

SAN BENITO LOCAL AGENCY FORMATION COMMISSION
EXECUTIVE OFFICER'S REPORT

July 24, 2014 (Agenda)

LAFCO No. 487: Formation of County Service Area No. 56 (Creekside 6)

PROPONENT: San Benito County Board of Supervisors, by resolution.

ACREAGE & LOCATION Approximately 4.2 acres south of and adjacent to Hillcrest Road, west of and including Los Altos Drive; Hollister area

PURPOSE: Comply with County conditions of approval for a proposed tract of nine single family homes to provide street lights, road maintenance, storm drainage, open space maintenance and street sweeping.

ALTERNATIVE TO FORMING A NEW COUNTY SERVICE AREA

The Board of Supervisors resolution initiating the formation of County Service Area No. 56 (Creekside 6) states:

“The San Benito County Board of Supervisors would also support annexation of the area . . . into the existing CSA 55, instead of forming a new CSA should LAFCO determine annexation is a more appropriate.”

The July 24 meeting has been properly noticed to allow the Commission to approve either the formation of new County Service Area No. 56 or annexation of this territory to existing County Service Area No. 55. The title for this alternative change of organization would be:

LAFCO No. 487 - Creekside 6 Annexation to County Service Area No. 55.

PROJECT INFORMATION

Description of Project

Formation of County Service Area 56 (Creekside 6) to provide street lights, road maintenance, storm drainage, open space maintenance and street sweeping was initiated by the Board Supervisors in its approval of a tentative subdivision map to create a tract of nine new single-family homes.

The site is located in the unincorporated area generally surrounded on three sides by the City of Hollister between Hillcrest Road to the north, Santa Ana Court on the east and Los Altos Drive on the west.

Project Information

1. Land Use, Planning and Zoning - Present and Future:

The proposal area is vacant. Construction of nine single family homes could result from approval of this proposal.

The County General Plan and zoning designates the area as Rural Residential.

Surrounding land uses are residential.

3. Topography, Natural Features and Drainage Basins:

The site and surrounding areas slope gently to the east and drain into the West Branch of Santa Ana Creek.

4. Population:

There are no homes within the proposal area. Annexation will result in construction of nine single-family homes.

5. Governmental Services and Controls - Need, Cost, Adequacy and Availability:

The County's "Plan for Providing Services Within the Affected Territory" as required by the Government Code is attached.

6. Assessed Value, Tax Rates and Indebtedness:

The proposal is within tax rate area 067-004. The 2013 assessed value is \$228,888.

Ongoing maintenance services will be financed by special benefit assessments to be levied against each property by either existing CSA 55 or proposed CSA 56.

7. Environmental Impact of the Proposal:

The County of San Benito, as lead agency, found significant environmental effects may result from the proposal and has prepared the enclosed Mitigated Negative Declaration.

8. Landowner and Subject Agency Consent:

Written consent has been given by the sole property owner within the proposal.

9. Boundaries, Lines of Assessment and Registered Voters:

The boundaries appear to be definite and certain and there do not appear to be conflicts with lines of assessment or ownership. The map and legal description are being reviewed by the County Surveyor for sufficiency for filing with the State Board of Equalization.

The territory is uninhabited; there are fewer than 12 registered voters residing there.

GENERAL ANALYSIS

This proposal results from County approval of Tentative Subdivision Map No. 08-79 to create nine single family residential lots. The project is within the City of Hollister sphere of influence.

This application raises questions we are bringing to the Commission's attention because we think they need to be addressed and resolved.

- Relationship of the property to the City of Hollister

The property is within the Sphere of Influence of the City of Hollister, meaning LAFCO has already determined it is within the probable physical boundaries and service area of the City.

While the County has approved an nine-lot residential tract map for the property the Board of Supervisors resolution of application notes that since the proposal lies within the City sphere of influence it is anticipated the land “. . . may be annexed to the City of Hollister at some point in the future.”

Creating nine new homes whose residents will be part of the Hollister community, but who will not be able to participate in municipal elections, does not appear to be orderly municipal boundaries. It appears that developing these homes without annexation to the City would contribute to a pattern of illogical service area boundaries.

It does not make sense from the perspective of orderly boundaries and public services to create a new residential subdivision within the City sphere of influence without provisions to ensure the property will eventually be included within the City.

For these reasons, we considered recommending that LAFCO deny the formation of CSA 56 and encourage the owner to annex to the City to achieve his development objectives.

Militating against this approach is the fact the owner applied to the County for development approval, the County has approved his application and a delay in the development process resulting from applying to and being approved by the City may create a financial hardship.

To respect the owner's needs and still address the underlying problem, we recommend if the Commission approves the formation, or the alternative of annexing the territory to CSA 55, such approval be conditioned upon the landowner recording a "consent to annex" to the City of Hollister that would be binding on future property owners. This is similar to the recent approval of the formation of County Service Area No. 55.

In this way, by their purchase of one of the residential lots, individuals will be consenting to annex to the City in the future, such consent to run with the land. These nine homes could then be included within the City in conjunction with a future annexation.

- Creation of Separate County Service Areas for Individual Projects

It has been the County's practice for some time to create new County Service Areas when approving new tracts of homes as a way of funding local governmental services such road maintenance, street lighting, street sweeping and open space maintenance.

After discussed this situation with the County, there seems to be agreement that annexing the proposed nine-lot Creekside 6 to an existing CSA is preferable to forming a new CSA. A readily available alternative is to annex the project to existing CSA 55 which is in the same vicinity and is that is authorized to similar local services. The County may choose to perhaps create a zone of CSA 55 specifically for this nine-lot project.

As we review and update the Spheres of Influence of the existing County Service Areas we will be discussing with County staff a concept of perhaps consolidating certain CSAs which are authorized to provide similar services.

ALTERNATIVES FOR COMMISSION CONSIDERATION

After reviewing this report and any testimony or materials that are presented, the Commission can take one of the following actions:

OPTION 1 – APPROVE the proposal as submitted.

- A. Certify that it has reviewed and considered the Mitigated Negative Declaration.
- B. Adopt this report and approve the proposal known as the Formation of County Service Area 56 (Creekside 6)
- C. Subject the proceedings to approval of special benefit assessments sufficient to fund the authorized services as determined by the County
- D. Direct staff not to record the formation until the landowner records an agreement to annex the property to the City of Hollister, said consent to run with the property as a covenant and restriction that will apply to future owners.
- E. Direct the staff not to record the formation until the map and legal description are found to be acceptable by the County Surveyor.

OPTION 2 – DENY the proposal as submitted and instead APPROVE the annexation of this property to County Service Area 55 by taking the following actions:

- A. Adopt this report and approve the proposal known as the Creekside 6 Annexation to County Service Area 55.
- B. Subject the proceedings to approval of special benefit assessments sufficient to fund the authorized services as determined by the County
- C. Direct staff not to record the annexation until the landowner records an agreement to annex the property to the City of Hollister, said consent to run with the property as a covenant and restriction that will apply to future owners.
- D. Direct the staff not to record the annexation until the map and legal description are found to be acceptable by the County Surveyor.

OPTION 3 - Adopt this report and DENY this proposal.

OPTION 4 - CONTINUE this proposal to a future meeting for additional information.

RECOMMENDED ACTION:

Approve OPTION 2.



BOB BRAITMAN
Executive Officer
LOCAL AGENCY FORMATION COMMISSION

12. Government Services and Controls - Need, Cost, Adequacy and Availability

This portion of the questionnaire is intended to comply with the statutory requirement of section 56653 to provide a "Plan for Providing Services." Please answer fully.

- A. Describe the services to be extended by this proposal.

Street lighting, road maintenance, drainage maintenance, street sweeping.

- B. Describe the level and range of the proposed services.

The streets will be maintained per County of San Benito standards. Storm drainage and open space will be maintained on an annual basis with supplemental maintenance as the need arises.

- C. Indicate when the services can feasibly be provided.

After the Final Map has been recorded

- D. Indicate any improvements or upgrading of structures, roads, sewers or water facilities or other conditions that will be required as a result of the proposal.

The developer is improving an existing road and installing a new storm drainage system as a condition of the subdivision tentative map. The CSA is being formed to handle ongoing maintenance of those improvements.

- E. Identify how district services will be financed. Include both capital improvements and ongoing maintenance and operation. There are not capital improvements.

Ongoing maintenance will be financed by a benefit assessment levied against each property owner.

- F. Identify any alternatives for providing the services listed in section "A." and how these alternatives would affect the cost and adequacy of services.

Annexation to another CSA-(cost and adequacy of services the same), annexation to the City of Hollister-(cost of services higher, adequacy of services the same), or formation of an HOA-(cost and adequacy of services the same) are possibilities.

LEGEND

- FOUND STANDARD CITY MONUMENT, "AGED" S 2550, UNLESS NOTED OTHERWISE.
- SET STANDARD CITY MONUMENT, TAGED PLS 8347
- FOUND 3/4" IRON PIPE, OR AS NOTED
- RECORD DATA
- CALCULATED DISTANCE/BOUNDARY CONTROL
- FOUND PUBLIC SERVICE EASEMENT
- SEARCH FOR, NOT FOUND
- (r) RADIAL BEARING
- BOUNDARY TIE
- CENTERLINE
- DISTINCTIVE BOUNDARY LINE
- EASEMENT LINE
- CITY JOINTS

RECORD DATA

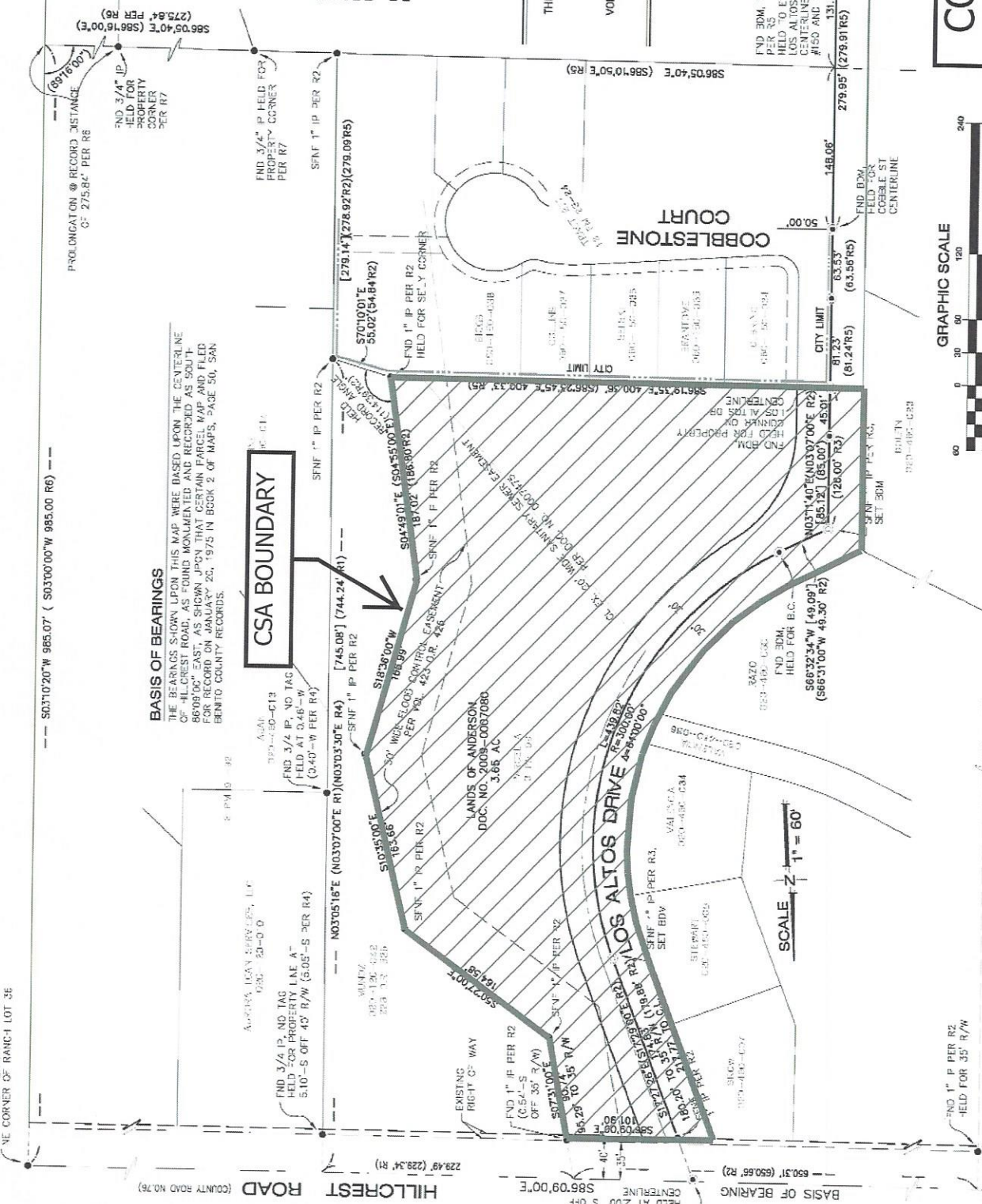
- R1 PARCEL MAP, BOOK 2 OF MAPS, PAGE 18
- R2 PARCEL MAP, BOOK 2 OF MAPS, PAGE 50
- R3 PARCEL MAP, BOOK 3 OF MAPS, PAGE 95
- R4 PARCEL MAP, BOOK 2 OF MAPS, PAGES 91 & 92
- R5 TRACT MAP NO. 277, CREEKSIDE UNIT 2
- R6 BOOK 13 OF MAPS, PAGES 23 & 24
- R7 DEED PER VOL 368 O.R. 409
- TRACT MAP NO. 170, DRY CREEK ESTATES
- BOOK 9 OF MAPS, PAGE 59

TRACT NO. 311 'CREEKSIDE 6'

IN THE UNINCORPORATED TERRITORY OF
THE COUNTY OF SAN BENITO, STATE OF CALIFORNIA
A SUBDIVISION OF PARCEL "A"
PARCEL MAP BOOK 3 OF MAPS, PAGE 99
BEING A PORTION OF
HOMESTEAD LOT 36, RANCHO SAN JUSTO
VOLUME 1 OF MAPS, PAGE 18, SAN BENITO COUNTY
RECORDER'S OFFICE.
MARCH 2014

COUNTY SERVICE AREA NO. 56

LAFCO 487



4-9-14

RESOLUTION OF THE
SAN BENITO LOCAL AGENCY FORMATION COMMISSION
MAKING WRITTEN DETERMINATIONS AND CEQA FINDINGS
AND MODIFYING THE SPHERE OF INFLUENCE
OF COUNTY SERVICE AREA NO. 55
(LAFCO No. 487 - Creekside 6 Annexation)

WHEREAS, the Creekside 6 Annexation to County Service Area No. 55 as processed pursuant to the Cortese/Knox/Hertzberg Local Government Reorganization Act of 2000 (Section 56425 et seq. of the Government Code) by the San Benito Local Agency Formation Commission necessitates a modification of the district sphere of influence; and

WHEREAS, in the manner required by law, the Executive Officer has given notice of the public hearing by the Commission on the proposal; and

WHEREAS, the Commission heard, discussed and considered all evidence concerning the proposal, including but not limited to, the Executive Officer's report and recommendation, the environmental document, applicable general and specific plans and all testimony, correspondence and exhibits received during the public hearing, all of which are included herein by reference.

NOW THEREFORE, IT IS RESOLVED, DETERMINED AND ORDERED as follows:

1. The project before the Commission is a proposed annexation to County Service Area No. 55 necessitating an amendment to the district Sphere of Influence.
2. The Commission is a responsible agency under CEQA and in accordance with CEQA Guideline 15319 has reviewed and considered the information in the Negative Declaration thereof prepared and certified by the County of San Benito.
3. The County Service Area No. 55 sphere of influence is hereby modified to include the area shown on the attached map labeled "Exhibit A."
4. The expanded sphere will allow County Service Area No. 55 to annex the site and provide street lights, road maintenance, storm drainage, open space maintenance and street sweeping services to the affected territory.
5. County Service Area No. 55 will have sufficient ability to provide services to benefit the sphere expansion area based on the conditions of approving the annexation.

6. The area being included in the sphere is socially and economically interdependent with the other territory within County Service Area No. 55.

7. This resolution was adopted on July 24, 2014 and is effective on the date signed by the Chair.

AYES:

NOES:

ABSTAINS:

Dated: _____

Chair
San Benito Local Agency Formation Commission

ATTEST

Bob Braitman, Executive Officer
San Benito Local Agency Formation Commission

LAFCO No. 487

RESOLUTION OF THE SAN BENITO LOCAL AGENCY FORMATION COMMISSION
MAKING DETERMINATIONS AND APPROVING THE CREEKSIDE 6
ANNEXATION TO COUNTY SERVICE AREA NO. 55

WHEREAS, the a proposal has been filed with the Executive Officer of the San Benito Local Agency Formation Commission pursuant to the Cortese-Knox-Hertzberg Local Government Reorganization Act and the County Service Area Law (Sections 56000 et seq. and Section 25210 et seq. of the Government Code) to form a new County Service Area; and

WHEREAS, consideration has been given to approving an alternative to the formation, namely the annexation of the affected territory to existing County Service Area No. 55, and

WHEREAS, at the times and in the manner required by law the Executive Officer has given notice of the Commission's consideration of the alternative proposal; and

WHEREAS, the Commission heard, discussed and considered all oral and written testimony related to the proposal and the alternative proposal, including, but not limited to, the Executive Officer's report and recommendation, the environmental document or determination, Spheres of Influence and applicable General and Specific Plans; and

WHEREAS, the Local Agency Formation Commission finds the alternative proposal to be in the best interests of the affected area and the total organization of local governmental agencies within San Benito County.

NOW, THEREFORE, BE IT RESOLVED DETERMINED AND ORDERED by the Local Agency Formation Commission of San Benito County as follows:

(1) The Commission reviewed and considered the Mitigated Negative Declaration prepared by the County of San Benito for Tentative Subdivision Map No. 08-79.

(2) The subject proposal is assigned the distinctive short-form designation:

CREEKSIDE 6 ANNEXATION TO COUNTY SERVICE AREA NO. 55

(3) Said territory is found to be inhabited.

(4) The boundaries of the affected territory are found to be definite and certain as approved and set forth in the legal descriptions, attached hereto and made a part hereof.

(5) All proceedings in connection with this annexation shall be conducted only in compliance with the approved boundaries set forth in the attachments and any terms and conditions specified in this resolution.

(6) Staff is directed not to record the annexation until the map and legal description are found by the County Surveyor to be acceptable.

This resolution was adopted on July 24, 2014 and is effective on the date signed by the Chair.

AYES:

NOES:

ABSTAINS:

Dated: _____

Chair

San Benito Local Agency Formation Commission

ATTEST

Bob Braitman, Executive Officer
San Benito Local Agency Formation Commission

