



San Benito County Local Agency Formation Commission
3224 Southside Road
Hollister, CA 95023
831-630-0745
judijhj@sbcglobal.net

Date: January 15, 2009 for the January 28, 2010 LAFCo meeting

To: LAFCo Commissioners

From: Executive Director

RE: City of San Juan Bautista ~~ request for Sphere of Influence amendment

The application presented by San Juan Bautista for amendment to the Sphere of Influence of 477.89 acres (value: \$810,629) [attachment 1: Map] owned by Charles Davidson was accepted by SBC LAFCo as complete on December 1, 2010. However, the negative declaration submitted by the City was deemed inadequate. Some of the deficient factors include, but are not limited to:

- lack of analysis of the cement plant area
- need to provide information and assessment of soil slippage on the site
- necessity for addressing concerns of
 - o earthquake fault area / flood zone location(s)
 - o data regarding San Juan Creek flows
 - o ability of City to meet requirements of SB 375

City officials have agreed that SBC LAFCo is the Lead Agency under CEQA. As a result, staff is seeking direction from the Commissioners before incurring what might be significant costs for the CEQA assessment.

Cortese-Knox-Hertzberg Local Government Reorganization Act of 2000, Government Code Section 56425(e) provides as follows:

In determining the sphere of influence of each local agency, the commission shall consider and prepare a written statement of its determinations with respect to each of the following:

- (1) The present and planned land uses in the area, including agricultural and open-space lands.

Determination: No planned use for the area has been presented; the applicant has stated there is no plan for use of the parcels

- (2) The present and probable need for public facilities and services in the area.

Determination: No planned use for the area has been defined; no need for public facilities and services can be identified

- (3) The present capacity of public facilities and adequacy of public services that the agency provides or is authorized to provide.

Determination: The fiscal potential for provision of services without burden to the residents of the City is unclear; City officials have stated they already provide services to the property.

- (4) The existence of any social or economic communities of interest in the area if the commission determines that they are relevant to the agency.

Determination: Not addressed in the application

SBC LAFCo Policies: Criteria for Sphere of Influence and Urban Service Areas:

Section 2.8.3: LAFCo will deny applications absent a clear, quantifiable mechanism to provide adequate services (LAFCO Resolution 95-03).

Determination: No planned use for the area has been defined; no need for public facilities and services can be identified; City Officials and representatives of the property owner insist that there is no planned use for the area and that services are currently being provided to the site.

At present, it might be possible to make the findings to approve the application, except for the inadequate environmental assessment. Sphere of Influence amendments are quasi-legislative actions by the San Benito County LAFCo. Consequently, the Commission can decide whether amendment of a Sphere of Influence is appropriate, as a matter of legislative policy. The Commission can consider other factors besides those set forth in Government Code section 56425(e) and SBC LAFCo policy 2.8.3, in making its decision. Therefore, staff asks - before incurring the cost of CEQA review - if the Commissioners are inclined to deny the request for amendment to the Sphere of Influence. If an application is denied, CEQA review is not required,. [Public Resources Code Section 21065 and CEQA Guidelines Section 15270]

Recommendation:

If the Commissioners are inclined to further consider this application, staff should be provided with direction to have a CEQA review completed and return this item for consideration by the Commissioners when the review is completed.