

SAN BENITO LOCAL AGENCY FORMATION COMMISSION
EXECUTIVE OFFICER'S REPORT

August 28, 2014 (Agenda)

LAFCO No. 488: Resubmitted Guerra/Intravia Annexation to City of Hollister

PROPONENT: City Council of the City of Hollister, by resolution.

ACREAGE & LOCATION Approximately 41 acres south of Meridian Street, north of Hillcrest Road, between McCray Street and Highway 25 Bypass, Hollister area.

PURPOSE: To provide municipal services for existing and anticipated commercial development of the property.

Background?

This proposal is identical to the Guerra/Intravia Annexation (LAFCO No.482) that was approved by the Commission on July 27, 2013.

Since written consent had not been given by all affected property owners, it was necessary, following the Commission's approval, to conduct a protest hearing to allow the opportunity for property owners to file written protests against the annexation. The hearing was conducted by the LAFCO staff on October 24, 2013 and we reported to the Commission that no written protests were received.

However, we could not record, and thereby complete, the annexation until a map and legal description acceptable to the County Surveyor was received. A new map and legal description were received from the City in July, along with a check payable to the County Surveyor, and we provided these materials to the County Surveyor for review.

Unfortunately the Guerra/Intravia Annexation was not recorded by July 27, 2014. Therefore it became void. We informed the City staff the proceeding had lapsed and it would be necessary for the City to resubmit this proposal if it still wished to annex the territory.

Neither LAFCO nor its staff has any discretion in this matter. Government Code Section 57001 is clear that if a certificate of completion is not filed within one year after LAFCO approves the boundary change, the proceeding shall be deemed terminated.

Project Information

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

A portion of the annexation area has been developed with commercial uses. The remainder is vacant.

The County General Plan designates the area as Commercial. It is currently zoned C-2, Commercial.

The area is within the City Sphere of Influence. The City General Plan designates the site as Mixed Use. Rezoning is C-2-S General Commercial and R-4-PD, High Density Residential.

Surrounding land uses are single-family residential to the north, industrial/commercial buildings including a walnut processing facility to the south, a mixture of single-family homes, industrial buildings and a mini-storage complex on the west and an abandoned orchard to the east.

3. Topography, Natural Features and Drainage Basins:

The site and surrounding areas are generally level. There are no significant natural boundaries affecting the proposal.

4. Population:

There are no homes within the proposal area. Annexation may result in construction of up to 120 single-family homes.

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

The City "Plan for Providing Services Within the Affected Territory" as required by Government Code Section 56653 is included within the Mitigated Negative Declaration which was considered by the Commission when it approved the original annexation.

6. Impact on Prime Agricultural Land, Open Space and Agriculture:

The project site consists in part of fallow land that has historically been farmed, however, as noted, the entire project site is included within the City's Sphere of Influence.

7. Assessed Value, Tax Rates and Indebtedness:

The annexation area is within Tax Rate Area 067-003. The assessed value is \$11,637,977 (2014-2015 roll).

The proposal is subject to a master property tax exchange agreement that has been approved by the Board of Supervisors and Hollister City Council. The overall tax rate will not be affected by this change.

7. Environmental Impact of the Proposal:

The City of Hollister, as lead agency, found significant environmental effects may result from the proposal and prepared and filed a Mitigated Negative Declaration.

This document was considered by the Commission when it approved the original annexation in July 2013 and is available for public review in the LAFCO office

8. Landowner and Subject Agency Consent:

Since written consent had not been given by all affected property owners the LAFCO staff conducted a protest hearing in October 2013. No written protests were received.

9. Boundaries, Lines of Assessment and Registered Voters:

The property is contiguous to the existing City boundary.

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 in filing with the State Board of Equalization.

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

10: Environmental Justice

Annexation will have no effect with respect to the fair treatment of people of all races and income, or the location of public facilities or 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 Resubmitted Guerra/Intravia Annexation to City of Hollister, subject to the condition that the territory be liable for any existing or authorized taxes, charges, fees or assessments comparable to properties presently within the City.
- C. Find: 1) the subject territory is uninhabited and 2) the annexing agency has given written consent to the waiver of conducting authority proceedings.
- D. Inasmuch as a protest hearing was conducted for the original Guerra/Intravia Annexation and no protests were received, waive the conducting authority proceedings and direct the staff to complete the proceeding.
- E. Direct the staff not to record the annexation until the map and legal description are found by the County Surveyor to be acceptable.

OPTION 2 - Adopt this report and DENY this proposal.

OPTION 3 - CONTINUE this proposal to a future meeting for additional information.

RECOMMENDED ACTION:

Approve OPTION 1.



BOB BRAITMAN
Executive Officer
LOCAL AGENCY FORMATION COMMISSION



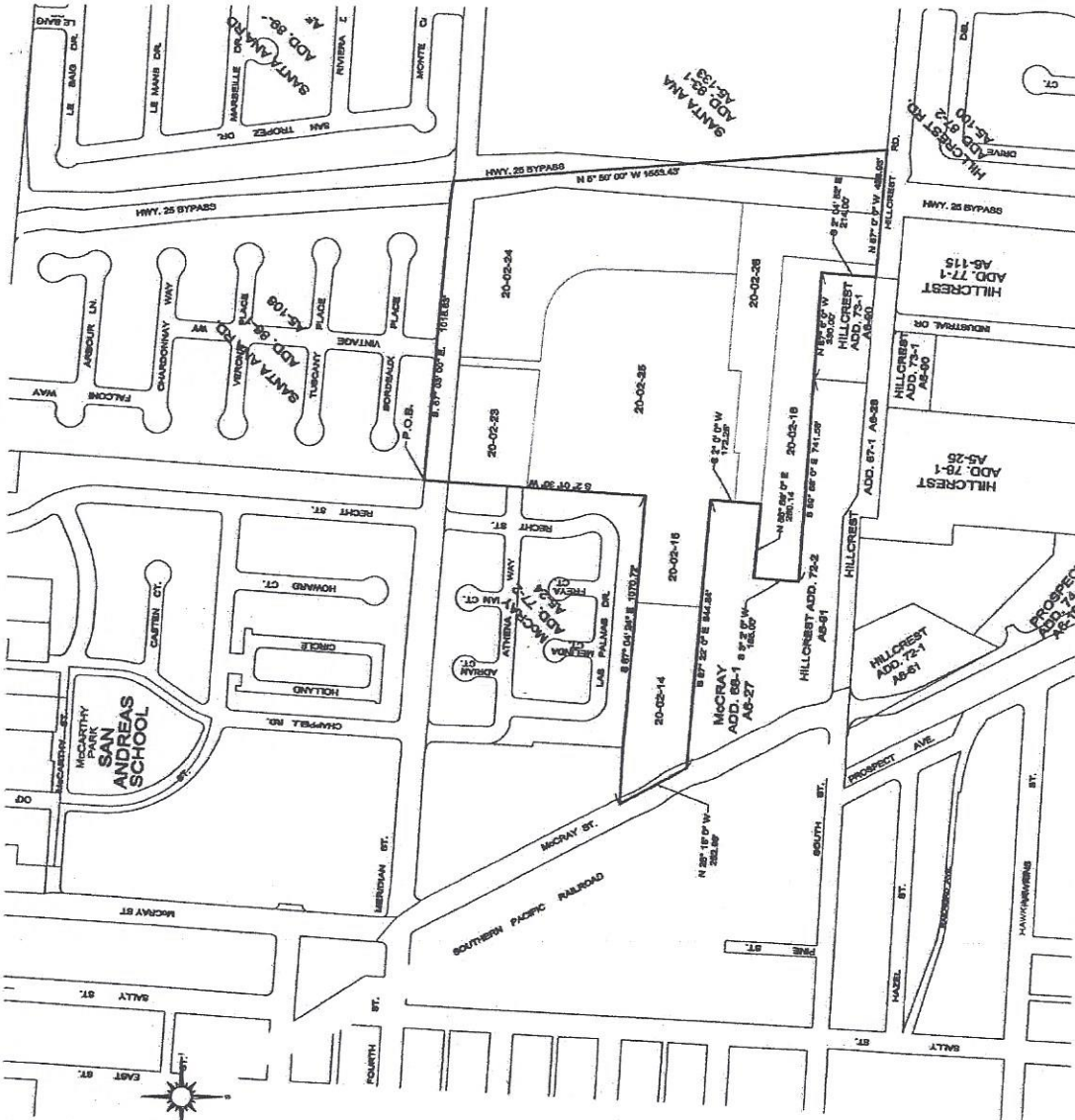
VICINITY MAP

SCALE: NONE

LEGEND

- EXISTING ANNEXED AREA
- R-O-W
- AREA TO BE ANNEXED

RESUBMITTED GUERRA/INTRAVIA ANNEXATION TO CITY OF HOLLISTER



LAFCO No. 488

RESOLUTION OF THE SAN BENITO LOCAL AGENCY FORMATION COMMISSION
MAKING DETERMINATIONS AND APPROVING THE RESUBMITTED
GUERRA/INTRAVIA ANNEXATION TO THE CITY OF HOLLISTER

WHEREAS, the above-referenced 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

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

WHEREAS, the Commission heard, discussed and considered all oral and written testimony related to the 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 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 has reviewed and considered the Mitigated Negative Declaration prepared by the City of Hollister.

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

RESUBMITTED GUERRA/INTRAVIA ANNEXATION TO CITY OF
HOLLISTER

(3) Said territory is found to be uninhabited.

(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 formation shall be conducted only in compliance with the approved boundaries set forth in the attachments

(6) Since the subject territory is uninhabited, a protest hearing was conducted on October 24, 2014 and less than a majority of affected landowners submitted written protests against the annexation and the annexing agency has given written consent to the waiver of conducting authority proceedings, the conducting authority proceedings are waived and the staff is directed to complete the proceeding.

(7) The territory being annexed shall be liable for any existing or authorized taxes, charges, fees or assessments comparable to properties presently within the City.

(8) 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 August 28, 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



VICINITY MAP

SCALE: NONE

LEGEND

- EXISTING ANNEXED AREA
- R-O-W
- AREA TO BE ANNEXED

RESUBMITTED GUERRA/INTRAVIA ANNEXATION TO CITY OF HOLLISTER

