LAFCO Spheres of Influence:
Effective Planning for the Urban Fringe?

by
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John M. Eells
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FOREWORD

John Eells' Master's Thesis in the Department of City and Regional Planning is being issued by the Institute as a Working Paper because we believe that it merits a substantially larger readership than a thesis normally gets. Eells has interviewed widely among staff and observers of selected Local Agency Formation Commissions in California, and has thought carefully about the significance of his findings.

His thorough analysis is presented here, along with recommendations for improving the processes for urban policy formulation and implementation. He sees California's LAFCO's as having a major mandate to guide orderly urban development by regulating the extension of urban-government boundaries, and thus by implication controlling the extension of urban services. But he finds their actual powers to carry out the mandate often severely circumscribed by earlier boundary decisions that the LAFCO's, as well as the cities and counties, find it almost impossible to undo. Moreover, he thinks the LAFCO's have been saddled with responsibilities that are simply too demanding, politically, for them to handle as things stand. This is exacerbated by local political climates that sometimes still seem to encourage growth-at-any-price.

Nevertheless, Eells finds promise in the potentials of the LAFCO's, as well as in the statesmanlike performance of some of them, at least some of the time. Eells recommends Legislation giving a much clearer statement of standards and consistency requirements against which to judge LAFCO performance, development of formal processes of joint
city-county land-use planning capable of dealing more effectively with urban problems of mutual concern, and creation of a State Review Commission to oversee important aspects of LAFCO work, and city-county planning.

Eells would place greater responsibility on cities and counties to act jointly on growth-guidance decisions. To do this, he would have the state government formally mandate the preparation of joint city-county planning policies by local governments. By requiring workable city-county plans to be hammered out, this should remove from the LAFCO's some of the urban policy decisions they are now expected to deal with, but for the most part cannot because the pressures are too great. On the other hand, he would strengthen the LAFCO's ability to assist cities and counties in carrying out urban policies, by giving LAFCO's more effective tools, such as the power to initiate deannexation proposals for district or city territory, and control of the so-called latent powers of special districts.

Stanley Scott
Assistant Director
INTRODUCTION

The goal of this study is to evaluate the effectiveness of LAFCO spheres of influence as a tool for planning in the urban fringe. Acknowledging the limitations of examining all 57 LAFCO's, the study focuses on metropolitan counties which have experienced considerable urban sprawl; are currently experiencing urban sprawl; or have the greatest potential for sprawl. The counties which met these qualifications include:

- Alameda
- Contra Costa
- Fresno
- Los Angeles
- Marin
- Napa
- Orange
- Riverside
- Sacramento
- San Bernardino
- San Diego
- San Mateo
- Santa Barbara
- Santa Clara
- Solano
- Sonoma
- Ventura.

The first three chapters contain general background material on LAFCO's and sphere of influence programs. These introductory chapters provide a framework for reviewing the detailed analyses presented in later chapters. More specifically, Chapter I considers the costs of urban sprawl; problems resulting from these costs; and the Legislative response to these problems. Chapter II covers the general provisions of the LAFCO legislation since this legislation represents the state's approach to controlling urban sprawl. Chapter III presents an overview of sphere of influence programs in the 17 metropolitan counties listed above. The
characteristics covered include sphere purposes, definitions, role of spheres in staged development, city-sphere relationships and finally, program procedures and methodologies.

Chapter IV contains detailed analyses of LAFCO sphere programs from a cross section of metropolitan counties. This cross section includes five counties: Orange, Alameda, San Mateo, Santa Clara and San Bernardino. As the most rapidly growing county in California between 1970 and 1975, Orange County has been experiencing severe urban sprawl. The Orange County study examines the jurisdictional and political problems LAFCO has faced in curtailing such development patterns. Like Orange County, Alameda County is experiencing severe growth pressures centered in the Livermore-Amador Valley. By examining Alameda County LAFCO's response to these growth pressures, the Alameda case study clearly illustrates the dangers from misuse or abuse of LAFCO powers. Following Orange and Alameda counties, the case studies move on to a more positive county, San Mateo. The San Mateo study explores the role of LAFCO in a county experiencing only moderate sprawl problems. An evaluation of the Santa Clara County sphere of influence—urban service area program follows the San Mateo County study. While the Santa Clara County program has a reputation as an innovative model, it definitely has some problems. Finally, the case studies end on a positive note with a review of the innovative San Bernardino County sphere of influence program.

Chapter V analyzes specific problems and presents possible solutions for two general LAFCO problems clearly illustrated in the case studies. The first problem deals with the existing imbalance between the LAFCO goal of promoting orderly development and the tools available for achieving this goal. The second problem calls for stricter standards governing LAFCO conduct.
CHAPTER I

LEGISLATIVE INTENT OF LAFCO'S

During the late 1940's and 50's, California experienced an unprecedented rate of population growth. This rapid surge in population had a number of consequences including a tremendous hodgepodge expansion of local government and a proliferation of low density sprawling development. With the speculative nature of development favoring low cost rural lands, urbanization began to move away from the cities and into the countryside. This spreading urbanization certainly did not occur in compact high density concentrations. Instead, it tended to create checkerboard patterns of small non-self-sustaining subdivisions scattered throughout some of the finest agricultural land in the state. These subdivisions were frequently unable to support needed educational, public health, and safety services due to their small size and distance from more heavily serviced areas. To pay for these needed services, it was usually necessary to increase taxes on neighboring farm lands.¹ These tax increases would in turn provide constant speculative pressure enabling urban sprawl to become a self-sustaining process.

The speculative pressure sustaining urban sprawl involved cities and counties as well as private developers. This is clearly demonstrated by the sprawling development of Santa Clara County between 1950 and 1970. During this period of rapid growth, both the cities and the county used their regulatory powers to attract new development and promote urban sprawl. Operating under the assumption that new development is always beneficial,
the county and cities each inaugurated programs aimed at attracting new industry—programs which frequently caused intensive inter-city and city-county competition. This competition for new industry and prime industrial land provided the major impetus for the "annexation wars" of the 50's.

The aggressive development policies in Santa Clara County resulted in adverse environmental impacts on the supply of "renewable resource lands" in the Santa Clara Valley. As the northern portions of the county urbanized, some of the state's finest agricultural land was lost. Moreover, irreversible damage to the agricultural resources of the state was by no means limited to Santa Clara Valley. Due to intensive speculative pressure and the sheer magnitude of the state's population surge, much of the ranch and orchard lands of the Los Angeles and San Francisco basins converted to residential tracts. Consequently, by 1972, over 2 million acres of prime agricultural land had been urbanized. By 1980, if no effective action is taken to stop the process, almost 1 million additional acres will be subdivided resulting in a total loss of nearly one third of our best agricultural land.\(^2\)

This premature conversion of agricultural lands to urban use is particularly costly for two reasons. First, the conversion tends to be irreversible: once in residential, industrial, or commercial use, it is virtually impossible to convert land back into agricultural use. Secondly, the prime agricultural lands are a resource of tremendous value to the health, welfare and social well being of our society whose loss can be avoided if development proceeds in an orderly fashion rather than in a haphazard or leapfrog manner.
Along with destruction of valuable agricultural lands, the sprawling development occurring in the Los Angeles and San Francisco basins had many other costs, some apparent, others hidden. For example, there were:

The costs of money, time, and aggravation caused by long distance commuting between bedroom communities and places of work; costs of providing a widespread highway network to accommodate the commuters; costs of extending utilities far beyond the existing urban areas through agricultural areas; ...costs to local government inherent in trying to disperse limited financial resources among many competing semi-completed neighborhoods; costs resulting from poor interim locations of some facilities serving a dispersed population; (and) costs of allowing older areas to deteriorate while funds are being diverted to newer areas.  

In addition, urban sprawl was also imposing unnecessary economic and environmental costs on regions as a whole. Low density scatterization frequently required new public facilities such as schools and health service facilities duplicating unused capacity available in older urbanized areas.

Still another serious consequence of urbanization sprawling into the countryside was the resulting deterioration in the revenue base of cities. In staging a counterattack, cities began selectively grabbing whatever advantageous territory they could manage to annex. However, due to the restrictive nature of California's annexation laws and the opportunistic motives leading cities to annex revenue producing industrial and commercial areas, the result was a package of "horrors."

This package included special interest cities, unincorporated islands, defensive incorporations, "strip" and "cherry stem" annexations and a proliferation of single purpose special districts, all serving to
promote premature and unplanned "leapfrog" development, irregular city boundaries, and an irrational delivery of public services.

During the late 50's and early 60's, the costly results of California's growth era were becoming self-evident. Along with causing economic deterioration in cities, urban sprawl was inflicting serious agricultural damage and promoting inefficient delivery of urban services and irrational development of local governments. As a result, the state became concerned about the misuse of land resources and the growing number and complexity of local governmental units.

In response to this concern, Governor Edmund G. "Pat" Brown, Sr. appointed the Governor's Commission on Metropolitan Problems. In 1961, this Commission recommended (1) revision of the laws dealing with city incorporations, annexations, and special district formations; (2) enactment of legislation permitting formation of metropolitan multi-purpose districts with planning functions; and (3) creation of a statewide commission with quasi-judicial powers for review and approval of all incorporation, annexation and special district formation proposals.

In 1963, the recommendations of the Governor's Commission were presented to the legislature in Assembly Bill 1662, sponsored by Assemblyman John Knox. To counteract the Knox bill, State Senator Eugene Nisbet introduced Senate Bill 861 proposing county level commissions to review annexations. The introduction of these two conflicting bills was followed by intense debate and negotiations between the Governor's office, members of the legislature, and affected special interest parties, particularly the League of California Cities and the County Supervisors Association. The eventual outcome of these negotiations was the passage of the Knox-Nisbet Act in 1963.
In representing a major attempt to establish a rational framework for the development of urbanizing areas, the Knox-Nisbet Act created a Local Agency Formation Commission (LAFCO) in each of the 58 counties except San Francisco. Each of these LAFCO's was given a mandate to discourage urban sprawl and promote the orderly development of local governments. As Assemblyman John Knox, one of the co-authors of the Knox-Nisbet Act suggests, the legislature created LAFCO's with the "hope and purpose that [they] could interject a sense of balance into the process of local government and the provision of services." By functioning as a referee to supervise the balancing of conflicting goals in the urbanization process, LAFCO's were intended to serve as a forum for cooperation and coordination between the various segments of local government.

As the state's first major attempt to convert chaotic planning in the urban fringe to a rational and logical process, the Knox-Nisbet Act contained a number of noteworthy features. First, the essence of "home-rule" was preserved. Although LAFCO's were creatures of the state, they would operate at the county level. Secondly, LAFCO's were given decisive regulatory power rather than a mere advisory role. Finally, in recognition of the political realities of city-county relationships, the law suggests that solutions to the problems of urban sprawl and the fragmentation and proliferation of local government require equal participation by county and cities. Thus, the Knox-Nisbet Act represented in 1963, and still does today, a unique California experiment in rationalizing growth and development in the urban fringe through control over the formation, expansion and alteration of local agencies within a
county. (For a detailed description of the provisions of the LAFCO legislation, see Chapter II).

The experiment underwent some major revisions in 1971. Prior to 1971, LAFCO's were authorized to conduct studies of local government and the provision of services within a county. The purpose and necessity of giving LAFCO's the authority to conduct such studies was self-evident. To plan effectively for the present and future service needs of local communities, LAFCO's needed comprehensive plans for the provision of services. These comprehensive service plans would provide a basis for local agencies in programming service extensions and planning and coordinating long range capital improvements and facility investments. To achieve these goals, the service plans, at a minimum, should consider:

1. the types of local agencies presently operating within a county;
2. the present level and types of services provided by these agencies;
3. current efficiency in service provision;
4. the potential service capabilities of local agencies; and
5. the future service needs of the county and its urban communities.

Along with providing a framework for the efficient delivery of services, LAFCO's were also intended to discourage urban sprawl by providing a mechanism for intergovernmental planning, coordination and cooperation. In carrying out this mandate, LAFCO's need studies formulating policy and planning guidelines to be used not only by LAFCO, but also by the county, cities and special districts. These guidelines can provide policies concerning city annexation, urban development, and the provision of urban services which clarify the city-county interrelationships in land use planning and service provision. In addition,
they can clearly define existing conditions of urban sprawl and service fragmentation, overlap and competition; and recommend a means for correcting these conditions. Finally, these guidelines can promote coordination in formulating and implementing city and county land use plans.

Prior to 1971, studies of local government and service provision were not mandatory. Consequently, few LAFCO's had engaged in any form of comprehensive planning. As a result, Assemblyman John Knox was successful in securing passage of Assembly Bill 2870 in 1971, giving LAFCO's some definite planning responsibilities. Specifically, LAFCO's were made responsible for developing spheres of influence for local governmental agencies. In defining probable ultimate physical boundaries and service areas for local governmental agencies, spheres of influence were intended to give LAFCO's the challenge of "comprehensive planning for the structure of units of local government in a manner which will be responsive to the present and future public service needs of the people." In summary, the provisions of AB 2870, in Mr. Knox's opinion, represent an extremely vital part of the LAFCO function. As he suggests, LAFCO's

Simply cannot sit and be merely an arbitrating judge waiting for things to come down the pipe. Rather [their] statutory responsibilities require [them] to engage in some kind of planning. And in undertaking such planning, [he] would hope that LAFCO's can cultivate some coordination and cooperation between cities, counties and special districts.
NOTES: CHAPTER I


5. Ibid., p. 7.

6. [Lari Sheehan,] The Role of LAFCO (San Rafael: January 8, 1976). Report prepared by the Staff of the Marin County Local Agency Formation Commission, p. 2. Lari Sheehan is Executive Director of the Marin County Local Agency Formation Commission.


8. Ibid., p. 9.

9. Ibid., pp. 9-10.
PURPOSE OF A LOCAL AGENCY

FORMATION COMMISSION

The primary purpose of LAFCO's includes the "discouragement of urban sprawl and the encouragement of the orderly formation and development of local governmental agencies based upon local conditions and circumstances." More specifically, LAFCO's are required to make studies and obtain and furnish information which will contribute to the development of local governmental agencies so as to advantageously provide for the present and future needs of each county and its communities.

GENERAL POWERS AND DUTIES

The general powers and duties given to LAFCO's are enumerated in two separate but related statutory acts; the Knox-Nisbet Act of 1963, Government Code Section 54773 et. seg. and the District Reorganization Act (DRA) of 1965, Government Code 56000 et. seg. Both acts give LAFCO's similar regulatory power over formation and alteration of the structure of cities and special districts. While the Knox- Nisbet Act deals primarily with structural changes involving cities and the formation of special districts, the District Reorganization Act (DRA) provides uniform procedures for boundary changes involving special districts and puts all
such changes under the jurisdiction of LAFCO. The DRA establishes procedures for two types of proceedings involving special districts. The first of these proceedings is a "change of organization" which includes annexation or detachment of territory to or from a special district; the dissolution of a special district; the consolidation of two or more districts; the merger of a district with a city; or the establishment of a district as a subsidiary district of a city. The second type of proceeding, the "district reorganization," is defined as two or more changes in organization conducted simultaneously.

In meeting their responsibilities to discourage urban sprawl and promote the orderly formation of local government, LAFCO's are required to "review and approve or disapprove, with or without amendments, wholly, partially, or conditionally, proposals for:"

**Cities**
- annexation of territory to a city;
- incorporation of cities;
- exclusion of territory from a city;
- consolidation of two or more cities;
- development of new cities;

**Special Districts**
- formation of special districts
- annexations
- detachments
- dissolutions
- mergers
- reorganizations
- consolidations³.
In addition to approval or disapproval of the proposals listed above, LAFCO's also have strong powers to amend or attach conditions to these proposals. The following are examples of such powers:

1. LAFCO can amend the boundaries of a proposal either by adding or deleting territory. No further changes can be made in proposal boundaries without LAFCO approval.

2. In the case of city annexations, LAFCO can require the city to pre-zone the territory before annexation.

3. LAFCO can require as a condition to any of the above proposals, that another change of organization for a related or overlapping agency be initiated, conducted and completed. For example, if a city annexation proposal includes territory within a community services district, fire district or sanitary district, LAFCO can require the detachment of the territory from the district or districts.

4. LAFCO can require establishment of special assessment or improvement districts to finance capital facilities or improvements needed in all affected territory.

5. LAFCO can impose conditions relative to the distribution of assets, financial contracts or obligations, among affected agencies.

6. LAFCO may waive the prohibition against creation of unincorporated islands in the case of city annexations.4

When reviewing proposals, LAFCO's are required to consider the following factors:

(a) Population, population density; land area and land use; per capita assessed valuation; topography, natural boundaries, and drainage basins; proximity to other populated areas; the likelihood of significant growth in the area, and in adjacent incorporated and unincorporated areas, during the next ten years.

(b) The need for organized community services; the present cost and adequacy of governmental services and controls in the area; probable future needs for such services and controls; probable effect of the proposed incorporation, formation, annexation, or exclusion and of alternative courses of
action on the cost and adequacy of services in the area and adjacent areas....

(c) The effect of the proposed action and of alternative actions, on adjacent areas, on mutual social and economic interests and on the local governmental structure of the county.

(d) The conformity of both the proposal and its anticipated effects with the adopted commission policies on providing planned, orderly efficient patterns of urban development....

(e) The effect of the proposal on maintaining the physical and economic integrity of lands in an agricultural preserve in open space uses.

(f) The definiteness and certainty of the boundaries of the territory, the nonconformance of proposed boundaries with lines of assessment or ownership, the creation of islands or corridors of unincorporated territory, and other similar matters affecting the proposed boundaries.

(g) Conformity with appropriate city or county general and specific plans.

(h) The 'sphere of influence' of any local agency which may be applicable to the proposal being reviewed.5 [Emphasis added]

SPHERES OF INFLUENCE

Spheres of influence represent one of the most important factors LAFCO's must consider when carrying out their responsibilities for "planning and shaping the logical and orderly development and coordination of local governmental agencies so as to advantageously provide for the present and future needs of the county and its communities."6 As defined by LAFCO, a sphere of influence represents a projection of the probable ultimate physical boundary and service area of a local governmental agency.7 When determining these spheres, LAFCO's must consider:
(a) The maximum possible service area of the agency based upon its present and possible service capabilities.

(b) The range of services the agency is providing or could provide.

(c) The projected future population growth of the area.

(d) The type of development occurring or planned for the area, including but not limited to residential, commercial and industrial development.

(e) The present and probable future needs of the area.

(f) The present level, range, and adequacy of services provided by existing agencies.

(g) The existence of social and economic interdependence and interaction between areas within the boundaries of a local governmental agency and areas surrounding it which could be included within the agency's sphere of influence.

(h) Agricultural preserves in the area considered for an agency's sphere of influence and the effect on the physical and economic integrity of such preserves from inclusion in the agency's sphere of influence.

**COMPOSITION OF THE COMMISSION**

As established by the Knox-Nisbet Act, the composition of a LAFCO is based on equality of participation between the county and the cities. Thus, the Commission's permanent composition includes:

1. Two county supervisors selected by the Board of Supervisors.

2. Two city councilmen selected by a majority of the mayors in the county.

3. One public member selected by the other four members.

Commission members serve four year terms, but may be removed at any time by the appointing body without cause. In addition to regular commission members, the law provides for the designation of one alternate for each
category of commissioner. However, the alternates can only serve and vote in the absence or disqualification of a regular member of the same category. Although there are no set rules for the disqualification of a regular county of public member, the law does require the disqualification of a city commissioner upon any proposal for annexation of territory to the city of which the commissioner is a member of the governing body.

In addition to the permanent representation, the Knox-Nisbet Act was amended in 1970 to permit representation of special districts on the Commission. This amendment established an optional arrangement where two special district directors can be seated on the Commission, expanding its membership to seven. However, this option requires the approval of a majority of the permanent LAFCO members as well as a majority of the independent special districts in the county. If both parties concur to special district representation, then the two special district directors are chosen to serve on the Commission by the presidents of all the independent special districts in the county.

In exchange for representation on LAFCO, special districts give the Commission control over their "latent powers"—i.e., powers which they are authorized to exercise pursuant to law but do not. For instance, the enabling legislation for water districts frequently allows them to provide sewer service, recreational facilities, or fire protection. To the extent that these water districts are not providing such secondary services at the time they are seated on LAFCO, the Commission attains regulatory power over where and when they can provide these secondary services.
NOTES: CHAPTER II


2. Ibid.

3. The powers and duties given to LAFCO's under the Knox-Nisbet Act are enumerated in Section 54790 of the Government Code. The related LAFCO powers under the District Reorganization Act are included in Sections 56000 and following. It should be noted that as far as annexations to cities or special districts are concerned, LAFCO may not impose any conditions which would directly regulate land use or subdivision requirements. (Section 54790). This does not, however, prohibit a Commission from "requiring as a condition to annexation that a city pre-zone the territory to be annexed, provided that the Commission shall not specify how or in what manner the territory shall be pre-zoned." (Section 54790).

4. [Lari Sheehan,] The Role of LAFCO (San Rafael: January 8, 1976). Report prepared by the Staff of the Marin County Local Agency Formation Commission, pp. 4-5.


6. Ibid., Section 54774.

7. Ibid.

8. Ibid.
This chapter is the last in a three chapter sequence aimed at furnishing sufficient background for the case studies and analyses, included in Chapters IV and V. When taken in conjunction, these introductory chapters provide a context for reviewing the detailed descriptive and analytical material covered in later chapters.

More specifically, this chapter presents an overview of sphere of influence program characteristics in metropolitan counties. The characteristics covered include sphere purposes, definitions, role of spheres in staged development, city-sphere relationships, and finally, program procedures and methodologies.

THE PURPOSE OF SPHERES OF INFLUENCE

In metropolitan counties, spheres of influence frequently provide a means for achieving intergovernmental planning and coordination. This intergovernmental cooperation is usually aimed at insuring orderly urban growth in areas adjacent to a city or community; promoting cooperative planning between cities, county and districts; encouraging timely urbanization with adequate services; and avoiding unnecessary duplication in the provision of services.¹

Promoting intergovernmental cooperation begins with spheres of influence identifying unincorporated areas where intensive planning...
coordination between the county, the city, or cities and special districts should occur with respect to growth, development, and service provision. Once spheres of influence have delineated these areas, metropolitan LAFCO's often seek to facilitate the needed coordination by requesting the county to refer to the city for review and comment all subdivision proposals within the city's sphere.

Along with promoting intergovernmental coordination, spheres of influence can also help direct urban growth. By projecting future boundaries for local agencies, spheres can define the areas which should or should not urbanize within a given time period. Thus, a composite map of spheres can delineate desirable growth patterns as well as defining goals for future governmental structure.

**SPHERE DEFINITIONS**

As defined in the Knox-Nisbet Act, a sphere of influence represents a projection for the probable ultimate physical boundary and service area of a local governmental agency. This legislative definition emphasizes planning coordination with respect to growth, development, and the provision of services. More specifically, a sphere of influence for a city, for example, should include the area around the city into which the city will ultimately grow. By mapping ultimate physical boundaries, spheres delineate the areas cities should consider in their planning process to insure that the eventual community is planned for along with the present.

The legislative definition for spheres of influence is misleading regarding conceptual clarity. In reality, a sphere of influence, as
used in LAFCO discussions, represents a somewhat ambiguous term which is difficult to explain to laymen and even vague in the minds of specialists. Contrary to the legislative definition, spheres of influence, in practice, usually do not represent "ultimate physical boundaries" for local agencies. Instead, they are more likely to project areas which should be encompassed by a city or district within a specified time period.

The rationale for tying the concept of "ultimate physical boundaries" to some time schedule is clearly illustrated by the preamble to the Monterey County Guidelines:

> For most Monterey County cities, it is presumptuous and impractical to expect anyone or any group, regardless of how skilled, to determine 'ultimate' boundaries because there are too many changing variables involved and because such changes are occurring in the character of cities and types of services required in the future may be impossible to envision at this time.²

The time schedule for spheres chosen by metropolitan LAFCO's varies from county to county. For example, while Fresno, Monterey, San Diego and San Mateo all use 20 year spheres, Riverside and Napa use 5-10 years, and Santa Clara, in its new approach is considering 20-30 years.

To recapitulate, spheres of influence generally project areas which should be encompassed by a city or district within a given time period. However, there are some notable exceptions. One such exception is Santa Clara County.

Spheres of influence in Santa Clara County delineate areas "beyond which each of the cities involved cannot annex territory."³ These spheres are intended to function as "boundary agreements" which
prevent a city from annexing into the "area of interest" of another. While the spheres clearly provide ground rules for city annexation battles, they do not represent ultimate city boundaries or boundaries tied to some time period. Such interpretations would be meaningless since all land in the county is included in city spheres. Applying the future physical boundary concept would imply total urbanization for the county—a result no one is advocating.4

Ventura County represents a second exception to the general rule concerning sphere definitions. In 1968, Ventura County adopted a sphere of influence map and narrative dividing the southern half of the county into major geographic areas. By "assigning" most of the developable land to existing or proposed cities, this sphere map was intended to avoid territorial conflicts and limit the number of incorporated municipalities. Thus, like Santa Clara County, Ventura County has spheres which function largely as boundary agreements between cities.5

THE ROLE OF SPHERES IN A STAGED GROWTH PROGRAM

Metropolitan LAFCO's disagree on whether spheres of influence should be an integral part of a countywide staged growth program. This section presents an overview of the differing philosophies being entertained by Metropolitan LAFCO's. The first philosophy discussed is reflected in the "zone of influence" approach developed by Fresno County LAFCO. Essentially, this Fresno approach delineates three zones
of influence for cities and corresponding policies for city-county planning coordination. The second philosophy covered is exemplified by the Santa Clara County approach. Santa Clara County's program for staged urban development combines the concept of timing for urban services with policies specifying where development should occur. The third and final philosophy discussed is the one employed by Contra Costa County. This philosophy emphasizes confinement of urban sprawl to relatively small geographic areas rather than staging urban development.

THE FRESNO EXAMPLE

Fresno County's three step growth program identifies "zones of influence" for 5, 10 and 20 years. The primary zone includes territory which can immediately or within the next five years, receive all the services provided by the respective city or district. The secondary zone includes territory which can receive within the next 10 years all the services provided by the respective city or district. Finally, the ultimate zone (or sphere of influence) includes the area which can receive within the next 20 years all the services provided by the respective city or district.

In guiding its staged urban development program, Fresno County LAFCO has delineated different planning coordination policies for each of the "zones of influence." These policies scale the degree of city influence down as one moves out through the primary, secondary and ultimate zones of influence. For unincorporated areas lying within a city's primary zone, LAFCO urges the County Board of Supervisors to deny approval for subdivisions, rezoning applications and major development proposals. Instead, applicants in the above cases should annex to the city and develop under its jurisdiction. In a city's secondary zone,
the county is asked to refer all proposed subdivisions, rezoning applications and major development proposals to the city for advice and recommendations prior to making a decision on such proposals. Finally, for areas in a city's ultimate zone, the county is urged to receive city comments before approving proposals. In short, the county is instructed to (1) disapprove development proposals for unincorporated territory lying within a city's primary zone; (2) seek the city's advice before making decisions relating to a city's secondary zone; and (3) obtain the city's comments on proposals in the ultimate zone. Fresno's approach of delineating zones of influence and corresponding levels of review is also used by Napa and Sacramento counties.

THE SANTA CLARA EXAMPLE

The Santa Clara philosophy contrasts sharply with that of Fresno County. Fresno County LAFCO allocates land to the various zones depending upon when urban services are expected. There are no specific policies indicating where development should be actively discouraged. On the other hand, Santa Clara County combines the concept of timing for urban services with policies specifying where urban development should be prohibited.

The Santa Clara County approach contains specific policies pertaining to four land use classifications: Urban Service Areas, Urban Transition Areas, Non-Urban Open Space Areas, and Urban Open Space Areas. Urban Service Areas contain the city's existing urban area as well as enough incorporated or unincorporated land to accommodate five years of growth. Urban Transition Areas contain vacant or agricultural land
outside the service area which may be needed for future development within 5 to 15 years. Non-Urban Open Space Areas include land outside the service areas which has value for agriculture, parks and recreation. Finally, Urban Open Space Areas include lands within service areas which have value for agriculture, parks and recreation.

Santa Clara County LAFCO has policies relating these land use zones to a staged urban development program. These policies include statements suggesting that urban development not be allowed in transition zones and that the county should use all possible devices to preserve land in the non-urban open space zone. This Santa Clara model has been adopted with some modifications by Solano and Sonoma counties.

THE CONTRA COSTA COUNTY PHILOSOPHY

Contra Costa County does not have a staged development program and does not intend to develop one. The reasons were explained in an interview with Joseph Connery, the LAFCO Executive Director. Connery suggested that the county's sphere of influence program was intended to function as a 10 year urban/non-urban plan representing the aggregate of the city spheres. All urbanization would be confined to the urban area so defined. As long as the sphere boundaries are tightly drawn, Connery considers the approach more reasonable than attempting to stage urban growth. Within the urban area he does not think it makes much sense to strive for orderly concentric growth patterns—that is expecting too much in a highly dynamic market without British-style regulation.

In contrast to Santa Clara's approach to staged urban development, Connery is advocating an approach which does not attempt to control
small scale leapfrog development. Rather, his approach is oriented toward confining such sprawl to a relatively small geographic area. This would be done through the use of tightly drawn spheres of influence.

RELATIONSHIPS BETWEEN A CITY AND ITS SPHERE OF INFLUENCE

While metropolitan LAFCO's often disagree on the specific application of sphere programs, the level of disagreement is frequently minor compared with LAFCO-city conflicts. Metropolitan LAFCO's and individual cities often differ sharply on how much land should be designated for a city's sphere of influence.

LAFCO policies usually suggest that urbanization should occur in cities and that unincorporated land in a city's sphere will eventually urbanize. In other words, metropolitan LAFCO's tend to view the sphere of influence program as an urban/non-urban plan for the county for a scheduled time period. This concept assumes that land within sphere boundaries is urbanizing or will urbanize within the designated time period. Accordingly, metropolitan LAFCO's are reluctant to assign open space areas such as greenbelts or prime agricultural lands to a city's sphere of influence. Assigning such open space lands to a city sphere would be illogical since these areas are not intended to develop within the designated time period.

On the other hand, cities often reject LAFCO policies toward open space lands. The city of Laguna Beach in Orange County affords a classic example of the contrast between cities and LAFCO on spheres of influence.
Laguna Beach is surrounded on three sides by the steep and rugged coastal hills which serve as a natural buffer zone surrounding the city. Laguna Beach considered this buffer zone of considerable importance, and was concerned that use changes in the zone could significantly affect the city's village-like atmosphere and pleasant environment. Accordingly, Laguna Beach requested a sphere of influence incorporating a large portion of the buffer zone to facilitate the city's ability to voice concerns about planning activities or development proposals affecting the area.

In responding to the Laguna Beach proposal, LAFCO staff emphasized two points. First, the inclusion of the buffer zone in the city's sphere would contradict the ultimate physical boundary concept since urbanization of the area is not anticipated. Second, the city should not worry about use changes affecting the zone since the county and city plans for the area are very similar. Because of these staff arguments, Laguna Beach's sphere proposal was turned down by Orange County LAFCO.

While most metropolitan LAFCO's would probably agree with Orange County in the Laguna Beach case, there are some exceptions, notably San Bernardino and Riverside. San Bernardino County LAFCO argues that open space should be considered as it gives a background to cities which is usually and functionally necessary, and therefore, the open space relationship to the city is important and [such areas] should be included within the city's sphere of influence even though it is known that...[the city] may never be able to annex [them].... the city should still have the right to control access into and out of these open space areas and help the county plan for their use.
This San Bernardino County philosophy was used by Riverside County LAFCO in drafting a sphere for Palm Springs. Consequently, the sphere of influence for Palm Springs extends several miles into the mountains behind the city.

**PROCEDURES USED IN DEVELOPING SPHERES**

There are two procedures frequently employed by metropolitan LAFCO's in drafting spheres. These procedures differ in the level of city or district involvement in sphere development. While one procedure actively involves cities and districts, the other tends to be dominated by LAFCO.

Cities play an active role in the most common procedure used in developing spheres of influence. Under this approach, LAFCO instructs each city to outline the boundaries of the area the city sees as having a relationship to future city planning. Meanwhile, LAFCO staff obtains other relevant data from the cities. Next, staff prepares reports outlining its own proposals and evaluating those of the cities. The Commission then makes the final decision. This procedure, which applies to districts as well as cities, has been used in San Bernardino, Orange, Riverside, San Mateo and Marin Counties. ¹² (San Mateo and Marin are now re-doing their spheres using a different procedure.

In the second procedure, LAFCO's take the lead in the drafting of spheres and do not attempt to involve cities or districts directly. In Alameda County, for example, LAFCO staff in conjunction with the county planning department develops and recommends tentative spheres to the Commission after receiving input from concerned cities and special
districts. After work sessions on the staff proposals and a public hearing, the Commission makes the final decision. Marin and San Mateo County LAFCO's appear to be following the Alameda County approach in round two of their sphere programs.  

VARIATIONS IN METHODOLOGY

The methodologies used by metropolitan LAFCO's in developing spheres tend to fall into three categories: (1) the agency-by-agency approach, (2) the function-by-function approach, and (3) the community approach. There are, however, numerous variations, the most noteworthy being in Ventura County.

While these three methodologies clearly differ in theory, in practice, their differences can become somewhat ambiguous. Nevertheless, each methodology does represent a general philosophy which can function as a base for a county's approach to drafting spheres. Once the county has chosen which methodology to start with, it frequently introduces modifications, some of which may be "borrowed" from other methodologies. While the end result is often a conglomerate of principles coming from different sources, the philosophy of one of the basic methodologies is usually prevalent. Consequently, the three basic methodologies will be outlined in the text which follows.

The agency-by-agency approach considers each city or special district individually. No attempt is made to develop spheres in groups. The function-by-function approach simultaneously develops all spheres for a function such as sewer service. The community approach develops spheres simultaneously for all agencies within a geographic area.
AGENCY-BY-AGENCY

With the agency-by agency approach, either of the two procedures described in the previous section can be utilized by the Commission. A LAFCO can either evaluate proposals submitted by cities or districts in light of staff recommendations or review staff recommendations developed jointly with the county planning department.

If LAFCO chooses to evaluate city or district proposals in light of staff recommendations, then the Commission is likely to request a large amount of information from the city or district. For general reference, the Commission may ask for information on topographic features, natural drainage areas, man-made barriers such as streets or freeways, and existing and proposed service district boundaries. In addition, the city or district usually must submit evidence that it has or will have the resource capability necessary to provide services to the area in question. Finally, the city or district would need to demonstrate a willingness to provide the needed services with time schedules for planned expansion of services to the area.

Once this information is submitted, the Commission generally asks its staff to prepare a report including an evaluation of the service needs of the area; the agency's ability to provide these services; other agency capabilities; social and economic interrelationships in the area; community identification; and finally, staff recommendations. Following completion of this report, the Commission reviews the city or district's proposal in light of staff findings and recommendations prior to making its decision.

If LAFCO chooses to base its decision solely on staff proposals developed jointly with the county planning department, the methodology
used in developing these proposals would be similar to the one described above. However, such a procedure does not give cities or districts the opportunity to submit proposals, and thus, largely limits their role to data gathering.

FUNCTION-BY-FUNCTION

This approach analyzes service functions individually and tries to determine the optimum size of suppliers. In other words, the function-by-function approach would consider sewer service, then fire service, then water service, then police service, etc., on a countywide basis and would derive optimum agency boundaries for each function. In terms of procedure, the Commission usually reviews staff recommendations developed jointly with the county planning department. Evaluation of city and district proposals in light of staff recommendations is generally not applicable.

The function-by-function approach has definite advantages in counties like San Diego, where urban services are largely provided by special districts. In applying the function-by-function approach, San Diego County LAFCO is conducting four major analyses:

1) A Needs Analysis for each service considering regional and local plans as well as important physical factors such as topography and soil-suitability.

2) A Capabilities Analysis for each service examining factors influencing an agency's ability to provide services such as geographic location, service capacity and fiscal resources.

3) A Psycho-Social Analysis of social and economic relationships aimed at determining what level of service a community may desire.
4) An Environmental Impact Analysis considering the physical and biological character of the region and performed to protect environmentally sensitive areas. The results of the four analyses are integrated into a sphere of influence program using McHarg's map overlay technique.

THE COMMUNITY APPROACH

This approach has gained considerable momentum among metropolitan LAFCO's. It was largely developed by San Bernardino County LAFCO and has been or is now being used in San Bernardino, Marin, San Mateo, and Contra Costa Counties. The approach gives paramount consideration to the service needs, goals, and resources of each community, and relates spheres of influence to this sense of community. Essentially, the concept behind the approach is the following:

with cities and supporting districts, and districts which together supply the urban services in an unincorporated area, the sphere should represent the boundaries that define that total community and the cities or districts which provide urban services should plan on providing those services to the entire area.

Application of the community interest approach begins with defining the community. The community may include one city, several cities, or a collection of neighborhoods. The primary consideration in making this determination is the existence of inter-related economic, environmental, geographic and social interests.

Once the community is identified, an inventory and evaluation of the agencies serving the area can be performed. The next step involves harmonizing conflicting land use plans, controls and growth expectations; capital improvement plans; and service extension plans. The final step
molds "affected agencies, their services, and roles into an ultimate community sphere of influence and concomitant urban expansion zones." In other words, the community interest approach identifies a community; attempts to resolve conflicting plans for that community; and finally, provides a series of coterminous spheres for each service agency in the community. This last step reflects an attempt to achieve contiguous district and community boundaries.

THE VENTURA COUNTY APPROACH

As an interesting variation in methodology, the current Ventura County approach represents an attempt to integrate air quality, water quality and transportation considerations into a regional approach to sphere drafting.

Ventura County LAFCO recently joined three other agencies in a combined effort known as the Regional Land Use Program (RLUP). For LAFCO, the goal is a 1990 land use projection which can be used as a basis for drafting spheres of influence. RLUP integrates the development of the land use portions of the local Air Quality Maintenance Plan, Water Quality Management Program, Sub-regional Transportation Plan update and Spheres of Influence Plan. These plans are being prepared respectively by the County Air Pollution Control District, Ventura County Regional Sanitation District (a countywide sewer and solid waste agency), Ventura County Association of Governments (a single county COG) and LAFCO.

The RLUP is working toward a sophisticated regional land use plan reflecting the constraints of air quality, water quality, public service costs, and transportation needs. Thus, while most LAFCO's are
localized in their sphere of influence drafting, Ventura County is using a regional approach. The logic behind the consolidation of regional planning programs appears to be sound: the programs are strongly interrelated especially in terms of their direct and indirect impact on land use, present and future.

SUMMARY

By delineating "ultimate physical boundaries" for cities and special districts, spheres of influence can promote intergovernmental planning and coordination as well as help direct urban growth. In using spheres to promote these goals, metropolitan LAFCO's generally do not use a literal interpretation of "ultimate physical boundaries." Instead, most LAFCO's tie their spheres to some time schedule such as 10 or 20 years.

Metropolitan LAFCO's disagree on whether spheres of influence should be an integral part of the countywide staged development program. At one end of the spectrum is Fresno County, with its zones of influence and planning coordination policies for each zone. At the other end is Contra Costa County which argues that staged urban growth is too much to expect from a highly dynamic market.

Metropolitan LAFCO's and cities frequently disagree on whether open space lands and greenbelts should be included within a city's sphere. While LAFCO's often see such inclusion as contradictory to the "ultimate physical boundary" concept, cities argue that such lands should be included if use changes would significantly affect the city.
The two procedures commonly used by metropolitan LAFCO's in drafting spheres differ in the level of city or district involvement. Cities and districts play an active role in the most common procedure and LAFCO dominates in the other.

In drafting spheres, most metropolitan LAFCO's begin with either the agency-by-agency, function-by-function, or community interest methodology. The agency-by-agency approach considers each city or district individually. The function-by-function approach simultaneously develops all spheres for a service function. Finally, the community interest approach develops spheres simultaneously for all agencies within a geographic area.
1. These general goals are included in the LAFCO Guidelines for a number of counties including Alameda, Napa, Orange, and San Bernardino.


4. It is interesting to note that spheres of influence in Santa Clara County clearly do not comply with the ultimate physical boundary concept set forth in the sphere legislation. However, this is not surprising in light of the fact that Santa Clara County's sphere program was developed prior to the passage of this legislation. The county is aware of this nonconformance and is taking action to rectify the situation. Santa Clara County LAFCO is considering the possibility of first re-classifying its existing spheres as boundary agreements and then developing spheres intended to define the lands affected by a city's general plan for the next 20 to 30 years.

5. Like Santa Clara, Ventura County is developing a new sphere program to supplement the existing one. (For a discussion of the new approach, see "The Ventura County Approach" in the methodology section of this chapter.)

6. Turner, see note 2 above, p. 6.

7. Ibid., pp. 6-7.

8. Ibid.

9. Ibid.


12. While this procedure has been successful in a number of counties, it is interesting to note what happened when it was attempted in Contra Costa County. The initial result was largely a fiasco.
12. (continued) The city proposals were highly competitive and the resulting package nearly blanketed the county. There was tremendous overlap between city proposals and none were willing to compromise. When the Commission realized the approach was useless, they tried another. The LAFCO Executive Director, Joseph Connery, was given the task of developing sphere proposals. Connery devised his own methodology and met with city councilmen and planning staffs for input. The proposals he eventually arrived at were for the most part, adopted by the Commission after numerous public hearings.

13. The procedure used by San Diego County LAFCO represents an interesting variation to the second approach described in the text. Unlike many LAFCO's which use staff from the county planning department, San Diego County LAFCO is an independent LAFCO with its own planning staff. Consequently, once cities, districts and the county have submitted relevant data to LAFCO, it is the LAFCO planning staff which drafts sphere of influence proposals. Thus, the operation does not actively involve the county, cities, or special districts. This independence from the county is aimed at giving LAFCO the ability to take a regional perspective unbiased by county policies.


15. San Diego Local Agency Formation Commission, General Description of the Sphere of Influence Study Approach, p. 1

16. Letter from Larry Hendon, Assistant Executive Officer of San Bernardino County Local Agency Formation Commission to Pete Detwiler, State Office of Planning and Research, January 26, 1976, p. 2.

17. [Sheehan,] see note 14 above, pp. 10-11.

18. When reviewing procedures and methodologies used by metropolitan LAFCO's in drafting spheres, it is important to remember that sphere programs are not complete in many counties. Consequently, as the programs evolve, procedures and methodologies frequently change. With this in mind, the following chart presents the status of sphere programs in the 17 metropolitan counties studied as of March 1976:

<table>
<thead>
<tr>
<th>County</th>
<th>Status</th>
</tr>
</thead>
<tbody>
<tr>
<td>Alameda</td>
<td>Presently working on spheres for cities and special districts. Spheres have been adopted for the city of Livermore, Livermore Area Recreation and Park District, the city of Pleasanton and the Upper Amador Valley. Staff report has been finished and hearings scheduled for the cities of Hayward and...</td>
</tr>
</tbody>
</table>
18. (continued)

<table>
<thead>
<tr>
<th>County</th>
<th>Description</th>
</tr>
</thead>
<tbody>
<tr>
<td>Alameda</td>
<td>San Leandro. Staff presently working on proposals for Fremont, Union City and Newark.</td>
</tr>
<tr>
<td>Contra Costa</td>
<td>Spheres for all 15 cities have been completed. Sewer and water district spheres were completed in October of 1975. Work on other jurisdictional spheres in progress.</td>
</tr>
<tr>
<td>Fresno</td>
<td>Spheres for cities and special districts completed.</td>
</tr>
<tr>
<td>Los Angeles</td>
<td>Work in progress for spheres for both cities and special districts.</td>
</tr>
<tr>
<td>Marin</td>
<td>First round spheres of influence for cities completed but doing a second round using the community approach.</td>
</tr>
<tr>
<td>Napa</td>
<td>Spheres for cities completed. Most special district spheres completed.</td>
</tr>
<tr>
<td>Orange</td>
<td>Spheres for cities completed.</td>
</tr>
<tr>
<td>Riverside</td>
<td>Spheres for cities completed.</td>
</tr>
<tr>
<td>Sacramento</td>
<td>Presently working on spheres for all agencies.</td>
</tr>
<tr>
<td>San Bernardino</td>
<td>Spheres for cities and special districts all completed.</td>
</tr>
<tr>
<td>San Diego</td>
<td>Has broken up urbanized or urbanizing portions of the county into three study areas. Staff work on eastern section completed in March.</td>
</tr>
<tr>
<td>San Mateo</td>
<td>First round spheres of influence for cities completed but now using community approach to redo the spheres. Have completed this approach for the Daly City vicinity.</td>
</tr>
<tr>
<td>Santa Barbara</td>
<td>Still working on spheres.</td>
</tr>
<tr>
<td>Santa Clara</td>
<td>&quot;Spheres of influence&quot; and urban service areas completed for all cities but existing spheres are in reality boundary agreements. County is presently working on new spheres.</td>
</tr>
</tbody>
</table>
18. (continued)

<table>
<thead>
<tr>
<th>Solano</th>
<th>City spheres adopted, special districts spheres being developed.</th>
</tr>
</thead>
<tbody>
<tr>
<td>Sonoma</td>
<td>Still working on spheres for cities.</td>
</tr>
<tr>
<td>Ventura</td>
<td>First round spheres for cities, which are in reality boundary agreements, have been completed. Presently working on a new set of spheres.</td>
</tr>
</tbody>
</table>
CHAPTER IV
CASE STUDIES

INTRODUCTION

This chapter contains detailed analyses of LAFCO sphere of influence programs from a cross section of metropolitan counties. This cross section covers metropolitan counties facing severe urban sprawl as well as counties which have faced such sprawl in the past. Counties experiencing moderate sprawl problems are also considered. Finally, the cross section explores levels of innovation in metropolitan sphere programs. These levels range from the counter productive abuse of power in Alameda to the innovative programs in San Bernardino.

The case studies covered in the cross section begin on a negative note with Orange and Alameda counties. As the most rapidly growing county in California between 1970 and 1975, Orange County has experienced severe urban sprawl. The case study examines the jurisdictional and political problems Orange County LAFCO has faced in curtailing such development patterns.

Alameda follows Orange as a second example of an unsuccessful LAFCO sphere of influence program. However, unlike Orange County, the reasons for failure in Alameda do not involve jurisdictional problems or a political climate hostile to controlling sprawl and promoting orderly governmental formation. Rather, with Alameda, the problems lie with the Commission itself. Alameda County LAFCO clearly illustrates the dangers from misuse or abuse of LAFCO powers.
Following Orange and Alameda Counties, the case studies move on to a more positive county, San Mateo. San Mateo County has only a moderate sprawl problem. Consequently, spheres of influence play a relatively minor role in controlling urban sprawl. Nevertheless, progress has been made toward efficiency and equity in the provision of services to urbanized areas.

In moving up the scale of success or apparent success in controlling sprawl and promoting orderly governmental formation, the case studies shift from San Mateo to Santa Clara County. Evaluating the Santa Clara County sphere of influence--urban service area program is critical because of its reputation as an innovative model. However, as the study illustrates, the writer has some doubts concerning the validity of this reputation.

Finally, the case studies end on a positive note with a review of San Bernardino County sphere of influence program. San Bernardino County LAFCO deserves its long lasting reputation as an innovative LAFCO.
Orange County's rapid growth between 1970 and 1975 averaged 1.56% annually, the state's highest. Consequently, the county has faced serious sprawl problems. Portions of Anaheim, Yorba Linda, Mission Viejo and El Toro are good examples of sprawling development which could continue if not controlled. This case study examines LAFCO's effectiveness in curtailing such development patterns. If it can be shown that Orange County's sphere of influence program is highly successful, then the credibility of the sphere approach will be soundly established.

PURPOSE AND CONCEPTUAL DEFINITIONS OF SPHERES

In Orange County, spheres of influence include unincorporated areas adjacent to a city or special district which are of concern to that agency in its long range planning functions. With such inclusions, LAFCO attempts to provide a means for joint city-county-special district planning. This joint planning is intended to promote (1) orderly urban growth; (2) cooperative planning efforts between cities, county and districts; and (3) timely urbanization and the efficient provision of essential services such as sewer, water, fire and police protection. In summary, Orange County LAFCO sees the sphere of influence program as a planning tool capable of providing a mutually acceptable forum through which planning and growth issues are discussed and resolved.
PROCEDURES USED IN DEVELOPING SPHERES

Orange County's sphere of influence procedure is outlined in a 1971 LAFCO resolution indicating that, subject to LAFCO review, each local agency shall define and determine the boundaries of the area it believes bears a relationship to the agency's future planning. When agencies disagree on these sphere boundaries, they may file relevant information and opinions with LAFCO requesting that LAFCO make the final decision.

This procedure appears to give cities and special districts a dominant role in developing their own spheres, subject only to LAFCO certification or arbitration where two or more agencies disagree. But in fact, the actual procedure differs from that described in the resolution. While local entities were given the opportunity to submit their own proposals, LAFCO Staff also requested the data needed to develop its own proposals. The final step was submission of staff reports to LAFCO containing analysis of staff's sphere proposals as well as those submitted by local agencies.

METHODOLOGY AND CRITERIA FOR SPHERE DETERMINATIONS

In using the agency-by-agency methodology, Orange County LAFCO developed an elaborate "Sphere of Influence Preparation System." This system is basically a check list to guide the collection of data needed for application of the Commission's criteria for sphere determinations. These criteria, which are used to determine which governmental agency is the most capable of providing the necessary public
facilities and services essential for "proper" development, indicate that the following services and factors should be considered:

1) Provision of water transmission mains
2) Ample sewer facilities
3) Adequate police and fire protection
4) Waste disposal
5) Parks and recreation
6) Compatible street circulation
7) Economic and social relationships
8) Natural topographic features such as rivers, ridge lines, ravines, etc.
9) Man-made barriers such as freeways, major streets, railroads, etc.
10) Recognition of formal general plans adopted by public agencies.
11) Existing school, postal and judicial districts and other special districts which give municipal type service.
12) Consideration of property owner's statements indicating his choice of jurisdiction
13) The tax base needs of cities.

In applying the above criteria, the Commission's sphere determinations are not to be based on any single factor, but rather, should include a composite consideration of all the factors that are applicable.

"ULTIMATE" AND "SHORT TERM" SPHERES OF INFLUENCE

When using its criteria to draft spheres, Orange County LAFCO found it necessary to define the word "ultimate," the word being interpreted in a literal sense in many sphere determinations. Consequently,
a number of spheres extend even beyond the planning boundaries of the local jurisdiction's general plans. This is most notable with respect to Anaheim and Orange, whose city spheres extend several miles east to the boundary of the Cleveland National Forest.

These "ultimate" or "long term" spheres of influence serve two major functions. First, they reflect LAFCO's vision of the final or eventual boundaries for local governmental agencies. Taken in conjunction, these spheres represent a long term urban/non-urban plan for the county which LAFCO uses as a guide in reviewing annexation proposals. Second, those ultimate spheres delineate the agencies most capable of providing public services and facilities essential for "proper" development. By delineating which agencies can most efficiently service an area, ultimate spheres are used as a basis for recommendations concerning re-organization of local agencies.

By including substantial territory in its ultimate spheres, Orange County LAFCO set the stage for a sequential development program incorporating "short term" spheres of influence, i.e. those areas surrounding cities which are likely to be urbanized within 5 to 10 years. These short term spheres are basically equivalent to the urban service areas used in a number of other counties, including Santa Clara.

The LAFCO policies applicable to short term spheres of influence discourage special district formations and annexations when a city can provide identical services. In addition, LAFCO urges the County Board of Supervisors to deny approval for subdivisions, rezoning applications and major development proposals within a city's short term sphere. Instead, applicants in the above cases are expected to annex to the
city and develop under its jurisdiction. Even without annexation, such proposals will be referred to the city for review and comment prior to any decision by the County Board of Supervisors. In short, Orange County has a set of comprehensive policies for short term spheres which will become fully operative once the designation of these spheres has been completed.

EFFECTIVENESS OF THE SPHERE OF INFLUENCE PROGRAM

The remaining sections in this case study examine the relationship between the Orange County sphere of influence program and development patterns in some crucial portions of the county. By examining this relationship, the writer hopes to evaluate the effectiveness of the sphere program as a planning tool for controlling urban sprawl.

Existing Development Patterns

While the northern half of Orange County is largely urbanized and represents the southern end of the Los Angeles basin, the southern half is largely undeveloped, and includes portions of the Cleveland National Forest. The critical zone for planning urban growth is the fringe separating the northern and southern halves. This urban fringe, running from the Pacific Ocean in a northerly direction roughly parallel to the Newport Beach Freeway, basically represents an urban/non-urban line delineating the southern limit of compact development in the L.A. Basin. Development south and east of this urban/non-urban line is often scattered and piecemeal. For example, the city of Yorba Linda has annexed a large "L" shaped tentacle in order to include a major development.
Anaheim has been engulfing piecemeal subdivisions in the Anaheim hills. The city of Orange is annexing odd shaped parcels and Irvine is developing in a piecemeal manner. Finally, a large sprawling unincorporated portion of the county is known as El Toro, Mission Viejo and Laguna Hills. The following sections examine LAFCO's role in three of the above examples: Mission Viejo-El Toro, Anaheim Hills and Yorba Linda.

Mission Viejo-El Toro: Jurisdictional Problems Associated With Growing Areas Served By Special Districts

The Mission Viejo-El Toro--Laguna Hills area is an unincorporated community of about 120,000. Opinions differ on whether this portion of the county's urbanization should be defined as sprawl. Robert Turner, the Executive Director of Orange County LAFCO, for example, sees the Mission Viejo-El Toro area as a separate community like San Clemente or Oceanside, not an example of leapfrogging beyond the urban/non-urban line. In short, Mr. Turner views this area as a separate urban development rather than a part of the urban fringe. The writer disagrees. In contrast to the "traditional" community exemplified by San Clemente, the area has numerous suburban subdivisions similar to those in Irvine and Anaheim Hills. In addition, definite social and economic linkages tie this community to the Irvine area largely due to the location of the United States Marine Corps Air Station at El Toro. Finally, one must ask whether growth in this area is occurring in an orderly manner. In the writer's opinion, the pattern is one of scattered development, leapfrogging beyond the urban/non-urban line. Thus,
Mission Viejo-El Toro definitely represents an area which should be of great concern to LAFCO.

Perhaps as a reflection of Mr. Turner's opinion that the Mission Viejo-El Toro area is not a part of the urban fringe, this community does not lie within any city's sphere of influence. Thus, the LAFCO policies concerning development within a city's ultimate or short term spheres are not applicable. Even more important is the fact that most of the area already has access to all the urban services it needs for continued growth due to its inclusion in the existing boundaries of special districts. This fact deprives LAFCO of any capability to control sprawl in the Mission Viejo-El Toro area since this ability hinges on denial of annexations to special districts. Thus, the responsibility for development in the Mission Viejo-El Toro community rests largely with the County Board of Supervisors. Consequently, the state mandate for controlling urban sprawl lacks an enforcement agency. LAFCO, as the agency with these enforcement responsibilities, does not have the jurisdiction necessary to promote orderly development in the Mission Viejo-El Toro area.

Anaheim Hills: Choosing Jurisdiction Over Urban Sprawl

In contrast to Mission Viejo, the Anaheim Hills community lies entirely within the city of Anaheim. Accordingly, LAFCO's influence is limited to those rare situations where Anaheim is unwilling to provide needed services. Thus, LAFCO is virtually deprived of any influence over Anaheim Hills. LAFCO's lack of jurisdiction over Anaheim Hills is a direct result of its own actions. In the past twelve years LAFCO has voluntarily given up its authority by approving incremental
annexations to Anaheim. The most recent annexation helps explain how and why this occurred.

The most recent annexation, in 1974, brought in the Nohl Ranchlands surrounding the Anaheim Hills Golf Course. The annexation process began when a developer submitted plans to the county for a major subdivision surrounding the golf course. Next, in a very controversial move, the county demonstrated its support for the project by cancelling the previous agricultural preserve designation for the Nohl Ranch. The issue then came before LAFCO as a proposed annexation to the city of Anaheim. LAFCO concluded from the preserve cancellation that the county would approve the proposed subdivision, a presumption which posed a dilemma for LAFCO. Even if LAFCO strongly opposed the proposed development and could stop it by preventing annexations to Anaheim or to special districts, for political reasons the Commission probably could not have used its veto power. After all, there was always the argument that the County Board of Supervisors, as the land use planning agency, should have final say in this matter. Consequently, LAFCO's realistic options lay in choosing which agency should have jurisdiction over the development--a city or special district--and not whether development should occur. Accordingly, Orange County LAFCO used a criterion common to metropolitan LAFCO's i.e., that urbanization should occur in cities, to justify approving the annexation to Anaheim. Thus, with Anaheim Hills, LAFCO chose who should administer urban sprawl rather than whether it should occur at all.
The Yorba Linda Controversy: A Repeat of the Anaheim Hills Decision Making Pattern

The LAFCO decision making pattern in Anaheim Hills is also apparent in the Yorba Linda controversy. The Yorba Linda annexation involved an "L" shaped 620 acre parcel located north of Esperanza Road and beginning at a point approximately 3,300 feet east of the Imperial Highway. In February of 1975 the city of Yorba Linda proposed the annexation, giving several reasons: the area's significant mutual social and economic interests with Yorba Linda, its location in the city's sphere of influence, and finally, the city's policy position in favor of a proposal to develop part of the property.

LAFCO staff strongly opposed the annexation proposal believing it represented a blatant example of urban sprawl. The proposed development was located at the outer edge of the "L" shaped annexation, prompting staff to view the annexation as a classic attempt to gain tax revenue from leapfrog development. A staff report first encouraged the establishment of uniform city boundaries by avoiding the creation of unincorporated islands and corridors of unincorporated territory. Next, to implement these goals, the staff report suggested the city annex territory more immediate to its existing boundaries to provide for a more orderly extension of services.9

Although the staff strongly opposed the proposed annexation, the Commission approved it by a vote of 5 to 0.10 The reasoning behind this decision is spelled out quite clearly by one of the Commissioners in a statement made shortly before the vote:
Mr. Chairman, I favor the approval of this annexation for the following reasons: No. 1--This land is going to develop whether it develops in the county or in the city, [so] we have to approve an annexation where the borders are not exactly what we would like to have, because if we don't, some LAFCO Commission in the future will have to sit here and try to decide how they ended up with another unusual county island that will be completely populated by people who will not vote for annexation because...[it] would raise their taxes. It seems that in areas where land is about to be developed it is always wise to bring it in prior to the development of the land, [since] as we all know, afterwards it is almost impossible to do so.11

Since the proposal had the support of both the city and the County Board of Supervisors, LAFCO felt development in the area was eminent. Besides, the proposed annexation was within the city's sphere of influence and had the support of the landowners involved. Thus, the Commission concluded that they might as well go ahead and allow the annexation--after all, they could always go back and try to fill in the unincorporated islands created by the annexation. In short, accepting the development as given, the Commission believed it would be wise to annex before people actually moved in since it would be nearly impossible to achieve annexation afterwards.

This pattern of decision making illustrated by both the Anaheim Hills and Yorba Linda annexation decisions suggests that at least in Orange County, the Commission is operating under the assumption that it has no real ability to implement an orderly urbanization patterns. To a large extent, the writer feels this assumption is valid. In Orange County it is politically unrealistic to expect the Commission to challenge the decisions of the local agencies given direct power over land
use planning, i.e., the cities and the county. In addition, the Commis-
sion faces the problem exemplified by the Mission Viejo example, namely,
a lack of jurisdiction over some crucial portions of the county. Thus, under
the present jurisdictional arrangement and political climate,
LAFCO's ability to utilize spheres of influence as an effective tool
for controlling urban sprawl does not look very promising in Orange
County.

ALAMEDA COUNTY
CASE STUDY IN ABUSE OF POWER

The western portion of Alameda County fronting on the San Francisco
Bay has been growing very slowly in recent years. However, the
Livermore-Amador Valley has been experiencing a population explosion
resulting in numerous examples of urban sprawl. Although the popula-
tion surge has begun to level off in Livermore proper, rapid growth in
Pleasanton, Dublin and San Ramon still poses a major threat to orderly
development. Consequently, this case study focuses primarily on the
role of LAFCO in the Livermore-Amador Valley.

PURPOSE AND CONCEPTUAL
DEFINITION OF SPHERES

As in Orange County, Alameda County spheres of influence include
those unincorporated areas adjacent to a city or special district which
are of concern to that agency in its long range planning functions. In
Alameda, a sphere of influence does not necessarily indicate the ultimate
boundary of a city or district, nor does it attempt to indicate these
boundaries for a given planning period such as 15 or 20 years. Instead,
spheres indicate areas likely to share common problems whose solutions may also be commonly shared. By delineating these areas, spheres are intended to (1) insure orderly urban development in the areas adjacent to a city, community or district; (2) help plan for logical units of local government that will provide services in the most economical fashion; (3) promote cooperative planning efforts between cities, county and districts; (4) assist other agencies in planning the logical and economic extension of governmental facilities and services; and (5) encourage timely urbanization with adequate provision of essential services.12

PROCEDURES USED IN DEVELOPING SPHERES

The LAFCO procedure does not directly involve cities or special districts in the drafting of spheres. Instead, LAFCO is the principal actor under the following procedure:

1. The staff, in coordination with the County's Planning Department and other departments, and with appropriate staff of the cities and special districts, develops sphere of influence proposals.

2. The Commission holds work sessions on staff recommendations and directs staff to issue a tentative report.

3. The Commission holds public hearings on the tentative report prior to making its final decision on sphere boundaries.13

METHODOLOGY AND CRITERIA FOR SPHERE DETERMINATIONS

Alameda County LAFCO uses the agency-by-agency approach in determining which local agency is the most logical one to provide services and public facilities within a given area. LAFCO gives a great deal of
weight to a city or district's ability and willingness to provide these services. Accordingly, it is essential for a local agency to demonstrate that it has or will have the resource capability necessary to serve the areas within its sphere. The criteria used in determining the most feasible city and special district sphere boundaries include:

1) Sewage facilities, either developed or planned
2) Police and fire protection
3) Waste disposal
4) Provision of water transmission mains
5) Parks and recreation service
6) Compatible street circulation
7) Economic and social relationships
8) Geographic or natural topographic features such as rivers, ridgelines, ravines, etc.
9) Man-made barriers, such as freeways, major streets, railroads, etc.
10) Compatibility of city and county improvement standards and regulations
11) Future potential population change of the area
12) Consideration of existing school, postal, and judicial districts
13) The tax base needs and revenue producing potential of cities or special districts.

When considering the above factors in making a sphere determination, the LAFCO guidelines indicate that the decision should not be predicated upon any single one of the factors, but rather, should include, where applicable, a composite consideration of all the factors.

EFFECTIVENESS OF THE SPHERE OF INFLUENCE PROGRAM

The remaining sections of this case study examine the effectiveness of Alameda County's sphere of influence program in crucial portions of the Livermore-Amador Valley. As mentioned earlier, this Valley has
a history of sprawling development patterns. Unless controlled, these undesirable development patterns could easily continue in areas surrounding Livermore and Pleasanton. Consequently, this study focuses on LAFCO's efforts to discourage urban sprawl and promote the orderly formation of local governmental agencies in the areas surrounding Livermore and Pleasanton.

The Pleasanton Sphere of Influence

The Pleasanton sphere of influence includes all of the existing city along with surrounding fringe areas designated for development in the County General Plan, including the unincorporated area known as Dublin. By including Dublin, LAFCO was recommending that the functions and services of the Valley Community Services District be assumed by an existing, adjacent, general purpose local government, i.e., the city of Pleasanton. The reasoning behind this decision was as follows:

In addition to consideration of service functions such as water, sewage, fire, police and recreation, Dublin was included within the sphere because it is generally a developed area. Its zoning includes residential, commercial and industrial areas. As the area matures into an urban center, located adjacent to another developed community, its activities will become increasingly interrelated with those of its neighbor. To date, the County's General Plan and Zoning Ordinance have controlled Dublin. While such planning has been effective, there comes a point when local controls might be articulated more easily and effectively through locally controlled planning.16

Thus, the Commission's decision to include Dublin in Pleasanton's sphere of influence was based on sound reasoning.
Development Pressures Surrounding Livermore

The enormous growth pressures being experienced in the Livermore Amador Valley have recently come to a head because of a proposed new town just north of Interstate 580 from Livermore.

In January of 1974, Harlan Gelderman officially submitted to the Alameda County Planning Commission and Board of Supervisors a proposal to build a new town of 40,000 to 45,000 on a 9,000 acre site in the Las Positas Valley. Commonly referred to as Las Positas, this new town would be located on an undeveloped and unincorporated area bounded by the city of Livermore to the south and the Contra Costa County line to the north. Las Positas was proposed to be built over a twenty year period with the following distribution of developed land:

<table>
<thead>
<tr>
<th>Usage</th>
<th>Acreage</th>
</tr>
</thead>
<tbody>
<tr>
<td>Residential (15,000 units)</td>
<td>2,700</td>
</tr>
<tr>
<td>Commercial</td>
<td>90</td>
</tr>
<tr>
<td>Industrial Park</td>
<td>290</td>
</tr>
<tr>
<td>Public Facilities, Services, Schools</td>
<td>228</td>
</tr>
<tr>
<td>Recreation, Parks, Greenbelts</td>
<td>760</td>
</tr>
<tr>
<td>Circulation</td>
<td>145</td>
</tr>
<tr>
<td><strong>TOTAL DEVELOPED AREA</strong></td>
<td>4,213\textsuperscript{17}</td>
</tr>
</tbody>
</table>

Acting on a recommendation from the County Planning Commission, the Alameda County Board of Supervisors on December 19, 1974 approved amendments to the County's General Plan involving the redesignation of 4,275...
acres from agriculture, low and suburban residential to residential, commercial and industrial. Through these amendments, the Board of Supervisors approved the concept of Las Positas subject to the proposal's ability to meet five policy requirements related to the inclusion of low to moderate income housing, the provision of public services and the mitigation of air and water quality problems.

Since Las Positas would probably contain a large portion of the new development occurring in the Livermore-Amador Valley over the next 20 years, it is crucial that two important questions be resolved. First, does the proposed new town represent orderly development or should it be considered urban sprawl? Second, would the proposed development promote the orderly formation of local governmental agencies?

Las Positas: An Example of Premature Development

Las Positas was the first major development proposal not involving Federal funds to receive an extensive evaluation by a voluntary areawide planning agency. At the request of the City of Livermore and acting under procedures for examining development proposals of potential regional significance, a Hearing Board of the Regional Planning Committee (RPC) of the Association of Bay Area Governments (ABAG) conducted a preliminary review of the Las Positas proposal. The Hearing Board recommended to the Executive Board (which ratified the recommendation) that a full review of the proposal be undertaken. On January 8, 1975, RPC appointed a five-member Task Force to supervise the development of a report on Las Positas.

The ABAG "Las Positas Review Report" made a number of major findings. First, the report notes the existence of other places in the Bay
Area with underutilized capacity, with a need for better housing and more jobs, and without the unique serious environmental problems of the Valley. Next, it was suggested that Las Positas would incur unnecessary economic and environmental costs by requiring new public facilities such as schools and health service facilities duplicating the unused capacity available in the older urbanized areas of the region. Finally, the report concludes that (1) the proposed Las Positas new town is premature and (2) priority should be given to the provision of housing and jobs in areas with well established governmental services and facilities near population centers in need of better housing and more jobs and without the serious environmental problems of the Valley.\textsuperscript{18}

The Las Positas Review Report was submitted by the Regional Planning Committee to the ABAG Executive Board on April 17, 1975. The Board, by a vote of 23-2, agreed that the Las Positas development was premature. The Board stressed that building should occur in central cities and other existing cities with available facilities and services. Thus, based on the findings of the ABAG report as approved by the Executive Board, Las Positas can be classified as urban sprawl if one is looking at sprawl in a regional context.

Even if one prefers to substitute a leapfrog definition for a regional perspective, the Las Positas proposal is still suspect. As George Musso, Planning Director for Livermore points out, "if during the past nineteen years, the City felt that development of the Las Positas area was timely, the City would have committed its resources and services to that end. However, a succession of City Councils have felt it was better growth management to complete previously committed
projects rather than open new areas for urban development, particularly an area like Las Positas Valley which has a potential for continued agricultural use.”

Las Positas and the Formation of Local Governmental Agencies

In answering the question of whether Las Positas would promote the orderly formation of local governmental agencies, it is interesting to note the degree of opposition it received from existing local governmental agencies. First, both Livermore and Pleasanton passed resolutions opposing the proposed new town. In these resolutions, the cities emphasized that a new governmental agency (i.e., city or county service area) was not needed to accommodate future growth in the Valley—such growth could be handled by existing cities.

Along with the cities of Livermore and Pleasanton, the Regional Water Quality Control Board also indicated its opposition to a separate service entity and treatment facility to serve the Las Positas area. The Regional Water Quality Control Board's policies state that development should be within a pre-existing governmental entity that has authority to and has stated its intent to assume responsibility for the planning, construction, operation and maintenance of a sewer system. In relating these policies specifically to the Las Positas proposal, the Water Quality Control Board stated that "the establishment of a separate service entity and treatment facility to serve the Las Positas area is contrary to the California Regional Water Quality Control Board, San Francisco Bay Region, policy and could generate adverse impacts on water quality...be extremely expensive and may be infeasible from a water quality standpoint."
This opposition to Las Positas by the Regional Water Quality Control Board was supported by the Bay Area Sewage Services Agency (BASSA). BASSA argued that the formation of a new entity in the Valley would be disruptive, and as such, approval of development in the Las Positas Valley should be conditioned on its being served by a pre-existing agency, with capabilities for treatment and disposal or reclamation of waste water. Finally, in terms of opposition to the formation of a new political or taxing entity, the Valley Community Services District expressed the view that "established public agencies capable of providing municipal type services should retain their jurisdiction for such services and local self-government in order to assure that future growth and development be accomplished in a logical and orderly manner."

In conclusion, Las Positas clearly represents an example of premature development which conflicts with the LAFCO mandate to discourage urban sprawl and promote the orderly formation of local governmental agencies. Consequently, an evaluation of the role of Alameda County LAFCO concerning Las Positas is crucial. The following sections examine the development of the Livermore sphere of influence since the Commission's decisions on this sphere represent its role in the Las Positas matter.

The Livermore Sphere of Influence: A Land Bank for Las Positas

The Livermore sphere of influence controversy began in July of 1973 when LAFCO issued a staff report proposing a sphere of influence encompassing all the land surrounding Livermore designated for residential, commercial or industrial development in the county General Plan.
prior to the December 1974 Las Positas amendment. Under this proposed sphere, growth in the Livermore-Amador Valley would be largely limited to areas immediately surrounding Livermore. In other words, the proposal represented a logical "rounding out" of the city's present urban lands.

In following the standard procedure, the next step in the development of the Livermore sphere was for the Commission to hold a work session to consider staff recommendations. Since Commissioner Don Murphy brought Harlan Gelderman, the developer of Las Positas, to the work session on August 2, 1973, the Commission had the advantage of being tied in with Mr. Gelderman and his consultants right from the beginning of their consideration of a sphere of influence for Livermore.

In the time between the work session held on August 2nd and the first public hearing held on September 6, 1973, Roland Mayne, Executive Director of Alameda County LAFCO, received 10 copies of a report developed for Mr. Gelderman by Wilsey and Ham containing a proposal for a separate sphere of influence for Las Positas. After receiving these copies of the report from the Gelderman consultant, Mr. Mayne sent one copy to each Commissioner along with one copy to the City of Livermore. Thus, prior to the first hearing on the Livermore sphere of influence on September 6, 1973, each Commissioner had been briefed by the Gelderman interests as to what approach would be most beneficial to Las Positas.

At the September 6th hearing, Ron Calhoun from Wilsey and Ham and Jack Smith, Mr. Gelderman's legal counsel, were given the opportunity to make a 45 minute presentation to the Commission on their
proposed sphere of influence for Las Positas. On the other hand, the City of Livermore was only given the opportunity to make a 10 to 15 minute presentation.\textsuperscript{27} In addition, the presentation by Calhoun and Smith had the benefit of being the first item on the agenda. Thus, at the first hearing on the Livermore (not Las Positas) sphere of influence, the Las Positas proposal received priority on the agenda.

As the above discussion illustrates, LAFCO's strong interest in Las Positas was evident as early as the first public hearing on September 6, 1973. The Commissioners were undoubtedly considering the Livermore sphere of influence in the context of the Las Positas proposal. This theme will receive further elaboration in the discussion of Livermore's willingness to serve the Las Positas Valley. However, before discussing willingness to serve, it is important to consider Livermore's growth policies.

In June of 1973, the City of Livermore authorized the preparation of a new General Plan to be completed in two years. In order to provide time for the orderly development of this new general plan, the City enacted Ordinance No. 813 on March 9, 1973. Adopted as an urgency interim ordinance providing for the re-zoning of certain undeveloped properties within the city from residential to agricultural use, the ordinance established a partial moratorium on further residential expansion, particularly in areas north of Interstate 580. Two subsequent interim zoning ordinances were adopted with Ordinance No. 836, extending the partial moratorium on residential expansion until March 20, 1975. The intent of these moratoriums was to prevent population growth from out running the city's capability to provide needed public services and facilities.
With the implementation of these growth control measures, the stage was set for a confrontation between Livermore and LAFCO concerning development north of Interstate 580. This confrontation, which began at the public hearing on September 6, 1973, following the presentations by Gelderman's associates and the City of Livermore, involved considerable discussion by the Commissioners concerning Livermore's apparent unwillingness to develop north of 580.  

The Commission's deep concern over whether Livermore would be willing to serve Las Positas definitely carried on into the second public hearing on October 4, 1973. During this October 4th hearing, the Commissioners discussed the Las Positas proposal in detail, particularly in terms of its relationship with Livermore's sphere of influence. After reviewing what they characterized as the city's "no growth policies," the Commission decided that a great deal of weight should be given to Livermore's willingness to serve development north of Interstate 580. In other words, the boundaries of Livermore's sphere of influence north of 580 should reflect the Commission's appraisal of Livermore's willingness to serve Las Positas.

The Commission concluded that Livermore would be unwilling to serve Las Positas. Consequently, it modified the Livermore sphere of influence proposed by staff. (The sphere proposed by staff would have included half of the Las Positas site.) At the conclusion of the second public hearing on October 3, 1973, Commissioner Kant expressed the desire to exclude Las Positas from Livermore's sphere of influence so that the proposal would not be jeopardized. Commissioner Murphy
agreed with Mr. Kant's desire to exclude Las Positas so he made a motion, seconded by Commissioner Flegal, to modify the sphere of influence proposed by staff by dropping the northern boundary to Interstate 580. Thus, with the passage of Commissioner Murphy's motion, LAFCO staff was instructed to incorporate the modified boundary in its final report on the Livermore sphere of influence.

Before the Commission could take final action on the modified sphere of influence, a landmark decision was made by the California Supreme Court in Bozimg v. the Local Agency Formation Commission of Ventura County, 13 Cal 3d 263 (1974). By establishing the applicability of the California Environmental Quality Act to LAFCO proceedings, this decision mandated the preparation of an Environmental Impact Report (EIR) on the proposed Livermore sphere of influence. In December of 1974, Alameda County LAFCO issued a draft EIR on its modified sphere proposal. Then, on February 22, 1975, a final EIR on the proposed Livermore sphere of influence was issued in two volumes. The first volume was a re-issuance of the draft EIR and the second volume contained comments plus significant revisions. These revisions were primarily related to the Board of Supervisors' approval of a General Plan Amendment for Las Positas. Nevertheless, the attention given to this major decision was completely inadequate. The final EIR considered the Livermore sphere of influence in total isolation from the Las Positas proposal on the grounds that it was mere speculation as to whether or not Las Positas would be built. However, with the decision by the Board of Supervisors, the probability of Las Positas being built increased dramatically. Thus, Las Positas was not sufficiently treated in the final EIR on the Livermore sphere of influence.
In spite of the inadequacies in the final EIR, the Commission moved steadily toward adoption of a final sphere of influence for the City of Livermore. On February 27, 1975, a hearing was held on both the Livermore sphere of influence and the final EIR. At the beginning of the hearing the final EIR was approved without discussion, and at the end, the Commission adopted a final sphere of influence for Livermore which was identical to the sphere tentatively approved at the hearing on October 4, 1973.

February 27, 1975 was a key day in the evolution of the Livermore sphere of influence--it was the day when LAFCO finally succeeded in setting up a land bank for Las Positas. The dedication of the Commissioners in establishing this land bank becomes even more apparent when one examines the relationship between the Commission's decision and its own policies and guidelines.

The decision made by the Alameda County LAFCO on the Livermore sphere of influence violates the priorities for annexations and special district formations enumerated in the Commission's own guidelines. These priorities specify that it shall be the general policy of the Commission, subject to logical exceptions, that all urban development, whenever reasonable, shall be municipal development. Unless there are strong reasons for change, priorities in annexations to governmental entities shall be in the following order:

1) Annexation to a city, rather than a special district, if both can provide the same services at approximately the same cost of environmental impact.

2) Annexation to a district or a city rather than the formation of a new special district or city.
3) Formation of a new political entity is the last alternative. Whenever a new political or taxing entity is indicated, the formation of a self-governing special district is the least desirable.

In view of their extensive contact with Gelderman and his associates throughout the two year development of this land bank for Las Positas, it is inconceivable that the Commissioners were unaware of Gelderman's intention to create a County Service Area to provide municipal services for Las Positas. (The actual Notice of Intention to create a County Service Area for the Las Positas Area was filed with LAFCO on May 20, 1975). Thus, in making their decision on the Livermore sphere of influence, the Commissioners apparently chose to ignore their own policies by advocating the least desirable alternative in terms of annexation to governmental entities.

Because of the above circumstances, Livermore chose to file suit against Alameda County LAFCO. On April 24, 1975, the City filed a "Complaint in Declaratory Relief and Petition for Writ of Mandate." The first two causes of action contained in the complaint alleged that the EIR on the proposed Livermore sphere of influence was inadequate and that insufficient weight was given to the EIR in the decision making process concerning the city's sphere. In the third cause of action, Livermore suggested that by removing the Las Positas site from the Livermore sphere of influence, LAFCO was encouraging the development of the area by a single private developer—an action which it held to be clearly (1) contrary to the policy of the Knox-Nisbet Act and (2) arbitrary, capricious, and an abuse of discretion.
In the fourth Cause of Action, the complaint alleged that by violating its own policies without documenting the overriding considerations, LAFCO was again guilty of arbitrary and capricious decision making.

This lawsuit has not yet gone to trial largely as a result of a major turn of events in the ongoing controversy over the Livermore sphere of influence. In the months following the Livermore sphere of influence decision of February 27, 1975, LAFCO received numerous petitions signed by people residing within the sphere of influence, but outside the city limits. These persons requested that their property be removed from the Livermore sphere of influence. The most prominent of these petitions was sponsored by Chester Anderson. In the cover letter which accompanied the petition, Mr. Anderson states that:

The persons believe that the City of Livermore has defaulted in its duties and responsibilities regarding planning for these areas. The activities of the City of Livermore over the last decade and in the more recent period have clearly indicated that the City of Livermore is not disposed to a program of essential public services. These property owners are convinced that the City of Livermore is unwilling and incapable of reasonably planning and meeting the needs and requirements for each of these properties.

The persons who have signed indicating their dissatisfaction with the City's 'sphere of influence' respectfully request that the Local Agency Formation Commission schedule appropriate hearings, take public testimony, and, in accordance with the desires and requests of these persons, limit the 'sphere of influence' of the City of Livermore to the present city boundaries. 35

As a result of the dissatisfaction expressed by property owners residing outside the city but within its sphere of influence, the
Commission adopted Resolution 75-19 on October 9, 1975. This resolution contained the following statement:

Now, Therefore, Be it Resolved, Determined and Ordered:

1) That there is sufficient cause and it is deemed necessary that this Commission reconsider the sphere of influence it has set for the city of Livermore; and that said reconsideration include, but not necessarily be limited to the following:

a) That a new staff report and Environmental Impact Report be prepared on the Livermore Sphere of Influence, to be followed by appropriate hearings and deliberations of the Commission.

b) That the staff report and the Environmental Impact Report focus on four (4) alternatives:

(i) A sphere of influence reflecting the existing city limits

(ii) Retention of existing sphere now in effect.

(iii) Setting a sphere of influence to the extent of the County boundary on the North and developed areas to the South of the City of Livermore

(iv) Setting a sphere of influence as described in the LAFCO staff report submitted to the Commission in 1973.

The passage of this resolution by the Alameda County LAFCO marked the beginning of the second phase of the Livermore sphere of influence controversy--the phase known as "The Reconsideration."

The Draft Environmental Impact Statement on the Reconsideration of the Sphere of Influence for the City of Livermore was completed in November of 1975. In view of the eventual outcome of "The
Reconsideration," it is particularly interesting to review the EIR findings concerning a Livermore sphere of influence cut back to existing city limits. In the EIR, the staff notes that such a sphere would:

Force creation of an additional governmental structure for Las Positas, and...in addition, create the need for special agencies to provide services on other boundaries of the City planned for development but excluded by the sphere. This would occur because of the continuing pressures for urbanization in the Livermore area coupled with a prohibition against future extensive annexations on the part of the City.... Cooperation between the City, County, and other agencies would be difficult, a duplication of services and facilities would also be likely to result and circulation patterns and utility systems would remain incomplete. Growth in the entire area could not be managed in a timely manner and would proceed at a pace not necessarily in keeping with either the City or County General Plan. In Summary....(this) alternative would present severe conflicts with LAFCO policies. 37

The EIR goes on to state:

Distortions in the local housing market could result from this condition, concluding with forced changes in City Planning policies. The limited and compact development forced by this sphere alternative would reduce the need for future investments by Livermore in public facilities, but such reductions would not be in the context of the existing plans for the community. New plans would have to be drawn for some improvements (including water, sewerage, and transportation facilities) to prevent over-investment or under-utilization. When these impacts are added to those that would be felt from development north of I-580 of a community of 40,000 to 45,000 persons (including impacts on air, ground water quality, traffic and circulation, and schools), it becomes clear that this alternative is
accompanied by severe costs. Present plans would be ill-suited to meet the needs of the future, while future plans would be greatly constrained. Thus, it can be concluded that this alternative has the greatest adverse impact on local plans.38

In conclusion, LAFCO staff expressed the view that reducing the sphere of influence to the existing city boundaries was not a viable alternative since the fringe areas of the city do need services and definitely affect what goes on in the city.39

Given the heavy staff opposition to a sphere of influence restricted to the city limits, the Commission's decision at the end of the reconsideration is truly remarkable. Following the completion of the EIR, the Commission held two public hearings to "reconsider" its earlier decision on the Livermore sphere of influence. The first of these hearings occurred on January 22, 1976 and the second on February 3, 1976. At these two hearings the Commission heard testimony by citizens wanting to be removed from the Livermore sphere of influence. These people were overwhelmingly negative in their attitudes toward Livermore, and their emotional pleas had a powerful impact on the Commission. This impact is illustrated by a statement made by one of the Commissioners shortly before the vote:

After listening to testimony that has been brought before us, and picking up further background, both by the fact that I live in the area and information that's been coming before me as a member of the Board of Supervisors on planning and zoning matters, I have come to the conclusion that the city really does not have one, the ability, and two, the willingness to serve each of the areas that we have included in the Sphere of Influence as it now exists. As a consequence, I would say that as far as I am
concerned, I would be more inclined at this point in time to say that the Sphere of Influence for the City of Livermore should be shrunk down to the existing city limits. 40

Thus, on February 3, 1976, the reconsideration phase of the Livermore sphere of influence controversy concluded with a vote by the Commission to establish a sphere of influence for Livermore coterminous with the existing city limits. With this decision, Alameda County LAFCO succeeded in approving a sphere of influence which (1) will promote urban sprawl north of I-580, (2) discourage orderly development of local governmental agencies, (3) reflects severe conflicts with adopted LAFCO policies, and (4) has the greatest adverse impact on local plans of all the alternatives considered.

Concluding Remarks: Abuse of Power by Alameda County LAFCO

The actions taken by Alameda County LAFCO throughout the three year development of the Livermore sphere of influence appear to ignore the letter of the law as well as its spirit. LAFCO did not direct its efforts toward preventing urban sprawl or promoting the orderly formation of local governmental agencies. Instead, the Commission sought to give a Carte Blanche card to Mr. Gelderman to help insure the success of Las Positas. In short, the writer believes the Commission acted contrary to the policies set forth in the Knox-Nisbet Act by making decisions which were arbitrary, capricious and an abuse of discretion.
(1) Where a special district is coterminous with, or lies substantially within, the boundary or sphere of influence of a general purpose government which is capable of assuming the public service responsibilities and functions of that special district, the special district may be allocated a designation of a zero sphere of influence which encompasses no territory. 

(2) Where two or more single-purpose special districts providing the same service are contiguous, those districts may be allocated a consolidated sphere of influence to include the areas served by both districts. This would be the case where LAFCO believes that the particular service should be provided to the entire area by a single local agency.

(3) Where two or more single-purpose special districts provide services to substantially the same area, they may be allocated zero spheres of influence encompassing no territory. This would indicate the belief of LAFCO that the existing districts should merge with an existing city or cities, or that they consolidate into a single, multi-purpose special district. The provision of services by multi-purpose local agencies is to be preferred over the provision of those services by overlapping, single-purpose special districts.

THE STAGED DEVELOPMENT PROGRAM

San Mateo County's spheres of influence delineate limits for probable future growth within twenty years. To avoid sprawl within these spheres, the county decided to designate urban service areas encompassing territory now served by urban facilities and utilities or capable of receiving such services within the next five years.

In using these urban service areas to control sprawl within spheres, LAFCO emphasizes that urban development should occur in compact patterns within urban service areas prior to expanding to the residual lands lying between service areas and sphere boundaries.
When developing these urban service areas, consideration is given to willingness to provide needed services with related time schedules for planned expansion of services within specified time increments. Along with willingness to serve, LAFCO contemplates whether a city or special district has or will have the resource capability necessary to provide services to an urban service area.  

In San Mateo County, as in Santa Clara, the residual lands lying between urban service areas and spheres of influence are classified as urban transition areas. San Mateo County LAFCO has a number of policies applicable to these transition areas. These policies encourage urbanization in the service areas prior to expansion to the transition areas. For example, territory within urban transition areas but not within urban service areas should not be considered eligible for annexation within five years.

As the above discussion demonstrates, San Mateo County LAFCO has a procedure for staged development. However, since urban service areas have not been delineated, the approach has yet to be implemented. Nevertheless, this does not necessarily mean the county is ineffective in controlling leapfrog development. When an urban service area is lacking and a questionable annexation proposal is submitted to LAFCO, staff can simply ask the Commission to postpone its decision until an urban service area has been developed.
EFFECTIVENESS OF THE SPHERE OF INFLUENCE PROGRAM

Over the years San Mateo County LAFCO has actively promoted efficiency and equity in the provision of services to urbanized areas. This role has led to constant LAFCO involvement in mediating inter-jurisdictional disputes. For example, LAFCO has served as a mediator for negotiating the sale of a small water district to a larger private water company. Another example of LAFCO intervention involved a dispute over provision of services at the border between a city and the county.

LAFCO's role in promoting service efficiency has not been limited to diplomacy. Quite to the contrary, LAFCO has also actively discouraged the proliferation of new single purpose agencies. In this regard, spheres of influence, when delineated, have been used as guides concerning the formation, consolidation, and dissolution of special districts. However, since most district spheres have not yet been delineated, an evaluation of San Mateo County's sphere of influence program must center around city spheres. Evaluating the city sphere of influence program requires judgment concerning the effectiveness of these spheres in controlling urban sprawl. To make this judgment, it is necessary to first identify those select portions of the county experiencing growth pressures.

Growth Pressures In San Mateo County

The city and county of San Francisco, the county of San Mateo, and the state and federal government all have a binding agreement prohibiting development in the Crystal Springs watershed. Consequently, San
San Mateo County has what might be described as an airtight green belt extending along the western border of the urbanized corridor from Pacifica to Woodside. In addition, since neither Portola nor Woodside are growth oriented, the threat of sprawl is minimal in these communities as well. Along the coast, there is certainly development pressure in the Half Moon Bay area. However, this pressure is not very threatening due to the lack of water. Major development can only take place once water is imported. There are developers waiting in the wings who have commitments from San Francisco for the needed water, but the pipe lines necessary to bring in the water would cost $7 - 9 million, a price too high for the developer. Unless developers are successful in having special districts pay for the pipe lines, the prospect for any major development in Half Moon Bay is quite dismal. Consequently, the only real area susceptible to urban sprawl is San Bruno Mountain.

San Bruno Mountain, the largest and most prominent undeveloped block of open space in the Northern San Francisco Peninsula area, is bounded on the north and west by Daly City, Colma and South San Francisco to the south, and the San Francisco Bay to the east. In light of a proposal by Visitacion Associates to build a community housing nearly 19,000 people, a study of the LAFCO role in the San Bruno Mountain controversy is essential prior to judging the Commission's effectiveness in controlling urban sprawl.

The San Bruno Mountain Controversy

The plan for San Bruno Mountain submitted by Visitacion Associates proposed 7,655 multi-family housing units, 460,000 sq. ft. of retail space, 127,000 sq. ft. of commercial recreation, 832,500 sq. ft. of
office space and 409,500 sq. ft. of warehousing. The project would be constructed over a 15 year period and when completed, would house 18,600 persons. Obviously, development of this magnitude would have major ramifications on the future quantity, intensity, location and timing of growth in northern San Mateo County, and to a lesser extent, on the entire county. But it is not clear whether the project represents urban sprawl. If urban sprawl is defined as leapfrog development then perhaps the project is not an example of sprawl. On the other hand, if sprawl is seen in a regional context as a failure to fill the islands within the existing urban area prior to extending the borders of the area, then development on the mountain can be classified as urban sprawl.

The LAFCO role in the San Bruno Mountain controversy began in 1972 with the completion of a preliminary report on the Visitacion Rancho sphere of influence done by Eckbo, Dean, Austin and Williams. In following the study recommendations, the Commission made a tentative decision in 1972 to allocate most of the development site to the city of Brisbane. Since Brisbane did not yet have a second round sphere of influence the Commission was indicating that the new sphere for Brisbane should include those portions of the mountain proposed for development.

Since the project would have broad impacts of regional significance LAFCO designated the county as the logical agency to coordinate the planning for San Bruno Mountain. Next, LAFCO recommended the establishment of a special type of county service area to function as a taxing agency capable of financing this county planning. The formation of
county service areas comes under special district latent powers. Consequently, San Mateo LAFCO could not create such a service area because it lacks district representation. This lack of power to create the type of service area it wanted proved to be a major stumbling block for LAFCO since the County Board of Supervisors went on to approve a standard county service area for San Bruno Mountain. Technically, since the supervisors had given the developer the power to build his project without any annexations to cities or special districts, LAFCO's ability to stop the project had been eliminated. However, in view of later decisions by the County Board of Supervisors, this loss of LAFCO power was relatively insignificant. When the Board of Supervisors approved the Saddle in Open Space (SOS) plan for the mountain, they effectively nullified a major portion of the proposed development. Consequently, the developer has threatened to file an inverse condemnation lawsuit against the county on the grounds that his proposal must be approved as proposed or it becomes economically infeasible to build at all. Since the status of his proposal is still uncertain LAFCO has chosen to delay its work on the final sphere of influence recommendations.

In looking back at the role of LAFCO in the San Bruno Mountain controversy, the writer is intrigued with LAFCO's proposal for using a county service area to plan for urban development. In this regard, the lack of LAFCO authority over special district latent powers is unfortunate since it can reduce LAFCO's role to one of merely deciding who should receive jurisdiction over development rather than whether it
should occur. Thus, special district representation on the Commission can be crucial in the use of a county service area as an instrument for planning.

Concluding Remarks

In conclusion, it is evident that LAFCO is not playing an important role in controlling urban sprawl in San Mateo County. However, this is not to say that LAFCO is doing a poor job. Since urban sprawl is not the same kind of dynamic problem in San Mateo County as it is in Santa Clara or Orange Counties, the real challenge for San Mateo LAFCO does not lie in controlling urban sprawl at all. Instead, the challenge deals with achieving efficiency and equity in the provision of services to urban areas.

SANTA CLARA COUNTY: A MODEL?

Santa Clara County was chosen for a case study for two principal reasons: (1) its history of severe urban sprawl and (2) its notable efforts to curtail such sprawl. The Santa Clara Valley contains some of the richest soil anywhere in the world. Fifty years ago this soil produced more than one third of the world's prunes and substantial crops of apricots and walnuts as well. Even during the war years in the mid-40's, there was still over 100,000 acres of orchards producing a rich quantity and variety of fruits. After the war, however, the sub-dividers moved in and by the mid-50's, the Valley was a mess. If placed in one tight compact parcel, all the land converted to urban use between
1947 and 1956 would have occupied only 26 square miles. However, due to the low density check-board pattern of development, by 1956, there was not a single square mile in a two hundred square mile area which had not been invaded by one subdivision or more. This pattern of scattered development, which carried on through the 60's, has given Santa Clara County a reputation as a leader in urban sprawl.

In addition to being a leader in urban sprawl, Santa Clara County has also acquired a reputation for making notable efforts to control sprawl. In response to the county's miserable experience with sprawling development, Santa Clara County LAFCO developed, in conjunction with the county planning department, the cities and the Planning Policy Committee (PPC), a program for managing urban growth. Embodied in the county's Urban Development/Open Space (UD/OS) plan, this growth management program does not attempt to alter the amount of growth but rather seeks to shape the pattern and timing of growth. By using the UD/OS plan to guide growth, the county hopes to preserve open space and create more contiguous urbanization patterns.

THE SANTA CLARA COUNTY LAFCO APPROACH TO MANAGING URBAN DEVELOPMENT

The evolution of Santa Clara County's program for managing urban development began in the mid-60's when LAFCO delineated "spheres of influence" for the cities to help avoid future annexation wars. These spheres were intended to function as "boundary agreements" between cities which would prevent a city from annexing into the "area of interest" of another. Once these spheres were completed in 1967, LAFCO went on to design a staged urban development program.
In December of 1971 Santa Clara County LAFCO adopted a set of "Urban Development Policies" aimed at (1) clarifying city and county functions relative to land use planning, and (2) specifying where and when urban development should occur. Under these policies, adopted by the County Board of Supervisors and the 15 cities by early 1972, urban land use planning is solely the responsibility of cities and future urban development should only occur in cities when and where it is needed.

The LAFCO urban development policies contain specific policies pertaining to four land use classifications: (1) Urban Service Areas, (2) Urban Transition Areas, (3) Non-Urban/Open Space Areas, and (4) Urban Open Space Areas.

Urban Service Areas

Urban Service Areas contain the city's existing urban area as well as enough developable land within the city's sphere of influence to accommodate five years of growth. While land included in the service area can either be incorporated or unincorporated, it must be served by existing urban facilities, utilities and services or proposed to be served in the first five years of the city's capital improvement program.

The summation of urban service boundaries in the county is intended to function as a short term urban/non-urban line which LAFCO can use in controlling sprawl. City annexations and subsequent urbanization are permissible within the urban/non-urban line while lands lying outside should be reserved for low density rural or open space uses. As annexations occur and urbanization proceeds, periodic expansion of the service
areas is necessary to maintain a five year supply of developable land.

**Urban Transition Areas**

Urban Transition Areas contain lands which may be considered for future development as they are needed. Usually consisting of vacant or agricultural land adjacent to the urban service area, these transition areas will most likely be used for urban development within 5 to 15 years. However, before such development can occur, the urban service area boundaries must be expanded. As long as land remains in transition areas, it should not be subject to urbanization.

**Non-Urban Open Space Areas**

Non-Urban Open Space Areas include lands lying outside urban service areas which have value for parks and recreational purposes, conservation of natural resources, historic and scenic purposes, and/or agriculture. The LAFCO urban development policies suggest that all possible devices should be used to maintain these areas in open space.

**Urban Open Space Areas**

Urban Open Space Areas include lands within urban service areas which have value for parks and recreational purposes, conservation of natural resources and/or historic and scenic purposes. These areas include publically owned lands, such as parks, utility corridors, water areas and flood control channels. As with non-urban open space areas, all possible devices are to be used in maintaining these areas in open space.
IMPLEMENTATION OF THE COUNTY'S APPROACH TO STAGED URBAN DEVELOPMENT

The first step taken by Santa Clara County LAFCO in implementing its staged urban development program was a requirement that the cities submit their urban service area proposals. In these proposals, the cities were to justify why the land in the urban service area is needed and appropriate for urban development along with demonstrating their ability and intention to provide all the necessary utilities and services within the next five years. In evaluating each city's proposal, LAFCO considered the following factors:

a) The city general plan, particularly with regard to land use relationships with the proposed urban service area

b) The balance and relationship of countywide industrial and residential growth potential

c) Regional transportation provisions

d) Adequacy of urban utilities

e) Adequacy of urban services

f) The ability of school districts to provide school facilities

g) The preservation of agriculture and open space

h) Methods for promoting annexation of unincorporated lands in urban service areas

i) The role of special districts in providing services

j) Environmental review policies.

Between October 1972 and June 1973, LAFCO first conducted hearings and then adopted urban service areas for each of the 15 cities in the county. During this time LAFCO was also simultaneously developing
a planning tool aimed at maximizing the effectiveness of urban service areas. In May of 1973, a first draft of the "City Services" Combining Zone ordinance was proposed and discussed with the County Board of Supervisors and mayors of each of the cities. As defined in the ordinance, the purpose of the "City Services" Combining Zone would be to:

- promote sound and orderly urban development
- promote city annexation of unincorporated land within urban service areas
- reduce duplication of governmental services
- improve land use planning
- promote citizen participation in city government
- promote equitable sharing of the cost of urban services
- assist the implementation of LAFCO guidelines
- assist the implementation of the County Urban Development/Open Space Plan.\(^57\)

The City Services Combining Zone would function as an overlay zone on the unincorporated land lying within the urban service area. This overlay zone would prohibit the county from issuing building permits for any urban use within the service area by applying a non-urban zone allowing only one residential unit per 2.5 acres. Thus, to obtain an urban use for his land, the property owner would need to annex to the city. Following a number of hearings, the County Board of Supervisors adopted this City Services Combining Zone Ordinance in May of 1974. Consequently, Santa Clara County has a zoning ordinance aimed at implementing LAFCO's programs for staged urban development.
With the adoption of urban service areas and a zoning ordinance specially tailored to promote the goals of these service areas, Santa Clara County LAFCO was ready to begin the next phase in its program for staged urban development. This next step involves the design of a sphere of influence program corresponding to the urban transition areas. In this regard, LAFCO is considering the possibility of first re-classifying its existing city spheres as "boundary agreements" and then developing new spheres encompassing those areas designated for urban expansion within the next 20-30 years. The County Policy Planning Committee has recommended the following conceptual definition for these new spheres:

"This is the undeveloped incorporated or unincorporated lands which may be needed for urbanization after five years and within 20-25 years. This area should correspond to the outer limits of city general plans which should be restricted to the same time frame. Both the county and the city have legitimate land use interest. The county should not allow urban uses and the city would not be allowed to annex into the area until the urban service area boundary is revised. The external boundaries may be reviewed and revised approximately every five years or whenever a city's general plan is updated and revised." 58

Along with supplementing the urban service areas in defining where and when urban development should occur, these new spheres would also serve to further clarify governmental responsibility in land use planning. For lands lying within these spheres but outside urban service areas, planning would be the joint responsibility of the city and the county.

The Planning Policy Committee has recommended that LAFCO consider the following factors when reviewing and adopting these new spheres:
a) The city's general plan including all mandatory and optional elements

b) Joint city/county specific plans

c) All other factors included in Section 54774 relative to sphere of influence considerations

d) The current and future role of special districts in providing services.

In summary, in terms of the LAFCO program for staged urban development, the work on urban service areas (except for annual review and revision) has been completed while work on the urban transition area is just beginning.

AN EVALUATION OF THE URBAN SERVICE AREA PROGRAM

In theory, under the urban service area program, urban development is limited to lands lying within urban service areas, which in turn provide only enough land for five years of growth. However, in practice, is this really the case?

In submitting their urban service proposals to LAFCO, the cities were asked to document the rate of land absorption experienced in the past, the rate of land absorption expected in the future, and the amount of available land included in the urban service area. In reviewing the city proposals, LAFCO considered the rationale for the boundary, the ability of the city to provide necessary services to the urban service area, and conformance with the "Non-Urban Open Space" areas designated in the county Regional Parks Plan. With this in mind, it is very interesting to review the characteristics of the urban service areas adopted by LAFCO.
The cities as a group did not set their urban service areas at, or even remotely near, a five year supply of available land. Only five cities submitted boundaries with less than eight times the available land needed each year, and the remaining cities all have more than ten times the amount of available land needed each year. (The average was 21 times the amount of land needed each year). What happened—why did the urban service areas become so large? What is the effect of such large service areas on the viability of the whole approach?

The first question was the subject of a great deal of discussion between the author and Paul Sagers, Executive Director of Santa Clara County LAFCO; Robert Sturdivant, Principal Planner for Santa Clara County; and Gary Schoennauer, Chief of Planning for San Jose. Mr. Sagers suggested that while the five year concept can be a very valuable tool for controlling urban sprawl in counties where such sprawl is just beginning, it came too late for Santa Clara County. Santa Clara County already had distinctive irrational development patterns which played a major role in determining the boundaries of the urban service areas. In cities such as Morgan Hill and San Jose, for example, there were numerous isolated pockets of undeveloped and unincorporated land with easy access to existing urban services. When the summation of the land contained in such isolated parcels adds up to more than the city needs for 5 years of growth, it becomes extremely difficult to limit the urban service area to the 5 year time frame. Under these circumstances, if LAFCO chooses to maintain the 5 year concept then it faces serious legal ramifications concerning the "taking issue" and due process. In order to avoid arbitrary and capricious decision making, the commission must develop some rationale for denying equal treatment to land owners.
in similar situations. In other words, if some unincorporated parcels with easy access to existing facilities are left out of the urban service area, then LAFCO needs a rational explanation for how these parcels were chosen. Without such an explanation the grieved land owner could easily sue on the grounds that he was denied his right to due process under the Fourteenth Amendment. In the case of San Jose, LAFCO chose not to tackle these difficult legal problems. Consequently, San Jose's Urban Service Area represents an inventory of all areas within the city or in close proximity to the city which have access to existing urban services. The resulting urban service area contained enough land to accommodate 16 years of growth instead of the 5 intended for an urban service area.

Tying the urban service area to a five year time frame can be difficult even when the annexation patterns are regular and orderly instead of scattered and confused as was the case in San Jose. Sunnyvale is an excellent example of this problem. Even if the urban service area for Sunnyvale was drawn coterminous with the city limits it would still provide more than enough land for five years of growth due to the large geographic size of the city. Thus, if the five year service area is strictly enforced, then the service line for Sunnyvale would have to lie within the city boundaries.

Largely as a result of these difficulties in holding to the five year time frame, Mr. Sturdivant suggested a somewhat different conceptual definition of an urban service area. He indicated that instead of representing the land needed for urbanization within five years, an urban service area should indicate which lands might be subject to urbanization within five years. In other words, whatever urbanization occurs within the next
five years would occur within the urban service area. However, along these lines, it is interesting to note that Mr. Schoennauer feels that the whole concept of an urban service area is moot as far as San Jose is concerned. The new General Plan for San Jose recommends that the city not maintain a constant five year supply of land for future urbanization since an ultimate physical boundary for urbanization will be reached by 1990. At that time, the city's emphasis will have to shift to increasing densities and rehabilitation of older neighborhoods. Nevertheless, the writer feels it is premature to consider the concept moot for San Jose. Just because the urban service lines would stop moving outward in 1990 does not mean that the service area would have insufficient land for five years of growth. To the contrary, by shifting to a "vertical" growth pattern, the city would simply not need any more land to accommodate future growth.

In addition to the practical problems the county faced in drawing its urban service areas, there were also serious difficulties involved with enforcing the policy that all urbanization should take place within urban service areas. In theory, lands outside the urban service area are planned and programmed for urban development only as they are added to city urban service areas. In practice however, the existence of land within cities but outside their urban service areas can easily sabotage this process. San Jose's approval of a new I.B.M. plant in the Coyote Valley, carried out despite strong objections from both LAFCO and the county, represents a vivid example of the dangers involved. (This IBM plant siting will be covered in considerable detail in the next section).

Finally, in terms of problems with urban service areas, there is
the question of whether the present approach gives adequate consideration to externalities. Since the urban service areas were developed and evaluated by LAFCO primarily on an individual basis, little consideration was given to the interrelationships between city growth decisions. While such interrelationships may be difficult to deal with, it is crucial for the staged urban development program to address them in a comprehensive manner. The cities cannot be looked at in isolation—the actions of each may affect the growth of the others. For example, if some cities decide to limit the land available for new development, then the development pressures may be transferred to the remaining cities. Thus, it is important for the urban service area review process to be expanded wherever practical to include an analysis of the effects of each urban service area boundary on neighboring jurisdictions.

In conclusion, although the concept of an urban service area as a tool for staging urban development appears to have potential, particularly in counties just beginning to experience rapid urbanization, there are some problems which need to be resolved before the approach can be truly effective.

JURISDICTIONAL PROBLEMS

Santa Clara County LAFCO's ability to control urban sprawl has undoubtedly been hampered by governmental actions taken prior to the creation of the Commission. As a result of previous annexation wars, cities contain large amounts of non-urban land lying outside urban service areas. San Jose, for example, has 20,000 acres of land lying outside the boundary of its urban service area. LAFCO cannot prevent the development of these vacant areas, no matter what plans may be upset. In short, land use decisions for these areas are beyond LAFCO's jurisdiction.
This lack of LAFCO jurisdiction in the crucial lands lying outside urban service areas can have enormous consequences. The siting of the new IBM plant in the extended city limits of San Jose represents a classic example of these consequences. IBM has a major facility located at the intersection of U.S. 101 and California 84 in the southern portion of San Jose. However, since the facility was overcrowded, IBM proposed a new plant to supplement the existing one. The site chosen by IBM for this new facility was located in the extended city limits of San Jose about five miles south of the existing facility near the intersection of U.S. 101 and Bailey Avenue. In lobbying for San Jose's approval of the proposed facility, IBM presented a number of convincing arguments. First, IBM emphasized that the relationship between the existing and proposed facility made it crucial to find a site in close proximity to the existing plant, and the proposed site met these requirements. Next, IBM contended that since most of the employees in the new plant would be transfers from the old plant, there would be little need for new homes. In addition, IBM argued that since the proposed site was south of the existing residential concentrations, there were definite transportation advantages resulting from reverse commuter patterns. However, perhaps the most important arguments dealt with the relationship between the proposed new plant and San Jose's economic development program. Since the city's economic development has consistently trailed its residential development, the city has a very strong desire to achieve a better job balance. In the city's view, unless strong action is taken, San Jose will simply go on exporting an ever increasing number of workers. In light of the above arguments, it is not surprising that San Jose approved the new IBM plant as a "special case".
Although the city has strong policies concerning agricultural preservation, it simply could not deny the possible economic benefits from the new facility.

In approving this IBM plant the city of San Jose placed its own priorities above those of the county and LAFCO, and this is to be expected. Nevertheless, one must still look at the possible long range ramifications of the city's decision on the whole future of the Coyote Valley. Mr. Sturdivant, Principal Planner for Santa Clara County, believes the magnitude of San Jose's mistake is enormous. The impact, he feels, could be devastating: unless the county is able to hold firm under tremendous growth pressures from local land owners feeling the pinch from dramatic increases in the assessed value of their land, the entire corridor will urbanize.

Thus, in spite of tremendous opposition from both the county and LAFCO, San Jose was able to approve a facility which may jeopardize the ability of the Coyote Valley to remain in agriculture. In view of these ramifications, one must ask how the city was able to undertake such an action. The obvious answer is that neither LAFCO nor the county had any jurisdiction over the site, and as such, neither agency had veto power. Thus, although the site was of definite concern to both the city and the county, the city apparently had the upper hand in determining how it was to be used. However, was the situation really that simple? In order to answer this last question it necessary to study the role of the Planning Policy Committee of Santa Clara County (PPC) in the siting of the new IBM plant.

In January of 1967 the Inter-City Council (ICC) and County Board of Supervisors created the Planning Policy Committee as an organization
where the cities and county could work together on joint planning problems and develop county wide planning policy. The Planning Policy Committee serves as a discussion forum on planning problems, reviews the interrelationships of city and county general plans, advises the Board of Supervisors regarding periodic review and updating of the County General Plan, and recommends ways to carry out intergovernmental planning proposals. The Committee contains one councilman and one planning commissioner from each of the fifteen cities plus one county supervisor and one county planning commissioner.

The PPC is oriented toward broad issues and general policy making. Thus, as an organization which rarely looks at specific project proposals, PPC did not play a role in the siting of the IBM plant in San Jose. Accordingly, one can conclude that in the case of IBM, the city had the upper hand in spite of the ramifications involved.

CONCLUDING REMARKS

The Santa Clara County urban service area approach definitely needs further attention so that the "bugs" in the system can be worked out. In addition, there is a critical need for interjurisdictional cooperation between city and county governments if efforts to control urban sprawl and promote orderly development are to succeed. Unless such interjurisdictional cooperation exists, any unilateral attempt by the county or LAFCO to control urban sprawl can be undermined by the cities. Likewise, without such cooperation; any city wishing to control urban sprawl in its vicinity can be undermined by the county.
SAN BERNARDINO COUNTY:
AN INNOVATIVE LAFCO

San Bernardino County was chosen for a case study because of its reputation as an innovative leader in LAFCO work. The sphere of influence concept embodied in Section 54774 of the California Government Code was originated in the mid sixties by San Bernardino County LAFCO. Accordingly, it is not surprising that San Bernardino was the first county in the state to complete a sphere of influence program for cities and special districts. Along with originating the sphere of influence concept, this LAFCO is also largely responsible for the development of the "community interest" or "community-by-community" methodology for defining spheres. Finally, the San Bernardino County LAFCO is one of the state's leaders in trying to integrate the work of the Commission into the county's planning process. On this last point, the Commission is playing an active role in the development of a program for joint city/county policy planning within spheres of influence. In short, the writer felt that in a search for a successful sphere of influence program, San Bernardino County could not be overlooked.

PURPOSE AND CONCEPTUAL DEFINITION OF SPHERES

San Bernardino County LAFCO has developed an elaborate conceptual definition for spheres of influence emphasizing the relationship between spheres and the land use planning functions of the cities and county. This perception of spheres is enumerated by Larry Hendon, the Assistant Executive Director, in a memorandum entitled "A Sphere of Influence for a city--What is it?" This memo indicates that a sphere of influence should
include the area around a city into which that city will ultimately grow. By mapping the eventual city boundaries, spheres define areas into which the city will extend its planning responsibilities. In other words, spheres delineate areas the city should consider as part of the total city community to insure that the eventual community is planned for along with the present.65

By emphasizing the importance of planning for the eventual city community, LAFCO places extra responsibilities on both the county and the city. For areas lying within a sphere, the county must plan considering the future plans for the city and the city must plan considering the present plans of the county.66 To coordinate this city-county planning, LAFCO feels it is essential for all cities to review their general plans with the county. This review is intended to achieve consistency between city plans and the county plan. When discrepancies arise between city and county plans, LAFCO suggests that perhaps the county should give way and alter its plans to be consistent and compatible.67 This policy of county conformance with city plans places a heavy burden on the County Planning Commission since it must—to the degree possible—formulate its zoning within the spheres to be compatible with the city's growth plans but at the same time, retain responsibility for what happens there.

San Bernardino County LAFCO has a number of general and specific goals for spheres of influence. As was the case in Orange County, spheres are intended to promote (1) orderly urban growth; (2) cooperative planning between cities, county and districts; and (3) timely urbanization and the efficient provision of essential services such as sewer, water, fire and police protection.68 In addition, LAFCO also emphasizes the
the value of spheres for (1) making countywide master plans more logical, (2) making it possible to relate local plans to county plans and (3) aiding the development of regional plans. Thus, the San Bernardino County sphere of influence program is definitely oriented toward the county planning process.

PROCEDURES USED IN DEVELOPING SPHERES

In developing its sphere of influence program, LAFCO decided that the city spheres should be established first, followed by the regional districts which ignore city boundaries, and finally the local districts which provide municipal type services to smaller areas. Under the procedure indicated in the LAFCO guidelines, local entities do most of the work while LAFCO judges the quality and reasonableness of their work and arbitrates in the case of conflicting demands. However, the actual procedure involves the LAFCO staff more heavily than is indicated in the guidelines. In reality, staff usually develops its own sphere proposals and reviews the local agency's proposal in the context of its own proposal.

METHODOLOGY AND CRITERIA FOR SPHERE DETERMINATIONS

San Bernardino County LAFCO utilized both the agency-by-agency and the community interest methodologies in a manner which molds them into one rather unique approach. When establishing spheres for cities prior to working on special districts, the Commission used a modified version of the agency-by-agency approach. This approach for city spheres can be classified as a modified version of the agency-by-agency methodology because it simultaneously incorporates the principles of
the community-by-community approach. For city spheres, the Commission first defined cities as "communities," and then proceeded to determine which unincorporated areas had sufficient social and economic linkages with the existing city "communities" to justify their inclusion in a city's sphere of influence.

While drafting city spheres, LAFCO considered the following factors:

1) Provision of water transmission mains
2) Ample sewer facilities
3) Adequate police and fire protection
4) Waste disposal
5) Parks and recreation
6) Existing school postal and judicial districts, and other special districts which gave municipal type services
7) Compatible street circulation
8) Geographic, economic and social relationships

Once the city spheres were completed, the Commission went on to apply the community-by-community methodology to special districts providing urban services to those unincorporated areas not included in any city sphere. When working with these special districts, the Commission promoted a policy of contiguous district and "community" boundaries. Thus, the key step in the development of spheres for special districts was defining the boundaries of unincorporated communities lacking important linkages with cities. Once this step was completed, LAFCO could begin implementing its policy of consolidation of special districts within an unincorporated community. By assigning zero spheres of influence to some special districts (indicating an eventual policy of
consolidation with another district) and large spheres to others (indicating future expansion), LAFCO was striving to achieve identical boundaries for all the special districts serving the community. The final step in this consolidation process involves the formation of a multipurpose district or incorporation. However, it is important to note that although LAFCO may certainly strive to achieve this last step, it does not have the authority necessary to insure success.

Under the District Reorganization Act of 1965, LAFCO has no power to initiate a consolidation or dissolution of a special district—such action must be initiated by a resident voter, property owner, the county, a city or a special district.

As indicated earlier, the crucial step in applying the community-by-community approach to district spheres was designating community boundaries. In determining these boundaries, LAFCO considered the following factors:

1) Population density
2) Existing public facilities
3) Topography
4) Existing boundaries
5) Road patterns and freeways
6) Existing agreements and policies
7) General plans of cities and counties
8) Existing service areas
9) Post office boundaries, school boundaries, telephone exchange boundaries and precinct boundaries.

In summary, San Bernardino County LAFCO utilized a sophisticated combination of the agency-by-agency and community-by-community methodologies
in delineating spheres for cities and special districts.

EFFECTIVENESS OF THE SPHERE OF INFLUENCE PROGRAM

Unlike Orange County LAFCO, for example, it is evident that San Bernardino County LAFCO is not operating under the assumption that it has no real ability to implement orderly urbanization patterns. Although the Commission may not have all the authority it needs, it is definitely making a strong effort, perhaps more so than any other county.

There are some definite parallels between San Bernardino County and Orange County in terms of annexation proposals. However, the similarity between the two counties ends with the nature of the Commission's action on these proposals. A case in point is the decision by the San Bernardino Commission on a proposed annexation to the city of Redlands. In San Bernardino County, being in a city's sphere of influence does not by any means guarantee annexation. The Commission insists that city growth occur in an orderly way and its actions tend to exemplify this policy. When the city of Redlands submitted an annexation proposal similar to a number of haphazard annexations to the city of Orange approved by Orange County LAFCO, the city was turned down. In addition, through interstaff contact, the city was told not to propose any more such annexations until the islands are filled in. As was the case with Redlands, the city of Chino also received a rejection notice from LAFCO when it tried to make a similar annexation. Again, through interstaff contact, LAFCO told the city that the proposed annexation would not be approved until certain infilling had occurred. As a
result of this contact, the city voluntarily withdrew its annexation proposal.

In addition to taking a strong stand in the implementation of an orderly growth pattern for the county, the San Bernardino County LAFCO has also achieved considerable success in applying its community approach to special district consolidation. Although San Bernardino's community approach was described in the methodology section, some excerpts from interoffice memos will be provided to further clarify the logic behind the process.

The first example deals with LAFCO staff recommendations concerning proposed spheres of influence for the Apple Valley Districts:

"The community of Apple Valley is served by nine various districts of local benefit in addition to large overlapping districts of a regional nature such as the Mojave Water Agency, County Service Area 70, Flood Control District etc. The residents of Apple Valley are generally proud of their community and recognize from their geographic location and mailing addresses that they live within Apple Valley, but there is no one governmental entity that speaks for the entire community and coordinates services.....

The major district in size and with the potential of many governmental powers is the County Service Area #17, but it has taken little leadership in community affairs. Those which appear to the staff to be strong in community affairs on an overall basis are the Fire District and the Park and Recreation District.....

Therefore, within the boundaries of the Apple Valley community as defined, staff would recommend that a zone of influence be adopted for County Service Area 17, the Apple Park and Recreation District, and the Apple Valley Fire Protection District with the thought that all three of those districts should meet in the future to determine whether they should make their boundaries coterminous, whether they should merge into one of the existing districts, whether they should form a new district or take other steps to study
their situation and make sure they are the best possible governmental situation."

The next example of San Bernardino County's community-by-community approach to special districts deals with spheres for the Hesperia Park and Recreation District and Hesperia Fire Protection District. In an inter-office memo, Mr. Rigney made the following observations:

"The Hesperia Park and Recreation District and the Hesperia Fire Protection District have similar but not identical boundaries serving the community of Hesperia south of Victorville.....

One of the general concepts of the zone of influence is to determine the logical community boundaries of Hesperia, to work toward making the boundaries of the various districts of potential cities coterminous, and to prevent duplicate service areas and the possibility of duplicate taxation. At the same time, we are looking for certain natural and visible barriers for boundaries in the community. The staff states that the study group which worked on the Hesperia Community Service District boundaries, in which it was proposed that the two districts be consolidated, have recommended the most logical boundaries of Hesperia and the staff would recommend they be utilized for the Park and Recreation District and the Fire Protection District and the Community Services District if it is formed."  

The third and final example of the community interest approach deals with the spheres of influence for the Lucerene Valley districts. On this subject, Mr. Rigney emphasizes the following points:

"The Lucerene Valley community is adjacent to Apple Valley just east of Deadman's Point. It has a park district which provides park and recreation services and in addition has built the fire house which it leased to the fire district. The fire district provides typical fire protection and prevention services and County Service Area #29 provides television services and cemetery services. All now have the same boundaries.....

Staff would, therefore recommend that the sphere of influence for all three districts be identical as the boundaries of the district currently exists, but that since all three districts are basically governed by the Board
of Supervisors through three different Advisory Commissions, that the districts consider, for the long range, the advantages of consolidating into the county service area which can have all of the powers of the other two districts."

It is clear from the above discussion that while San Bernardino County LAFCO has experienced some jurisdictional problems similar to those in Santa Clara and Orange counties, it has not used this as an excuse to justify a poor performance record. Quite the contrary, as will be illustrated in the next section, LAFCO has initiated a program aimed at resolving some of the problems which arise as a result of the jurisdictional dilemma.

INNOVATIVE PROPOSALS FOR IMPROVEMENT

San Bernardino County is working toward implementation of a joint approach to planning between cities and the county for land outside a city's jurisdiction but within its sphere of influence. Under this approach, the county would not be allowed to approve a project within a city's sphere of influence without prior city approval. In addition, city and county general plans and zoning are to be jointly adjusted within spheres of influence so that they are mutually compatible. Although this joint policy planning program received the approval of the County Planning Commission on March 11, 1976, it has not yet been fully implemented. For this to occur, it must be approved by the County Board of Supervisors as well as all participating cities.

SUMMARY OF FINDINGS

Orange County LAFCO's success in utilizing spheres of influence as a tool for controlling urban sprawl is definitely limited. There
are a number of reasons for this lack of success. First, LAFCO does not have jurisdiction over some crucial portions of the county such as Mission Viejo. Second, because of the county's political climate, LAFCO has chosen to operate under the assumption that it should decide who should have jurisdiction over development rather than whether it should occur. In summary, jurisdictional and political problems have hampered LAFCO's ability to curtail urban sprawl in Orange County.

The Alameda County case study concentrates on LAFCO's response to the enormous growth pressures in the Livermore-Amador Valley. More specifically, the study examines LAFCO's actions concerning a possible remedy for these growth pressures, namely, Las Positas. The study concludes that LAFCO's actions regarding Las Positas will promote urban sprawl and discourage the orderly formation of local governmental agencies. In addition, the study also suggests that Alameda County LAFCO abused its power by ignoring the letter of the law as well as its spirit.

The San Mateo County case study concludes that LAFCO is not playing a very important role in curtailing urban sprawl. This limited role is largely the result of a slow growth rate rather than any faults in the LAFCO program. Thus, for San Mateo County, the LAFCO challenge lies with achieving efficiency and equity in the provision of services to urban areas.

Santa Clara County's Urban Development/Open Space Plan and urban service area program have been hampered by governmental actions taken prior to the creation of LAFCO. As a result of previous annexation wars, crucial portions of the urban fringe lie outside LAFCO's
jurisdiction. As the discussion of the IBM plant siting illustrates, this lack of jurisdiction has had serious consequences for promoting orderly development in Santa Clara County.

San Bernardino County LAFCO deserves its reputation as an effective and innovative LAFCO. The Commission's decisions on proposed annexations to Redlands and Chino demonstrate a firm commitment to orderly development which extends far beyond merely choosing jurisdiction for development. San Bernardino LAFCO has also achieved considerable success applying its community approach to special district consolidation. Finally the Commission has been the spearhead of an innovative joint city-county planning scheme.
NOTES: CHAPTER IV


2. Ibid., p. 3.

3. Ibid., p. 4.

4. Interview with Ray Sakaida, Administrative Assistant for Orange County Local Agency Formation Commission, March 29, 1976.

5. "Resolution No. 71-64...," see note 1 above, pp. 2-3.


7. Ibid.


13. Ibid., p. 6.


15. Ibid., p. 3.


25. Deposition of Roland Mayne for City of Livermore v. Local Agency Formation Commission, filed with the Alameda County Superior Court, June 20, 1975.

26. Ibid., pp. 18, 21.

27. Ibid., pp. 19, 22.

28. Ibid., pp. 28, 30.

29. Ibid., pp. 31-33.

30. Ibid., p. 48.


32. Ibid., p. 20.

33. "Spheres of Influence," see note 12 above, p. 3.

34. City of Livermore, "Complaint in Declaratory Relief and Petition for Writ of Mandate," April 24, 1975, p. 6.


38. Ibid., p. 47.


42. Ibid., p. 4.

43. Ibid., p. 5.

44. Ibid., p. 5.

45. Ibid., p. 6.

46. Ibid., p. 7.

47. Ibid., p. 10.

48. Ibid.

49. Ibid.

50. Ibid., p. 11.

51. Ibid., p. 11.

52. Interview with Mike Johnson, Administrative Analyst for the San Mateo Local Agency Formation Commission, April 23, 1976.

53. Interview with Sherman Coffman, Executive Director, San Mateo Local Agency Formation Commission, April 23, 1976.


55. Santa Clara County Local Agency Formation Commission, Urban Development Policies for Santa Clara County (San Jose: September 5, 1973), pp. 3-4. More specifically, the LAFCO definitions for these four land use classifications are as follows:

(1) Urban Service Areas. Urban Service Areas consist of existing urban developed areas and vacant and agriculture land either incorporated or unincorporated, within a city's sphere of influence, which are now served by existing urban facilities, utilities and services or are proposed to be served by urban facilities, utilities and service provided in the first 5 years of the city's adopted Capital Improvement Program. The boundary around these urban areas will be called "Urban Service Area Boundary." Urban Service Areas may be divided into two categories:
extraction areas. It might also include some large estate areas that may be retained for their scenic, historic, or cultural values. Isolated institutional, research and testing areas could be included.

b) Permanent Open Space. This category would include publicly owned lands which would remain undeveloped including parks, utility corridors, water areas and flood channels. It should also include all public and private lands upon which development is to be permanently prohibited for reasons of public health, welfare, and safety; more specifically to meet such needs as: the aesthetic and psychological needs of an urban population for open space; the requirements for an adequate air basin, watershed, and ground water recharge areas for the maintenance of acceptable noise levels; the consideration of public safety with regard to landslide, earthquake, fire hazard, flooding, and air flight areas; and the maintenance of ecological balance.

(4) Urban Open Space Areas. Urban Open Space Areas include land within Urban Service Areas which have value for parks and recreational purposes, conservation of land and other natural resources, historic or scenic purposes. This includes publicly owned lands such as parks, utility corridors, water areas and flood control channels. It could also include privately-owned lands upon which development should be permanently prohibited for reasons of public health, safety and welfare, such as landslide areas, earthquake areas, and airport flight path zones.


58. Planning Policy Committee, see note 56 above, p. 3.

59. Ibid., pp. 3-4.

60. Santa Clara County Planning Department, The Urban Service Area Approach to Staged Urban Development: The Initial Application of Santa Clara County Urban Development Policies (San Jose: September 1973). See Table 1, p. 19.
61. Interview, February 27, 1976.

62. Interview with Robert Sturdivant, Principal Planner, Implementation Division, Santa Clara County Planning Department, February 27, 1976.

63. Interview with Gary Schoennauer, Chief of Planning, San Jose, February 27, 1976.

64. Interview with Robert Sturdivant, February 27, 1976.


66. Ibid., p. 2.

67. Ibid., p. 3.


70. Interview with Larry Hendon, Assistant Executive Director, San Bernardino County Local Agency Formation Commission, March 30, 1976.


CHAPTER V
ANALYSIS OF PROBLEMS AND
PROPOSALS FOR CHANGE

This chapter analyzes specific problems and presents possible solutions for two general LAFCO problems. The first problem is an imbalance between the LAFCO goal of promoting orderly development and the tools available for achieving this goal. The second calls for stricter standards governing LAFCO conduct.

RE-DEFINING LAFCO
ROLES AND JURISDICTION

In California, the burden of controlling urban sprawl and promoting orderly development lies primarily with LAFCO's. However, LAFCO's are not true land use planning agencies—they do not formulate general plans, zone land or regulate development. Consequently, the state is left with a dichotomy between agencies having the standard land use planning tools, but no mandate to promote orderly development, and LAFCO's, which have the mandate but none of the planning tools. Establishing a better balance between goals and tools is imperative. There are two main approaches to correcting this imbalance: strengthening LAFCO's role in land use planning or giving cities, counties, and districts greater responsibility for promoting orderly development. Both approaches are explored here.
LAFCO WEAKNESSES AND OPTIONS FOR STRENGTHENING LAFCO

LAFCO's effectiveness in controlling urban sprawl and promoting orderly development can be seriously damaged by inadequate jurisdiction and special district latent powers. Consideration of these jurisdictional and latent power problems is crucial when reviewing options for strengthening the role of LAFCO. Consequently, the nature of these problems will be summarized prior to discussing possible remedies.

LAFCO's ability to promote orderly development patterns in the metropolitan counties can frequently be thwarted by crucial parcels of unincorporated land lying within the boundaries of special districts. Often these parcels include large areas that are already urbanized supplemented by other areas undergoing urbanization. As discussed in Chapter IV, Orange County has the sprawling Mission Viejo-El Toro-Laguna Hills region containing 120,000 residents. Similar areas exist in other metropolitan counties such as San Bernardino and Los Angeles. The tri-communities of Alta Loma, Cucamonga and Etiwanda in San Bernardino County are all experiencing disorderly growth. In Los Angeles County, the Diamond Bar area located at the intersection of the Pomona and Orange Freeways is developing in a poorly planned manner. All three areas mentioned above are large communities urbanizing rapidly and lying outside logical spheres of influence for existing cities. Nevertheless, even if they did lie within logical spheres of influence, LAFCO could not directly influence their development patterns. The majority of these areas lie within existing special districts. Consequently, the developer can obtain needed utilities and services without LAFCO approval.
Metropolitan LAFCO's frequently face serious jurisdictional problems resulting from past annexation wars. The siting of the new IBM plant in San Jose (discussed in Chapter IV) is a prime example of Santa Clara County LAFCO's inability to play a role in a crucial decision affecting patterns of urbanization. Although the future of the entire Coyote Valley was at stake, the unusual boundaries of San Jose enabled the city to effectively control development patterns in the valley.

In addition, as is evident from the discussion of the Anaheim Hills situation in Chapter IV, LAFCO can create serious jurisdictional problems by being too lenient in the approval of incremental annexations. Over the past 12 years, Orange County LAFCO has been losing control over development patterns in the hills. Nevertheless, even if the Commission began stringently enforcing its mandate to control urban sprawl, this would not help the Anaheim Hills situation. Without the power to initiate deannexation proposals, LAFCO is at the mercy of other parties in correcting its past mistakes.

LAFCO's ability to promote orderly development is further weakened by the "latent" powers of single purpose special districts. These latent powers allow a district to provide more than its primary service. Special districts initially formed for just one purpose can successfully build a tremendous empire by using their latent powers. For instance, a water district can provide agricultural as well as domestic water, and engage in fire and sewer service besides. Thus, if a developer is fortunate enough to locate within a water district which has latent powers to provide sewage disposal, or a community service district (multi-purpose special district), or county service area, then access to needed services is virtually assured. Under these circumstances,
LAFCO's role can be effectively neutralized. When a special district runs a water or sewer line into an area and triggers development, LAFCO's only course of action is an appeal to the County Board of Supervisors. However, because of increases in land values resulting from access to urban services, the Board of Supervisors is likely to listen to pleas of grieved land owners rather than LAFCO. Consequently, special districts can play a dominant role in directing development patterns in unincorporated areas.

In summary, lack of jurisdiction over major urbanizing areas and special district latent powers can adversely affect LAFCO's ability to promote orderly development. The following sections explore possible remedies aimed at strengthening LAFCO's. The options considered include (1) power to initiate deannexation proposals for districts, (2) control over special district latent powers, (3) power to initiate deannexation proposals for cities, (4) urban service and sphere lines which are binding, and finally (5) LAFCO's as land use planning agencies.

Power to Initiate Deannexation Proposals for Special Districts

LAFCO's are currently unable to initiate proposals for deannexation, consolidation or dissolution of districts. For LAFCO's to be effective in shaping development in unincorporated communities, this situation must change.

Under the District Reorganization Act of 1965, there are two ways to initiate proceedings for the elimination or modification of special districts which are anachronistic in nature. Under the first approach, the preliminary proceedings are initiated by a petition signed by district residents. With the second approach, the process is initiated
by "resolution of application" made by the legislative body of any affected county, city or district. When a mandatory initiation is filed and certified, a duty is imposed upon the Commission to hold a hearing and make determinations concerning the proposal. On the other hand, if the initiation is a "permissive" one, then the Commission can exercise discretionary power to deny the proposal without notice or hearing. If the Commission chooses not to use this discretionary power, then a re-organization committee of special district representatives is constituted. The committee studies the situation, prepares a report and submits its recommendations. LAFCO receives the petitions of applications, supervises the work of the reorganization committee, holds hearings on the proposal, and makes the final decision. Thus, under the District Reorganization Act, after another party initiates a proposal for a deannexation, consolidation, or dissolution of a special district, LAFCO has the final say in determining the fate of the special district in question.

While it can be argued that LAFCO should be able to persuade one of the authorized parties to take the first step on behalf of the Commission, in many cases this is simply not true. A few Executive Directors, such as Joseph Connery in Contra Costa County, have been successful in this persuasion process. However, they appear to be the exception rather than the rule. Consequently, LAFCO's usually end up serving a negative reactionary function rather than providing positive leadership. The development patterns occurring in such areas as Mission Viejo and Diamond Bar clearly demonstrate that such reactionary power is not enough. Instead of being primarily concerned with keeping things from getting worse, LAFCO's should be taking the
initiative. As Ruth Benell, Executive Director of Los Angeles County LAFCO suggests, until LAFCO's receive the power to initiate actions concerning boundary changes, deannexations, consolidations and dissolution of special districts, there is no use talking about anything else. Although this conclusion by Ms. Benell maybe somewhat overstated, the writer believes LAFCO's must have the power to initiate detachments from special districts if they are going to have a positive influence in areas such as Mission Viejo and Diamond Bar. In summary, giving LAFCO's the ability to initiate district detachments would strengthen LAFCO leadership in directing development patterns in unincorporated communities.

Gaining Control Over Special District Latent Powers

Special district "latent powers" include powers they are authorized to exercise pursuant to law but do not. For instance, the enabling legislation for water districts frequently allows them to provide sewer service, recreational facilities or fire protection. Thus, while a water district may have been initially formed for just water provision, it can use its "latent powers" to build an enormous empire. This ability to engage in numerous activities can drastically thwart LAFCO's efforts. Consequently, LAFCO control over district latent powers is crucial in promoting orderly development in areas served by districts.

The passage of AB 1155 in 1970, which looked on its face as if it would be a breakthrough for LAFCO control over latent powers, has not worked out that way. This legislation allows district representation on LAFCO's when (1) a majority of special districts in the county and LAFCO agree, and (2) the districts submit their latent powers to LAFCO
jurisdiction. Once district representation is secured, LAFCO can adopt and enforce rules and regulations affecting the functions and services provided by special districts.

The requirement for mutual consent between special districts and LAFCO concerning district representation on the Commission leaves the door wide open for the total collapse of the scheme. There are numerous circumstances where LAFCO and/or the special districts block district representation on the Commission. For example, the Commissioners from the county or cities are frequently unwilling to compromise their voting strength in return for control over district latent powers. In other cases, the special districts may value their latent powers more highly than representation on LAFCO. When either of the above circumstances occur, LAFCO is denied control over special district latent powers because mutual consent for district representation is lacking.

The record clearly indicates that LAFCO's and special districts have rarely achieved the mutual consent necessary for LAFCO control over district latent powers. As of March 1975, only three LAFCO's had such control: San Diego, Riverside, and Humbolt. In view of the importance of district latent powers and the failure of LAFCO's to gain control over such powers, perhaps criteria should be developed indicating when LAFCO control over latent powers and the district representation which accompanies it should be mandatory. With such mandatory latent power control, development in key unincorporated areas could no longer occur independent of LAFCO.

Power to Initiate Deannexation
Proposals for Cities

LAFCO's currently lack the important power to initiate city
detachments. The existence of large amounts of vacant non-urban land within cities can easily thwart LAFCO's efforts to promote orderly development. LAFCO cannot prevent the development of these areas regardless of what plans may be upset. To avoid this development occurring independent of LAFCO, it is necessary to detach lands inappropriate for cities. Accordingly, there is a distinct need to strengthen LAFCO's ability to modify city boundaries.

LAFCO's ability to modify governmental structures began with the passage of the District Reorganization Act in 1965. Double taxation, the retention of moribund districts and flagrant irrational provision of various services inspired this mechanism for special district reorganization. Similarly, irrational and illogical city annexation patterns suggest a need for parallel legislation for the re-organization of cities.

At a minimum, legislation for the re-organization of cities should give LAFCO's the power to initiate city annexation and de-annexation proposals. However, due to the clumsy nature of the existing annexation laws, this power to initiate should only be seen as the first step. To be complete, legislation for the re-organization of cities needs to include reforms in the existing annexation laws. These annexation laws are contained in two separate acts, one for inhabited territory, and one for uninhabited territory. Regarding LAFCO's ability to detach lands which are inappropriate for cities, the Act dealing with inhabited territory is problematic since it requires a protracted and expensive election procedure. In all likelihood, if needed detachments are to be successfully carried out, modifications are needed which allow LAFCO to unilaterally order certain kinds of city annexations and
detachments. Along these lines, some people have suggested that for areas of limited population (i.e., 100 voters), LAFCO should be able to order the boundary change without a public vote; while for larger areas, a qualified majority vote (i.e., 70%) should be required to veto the proposed change.

Establishing Urban Service and Sphere of Influence Lines which are "Binding"

LAFCO's could be required to establish "binding" spheres and urban service areas. This was the approach of Senate Bill 1736, introduced by Senators Smith and Dunlap on March 10, 1976, which proposed the following restrictions on land use decision making within a city's sphere of influence:

After the adoption of the sphere of influence for each city in a county, no city, county, district or other public agency shall (a) expand the existing capacity of or extend into any unincorporated area not within a city's sphere of influence any (i) sewers, including but not limited to the collection, transmission, treatment or disposal of sewerage, (ii) water facilities for the storage of distribution of water for nonagricultural purposes, (iii) streets, roads and highways except for emergencies, maintenance and repairs and to serve existing uses and agriculturally related development or (b) permit the division of land [lying outside a city sphere] into less than 10-acre parcels.

To accompany these restrictions on land use decision making pertaining to spheres of influence, the bill also proposed rather stringent restrictions regarding urban service areas. These restrictions, enumerated in Section 18, were as follows:

After the adoption of an urban service area for a city building permits shall not be issued for development within the city's sphere of influence until after the land in the urban service area has been annexed, except for development which occurs within existing urban areas specified pursuant to Section 54806.1 for residential purposes of less than one dwelling unit per five
acres, nor shall approval be granted for a division of land into parcels of less than five acres.

After the adoption of an urban service area, building permits shall not be issued for development in uninhabited territory, as defined in Section 35303, within the urban service area except for residential purposes of less than one dwelling unit per five acres, nor shall approval be granted for the division of land into parcels of less than five acres, until after such land has been annexed.

The approach outlined in SB 1736 would achieve orderly development using a two-step process. First, sphere of influence and urban service area boundaries would be delineated for all cities in each county. Second, the cities and county would be required to enforce stringent regulations prohibiting development contrary to sphere and service area policies. In theory, deannexation of areas inappropriate for cities would not necessarily be needed because of the restrictions on a city's development capability. However, applying this approach to the actual circumstances in metropolitan counties results in numerous problems, which in all probability, render it unworkable. The following discussion enumerates some of the reasons for this pessimistic conclusion.

The approach advocated in SB 1736 ignored counties like Marin, San Diego, and Contra Costa where special districts play a dominant role in providing urban services to incorporated as well as unincorporated areas. In equating "urban" with city, the bill incorrectly assumed that urban services are provided by cities. Consequently, the approach would not be applicable to unincorporated areas such as Mission Viejo and the tri-communities of Alta Loma, Cucamonga and Etiwanda. Being separate from existing cities, these communities would probably be left untouched by logical city spheres and urban service areas. To correct this deficiency, the approach would have to
be applied to special district spheres as well as city spheres. How this would be done is unclear.

Even if the above problems could be worked out, there is still the question of whether the approach makes sense conceptually. Is it reasonable to start with a set of spheres and urban service areas and then apply arbitrary restrictions on city and county decision making within these geographic areas? Can one set of restrictions function as an effective guide for orderly development within metropolitan counties? Where does the discretion lie for dealing with the wide variety of circumstances existing in metropolitan counties? In answering these questions, the writer sees problems with the whole idea of using sphere and urban service boundaries as a tool for applying state regulations on local land use planning. It is unrealistic to have one set of urban development regulations for all 58 counties. This approach ignores the wisdom of the Knox-Nisbet Act which indicates that LAFCO's should base their approach to controlling urban sprawl and promoting orderly development on local conditions and circumstances.

LAFCO's as Land Use Planning Agencies?

To fully remove the dichotomy between mandates and tools, perhaps LAFCO's should be transformed into full blown planning agencies with direct authority over land use decisions. Under this approach, LAFCO's would formulate general plans, zone land and regulate development in the geographic areas lying between a city and its sphere of influence.

The writer sees many disadvantages with having LAFCO's function as land use planning agencies. First, why promote a proliferation of planning agencies? Cities and counties already have authority over these
geographic areas—there is no need to introduce a whole new level of government. Instead, why not strengthen the role of the planning agencies we already have? In short, the writer believes shifting responsibilities for orderly development to cities and counties would be less cumbersome than introducing a new level of government.

Secondly, the writer doubts whether LAFCO's could function effectively as land use planning agencies. The existing composition of the Commissions would probably pose a major stumbling block for effective operation. Given their present composition, LAFCO decisions for areas lying between a city and its sphere of influence would undoubtedly favor the county. With two "county" commissioners, the county's position would always be represented. However, having two "city" commissioners representing all the cities in the county would by no means guarantee a hearing for an individual city's concerns. In short, direct county representation and indirect city representation would be unacceptable to the cities. To correct this deficiency, each city would need direct representation on all matters within its sphere. Fullfilling this condition would require a Commission with representatives "on-call" from each and every city in the county. This in turn would probably trigger a demand for more county representation to maintain an even ratio. Thus, the Commission would have to dramatically grow for such a scheme to be politically saleable.

Another stumbling block involves the question of voting procedures. There is no logical reason why representatives from one city such as Long Beach should vote on land use matters concerning another, say Glendale. Correcting this problem would require an arrangement where city representatives only vote on matters involving them or a neighboring city.
However, even with this arrangement, there is still a problem with county voting. Assuming that a high number of city representatives would be countered with more county membership, a scheme would need to be devised for limiting the number of county representatives voting on any given decision. In short, transforming LAFCO's into land use planning agencies would create numerous voting problems which are probably insoluble.

Aside from problems with composition of the Commission and voting rules, the scheme makes little sense conceptually. As previously suggested, we don't need another set of land use planning agencies for areas of mutual interest between cities and the county. A more logical approach would be some form of joint city-county land use planning. At the very least, such joint planning could provide an effective arena for hammering out city-county policies for lands lying between a city and its sphere of influence.

SHIFTING RESPONSIBILITIES FOR ORDERLY DEVELOPMENT TO CITIES AND COUNTIES

As noted earlier, California's local planning structure sets up a dichotomy between (1) agencies with the standard land use planning tools and no mandate to promote orderly development, and (2) LAFCO's that have the mandate but not the tools. The previous section explored a number of corrective measures aimed at strengthening the role of LAFCO. This section considers a joint city-county approach toward balancing goals and tools. This approach would place greater responsibility on cities, the county, and special districts in promoting orderly development. Strengthening their responsibility could be accomplished through state mandated joint city-county policy planning. Cities and
Joint City/County Planning and its Relationship with LAFCO

Joint policy planning represents a unique approach to balancing planning goals and tools. Spheres of influence and urban service areas would be established delineating areas of mutual interest to the participants. The urban service area would indicate a high level of mutual interest; the sphere would indicate a moderate level. With different planning requirements applicable to areas lying within spheres and service areas, a system could be established for joint land use and policy planning between (1) cities and the county, (2) cities and special districts, and (3) special districts and the county.

For such an approach to be effectively implemented, it needs to be tailored to fit three different situations existing in metropolitan counties. First, it must be applicable to counties such as Santa Clara where urbanized areas tend to be incorporated and receive services from cities. Second, it should apply to counties such as Alameda, Orange and San Bernardino, containing large urbanized areas like Mission Viejo, which are unincorporated and receive services from special districts. Finally, it should meet the needs of counties such as Marin and Contra Costa which have urban services largely provided by special districts regardless of whether or not the urban area lies within a city. The writer proposes a different joint policy planning scheme for
each of these three situations.

1. In the "Santa Clara" situation joint land use and policy planning between cities and the county would be mandated by the state for areas lying between a city's "limit line" and its urban service area boundary. As designated by LAFCO, this city "limit line" would represent a logical boundary for planning purposes. It would not necessarily be coterminous with actual city limits.

Under this scheme, the city and county would be required to develop, and keep up to date, a joint plan for the area lying between a city "limit line" and urban service boundary. All zoning would have to be consistent with this joint plan and any changes in the plan would require joint city-county agreement. In addition, the county would not be allowed to approve a project within the joint planning area without prior approval by the city. For areas lying between the urban service line and the city's sphere of influence, a less stringent set of joint planning requirements would be applicable. In these areas, the county would be required to give due consideration to the desires of the city, follow the EIR process, and file a statement of overriding considerations if the city's wishes are not followed.

In the above scheme, LAFCO would have a number of important functions. The Commission would define the urban service boundaries and revise them periodically. The Commission would also delineate the city "limit line" and if it has the power, proceed to make the appropriate detachments. In addition, the Commission would draw and periodically review the sphere of influence lines. Finally, and perhaps most important, LAFCO would still make all major decisions concerning city and special district annexations and detachments as well as district
re-organizations and consolidations. In making these decisions, LAFCO would not be primarily responsible for development patterns. Instead, LAFCO's role would center around efficiency in the provision of services. Using the joint city-county plan as a guide, LAFCO would choose the logical service delivery system for the area.

2. A different approach is needed for areas such as Mission Viejo which are urbanized, unincorporated and receive services from special districts. For these, the writer proposes joint land use and policy planning for areas of "community interest." Under this approach, urbanized unincorporated areas would be viewed as "communities." Joint planning would be required between the county and the special district serving these communities. The County Board of Supervisors would create an Advisory Commission consisting of two County Supervisors, two representatives from districts serving the community, and one public member. This advisory commission would recommend to the Board of Supervisors a "special area" plan for the community. The commission would also be responsible for advising the Supervisors concerning periodic revision of the special area plan. As the general purpose government serving the community, the County Board of Supervisors would have final responsibility for approving and revising the special area plan.

Under this approach, special districts serving the community would have direct input in planning for the area. In return for this input, the districts would be required to obtain county approval for all major projects serving the community. To receive approval, the district projects must be consistent with the special area plan.

LAFCO would have a number of functions under the above scheme.
First, the Commission would designate the areas of "community interest." Second, using the community "special area" plans as a guide, LAFCO would make decisions concerning city and special district annexations and detachments, district re-organizations and district consolidations. In short, LAFCO would still be responsible for developing a logical delivery system for the area.

Along with the functions listed above, an argument can be made for giving LAFCO the power to force incorporation for some of these communities. If the Commission believes certain communities would function better as cities, perhaps it should be allowed to require incorporation.

3. The third joint planning scheme applies to counties like Marin and Contra Costa, where urban services to both incorporated and unincorporated areas are largely provided by special districts. For urbanized unincorporated areas separate from cities, the "Mission Viejo" approach would still be applicable. Urban communities which include cities and surrounding areas, however, would require a different scheme. Once these areas of "community interest" have been designated by LAFCO, the city, county and districts serving the area would engage in joint planning.

Under this joint city-county-district scheme, the city and county would be responsible for developing and maintaining a joint plan for the community. An advisory board consisting of representatives from districts serving the community would be formed to assist the city and county in developing and revising the joint community plan. All city, county and district plans for the area would have to be consistent with the community plan. Major development projects lying
within the community would require joint city-county approval. All major urban service facilities would also require joint city-county approval. Finally, special districts serving the areas lying within the city "limit line" (See page 124 for description of limit line) would need city approval prior to constructing any major service facilities.

With this third scheme, LAFCO would have two primary functions. First, the Commission would designate areas of "community interest" and city "limit lines". Second, LAFCO would still make the decisions concerning city and special district annexations and detachments, district reorganizations and district consolidations.

The logic and assumptions underlying the three joint planning schemes described so far could also be applied to projects or areas of countywide significance. The State could encourage the establishment of a governing board in each county containing representatives from the cities, the county and special districts. Such a board could be given veto power over (1) development in areas of countywide significance such as greenbelts and prime agricultural lands, and (2) key facilities such as sewer plants, main sewer lines, large subdivisions, major industrial facilities, shopping centers and major street improvements. For matters of regional significance, some form of regional government and regional planning is probably preferable to a joint county approach. 10

Supervision of Joint City/County Planning

The previous section outlined three schemes for joint policy planning aimed at strengthening the role of cities and counties in
promoting orderly development. The writer believes these schemes could definitely improve the planning process by compelling cities and counties to openly acknowledge their grievances and negotiate reasonable solutions. However, there are also serious risks involved. For example, what is to prevent this joint planning process from becoming a well coordinated effort to promote urban sprawl? Obviously, some form of overall supervision is necessary. At first glance, LAFCO appears to be an ideal "third party" stabilizing force which could effectively coordinate and supervise the joint planning efforts.

However, is this really the case? When arbitrating between the county and any one city, the composition of the Commission would naturally tip it in favor of the county. Thus, LAFCO's, as presently constituted, are unacceptable as third party supervisors for the joint planning process.

The remainder of this section explores two alternate schemes for supervising the joint planning process. The first scheme considered centers around the idea of expanding the composition of LAFCO's to make them acceptable as planning supervisors. The second scheme discussed is the possibility of establishing a Statewide Review Commission to supervise joint planning as well as LAFCO activities.

Expanding LAFCO Composition. There are a number of persuasive arguments in favor of expanding the composition of LAFCO's. Even though the majority of the current commissioners (four out of five) are locally elected officials—and would presumably be "representing" the public interest—these officials share a set of self-protective interests which may not be the only ones deserving representation on LAFCO. Broadening the interests represented in LAFCO could make
the Commissions more responsive and accountable by adding new public access points.

There are several possible configurations for an expanded Commission. Perhaps the two most persuasive schemes are the following:

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<tr>
<th>Scheme 1</th>
<th>Scheme 2</th>
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<tr>
<td>3 public</td>
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<td>2 county</td>
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<td>2 city</td>
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<td>1 special district</td>
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<td>1 COG</td>
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<td>9 members</td>
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Scheme 1 is based on two premises. The first premise suggests that once all the different specific interests are represented, a greater proportionate number should be awarded to the general public. The second premise argues that special districts are not the best answer for delivering urban services in the long run, and accordingly, they should not have representation equal to that of the cities or counties. While scheme 2 may not be as desirable as scheme 1, it is probably the more politically feasible of the two since it grants equal representation to the general public, county, cities, and special districts.

The writer believes that a nine member LAFCO, using either of the two configurations discussed above, could probably function as a third party capable of supervising joint city-county planning efforts. With only two of the nine members representing the county the Commission would not be naturally tipped in favor of the county. Consequently, cities may have no objections to LAFCO supervision given a nine member commission.
Possibility of a State Review Commission. The original LAFCO legislation was introduced in 1963 as two separate bills. Assembly Bill 1662, sponsored by Assemblyman John Knox presented the views of the Governor's Commission on Metropolitan Area Problems by proposing a state level Commission to control formations. Senate Bill 861, on the other hand, was supported by the home rule forces since it proposed county level commissions to review annexation. The resulting compromise dictated that both formations and annexations would be reviewed by a county level board.

In retrospect, it is evident that the decision to go with a county level agency was a sound one. Most LAFCO decisions involve small annexations highly localized and highly procedural in nature—clearly inappropriate for decision making at the State level. Nevertheless, a good case can still be made for a State Review Commission to handle those cases which (a) cross county boundaries or (b) are of sufficient import or complexity to warrant state review. In the latter category, the State Commission would decide which cases were important enough to review thereby guaranteeing a manageable caseload.

Along with reviewing multi-county LAFCO problems and functioning as a LAFCO appeals board, a State Commission could also supervise the joint city-county planning process by offering guidance and arbitrating disputes. Moreover, the State Commission could provide a better understanding of the goals for both LAFCO's and joint policy planning. This could be done by clarifying why the state is interested in orderly development and what is meant by orderly development. These clarifications could help alleviate a number of serious problems, including (1) inadequate sense of role among metropolitan LAFCO's and (2) vagueness concerning
LAFCO goals.

In its 1966 study entitled "Local Agency Formation Commissions," the California Intergovernmental Council on Urban Growth indicated that a sense of role or mission appears to be a key factor affecting LAFCO performance. Nevertheless, many LAFCO's continue to puzzle over their real mission and are uncomfortable weighing the factors they must consider when making decisions. LAFCO's need a stronger policy framework for decision making. Broad goals concerning urban sprawl and orderly development and a list of vague value-free factors are insufficient.

A clear example of this need for stronger policy direction deals with LAFCO's role in preserving prime agricultural lands. The list of factors LAFCO's must consider when making decisions includes an element aimed at maintaining the "physical and economic integrity of agricultural preserves." However, the importance of this goal relative to the other factors is unclear. The value of agricultural lands as a non-renewable resource capable of defining and guaranteeing the spatial structure of communities is not enumerated. Consequently, many LAFCO's are not properly informed about the importance of prime agricultural lands as a resource of statewide significance.

A State Commission could go a long way toward providing the needed guidance for LAFCO's and joint policy planning. For example, the Commission could issue guidelines elaborating on the following goals:

(a) To encourage and provide planned, well-ordered efficient urban development patterns with consideration for the protection of recreation, historical points of interest and areas of critical environmental concern.

(b) To promote compact urban development patterns.
(c) To preserve open space lands both within and outside urban development patterns.

(d) To preserve lands in agricultural use from conversion to urban uses, especially those lands in agricultural preserves, by guiding the development or use of land for other open space uses away from existing agricultural lands which are in open space use and towards areas containing other lands, unless such action would not promote the planned, orderly, efficient development of an area.

(e) To insure that sufficient public facilities and services will be available to meet the needs of further populations.

(f) To insure that land development and delivery of public services coincide.

(g) To encourage equity in property taxation by limiting taxation to areas provided services.

(h) To promote the development of vacant land for urban use within existing urban areas before allowing for development to occur in open-space lands.

(i) To determine the future service needs of communities within the county and the appropriate agencies to provide such services.

In summary, neither the participants in joint city-county policy planning nor LAFCO's should have to implement vague statutory generalizations. More guidance is needed, and a State Commission could help provide this guidance.

STRENGTHENING STANDARDS
FOR LAFCO CONDUCT

Although the performance of Alameda County LAFCO in drafting a sphere of influence for Livermore is not particularly representative of LAFCO operations in other metropolitan counties, it does serve as a vivid reminder of what can happen without proper checks on LAFCO conduct. Instead of carrying out their mandate to prevent urban sprawl
and promote orderly development the Alameda County Commissioners acted in the belief that all growth is desirable. In short, the Commissioners believed their unfettered discretion permits them to promote their own goals instead of those enumerated in the law. Thus, the crucial question becomes one of checks and balances. Does the existing system have adequate controls on abuse of power by LAFCO's?

EXISTING CONTROLS ON LAFCO CONDUCT

Challenging LAFCO actions in court is very difficult due to the lack of specificity in the LAFCO law. This difficulty is clearly illustrated by the recent Superior Court decision in Friends of Good Planning v. San Diego LAFCO. On June 30, 1975, San Diego County LAFCO approved an annexation to the city of San Marcos in spite of strong staff opposition. The LAFCO staff believed the proposed annexation represented a textbook case of urban sprawl. Of the 3600 acre annexation, only a small portion had any development plans and this portion was located on the outer edge of the parcel. Nevertheless, LAFCO's approval of the annexation was upheld in court. Because of the vagueness of the LAFCO law and the lack of the clear performance standards for LAFCO conduct, the court chose not to judge whether LAFCO carried out the policies of the Knox-Nisbet Act. Instead, the court based its decision on (1) conformance of the Commission's action with the requirements of the California Environmental Quality Act (CEQA) and (2) the existence of "substantial" evidence indicating the Commission had exercised its discretion in a reasonable manner. 19

The reasoning in the San Diego case is indicative of most California courts in LAFCO cases. The judicial trend has been for the
courts to first acknowledge the wide range of discretion given to LAFCO's by the Knox-Nisbet Act, and then rule on whether the decision in question was arbitrary or capricious. However, the arbitrary and capricious test is a weak check on abuse of discretion. The LAFCO decision cannot be overturned if there is "substantial" evidence indicating that the Commission exercised its discretion in a reasonable manner. The burden is on the plaintiff to demonstrate that no such evidence exists, and this is certainly not an easy task.

POSSIBLE REMEDIES

Based on the difficulties involved with overturning a LAFCO decision using the arbitrary and capricious test, the writer believes there is a definite need to (1) clarify LAFCO goals and objectives and (2) establish performance standards for judging LAFCO conduct. Establishing a State Review Commission would also help alleviate the abuse of power problem. As mentioned earlier, such a Commission could go a long way toward clarifying LAFCO goals and objectives. In addition, the State Commission could establish LAFCO performance standards. Finally, the Commission could acquire some of the case load from the courts.

As further checks on abuse of power by LAFCO's, the state should consider requiring LAFCO's to make decisions consistent with state policies and findings of fact to substantiate this consistency. In summary, the writer believes adequate checks on LAFCO conduct can be achieved by establishing (1) clear goals and objectives for LAFCO's, (2) performance standards, (3) a State Review Commission, (4) requirements that LAFCO decisions be consistent with state policies and (5) requirements for findings of fact to substantiate consistency with state policies.
CONCLUSIONS

California currently has a serious dichotomy between agencies with the standard land use planning tools and no mandate to promote orderly development and LAFCO's which have the mandate but none of the standard planning tools. One approach to correcting this imbalance is to strengthen LAFCO's role in land use planning. Regarding this approach, the writer favors giving LAFCO's (1) the power to initiate detachment proposals for special districts (2) control over district latent powers and (3) the power to initiate deannexation proposals for cities.

A second approach to correcting the imbalance between planning tools and mandates involves giving cities, counties and special districts a greater responsibility for promoting orderly development. In this regard, the writer advocates joint city-county-district land use and policy planning. For supervision of this joint planning process, the writer advocates using either expanded LAFCO's or a State Review Commission.

Regarding the need to strengthen control over LAFCO conduct, the writer advocates establishing (1) clear goals and objectives for LAFCO's, (2) performance standards, (3) a State Review Commission, (4) requirements that LAFCO decisions be consistent with State policies and (5) requirements for findings of fact to substantiate consistency with State policies.
NOTES: CHAPTER V

1. Interview, March 31, 1976.


5. This bill was defeated by a 9 to 23 vote in the California State Senate on June 15, 1976.


8. This scheme uses the following Santa Clara County definition for urban service areas:

Urban Service Areas consist of existing urban developed areas and vacant and agriculture land either incorporated or unincorporated, within a city's sphere of influence, which are now served by existing urban facilities, utilities and services or are proposed to be served by urban facilities, utilities and service provided in the first 5 years of the city's adopted Capital Improvement Program. The boundary around these urban areas will be called "Urban Service Area Boundary."

It is important to remember that lands lying within a city's urban service area are expected to become a part of that city at some point in the future.

9. In fact, for cities like San Jose with irrational and illogical boundaries, the "limit line" would clearly not be coterminous with the city limits. Consequently, the joint city-county planning requirements may be applicable even to certain select areas within the actual city. On the other hand, if LAFCO succeeds in making the city limits and "limit line" coterminous through the use of detachment powers then joint planning would only apply to land lying between the city and its urban service boundary.

10. The writer believes in the basic concept of local control of resources of local concern, regional control of regional resources and state control of resources of statewide concern.
Regions such as the Bay Area or Los Angeles face many problems which transcend the boundaries of existing local governmental agencies. Despite voluntary cooperation between local agencies and significant activity by single purpose regional agencies, there remain interdependent regional problems which require integrated regional planning for adequate resolution. In short, the writer favors multi-purpose regional governments handling problems of regional concern.

11. These arguments in favor of an expanded LAFCO were eloquently presented by Wendy Emrich, "Local Agency Formation Commissions: Third Party Role and Implications for Organization Strategies" (unpub., March 1976). Student paper prepared for Public Policy 254, University of California, Berkeley.

12. These were the two schemes advocated by Ms. Emrich, see note 11 above, see p. 15.

13. Ibid.

14. An alternative approach to dealing with multi-county LAFCO problems would be to set up, on a case by case basis as needed, multi-county LAFCO's. Since multi-county LAFCO problems generally constitute only a small proportion of LAFCO matters, permanent multi-county LAFCO's would probably not be needed. On the other hand, there is no logical reason to block temporary multi-county LAFCO's similar to licensed county task forces. What is needed, however, is legislation which permits these temporary LAFCO's and designates (1) situations where they are appropriate and (2) their organizational specifications.

15. p. 12.


17. Senate Bill 1736, see note 6 above, pp. 6-7.

18. The State Review Commission would need a solid basis for reviewing and arbitrating local planning decisions. In short, providing adequate state guidance for LAFCO's and joint city-county planning would require the development of a detailed state land use policy plan. At a minimum, this plan would need to (1) present the state's policies on growth, development, and environmental quality; (2) recommend specific State, local and private actions needed to carry out these policies; (3) serve as a basis for State functional plans for housing, transportation, air and water quality etc.; and (4) serve as a basis for locating major projects such as highways, water projects and university facilities.

While a policy plan meeting the above requirements would be a step in the right direction, a more comprehensive state plan may be necessary for truly effective state guidance. This comprehensive plan could be developed in two steps. First, a state land use element containing...
a statewide zoning map and policies applicable to each zone could be developed. For the zoning map, the entire state could be divided into four general zones: urban, rural, agriculture and conservation. The conservation zone would include all areas of statewide concern. Second, the state could develop supplementary elements including:

1) transportation
2) recreation
3) conservation
4) public services and facilities
5) state population policy

The transportation and public service elements would function as the state's infrastructure plan. The conservation element would designate areas of critical statewide concern and policies for their preservation. The recreation element would provide guidance concerning optimum use of the state's recreational resources. Finally, the population element would delineate state policies and guidelines concerning future population growth and distribution.

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