

RESOLUTION NO. 2008-13

“RESOLUTION OF APPLICATION” REQUESTING THE SAN BENITO COUNTY LOCAL AGENCY FORMATION COMMISSION TO INITIATE PROCEEDINGS IN CONNECTION WITH THE SPHERE OF INFLUENCE AMENDMENT OF THE CITY OF SAN JUAN BAUTISTA, INVOLVING THE ADDITION OF APPROXIMATELY 357 ACRES TO THE EXISTING CITY SPHERE OF INFLUENCE

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WHEREAS, the City Council of the City of San Juan Bautista desires to initiate proceedings pursuant to the Cortese-Knox-Hertzberg Local Government Reorganization Act of 2000, Government Code Section 56000 *et seq.*, to amend the City of San Juan Bautista Sphere of Influence (“SOI”) by adding approximately 357 acres (“Subject Property”) to the existing SOI; and

WHEREAS, the City of San Juan Bautista has a SOI boundary that was established by the County of San Benito before 1982 and no records are reported to exist at County or City offices regarding the development of this SOI boundary. However, the City of San Juan Bautista’s 1982 General Plan contains the earliest reference to this SOI boundary; and

WHEREAS, the SOI boundary does not follow any property boundary or geographic feature or roads and so consequently the existing SOI boundary line bifurcates a number of properties including the Subject Property. The current SOI bifurcates APN 023-160-008 and APN 023-160-004 which are the subject of this Sphere of Influence amendment; and

WHEREAS, the Davidson property extends from approximately the confluence of Old Stage Road and San Juan Canyon Road south and up the San Juan Canyon. Of the 477.89 acres owned by Mr. Davidson that are bifurcated by the existing SOI boundary line approximately 120 acres are currently in the City SOI; and

WHEREAS, the property owner and the City are requesting that the SOI line and Planning Area Boundary line be redrawn so that the two parcels currently bifurcated by the existing lines be included in the SOI and Planning Area so that the two parcels are not hindered, or constrained, by real, perceived, or potential political jurisdictional land use conflicts that may arise in the future if the two parcels remained bifurcated; and

WHEREAS, the proposed SOI amendment would not change current conditions as they relate to police and fire services, or any other City or County services; and

WHEREAS, no application to develop the properties has been submitted to the County or the City; and

WHEREAS, amending the SOI would allow potential future annexation of the property to the City at a future date (uncertain); and

WHEREAS, the proposed SOI amendment also includes amending the San Juan Bautista General Plan conditional upon the LAFCO Board approving the proposed amended SOI boundary; and

WHEREAS, approval of the proposed SOI amendment will not cause changes to existing public services operations in the County or the City, nor would there be any fiscal impact associated with this proposed amendment; and

WHEREAS, a map and description of the boundaries of the Subject Property proposed to be included in the City of San Juan Bautista's sphere of influence are attached as **Exhibit A**; and

WHEREAS, the San Juan Bautista Planning Commission heard this matter at their regularly schedule meeting on April 1, 2008 and took no action to recommend approval or denial; and

WHEREAS, notice of the public hearing on this resolution was given and published in the manner required by law and the public hearing on this resolution was held on April 15, 2008 before the City Council; and

WHEREAS, the Initial Study was initially circulated for a 20-day public review period commencing on January 28, 2008 and ending on February 18, 2008. A Notice of Intent to Adopt a Negative Declaration was posted for this Initial Study at the County Clerk and at three locations in the City (City Hall; Post Office; City Library) on January 28, 2008. A second Notice of Intent was circulated for an additional 20-day public review period commencing March 7 and ending March 2007, 2009. This second Notice of Intent was also posted with the County Clerk, in the Hollister Freelance, and posted on and off the project site; and

WHEREAS, the Copies of the Initial Study were distributed to California Department of Forestry and Fire Protection, the San Benito County Water District, County Planning and Building Inspection Department, San Benito County Resource conservation District, representatives of the local appropriate Native American tribe, and LAFCO; and

WHEREAS, the City has complied with the requirements of the California Environmental Quality Act ("CEQA"), Public Resources Code Section 21000 *et seq.*, the CEQA Guidelines, Cal. Code Regs., tit. 14, Section 15000 *et seq.*; and the City has, prior to or concurrent with the approval of this proposed resolution, considered and approved the Initial Study and Negative Declaration (Resolution 2008-XX attached hereto as **Exhibit B**), which adequately addresses the environmental effects of the proposed boundary changes pursuant to CEQA; and

WHEREAS, comment letters were received on the subject of the Initial Study and include letters from LAFCO, San Benito County Planning and Building Department, Jolene Cosio, and Cara Vonk; and

WHEREAS, the City Council has reviewed the Initial Study and Negative Declaration as amended as a result of the public review period and approves it based on its own independent review and judgment of the facts presented; and

WHEREAS, the Subject Property is uninhabited; and

NOW, THEREFORE, BE IT HEREBY RESOLVED by the Council of the City of San Juan Bautista as follows:

1. All of the recitals set forth above are true and correct to the best of its knowledge, and by this reference, are incorporated herein.
2. That this Resolution of Application is hereby adopted and approved and the Local Agency Formation Commission of San Benito County is hereby requested to take proceedings for the Sphere of Influence amendment of the Subject Property as authorized and in the manner provided by the Cortese-Knox-Hertzberg Local Government Reorganization Act of 2000.
3. That City staff is hereby directed to prepare all such documents as may be required to facilitate this reorganization and the City Manager is hereby authorized to execute such documents, if required.

PASSED AND ADOPTED by the City Council of the City of San Juan Bautista at a regular meeting duly held on the 15th day of April 2008, by the following vote:

AYES: Dias, Edge, Laverone, Hill

NOES: Paradice

ABSTAIN: None

ABSENT: None

GEORGE DIAS, III
Mayor

ATTEST:

TRISH PAETZ
City Clerk