, LAFCO must make the following determinations:

- Present and planned land uses in the area, including agricultural and open-space lands;
- Present and probable need for public facilities and services in the area;
- Present capacity of public facilities and adequacy of public service that the agency provides or is authorized to provide; and
- Existence of any social or economic communities of interest in the area if the Commission determines these are relevant to the agency.

This report identifies preliminary SOI policy alternatives and recommends SOI options for each agency. Development of actual SOI updates will involve additional steps, including development of recommendations by LAFCO staff, opportunity for public input at a LAFCO public hearing, and consideration and changes made by Commissioners.

The CKH Act stipulates several procedural requirements in updating SOIs. It requires that special districts file written statements on the class of services provided and that LAFCO clearly establish the location, nature and extent of services provided by special districts. Accordingly, each local agency's class of services provided was documented in the 2008 Countywide Municipal Service Review. The MSR described the nature, location, and extent of functions or classes of services provided by existing districts, which is a procedural requirement for LAFCO to complete when updating SOIs.

LAFCO must notify affected agencies 21 days before holding a public hearing to consider the SOI and may not update the SOI until after that hearing. The LAFCO Executive Officer must issue a report including recommendations on the SOI amendments and updates under consideration at least five days before the public hearing.

CEQA

LAFCO has the discretion to limit SOI updates to those that it may process without unnecessarily delaying the SOI update process or without requiring its funding agencies—Yuba County and the cities of Marysville and Wheatland—to bear the costs of environmental studies associated with SOI expansions.

Any local agency or individual may file a written request for an SOI amendment. The request must state the nature of and reasons for the proposed amendment, and provide a map depicting the proposal. LAFCO may require the requester to pay a fee to cover LAFCO costs, including the costs of appropriate environmental review under CEQA. LAFCO may elect to serve as lead agency for such a review, may designate the proposing agency as lead agency, or both the local agency and LAFCO may serve as co-lead agencies for purposes of an SOI amendment. Local agencies are encouraged to consult with LAFCO staff early in the process regarding the most appropriate approach for the particular SOI amendment under consideration.

Certain types of SOI amendments are likely exempt from CEQA review. Examples are SOI expansions that include territory already within the bounds or service area of an agency, SOI reductions, and zero SOIs. SOI expansions for limited purpose agencies that provide services (e.g., fire protection, levee protection, cemetery, and resource conservation) needed by both rural and urban areas are typically not considered growth-inducing and are likely exempt from CEQA. Similarly, SOI expansions for districts serving rural areas (e.g., irrigation water) are typically not considered growth-inducing.

Other types of SOI amendments likely require some level of CEQA review. An example is an SOI expansion of a local agency that would extend domestic water or wastewater services to planned urban development projects.

Given the complexity of CEQA, local agencies are encouraged to confer with LAFCO staff regarding the nature and level of environmental review anticipated for a contemplated SOI amendment.

PLANNING AND FUTURE SOI UPDATES

LAFCO updates the SOIs based on information available at the time of update. Ongoing land use planning and floodplain evaluation efforts are expected to accommodate refinement of SOI updates in future update cycles.

The land use authorities—the County and the cities—prepare and update General Plans to establish land use designations and policies governing growth. General Plan updates are typically performed every 10-20 years by agencies due to the cost and time required. SOIs must be updated more frequently. Yuba County is in the process of updating its General Plan, with the update expected to be adopted by the Summer of 2009. At the time this report was prepared, the County had identified five conceptual land use alternatives but had not yet selected a preferred alternative.

Similarly, FEMA's designation of flood hazard areas in Yuba County was in flux at the time this report was prepared. For the most part, the official Flood Insurance Rate Maps (FIRMs) covering Yuba County were developed by FEMA in 1982. FEMA has approved dozens of Letters of Map Revision (LOMRs) as levee and drainage improvements have been made and evaluated, effectively changing the FIRMs. FEMA prepared the 1982 FIRM under the assumption that levees provide 100-year flood protection, but now requires that levees be certified. FEMA is modernizing FIRMs covering Yuba County, with updated FIRMs scheduled to become effective in the Fall of 2009. To the extent that improvements to Feather and Bear River levees are not certified by that time, the County may request FEMA update the maps through the LOMR process.

DWR is in the midst of a new and more in-depth levee integrity evaluation process. DWR levee evaluations are presently focused on urban areas. The Corps is conducting an evaluation of the Yuba River Basin, with a geotechnical evaluation of the ring levees protecting the City of Marysville due for release by 2009. No targeted investigations in rural areas, which include the Wheatland area and the area north of Marysville, are scheduled. Borings will be conducted in rural areas in the future. That information will help engineers develop more detailed alternatives. Levee integrity information will be more comprehensive in future SOI update cycles as a result of these efforts.