
CHAPTER FIVE

ESTABLISHMENT AND EVALUATION OF SPHERES OF INFLUENCE AND OTHER PLANNING ACTIVITIES

5.0 GENERAL POLICIES AND STANDARDS FOR SPHERES OF INFLUENCE

A. Legislative Authority

1. Marin LAFCO is responsible for informing its prescribed regulatory activities through a series of planning actions and highlighted by the establishment and update of spheres of influence for all local governmental agencies under Marin LAFCO's jurisdiction. Spheres of influence represent the Legislature's version of urban growth boundary lines and mark the territory Marin LAFCO believes represents the appropriate current and probable future jurisdictional boundary and service area of the affected agency. All change of organizations and outside service extensions must be consistent with the affected agencies' spheres of influence with limited exceptions. (Government Code §56425)
2. State law directs Marin LAFCO to establish spheres of influence for all local agencies within one year of their formation (district) or incorporation (city/town). State law also directs Marin LAFCO to review and update, as needed, spheres of influence for all local agencies every five years beginning January 1, 2008. (Government Code §56425)

B. Policy Intentions

Spheres of influence represent Marin LAFCO's principal planning tool in facilitating orderly and responsive local government. The following statements reflect the collective policy intentions of Marin LAFCO in establishing, updating, and amending spheres.

1. A sphere of influence represents the area to which a city/town or special district is expected to eventually provide services. Marin LAFCO will use spheres of influence to guide its consideration of proposals to change local government boundaries.
2. Designated spheres of influence are intended to resolve uncertainty concerning the availability and source of services for undeveloped land, promote orderly land use and service planning by public agencies, and provide direction to landowners and area residents when and if they seek additional or higher level services.

3. Marin LAFCO's decisions on individual proposals for changes to local government boundaries and organization must be consistent with the adopted spheres of influence for the local government agencies affected by the proposal. Proposals that are not consistent with adopted spheres of influence may not be approved without prior amendment to those spheres of influence unless exempted under State law.

C. Baseline Review Factors

State law requires Marin LAFCO to consider the following factors in determining a sphere of influence boundary (Government Code §56425(e)):

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 which 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.
5. For an update of a sphere of influence of a city/town or special district that provides 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 of any disadvantaged unincorporated communities within the existing sphere of influence.

In addition, Marin LAFCO will consider natural features in its adoption of spheres of influence, including topography, bodies of water, ridgelines and wetlands.

D. Designation Types and Anticipated Outcomes

In acting to adopt spheres of influence for each local government agency under its jurisdiction, Marin LAFCO may take the following types of actions:

1. Adopt a sphere of influence that is larger or smaller than the present boundaries of the agency. Such a designation will be accompanied by a map showing the agency's present boundary and the sphere of influence or planned boundary. The areas between the present and planned boundaries define the territory in which Marin LAFCO anticipates territory to be annexed or detached.

2. Adopt a "coterminous" or "status quo" sphere of influence that is equal to the current boundaries of the agency. This designation indicates that Marin LAFCO does not anticipate any change to the agency's boundary (annexations or detachments) or organization (consolidation, dissolution) in the next 5-10 years.
3. Recommend that a city or district be reorganized by adopting a "zero" sphere of influence, encompassing no territory. This designation indicates Marin LAFCO's determination that, after consideration of all factors in Government Code §56425, that the agency should cease to exist and that its public service responsibilities should be re-allocated to another unit of local government through consolidation, dissolution or establishment as a subsidiary district.
4. Where two or more single-purpose special districts providing the same service are contiguous, those districts may be allocated sphere of influence "in common" to include the areas served by both districts. This designation may be assigned where Marin LAFCO believes that the particular service would be most efficiently provided to multiple communities by a single special district. This designation indicates Marin LAFCO's determination that two or more districts should be combined through consolidation or other reorganization process.

E. Implementation Objectives

The purposes of Marin LAFCO's policies and procedures in the establishment, amendment, and update of spheres of influence are listed below.

1. Designate the geographic area to which the services of each local government agency may be extended through annexation or other boundary change process relative to meeting existing and future community needs.
2. Provide for extension of urban services only within adopted spheres of influence unless public health or safety issues warrant extensions under Government Code §56133.
3. Promote orderly growth of communities whether or not services are provided by a city, dependent special district or independent special district.
4. Guide the consideration of boundary changes to ensure that extension of services is reasonable and feasible given local conditions and circumstances.
5. Assist local agencies in planning the logical and efficient extension of services and facilities to avoid duplication of services.

6. Assist property owners in anticipating the availability of services in planning for the use of their property.
7. Provide for the periodic review and possible update of adopted spheres of influence at least once every five years as appropriate beginning January 1, 2008.
8. Preserve open space and agricultural resources in Marin County.

F. Additional Guidelines

Marin LAFCO will generally apply the following policy guidelines in spheres of influence determinations while also taking into account local conditions and needs.

1. Developed unincorporated lands located within the sphere of influence of a city/town or special district and which benefit from municipal services provided by such city/town or special district should be annexed to that city/town or special district when the timing is deemed appropriate relative to the change of organization factors outlined under Government Code §56668.
2. In its regular review and update of adopted spheres of influence, Marin LAFCO will identify any instances in which city/town and County general plans are in conflict. Marin LAFCO will act to resolve such conflicts by facilitating direct negotiations between the affected city/town and the County prior to taking action to update the adopted sphere of influence.
3. Marin LAFCO encourages local agencies and the general public to defer requests or applications for individual amendments to spheres of influence to coincide with the regular reviews and updates calendared by the Commission as part of its adopted study schedule.
4. In instances in which a city/town requests and/or applies for an amendment to its own sphere of influence in advance of Marin LAFCO's regular review and update process, the city/town making the request shall seek consultation and agreement with the County on the planned boundaries and development standards for the area within the proposed sphere of influence as required by Government Code § 56425(b).
5. Marin LAFCO will delay action on (or deny "without prejudice") proposed boundary changes in unincorporated areas that would conflict with a city general plan until the identified conflict is addressed.

6. In reviewing a city/town or special district sphere of influence, Marin LAFCO will exclude lands in agricultural, open space, or serve as community separators, unless special considerations warrant otherwise.
7. Where possible, a single multi-purpose agency is preferable to a number of adjacent limited-purpose agencies providing the same service.
8. Multi-purpose agencies are preferred to limited-purpose agencies. Wherever possible, provision of multiple services by cities/towns will be preferred because general purpose agencies are best equipped to weigh community service priorities and their relationship to growth management and land-use planning authority.
9. In designating spheres of influence for local agencies, Marin LAFCO will avoid including territories which will not benefit from the services provided by those agencies. Areas designated for open space, recreation, preservation of wildlife habitat, aquatic life habitat, or other natural land resources in city/town or County general plans will generally be excluded from city/towns and special district spheres of influence and thereby will not be considered eligible for an extension of an urban level of services.

5.1 SPECIFIC POLICIES AND STANDARDS FOR SPHERES OF INFLUENCE

A. Policies for the Review of City/Town Spheres of Influence

Marin LAFCO will incorporate into its review of city/town spheres of influence the following policy factors.

1. Territory will be considered for inclusion within a city/town's sphere of influence if that city'/town's services can be efficiently extended and are shown to be needed within the next 10 years.
2. Sphere of influence lines shall act to preserve the community identity of physically distinct unincorporated communities where those communities receive adequate public services from the County of Marin and independent special districts.
3. Sphere of influence lines adopted by Marin LAFCO will act to encourage the political and functional consolidation of local government agencies where the boundaries of those agencies divide areas that are otherwise single communities.

4. Marin LAFCO shall consider the plans and objectives contained within the adopted general plans of the cities/towns and the County of Marin in designating spheres of influence. This includes recognition of any urban growth boundaries and urban service areas designated by the County of Marin or cities/towns. Conflicts between city/town and County for unincorporated territory may be identified in the course of sphere of influence studies. Marin LAFCO will specify how those conflicts are addressed in the adoption of spheres of influence.
5. City/town spheres of influence should include unincorporated islands and corridors closely associated with the city/town's boundaries unless these areas are reserved for open space, agriculture or regional facilities.

B. Policies for the Review of Special District Spheres of Influence

Marin LAFCO will incorporate into its review of special district spheres of influence the following policy factors.

1. Territory will be considered for inclusion within a special district's sphere of influence if that special district's services can be efficiently extended, are consistent with the applicable general plan, and are shown to be needed within the next 10 years.
2. Where a limited-purpose special district is coterminous with, or lies substantially within, the boundary or sphere of influence of a multi-purpose government which is capable of assuming the public service responsibilities and functions of that limited-purpose special district, the limited-purpose special district may be allocated a designation of a zero influence.
3. Where two or more limited purpose special districts providing the same service are contiguous, those special districts may be allocated sphere of influence in common to include the areas served by both special districts. This designation may be assigned where Marin LAFCO determines that the particular service would be most efficiently provided to the entire area by a single special district and reorganization shall be pursued.

5.2 PROCEDURES FOR REVIEW, UPDATE, AND OR AMENDMENT OF SPHERES OF INFLUENCE

A. Procedures for Marin LAFCO Updates to Spheres of Influence

Marin LAFCO will incorporate the following guidelines in preparing its own sphere of influence updates for local agencies.

1. Marin LAFCO shall adopt a study schedule every five years or thereabouts to calendar sphere of influence updates and the associated municipal service reviews consistent with directives under Government Code §56425.
2. The study schedule shall be adopted at a public hearing and only after a minimum 21-day notice has been provided by Marin LAFCO to local agencies and the general public for review and comment.
3. The adopted study schedule shall generally cover a five year period beginning with 2012-2013.
4. The adopted study schedule may be amended by Marin LAFCO from time to time at public hearings to address changes in priorities and/or resources.
5. In adopting or amending the study schedule, Marin LAFCO shall consider the following factors.
 - a) Dates of the last sphere of influence updates and municipal service reviews performed for the affected local agencies;
 - b) Evidence of significant changes in land uses, planning policies, public service demands, public service needs, or public service capabilities.
 - c) Communications and requests from local agencies and the general public.
 - d) A preliminary assessment and recommendations by the Executive Officer on the potential scope and content of studies, including sphere of influence updates and municipal service reviews, over the five year period.
6. Prior to initiating any work pursuant to the adopted study schedule, Marin LAFCO shall consider and approve, with or without changes, a scope of analysis prepared by the Executive Officer at a public hearing.

B. Procedures for Applicant Requests for Sphere of Influence Amendments

1. Marin LAFCO will, at any time, receive and schedule a public hearing to consider requests or applications for an amendment to a sphere of influence submitted by any person or by resolution of an affected local agency as required by Government Code §56428.
2. The request or application for a sphere of influence amendment shall be made in writing and state the nature of the proposed change, reasons for the request, include a map of the affected area, and contain any additional items and information as may be required by the Executive Officer, including an appropriate fee deposit.
3. Minor amendments of adopted spheres of influence may be considered by Marin LAFCO concurrently with a proposal for a change of organization.
4. Significant amendments of an adopted sphere of influence will be considered independently of and prior to any associated boundary change proposal and deferred for consideration to correspond with Marin LAFCO's adopted study schedule unless Marin LAFCO determines otherwise. .

C. Action on Sphere of Influence Establishments, Amendments, and Updates

1. All approved changes to spheres of influence shall be made by adopted resolution of Marin LAFCO and include determinations addressing all of the factors required for consideration under Government Code §56425(e).
2. All approved changes to spheres of influence shall also include any terms and conditions as determined appropriate by Marin LAFCO.

5.3 GENERAL POLICIES AND STANDARDS FOR MUNICIPAL SERVICE REVIEWS

A. Legislative Authority

1. In order to prepare and update spheres of influence, Marin LAFCO will conduct municipal service reviews to independently assess the availability, demand, capacity, and performance of governmental services necessary to support orderly growth in Marin County. A municipal service review is an analysis of the provision of each service provided by local agencies under Marin LAFCO's jurisdiction within a defined geographic area as defined by the Commission.

Marin LAFCO will review all of the agencies that provide the identified service or services within the designated geographic area. (Government Code §56430)

B. Policy Intentions

1. Marin LAFCO will use municipal service reviews to proactively inform future planning and/or regulatory actions under the purview of the Commission as well as to contribute to the overall and logical development of Marin County.
2. Marin LAFCO will orient the municipal service review to provide value to local agencies and the general public by soliciting and incorporating, as appropriate, requests to evaluate specific governance and or service alternatives.
3. Municipal service reviews will be used by Marin LAFCO to expand public knowledge of how local services are provided and as data for its sphere of influence determinations.
4. Marin LAFCO will generally schedule and prepare municipal service reviews in conjunction with sphere of influence updates, but may schedule municipal service reviews independent of sphere of influence updates.
5. Marin LAFCO will generally follow State Guidelines governing the conduct of municipal service reviews, exercising its discretion to fit local conditions and priorities.

C. Baseline Review Factors

State law requires Marin LAFCO to consider and include written statements of its determinations with respect to all of the following factors (Government Code §56430(a)):

1. Present and planned capacity of public facilities and infrastructure needs or deficiencies;
2. Location and characteristics of any disadvantaged unincorporated communities within or contiguous to the spheres of influence;
3. Growth and population projections for the affected area;
4. Financial ability of the agencies to provide services;
5. Status and opportunities for shared facilities;
6. Accountability for community service needs, including government structure options; and

7. Any other matter related to effective or efficient service delivery, as required by Marin LAFCO policy.

D. Municipal Service Review Types

Marin LAFCO may calendar and prepare one of three types of municipal service reviews as provided below.

1. A service-specific municipal service review will examine particular governmental services across multiple local agencies on a countywide basis.
2. A region-specific municipal service review will examine the range of governmental services provided by local agencies and any other identified entities within a defined area within Marin County.
3. An agency-specific municipal service review will examine the breadth of governmental services provided by a particular local agency.

E. Implementation Objectives

The purposes of Marin LAFCO's policies and procedures in the conducting municipal service reviews include, but not limited to:

1. Provide an independent assessment of the ability of the affected agencies in meeting current and projected community needs as determined by Marin LAFCO.
2. Generate civic engagement among the affected agencies and general public in addressing current and future challenges and opportunities in aligning municipal service provision with community needs.
3. Serve as the source document for Marin LAFCO to consider subsequent changes in spheres of influence as well as inform future boundary changes and or outside service extensions.
4. Serve as the source document for Marin LAFCO to pursue, as appropriate, changes in organization as authorized under Government Code §56375(a)(2).

F. Action on Municipal Service Reviews

1. Marin LAFCO shall adopted resolutions to complete all municipal service reviews that include determinative statements addressing all of the factors required for consideration Government Code 56430(a).

5.4 GENERAL POLICIES AND STANDARDS FOR OTHER STUDIES

A. Special Studies

1. Marin LAFCO will conduct any study of local government services or structure it deems necessary as authorized by Government Code § 56378 to fulfill its legislative mandates. Such studies will be funded through Marin LAFCO's regular financial resources and reserves, supervised and controlled by Marin LAFCO with the advice of affected agencies as deemed appropriate and or necessary by the Commission.
2. In the event that the County of Marin, cities/towns, special districts or civil organizations request Marin LAFCO to undertake intergovernmental or multi-jurisdictional study of municipal type services in addition to studies undertaken by the Commission for municipal service review or sphere of influence update purposes, Marin LAFCO will consider management and/or contributing to the cost of the study based on the proposed study's relevance to Marin LAFCO. Requesting agencies or other potential applicants will be required to pay study costs in excess of those costs to be incurred by Marin LAFCO in the regular fulfillment of its legislative mandates.
3. Applications for changes of organization requiring extended study in order to provide adequate information to Marin LAFCO to support its determinations shall be undertaken by the Commission at the expense of the applicant.