

THE BOARD OF SUPERVISORS OF THE COUNTY OF STANISLAUS
ACTION AGENDA SUMMARY

DEPT: Planning and Community Development

BOARD AGENDA # *D-2

Urgent Routine

AGENDA DATE January 13, 2009

CEO Concurs with Recommendation YES NO
(Information Attached)

4/5 Vote Required YES NO

SUBJECT:

Approval of the Finding that the City of Newman's Sphere of Influence Expansion is Logical and Orderly

STAFF RECOMMENDATIONS:

1. Approve the finding that the City of Newman's proposed sphere of influence expansion is logical and orderly.
2. Direct the Chief Executive Officer to notify the Local Agency Formation Commission of the County's agreement with the expansion request.

FISCAL IMPACT:

On March 13, 1990, Stanislaus County entered into an agreement with the City of Newman to insure the collection of County Public Facilities Fees (PFF) prior to the issuance of city building permits. Per the agreement, the City of Newman could elect to either collect the fees on behalf of the county or implement a voucher system to assist in the payment of the fees. The City of Newman has elected to collect the PFF on behalf of the County.

(Continued on page 2)

BOARD ACTION AS FOLLOWS:

No. 2009-56

On motion of Supervisor O'Brien, Seconded by Supervisor Grover

and approved by the following vote,

Ayes: Supervisors: O'Brien, Chiesa, Grover, Monteith, and Chairman DeMartini

Noes: Supervisors: None

Excused or Absent: Supervisors: None

Abstaining: Supervisor: None

1) X Approved as recommended

2) _____ Denied

3) _____ Approved as amended

4) _____ Other:

MOTION:

Christine Ferraro

ATTEST: CHRISTINE FERRARO TALLMAN, Clerk

File No.

FISCAL IMPACT: (Continued)

The expansion of a city's Sphere of Influence by itself does not trigger any changes in property tax distributions. The change in the distribution of property taxes only occurs upon future annexations of properties within the Sphere and is governed by the existing Master Property Tax Agreement. Upon a jurisdictional change, that agreement calls for the County to retain 100% of the existing base valuation with future increment growth of the County's share split 30% to the City and 70% to the County.

DISCUSSION:

California Government Code 56425 requires that at least 30 days prior to submitting an application to the Local Agency Formation Commission (LAFCO) for an expansion of a Sphere of Influence, that representatives of the city meet with county representatives to discuss the proposed sphere and its boundaries. These discussions are intended to help the city and county reach agreement on proposed boundaries, development standards, and zoning requirements within the sphere. They are further intended to ensure that development within the sphere reflects the concerns of the city and is accomplished in a manner that promotes the logical and orderly development of areas within the sphere. If an agreement is reached, the agreement is to be forwarded to the LAFCO.

The City of Newman has proposed to expand their Sphere of Influence to the south by approximately 197 acres. The area to be added includes ten Assessors parcels bounded on the west by Draper Road, on the south by Hallowell Road, on the east by the County Line and on the north by the existing Sphere line. Additionally, the City proposes to reclassify approximately 400 acres from their secondary Sphere of Influence to their primary Sphere of Influence. This area is bounded by Stuhr Road to the north and the existing City limits and primary Sphere of Influence line to the west, south and east. Attachment 1 provides copies of the maps for reference.

On December 11, 2008, Stan Risen, Kirk Ford, and Matt Machado met with Michael Holland, City Manager and Stephanie Ocasio, Assistant Planner, of the City of Newman to review the City's proposed Sphere expansion. Discussions revolved around the City's need for expansion around the existing sewer treatment plant, floodplain and floodway management, consistency with agricultural buffers, and the impact future development would have on existing agricultural operations along the boundaries. Additionally, the City indicated that their preference to extend the Sphere of Influence to the south was based partially on the desire to have Hallowell Road act as the boundary, rather than the existing condition wherein the Sphere line runs between parcels, with no physically boundary.

Mr. Holland acknowledged the information regarding the potential impact of the development on the adjacent agricultural operations and the floodway concerns, he indicated that the City requires acknowledgment of the County's "Right-to-Farm" Ordinance and that the anticipated Orestimba Flood Control Project and existing City development standards may provide the necessary set-backs from adjacent agricultural uses.

The proposed Sphere expansion area to the south is located in FEMA designated Flood Zone "X", which is defined as being outside of a 0.2% chance of annual flooding. The area to the north, that is being added to the primary Sphere, is also entirely within FEMA designated Flood Zone "X", but a portion may experience less than 1 foot of water if annual flooding does occur. The County requested that all new development proposals within the City be conditioned upon mitigation of flood control issues, which could include mandatory participation in a financing mechanism such as a Flood Control or Benefit Assessment District. Mr. Holland agreed to work with the County and the Corps of Engineers to mitigate flood control issues.

Mr. Holland further requested that the County provide CEQA referrals to the City for all land-use projects proposed within the greater General Plan Planning Area, and not just the Sphere of Influence.

County staff is in agreement that the proposed Sphere of Influence expansion is both logical and orderly. Specifically, the territory has been included in the General Plan since 1992. If the Board of Supervisors concurs, it is recommended that the Board of Supervisors direct County staff to notify LAFCO of the County's agreement with this application.

POLICY ISSUES:

The review and conclusions in the proposed Sphere of Influence expansion are consistent with the Board of Supervisors' goal of Efficient Delivery of Services and Effective Partnerships.

STAFFING IMPACT:

There are no staffing impacts associated with this item.

ATTACHMENTS:

1. Maps

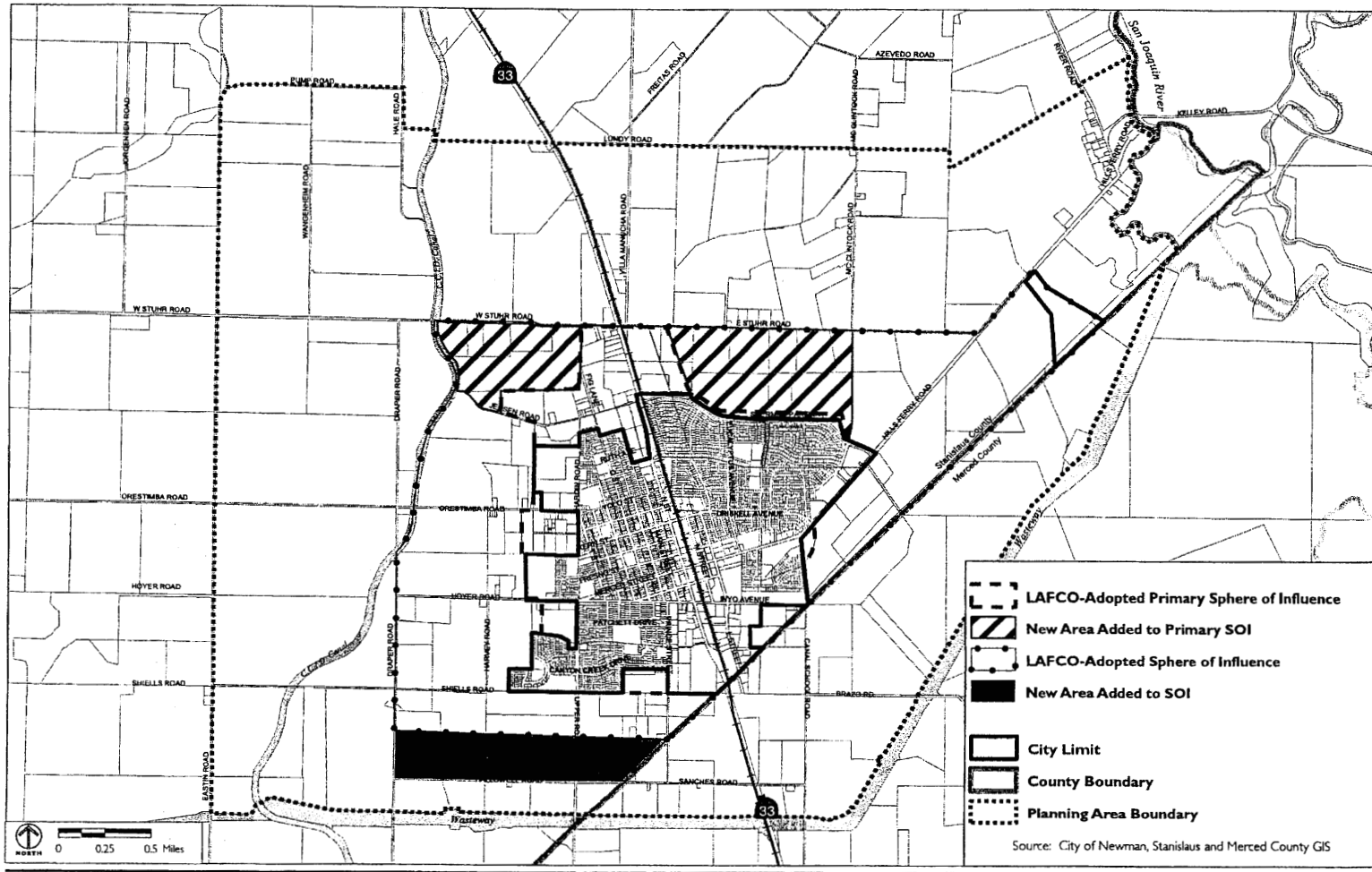
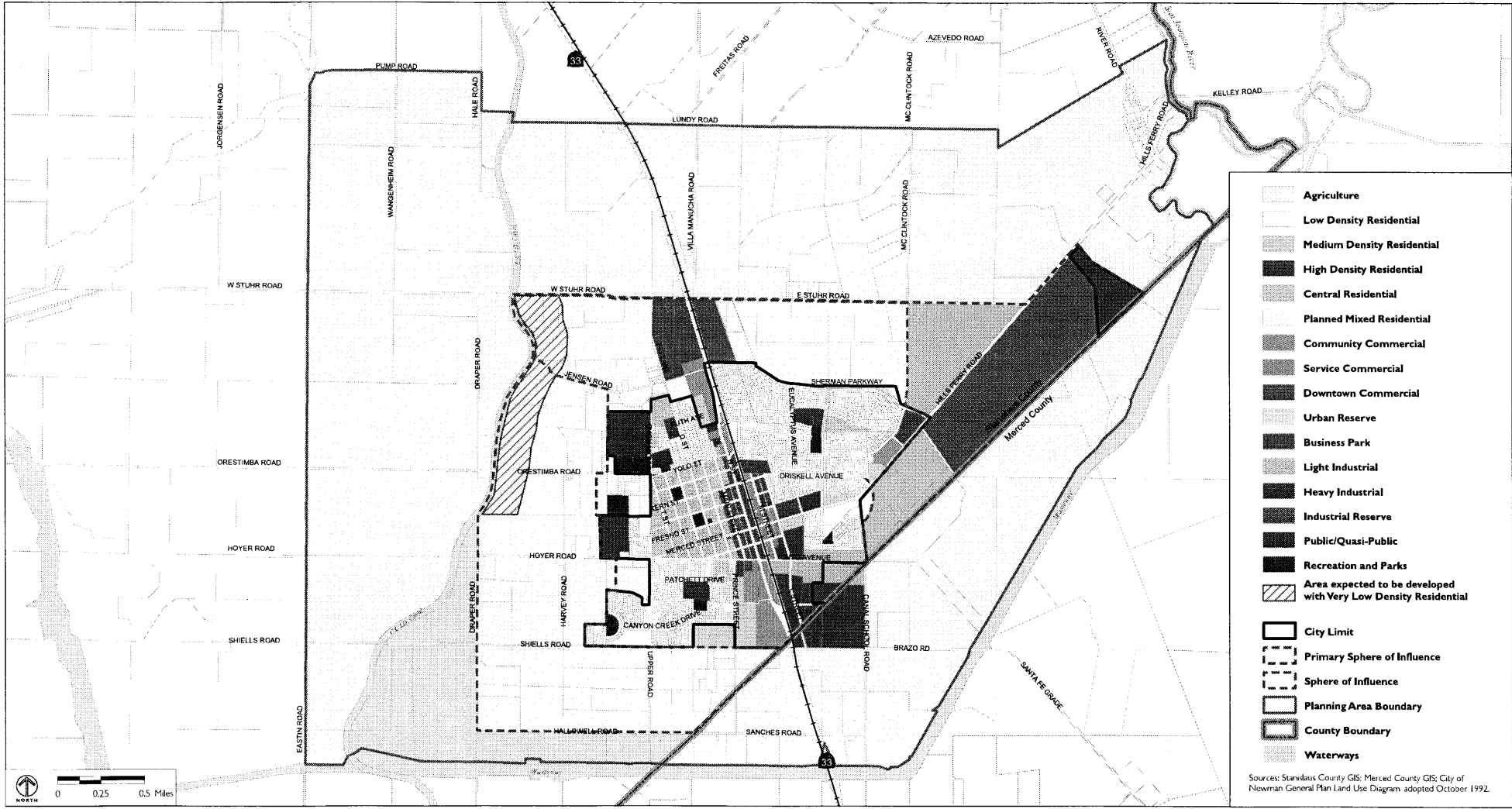
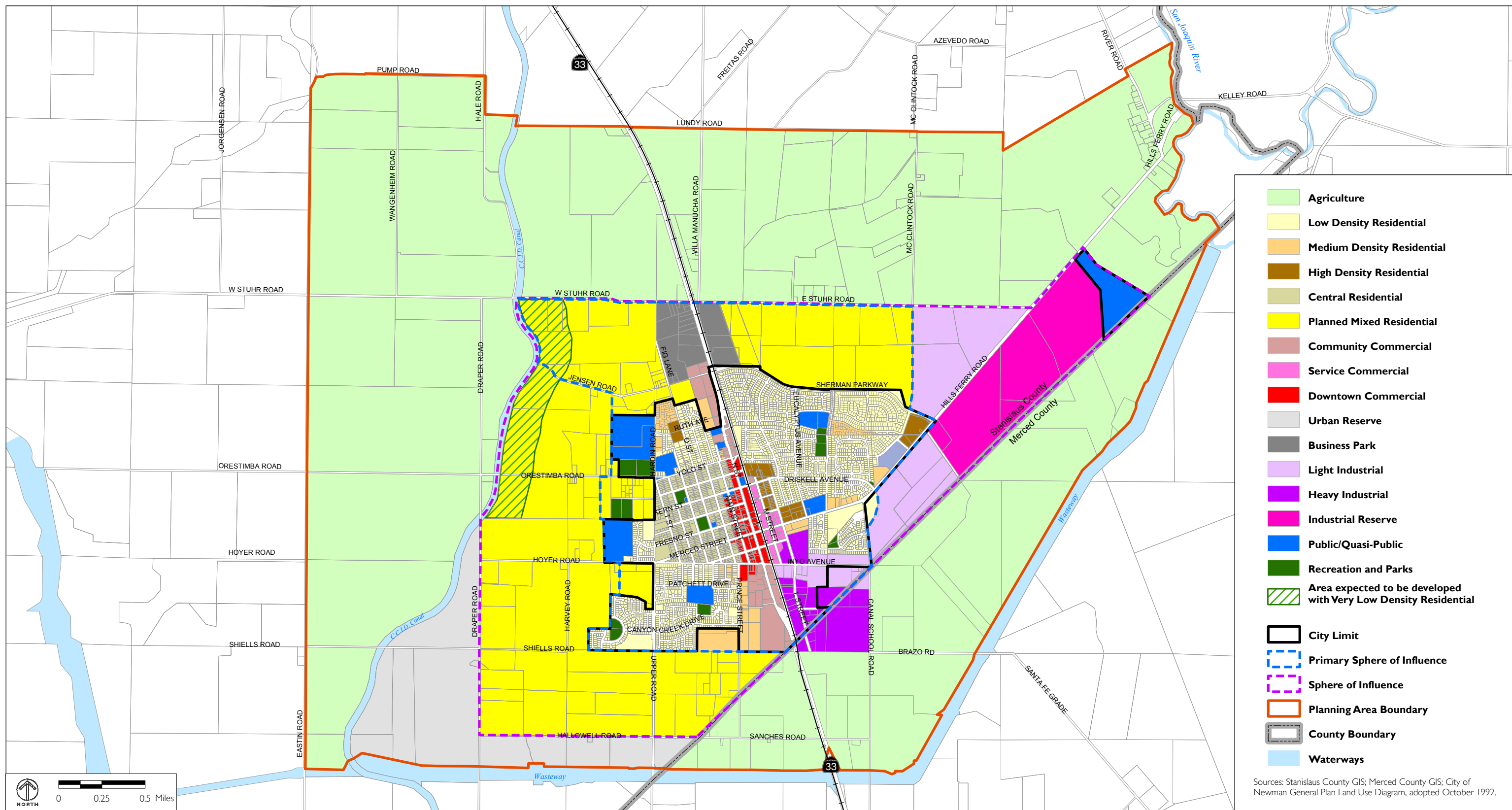


FIGURE I-3
SPHERE OF INFLUENCE BOUNDARY CHANGES

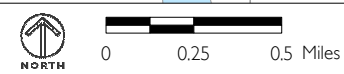


Sources: Stanislaus County GIS; Merced County GIS; City of Newman General Plan Land Use Diagram, adopted October 1992.

FIGURE LU-3
LAND USE DESIGNATIONS



- Agriculture
- Low Density Residential
- Medium Density Residential
- High Density Residential
- Central Residential
- Planned Mixed Residential
- Community Commercial
- Service Commercial
- Downtown Commercial
- Urban Reserve
- Business Park
- Light Industrial
- Heavy Industrial
- Industrial Reserve
- Public/Quasi-Public
- Recreation and Parks
- Area expected to be developed with Very Low Density Residential
- City Limit
- Primary Sphere of Influence
- Sphere of Influence
- Planning Area Boundary
- County Boundary
- Waterways



Sources: Stanislaus County GIS; Merced County GIS; City of Newman General Plan Land Use Diagram, adopted October 1992.

FIGURE LU-3
LAND USE DESIGNATIONS