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2 August 2007

The Honorable Darrell Steinberg  
California State Senate  
State Capitol, Room 4035  
Sacramento, CA 95814

**RE: SB 375 (Steinberg): CONCERN AND STUDY**

Dear Senator Steinberg:

Thank you for your efforts to address climate change in transportation planning and preservation of agricultural and open space lands. On behalf of the Board of Directors of the California Association of Local Agency Formation Commissions, however, I am respectfully writing to express concerns with SB 375 in its current form and request that the bill be further studied.

SB 375 creates a new planning document—the preferred growth scenarios—developed by regional transportation agencies with input from affected cities and counties. While we applaud the goals of these plans to reduce greenhouse gas emissions and encourage infill and density in urbanized areas, the plans do not take into account the spheres of influence already established for every city and special district as required by Government Code §56425. Further, these growth scenarios do not consider the availability and capacity of service infrastructure, other than transportation, to serve the growth areas.

Local Agency Formation Commissions (LAFCo) are required to establish and review the spheres of influence of every city and subject special district. In updating the spheres the LAFCo is also required to conduct a Municipal Service Review which examines the ability of local agencies (cities, county, special districts) to provide or extend services into the proposed sphere. In addition to examining the availability of services to support growth, the concept of spheres is intended to encourage orderly growth and prevent sprawl.

Our concern with SB 375 is that it does not consider the availability or feasibility of providing efficient local services—other than transportation—in determining growth scenarios or potential boundary changes of local agencies. On numerous occasions, LAFCos have encountered situations around the state where a city or other applicant sought to increase a sphere for growth but was unable to show how services would be provided. The requirement for the preferred growth scenario should be consistent with and completed in collaboration with the LAFCo and the state-mandated Municipal Service Reviews.

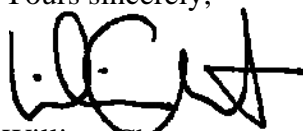
We request that current blueprint process and the proposed preferred growth scenario process, if approved, consider spheres of influence of both cities and special districts. The LAFCOs have been close to the ground on growth, public services, and agricultural preservation for over 45 years. Both LAFCo commissioners and their staff are well aware of the capacity of public agencies to provide services; they know the locations of prime agricultural lands and open space areas in their county; they have developed policies for managing the growth in their county; and they have developed relationships with all local agencies (cities, county and special districts) within the county.

As you are aware, LAFCo is mandated to develop these local policies that are responsive to the unique situations in each county. The proposed legislation makes no connection between the preferred growth scenarios designed by the transportation agencies and the adopted policies, spheres of influence and boundaries of the LAFCOs. Should the bill become law, this will likely result in confusion and conflicting growth policies. Situations could easily evolve, under the current proposal, which unintentionally encourage leapfrog development, such as a demand to develop areas within a preferred growth scenario but outside any existing sphere. The State is often accused of creating conflicting missions. Here is an opportunity for the Legislature to require the growth scenarios to account for adopted spheres of local agencies and take advantage of policies already in place. Because LAFCo reviews spheres every five years, they typically consider growth and sphere changes in those increments. This encourages orderly growth and efficient extension of services. It seems that the LAFCOs could be an asset in the implementation of your legislation by ensuring that proposed sphere changes, service extensions, boundary changes, or other organizational changes (such as formations or consolidations) are consistent with both LAFCo policy and adopted growth scenarios.

There appears to be the potential for synergy between the goals of addressing climate change and transportation planning, in SB 375, and the legislative mission of LAFCo to ensure orderly growth, prevent sprawl, protect agricultural and open space lands, and assure the efficient extension of local services. We believe that, with additional time and work among all the stakeholders, this legislation could be significantly improved and better achieve the goals of all interests. Therefore we respectfully request that you withdraw this bill from consideration at this time so it can become a two-year bill and provide the opportunity for thoughtful discussion. We pledge to be part of that discussion and assist in any way we can.

Thank you for your leadership on this legislation and your consideration of our concerns and request for further deliberations.

Yours sincerely,

A handwritten signature in black ink, appearing to read 'W. Chiat', with a horizontal line extending to the right.

William Chiat  
Executive Director