

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

DEPT: Planning and Community Development

BOARD AGENDA # *D-1

Urgent Routine

AGENDA DATE September 1, 2009

CEO Concurs with Recommendation YES NO
(Information Attached)

4/5 Vote Required YES NO

SUBJECT:

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

STAFF RECOMMENDATIONS:

1. Approve the finding that the proposed City of Hughson's 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:

Typically, 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 the existing base valuation with future increment growth of the county's share split 30% to the city and 70% to the county. Because the wastewater treatment facility property is owned by the City of Hughson, there will be no property tax increment to share, and therefore no fiscal impact to Stanislaus County associated with this proposal.

BOARD ACTION AS FOLLOWS:

No. 2009-569

On motion of Supervisor Chiesa, Seconded by Supervisor O'Brien
and approved by the following vote,
Ayes: Supervisors: O'Brien, Chiesa, Grover, and Chairman DeMartini
Noes: Supervisors: None
Excused or Absent: Supervisors: Monteith
Abstaining: Supervisor: None

- 1) X Approved as recommended
- 2) _____ Denied
- 3) _____ Approved as amended
- 4) _____ Other:

MOTION:



ATTEST: CHRISTINE FERRARO TALLMAN, Clerk

File No.

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.

Project Description. The City of Hughson is proposing a General Plan Amendment, Prezone, Annexation and Sphere of Influence (SOI) Amendment for two Assessor Parcel Numbers (APNs 018-064-008 and 018-064-026) totaling approximately 30.55 acres for the expansion of the Wastewater Treatment Plant (WWTP).

The City proposes a General Plan Amendment to assign a land use designation of Public Facility, with a Prezone of P-F (Public Facility). The City also proposes to amend the City of Hughson's Sphere of Influence to include the subject site and annex the site into the City of Hughson.

The subject site is bounded to the north and east by the existing Wastewater Treatment Plant (WWTP), located in the City of Hughson. The adjacent properties to the south and west are currently in agricultural uses and are located in Stanislaus County, but not within the Hughson SOI.

The historic use of the subject site has been for agriculture and the site is currently planted with an orchard and contains no existing structures. Williamson Act Contract No. 73-1465 had been placed on the subject property; however, it has been cancelled pursuant to Government Code Section 51290, and no longer encumbers the subject property.

The City staff report to the City Council from July 13, 2009 is included as Attachment 1.

On July 1, 2009, Stan Risen, Assistant Executive Officer, Kirk Ford, Planning and Community Development Director, Sonya Harrigfeld, Environmental Resources Director, Matt Machado, Public Works Director, and Angela Freitas, Deputy Director, Planning and Community Development representing Stanislaus County met with Thom Clark, Community Development Director, and Sara Allinder, City Planner, representing the City of Hughson to review the City's proposed sphere expansion and annexation. Discussions revolved around the City's need for expansion around the existing sewer

treatment plant.

No issues of any significance arose from those discussions and County staff is in agreement that the proposed City of Hughson Sphere of Influence expansion is both logical and orderly. 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 Board should determine if the review and conclusions in the proposed sphere of influence expansion are consistent with its goal of striving for the Efficient Delivery of Public Services and Effective Partnerships.

STAFFING IMPACT:

There are no staffing impacts associated with this item.

ATTACHMENTS:

1. City of Hughson City Council Staff Report dated July 13, 2009

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CITY OF HUGHSON

Executive Summary City Council

Presented By: Sara Allinder, Contract Planner
Meeting Date: July 13, 2009
Agenda Item: 6 a-c
Subject: Public Hearing to Consider a General Plan Amendment, Prezone, Annexation and Amendment of the Sphere of Influence (SOI) for two parcels (APNs 018-064-008 and 018-064-026) on Leedom Road to be Used for Future Expansion of the City of Hughson's Waste Water Treatment Plant.

Enclosures: CEQA Environmental Impact Report (EIR) Addendum
Budget Action: None
Desired Action:

- a. Approve Resolution No. 09-46 adopting the Addendum to the EIR and approving the General Plan Amendment
- b. Approve Resolution No. 09-47 approving the Annexation and Sphere of Influence Amendment and authorize filing of the necessary applications to the Local Agency Formation Commission
- c. Introduce and Waive the First Reading of Ordinance No. 09-02 approving the Prezone.

Background:

The City of Hughson completed a Wastewater Treatment Plant (WWTP) Master Plan in 2007 to evaluate the current capacity of the WWTP and future service demands for the City of Hughson. The Master Plan identified the need for expansion to the existing plant capacities to treat and dispose of the City's wastewater for a 20-year period to year 2025. A number of alternatives for provision of the additional capacity were evaluated in the Master Plan and the City selected an alternative that necessitated the acquisition of approximately 30 acres located adjacent to the existing WWTP. The subject site selected has been purchased by the City of Hughson. The City prepared the necessary documents for expansion to the WWTP, including the completion of a Project EIR to evaluate potential impacts of the expansion project. The EIR was certified and the WWTP expansion project was approved by City Council at their August 13, 2007 hearing.

The subject site selected and purchased for the WWTP expansion project is comprised of APNs 018-064-008 and 018-064-026, totaling approximately 30.5 acres. The site is bounded to the north and east by the existing WWTP, located in the City of Hughson limits. The adjacent properties to the south and west are currently in agricultural uses and are located in Stanislaus County but not within the Hughson Sphere of Influence (SOI).

The historic use of the subject site has been for agriculture and the site is currently planted with an orchard and contains no existing structures. Williamson Act Contract No. 73-1465 had been placed on the subject property; however, it has been cancelled pursuant to Government Code 51290 and will no longer encumber the subject property upon annexation.

The subject site is currently located in Stanislaus County and is not included in the City of Hughson's General Plan or the Hughson City limits. The City intends to include the subject site in the City of Hughson limits, which will exempt the City from paying property taxes on the subject site. The current assessed value of the properties is \$408,814 based on 2009 tax rolls.

Discussion:

Implementation of the WWTP expansion project, including incorporation of the subject site into the City of Hughson limits, requires certain actions to be taken, as summarized below. The City of Hughson initiated processing of these applications in February 2009.

General Plan Amendment - Proposes to amend the General Plan to include the subject site with a land use designation of PF (Public Facility).

Prezone - Proposes to prezone the subject site from A-2-40 (General Agriculture) (County) zone district to the P-F (Public Facility) (City) zone district to be consistent with the City's General Plan land use designation of PF (Public Facility).

Annexation - Proposes to annex the subject site into the City limits along with the right-of-way surrounding the parcels. A preliminary application for Annexation has been submitted by the City of Hughson to the Local Agency Formation Commission (LAFCo) as LAFCo is the ultimate approving authority for Annexations. A tentative hearing date before LAFCo has been set for September 23, 2009.

Sphere of Influence (SOI) Amendment - Proposes to amend the City's SOI to include the subject site. A preliminary application for amendment to the SOI has been submitted by the City of Hughson to the Local Agency Formation Commission (LAFCo) as LAFCo is the ultimate approving authority for Sphere of Influence amendments. A tentative hearing date before LAFCo has been set for September 23, 2009. City staff also met with Stanislaus County staff on July 1, 2009 to discuss the proposed SOI boundary. County staff identified no issues with the amendment request.

Environmental Review:

The Project Environmental Impact Report (EIR) for the WWTP expansion was certified by the City Council on August 13, 2007. City Council also approved the WWTP expansion project at this hearing. The proposed General Plan Amendment, Prezone, Annexation and SOI Amendment applications are required actions for the City to implement the previously approved WWTP expansion project. These applications have been analyzed pursuant to the California Environmental Quality Act (CEQA), and under Section 15164 are considered an addendum to the certified EIR.

The EIR Addendum has been prepared to clearly present all actions necessary to implement the WWTP expansion project, including the proposed General Plan Amendment, Prezone, Annexation, and SOI Amendment. The Addendum examines what effect, if any, these applications have had on the environmental analysis contained in the certified EIR. However, as the proposed applications propose no physical changes to the previously approved WWTP expansion project, no environmental impacts that were not analyzed under the certified EIR are expected to occur.

Agency Review

The proposed applications were circulated to the following City departments and overseeing agencies for review and comment:

- Stanislaus County Chief Executive Office
- Hughson Unified School District
- Hughson Fire Department
- Turlock Irrigation District
- Pacific Bell Engineering
- PG&E
- Hughson Post Office
- California Department of Fish & Game
- City of Ceres Planning and Community Development Department
- U.S. Fish and Wildlife Service
- Stanislaus County Department of Planning and Community Development
- Stanislaus Council Local Agency Formation Commission
- Stanislaus County Department of Public Works
- Stanislaus County Housing Authority
- Department of Environmental Resources
- Agricultural Commissioner's Office
- StanCOG
- San Joaquin Valley Unified Air Pollution Control District
- Consolidated Fire Protection District
- Charter Communications
- Stanislaus County 911
- Neumiller & Beardslee
- Hughson Police services

- Director of Public Works
- Stanislaus County Community Development Services
- North Valley Yokuts Tribe
- Tuolumne Band of Me-Wuk
- Southern Sierra Miwuk Nation Tribe
- Tule River Indian Tribe

All comment letters received are attached. The following comments were provided from the departments and agencies listed:

Stanislaus County Department of Public Works

1. The applicant shall make road frontage improvements along the entire frontage of the parcels. This improvement shall include a 12' wide paved vehicle lane and a 4' wide paved asphalt shoulder. Improvement plans are to be submitted to this department for approval. The structural section and cross slopes shall meet Stanislaus County Public Works Standards and Specifications.
2. The property owners shall sign a Road Easement document that will dedicate sufficient right-of-way to Stanislaus County to provide 30 feet east, south, and west of the existing centerline of Leedom Road along both parcels' frontages. This in turn will be relinquished to the City of Hughson during the annexation of the two parcels.

Stanislaus County Hughson Fire Protection District

1. The project shall comply with all applicable laws, codes and ordinances in effect at the time any structures are built.

Turlock Irrigation District (TID)

1. The applicant shall dedicate a 12.5-foot irrigation easement along the south side of APN 018-064-008 for the benefit of Improvement District 28A. The applicant shall also protect all existing irrigation pipelines from damage during any construction phase of the project.

The applications filed by the City do not propose construction of the Wastewater Treatment Plant (WWTP) expansion. The items listed above would be implemented, as appropriate, at the time of construction of the WWTP expansion project.

The following additional comments were also received on the proposed applications, which have been addressed through the City of Hughson's Sphere of Influence Amendment and Annexation preliminary applications to LAFCo:

Stanislaus County Local Agency Formation Commission (LAFCo)

LAFCo reviewed the project applications and identified the following requirements for the City's application to LAFCo for the Sphere of Influence (SOI) Amendment and Annexation of the subject site:

1. The boundaries of the annexation proposal should include the rights-of-way of surrounding streets and canals.
2. Prior to submitting the SOI Amendment application to LAFCo, the City and County shall meet to discuss the proposed new boundaries of the SOI.
3. The Williamson Act Contract shall be removed from the subject prior to annexation.

All documentation, as required by LAFCo, has been provided with the preliminary Annexation and Sphere of Influence Amendment applications submitted to LAFCo staff, including verification that the project site is no longer under Williamson Act Contract. A plan for services has also been submitted to LAFCo as part of the preliminary applications, which identified no need to expand water or sewer services to the subject site as the project only includes an expansion of wastewater treatment facilities. The Annexation and Sphere of Influence Amendment applications are tentatively scheduled to be heard before LAFCo at their September 23, 2009 hearing.

Planning Commission Recommendation:

The Hughson Planning Commission on June 16, 2009 approved Resolution No. 09-02, recommending City Council approve the General Plan Amendment, Prezone, Annexation and Sphere of Influence Amendment and related EIR Addendum for the subject site.

Staff Recommendation:

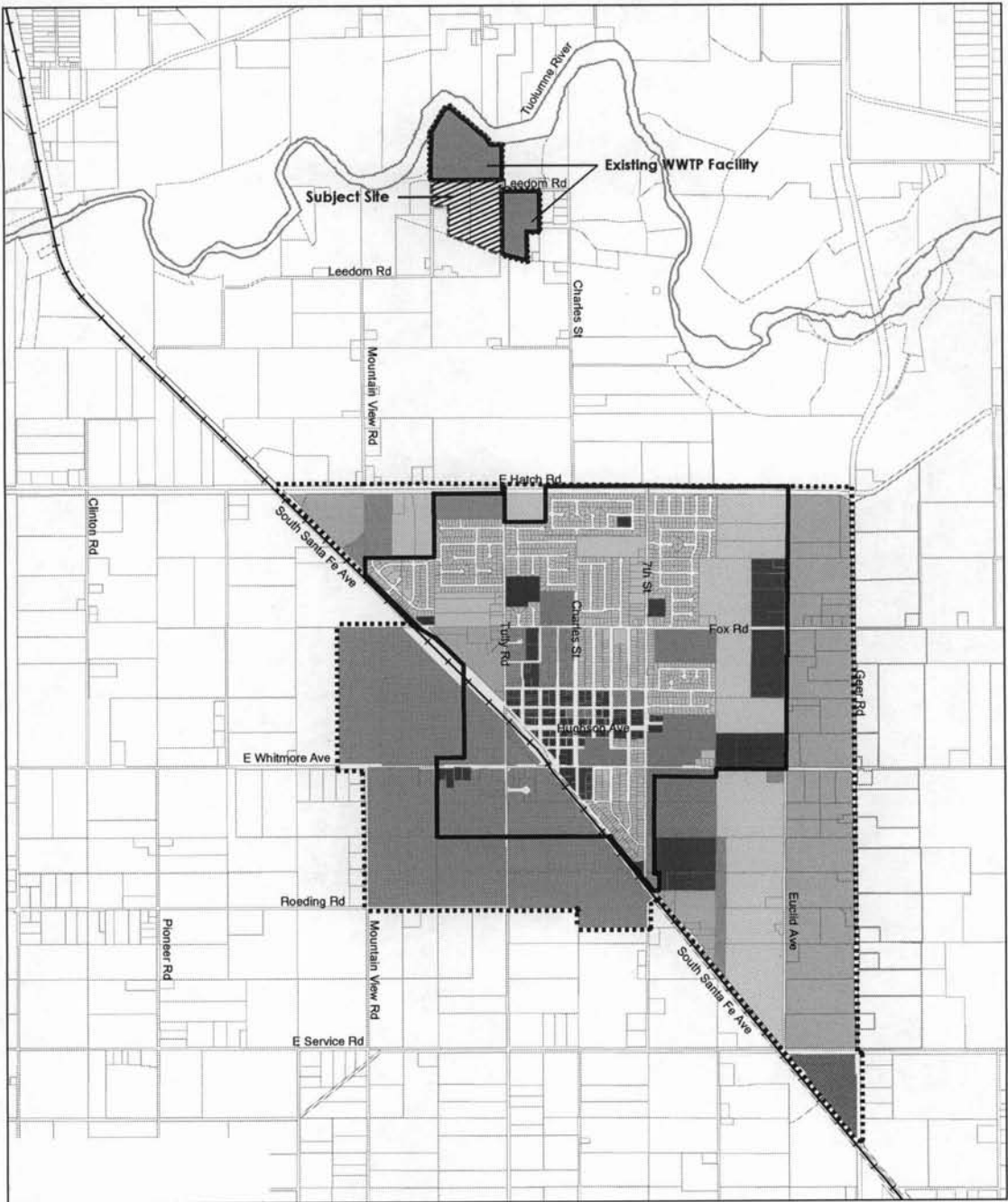
Staff recommends the City Council take the following actions:

- a. Approve Resolution No. 09-46, adopting the EIR Addendum and approving the General Plan Amendment to designate APNs 018-064-008 and 018-064-026 PF (Public Facility).
- b. Approve Resolution No. 09-47, approving the Annexation and Sphere of Influence Amendment for APNs 018-064-008 and 018-064-026 and authorize the filing of the necessary applications to the Local Agency Formation Commission.
- c. Introduce and waive the first reading of Ordinance No. 09-02, rezoning APNs 018-064-008 and 018-064-026 to the P-F (Public Facility) zone district.




Attachments:

- ◆ Figure 1 – Vicinity Map
- ◆ Figure 2 – Subject Site
- ◆ Comment Letters Received
- ◆ EIR Addendum
- ◆ Planning Commission Resolution No. 09-02
- ◆ City Council Resolution No. 09-46
- ◆ City Council Resolution No. 09-47
- ◆ City Council Ordinance No. 09-02

T. C. West Vaughan, City of Council/Plan/Map



Wastewater Treatment Plant #3
Change of Organization to the City of Hughson

-  Existing Sphere of Influence
-  Proposed Annexation and Sphere of Influence
-  City Limits

Source: Stanislaus County GIS; City of Hughson

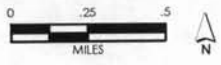
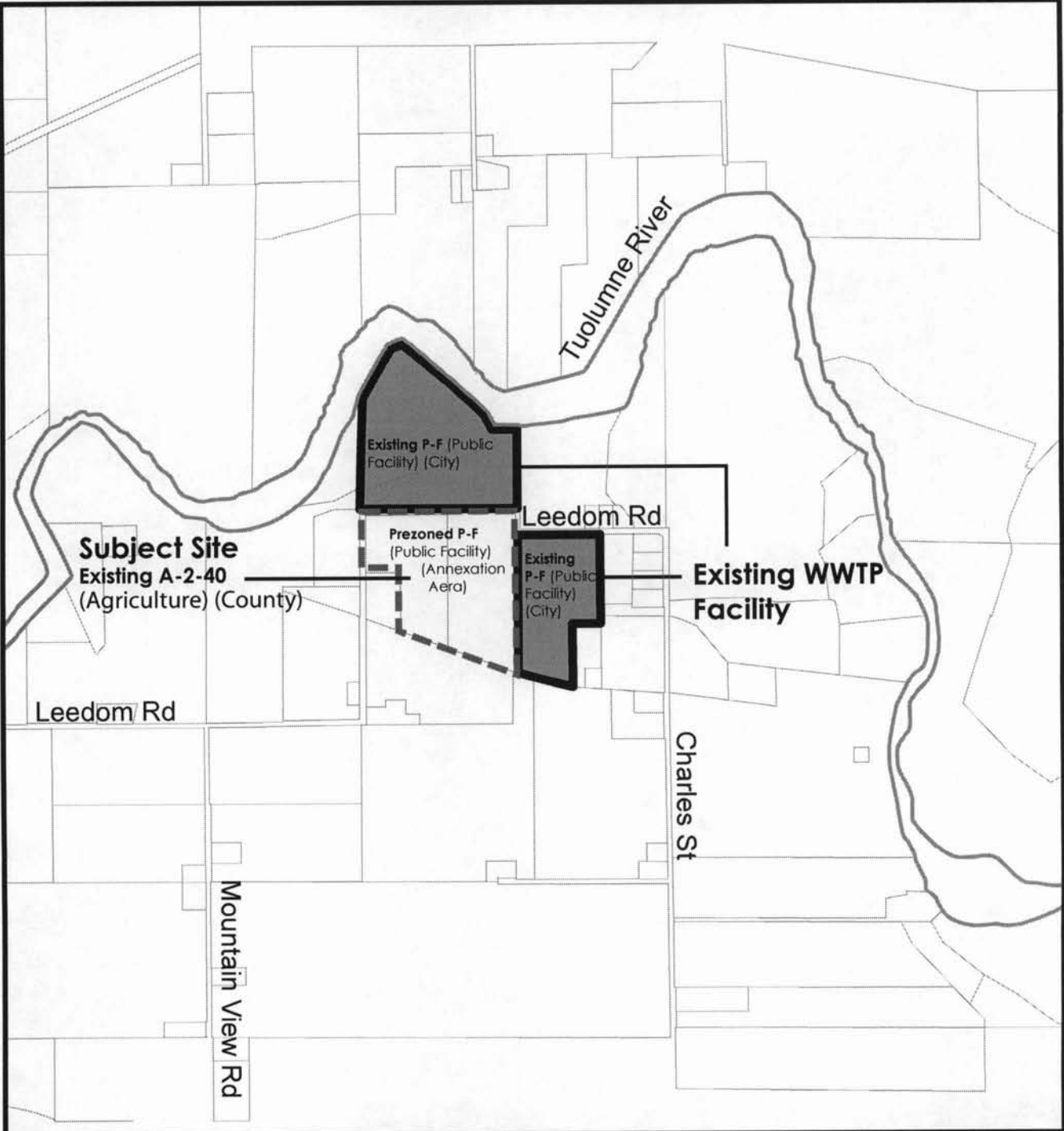





Figure 1
Vicinity Map
PMC



Prezone Map for Annexation
 Wastewater Treatment Plant #3
 Change of Organization to the
 City of Hughson

-  Existing Sphere of Influence
-  Proposed Sphere of Influence
-  City Limits

Source: Stanislaus County GIS: City of Hughson

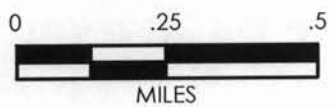


Figure 2
 Subject Site