



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

Date: February 18, 2010 for the February 25, 2010 LAFCo meeting

To: LAFCo Commissioners

From: LAFCo Staff

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

Sphere of Influence amendments are quasi-legislative actions by the San Benito County LAFCo; the Commission can decide whether amendment of a Sphere of Influence is appropriate, as a matter of legislative policy.

At the direction of the Commissioners during the January 28, 2010 LAFCo meeting, the Deputy County Counsel was directed to review the Negative Declaration, which had been submitted as part of the application by the City of San Juan Bautista, CA for amendment to the City's Sphere of Influence. The Deputy County Counsel has indicated to LAFCo staff that the Negative Declaration has been assessed, and is adequate for the requested action. Government Code Section 56425 directs the Commissioners to consider and prepare statements with respect to four broad factors anytime it makes Sphere of influence determinations. (listed below). 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. The Commission may accept the Negative Declaration, and then adopt a resolution approving the amendment to the Sphere of Influence.

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: The applicant has stated there is no plan for use of the parcels in the foreseeable future. Representatives of the property owner have declared the requested action is only for the purpose of for estate planning for a family facing the future. There is no present or future identifiable utilization for the area; for that reason, the City's and owner's statements are therefore accepted.

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

Determination: The City has offered assurances that the City has service capability to make the public services and facilities adequately available to the site at present, and that the City's finances are sufficient to provide service in the future. Since no planned use for the area has been defined, no need for public facilities and services can be identified, and the City's statement is acceptable.

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

Determination: City officials have stated services, e.g., police and fire, are currently provided to the property, causing the City's statement that the City has sufficient ability for services to the subject property to be adequate.

(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: While the City's application does not address the existence of any social or economic communities of interest in the area, LAFCo staff recognizes that there are social and economic ties between the affected territory and the City of San Juan Bautista, as well as between the affected territory and the County of San Benito.

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: There is no present or future identifiable utilization for the area; the City's and owner's statements are therefore accepted, and the application can be received and approved.

Recommendation:

If the Commissioners are inclined to approve this application, the following actions may be completed:

- 1) Open the public hearing and receive testimony.
- 2) Adopt the attached resolution approving the amendment to the City of San Juan Bautista's Sphere of Influence.

**BEFORE THE LOCAL AGENCY FORMATION COMMISSION
OF THE COUNTY OF SAN BENITO**

RESOLUTION NO. 2010-02

**RESOLUTION APPROVING THE APPLICATION OF THE CITY OF SAN JUAN BAUTISTA FOR
AMENDMENT OF THE CITY'S SPHERE OF INFLUENCE (+/- 357 ACRES) LAFCO FILE NO. 2008-
01/SOI**

WHEREAS, the Local Agency Formation Commission of the County of San Benito, hereinafter referred to as the "Commission," is responsible for establishing, amending, and updating cities and special districts' spheres of influence in accordance with California Government Code Section 56425; and

WHEREAS, the City of San Juan Bautista submitted an application and supporting materials to this Commission pursuant to Government Code Section 56428 requesting an amendment to its adopted Sphere of Influence for approximately 357 acres of land located southeast of the City of San Juan Bautista as shown in Exhibits "1 A" and "1 B"; attached hereto and by this reference incorporated herein; and

WHEREAS, notice of the hearing of said application was given as required by State law and was set for January 28, 2010, at the hour of 5:15 p.m.; and

WHEREAS, the Commission continued the hearing on this application to February 25, 2010; and

WHEREAS, said application was considered by this Commission at the February 25, 2010 hearing; and

WHEREAS, this Commission considered all relevant factors and evidence pertaining to said application and heard all interested parties wishing to testify; and

WHEREAS, this Commission reviewed and considered the information in the Negative Declaration prepared by the City of San Juan Bautista which was included in the Executive Director's report to this Commission.

NOW, THEREFORE, BE IT RESOLVED, THAT, acting as Responsible Agency pursuant to California Environmental Quality Act (CEQA) Guidelines, the Local Agency Formation Commission of the County of San Benito finds that prior to approving the proposed Sphere of Influence Revision the environmental effects of the project as shown in the CEQA documents prepared, adopted, and submitted by the Lead Agency were reviewed and considered, and determines these documents to be adequate pursuant to CEQA Guidelines Section 15096.

BE IT FURTHER RESOLVED, that this Commission adopts the required written determinations for the Sphere of Influence Amendment and determines that these determinations have been prepared pursuant to California's Government Code, Section 56425(e), as follows:

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

Determination: The applicant has stated there is no plan for use of the parcels in the foreseeable future. Representatives of the property owner have declared the requested action is only for the purpose of for estate planning. There is no present or future identifiable utilization for the area; for that reason, the City's and property owner's statements are therefore accepted.

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

Determination: The City has offered assurances that the City has service capability to make the public services and facilities adequately available to the site at present, and that the City's finances are sufficient to provide service in the future. Since no planned use for the area has been defined, no need for public facilities and services can be identified, and the City's statement is acceptable.

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

Determination: City officials have stated services, such as police and fire, are currently provided to the property, causing the City's statement that the City has sufficient ability for services to the subject property to be adequate.

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: There are social and economic ties existing between the subject property and the City of San Juan Bautista as well as the County of San Benito.

BE IT FURTHER RESOLVED, that his Commission finds that the proposed City of San Juan Bautista Sphere of Influence Amendment is consistent with the Cortese-Knox-Hertzberg Local Government Reorganization Act of 2000 and San Benito County LAFCo adopted Policies and Guidelines, and that this action carries out LAFCo's purposes and 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.

BE IT FURTHER RESOLVED, that this Commission finds that approval of the requested amendment to the City of San Juan Bautista's Sphere of Influence is based on sufficient information as provided to the Commission in the Initial Study and Negative Declaration for the current project, the Executive Director's report to the Commission, and all other testimony, evidence and information provided, and is in compliance with State law, including, but not limited to, the Cortese-Knox-Hertzberg Local Government Reorganization Act of 2000.

BE IT FURTHER RESOLVED, that this Commission approves the proposed Sphere of Influence Amendment (LAFCO File No. 2008-01/SOI), adding approximately 357 acres to the City of San Juan Bautista's Sphere of Influence.

PASSED AND ADOPTED by the Local Agency Formation Commission of the County of San Benito, State of California, at the meeting of said Commission held on the 25th day of February, 2010, by the following vote:

AYES: COMMISSIONERS:

NOES: COMMISSIONERS:

ABSENT: COMMISSIONERS:

Chair

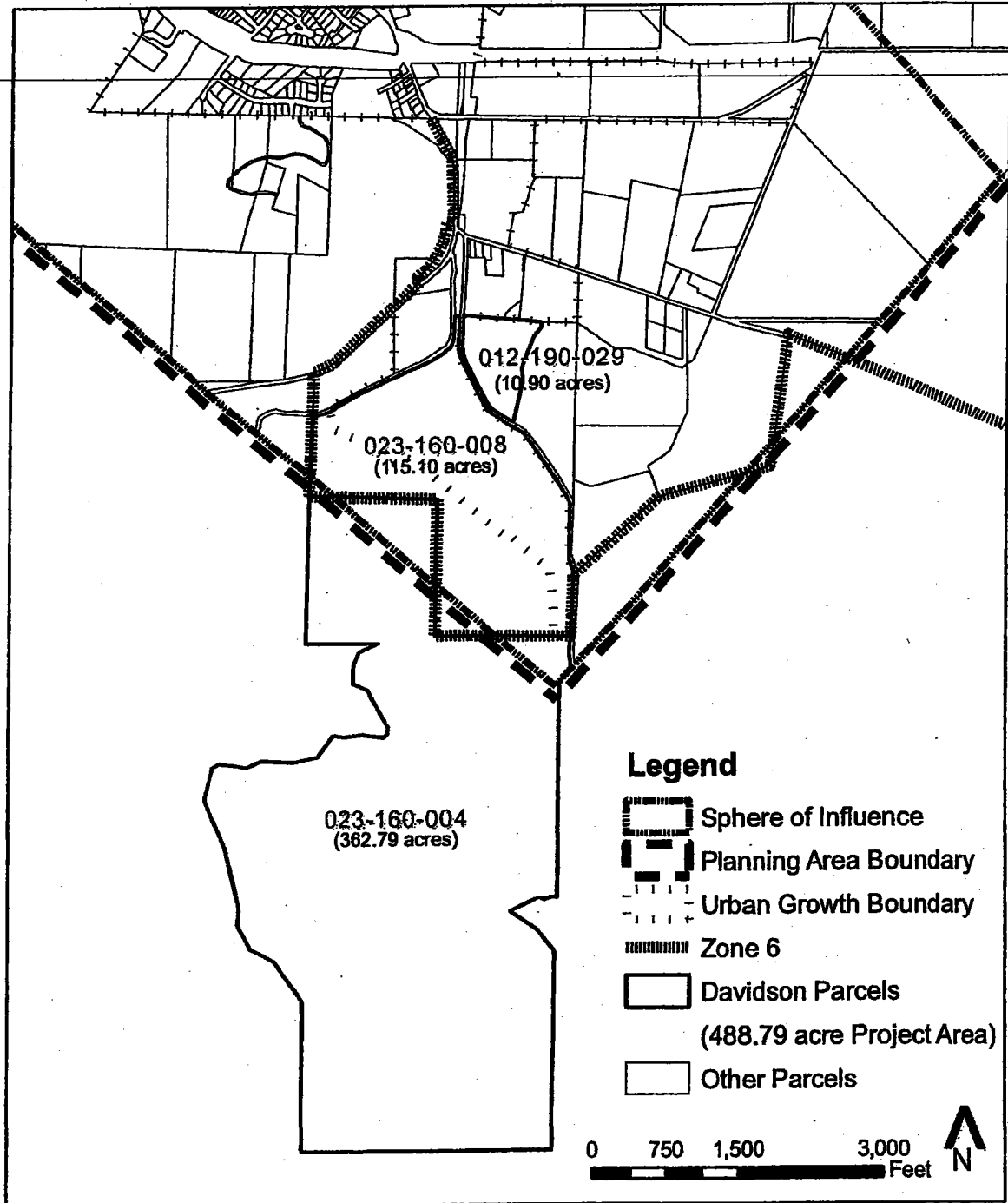
Attest:

Approved as to form:

Judi H. Johnson, Executive Director

Terra L. Chaffee, DCC (Counsel for LAFCO)

Davidson Sphere of Influence Amendment



January 24, 2008

Exhibit 1B

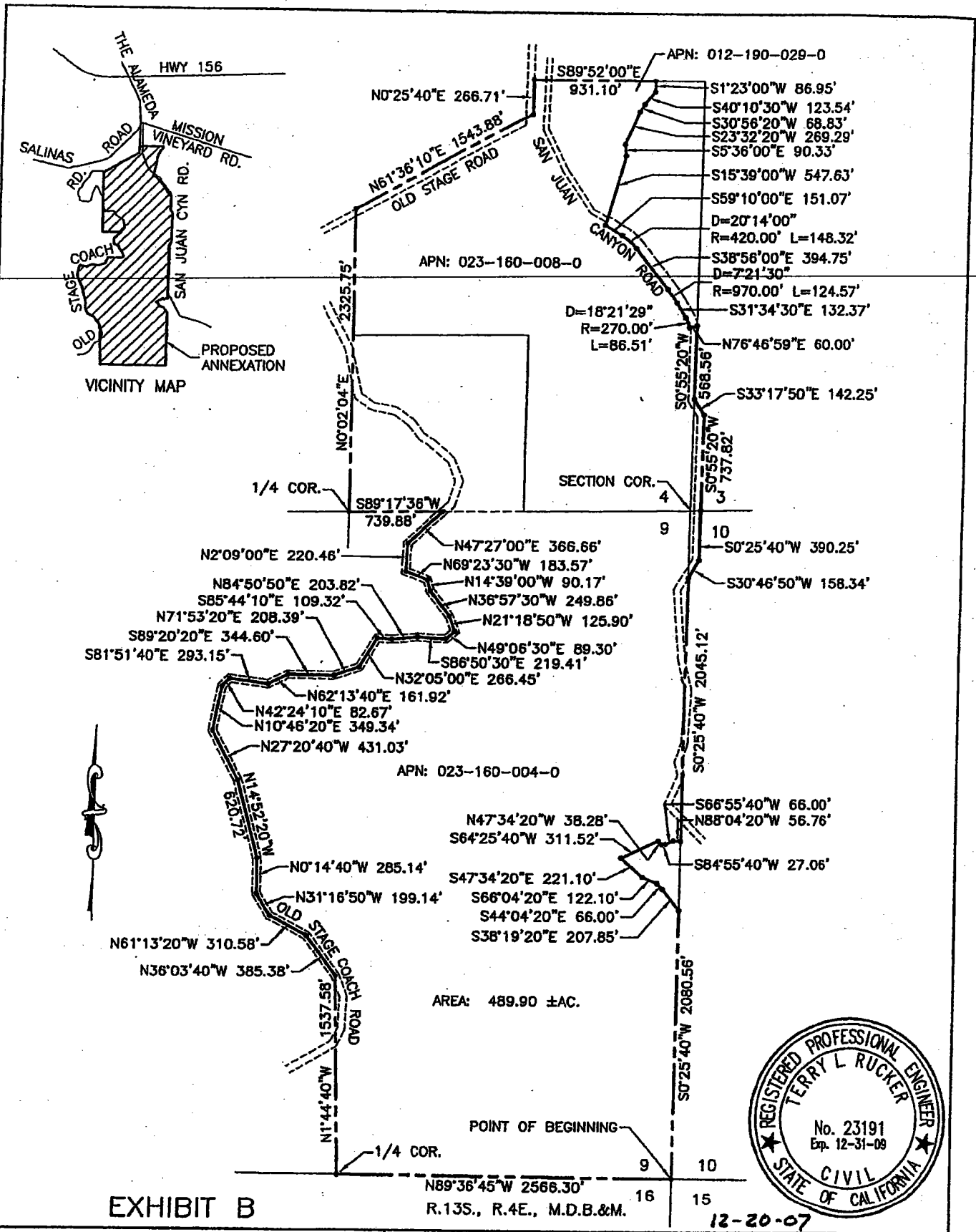


EXHIBIT B

ANNEXATION PLAT
 SAN JUAN CANYON ROAD
 SAN BENITO COUNTY, CALIFORNIA

DATE: 12-20-07
 SCALE: 1"=1000'
 DRAWN BY: T.L.R.
 CHECKED BY:
 JOB NO.: 1253

12-20-07
 Charles W. Davidson Co.
 A CALIFORNIA CORPORATION
 CONSULTING CIVIL ENGINEERS
 255 W. JULIAN ST. #200, SAN JOSE, CA.
 PH. (408) 295-9162
 TERRY L. RUCKER, R.G.E. NO. 23191

1/21/2007 2:34 PM
 F:\253\DWG\SURVEY\1253 PLAT-ANNEX