

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

DEPT: Planning and Community Development BOARD AGENDA #: \*D-1

AGENDA DATE: May 10, 2016

**SUBJECT:**

Approval of the Findings that the City of Riverbank's Sphere of Influence Expansion is Logical and Orderly

**BOARD ACTION AS FOLLOWS:**

No. 2016-237

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

and approved by the following vote,

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

Noes: Supervisors: None

Excused or Absent: Supervisors: None

Abstaining: Supervisor: None


1)  Approved as recommended

2)  Denied

3)  Approved as amended

4)  Other:

MOTION:

ATTEST:   
ELIZABETH A. KING, Clerk of the Board of Supervisors

File No. C-1-B-14

**THE BOARD OF SUPERVISORS OF THE COUNTY OF STANISLAUS  
AGENDA ITEM**

DEPT: Planning and Community Development      BOARD AGENDA #: \*D-1  
Urgent       Routine       ATF      AGENDA DATE: May 10, 2016

CEO CONCURRENCE:      4/5 Vote Required:    Yes     No

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**SUBJECT:**

Approval of the Findings that the City of Riverbank's Sphere of Influence Expansion is Logical and Orderly

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**STAFF RECOMMENDATIONS:**

1. Approve the finding that the City of Riverbank's proposed Sphere of Influence expansion is logical and orderly; and,
2. Direct the Chief Executive Officer to notify the Local Agency Formation Commission of the County's agreement with the expansion request.

**DISCUSSION:**

California Government Code Section 56425 requires that prior to a city submitting an application to the Local Agency Formation Commission (LAFCO) for an expansion of its Sphere of Influence (SOI) that representatives of the city meet with county representatives to discuss the proposed sphere 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

On September 22, 2015, the City of Riverbank adopted a resolution authorizing City staff to proceed with preparing an application to expand the City's SOI. The City's requested SOI expansion consists of approximately 1,479 acres. The proposal includes the designation of a Primary Area, which is a near-term planning area of 0-10 years within the proposed SOI. The proposal would expand the City's SOI west to Coffee Road and east past Eleanor Avenue. This expansion was included as part of Riverbank's Planning Area in its 2005-2025 General Plan Update and was analyzed as part of the Programmatic Environmental Review of the General Plan Environmental Impact Report.

The Primary SOI covers approximately 758 acres and contains General Plan Land Uses of residential at varying densities, commercial and industrial/business park. Of this amount, approximately 404 acres are located within the proposed Crossroads West Specific Plan Area. The remaining expansion of the Primary SOI is located east of the Riverbank Industrial

## Approval of the Findings that the City of Riverbank's Sphere of Influence Expansion is Logical and Orderly

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Complex. The remaining proposed SOI expansion includes General Plan Land Uses of residential of various densities, parks, buffer/greenway/open space, civic, community commercial, industrial/business park, and right-of-way.

If approved by LAFCO, the available SOI outside the City Limits would total 2,187 acres, which includes the existing SOI of 708 +/- acres.

As part of the request, the City identified an "Area of Concern" outside the proposed SOI. An Area of Concern is a term used by LAFCO to recognize geographic areas outside an agency's SOI where one agency may be impacted directly or indirectly by potential land use decisions in the area. The area of concern itself does not denote any particular land uses and is not proposed for inclusion within the SOI. When an area is designated as such, special consideration can be requested from the "concerned" agency when land use decisions or other governmental actions of one agency impact directly or indirectly upon the "concerned" agency.

The map provided in Attachment 1 has been prepared by LAFCO as part of the City's application requesting a Municipal Service Review and SOI expansion. The City's applications will be considered by LAFCO on May 25, 2016. The full application can be viewed on LAFCO's website at: <http://www.stanislauslafco.org/info/PublicNotices.htm>

### Assessment

On April 21, 2016, representatives from both the City of Riverbank and Stanislaus County met to review the City's proposed SOI expansion. This included staff from the Chief Executive Office and Departments of Planning and Community Development and Public Works representing the County and the City Manager and a consultant representing the City.

At the meeting, the County expressed the expectation that the City adequately address traffic mitigation and impacts to area agricultural operations associated with any future annexation and/or development within the proposed SOI expansion area. The City acknowledged the County's role in reviewing any future environmental documents associated with annexation and/or development. In response to questions regarding the purpose of the proposed "Area of Concern," the City expressed a desire to formalize the County's existing practice of providing notification of land use projects occurring within the area. The establishment of an "Area of Concern" will not provide the City with any land use controls within the area.

Development, other than agricultural uses and churches, requiring discretionary review by the County within the City's SOI will be subject to Stanislaus County's General Plan Land Use Policy requiring written support by the City for development approval and conformance to City's development standards. Development will also be subject to the existing City/County property tax sharing agreement upon annexation.

With the understanding that future annexation and/or development will need to be mitigated and that there will be an opportunity for the County to review mitigation for adequacy, and with General Plan Policy and a tax sharing agreement in place, County staff is in agreement that the proposed City of Riverbank SOI expansion is both logical and orderly. If the Board of Supervisors concurs, it is recommended that it direct County staff to notify LAFCO of the County's agreement with the City's proposal.

## Approval of the Findings that the City of Riverbank's Sphere of Influence Expansion is Logical and Orderly

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### **POLICY ISSUE:**

Prior to a city submitting an application to the commission to update its SOI, representatives from the city and representatives from county shall meet to discuss the proposed new boundaries. These discussions are intended to help them reach an agreement on boundaries of the sphere and explore methods to reach agreement on development standards and zoning requirements within the sphere to ensure that development within the sphere occurs in a manner that reflects the concerns of the affected city and is accomplished in a manner that promotes the logical and orderly development of areas within the sphere. If an agreement is reached, it is to be forwarded to the commission.

County staff is in agreement with the City that the SOI expansion is both logical and orderly and requires the authority of the Board of Supervisors to notify the LAFCO.

### **FISCAL IMPACT:**

The expansion of a city's SOI by itself does not trigger any changes in property tax distributions. The change in 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.

### **BOARD OF SUPERVISORS' PRIORITY:**

A findings determination regarding the proposed SOI expansion furthers the Board's priorities of Efficient Delivery of Public Services and Effective Partnership through County agreement with the City of Riverbank.

### **STAFFING IMPACT:**

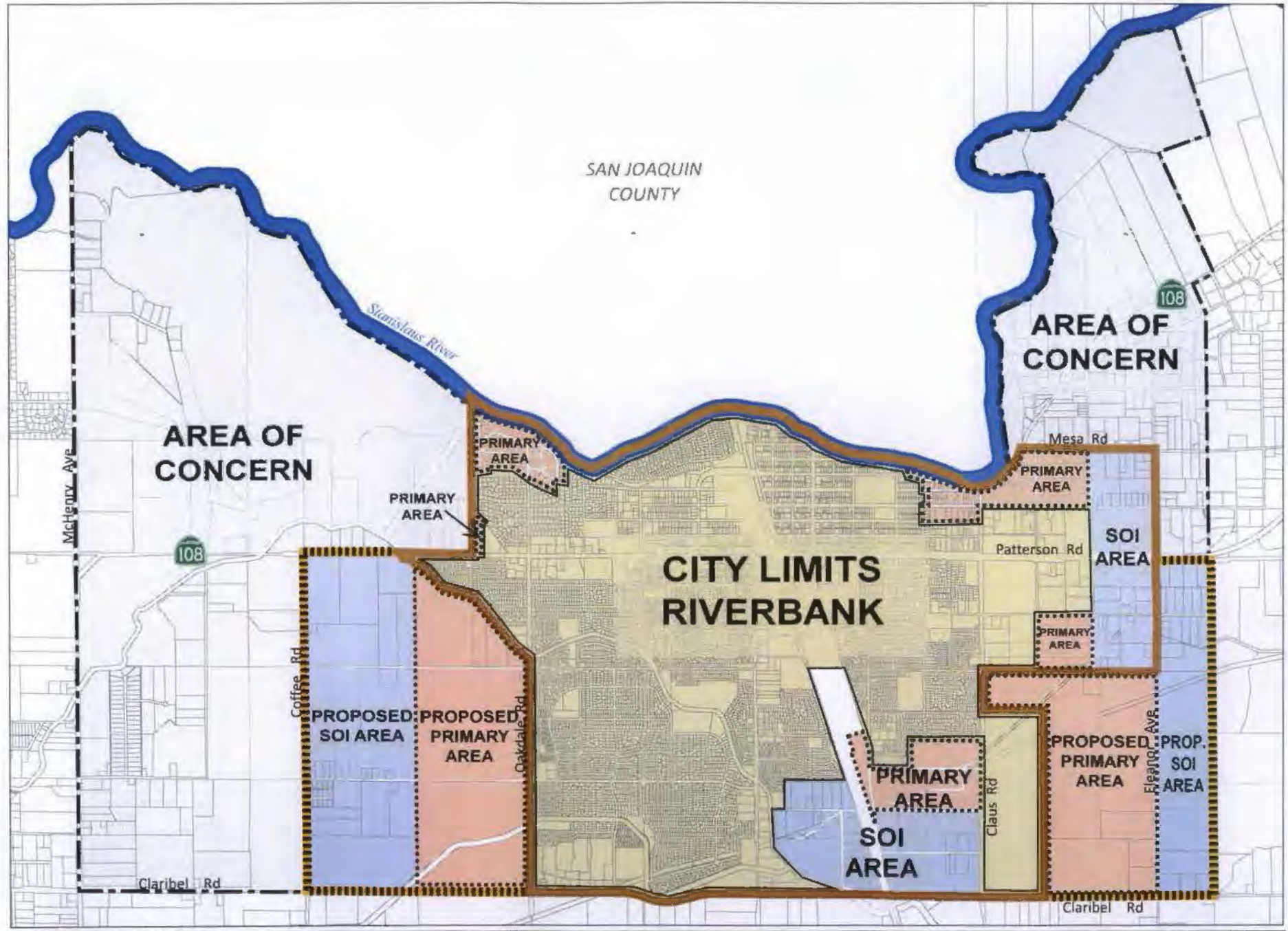
There are no staffing impacts associated with this item.

### **CONTACT PERSON:**

Angela Freitas, Planning and Community Development Director Telephone: (209) 525-6330

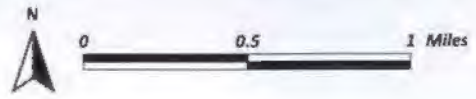
### **ATTACHMENT(S):**

1. Map – City of Riverbank Proposed Sphere of Influence and Area of Concern



*City of Riverbank*  
**Proposed SOI**

- City Limits
- Existing SOI
- Proposed SOI
- Primary Area (0-10 yrs)
- SOI Area (10-20 yrs)
- Area of Concern





CHIEF EXECUTIVE OFFICE

**Stan Risen**  
Chief Executive Officer

**Patricia Hill Thomas**  
Chief Operations Officer/  
Assistant Executive Officer

**Keith D. Boggs**  
Assistant Executive Officer

**Jody Hayes**  
Assistant Executive Officer

1010 10<sup>th</sup> Street, Suite 6800, Modesto, CA 95354  
Post Office Box 3404, Modesto, CA 95353-3404

Phone: 209.525.6333 Fax 209.544.6226

May 13, 2016

Sara Lytle-Pinhey, Executive Officer  
Local Agency Formation Commission  
1010 10<sup>th</sup> Street, 3<sup>rd</sup> Floor  
Modesto, CA 95354

**RE: Riverbank Sphere of Influence Expansion**

Ms. Lytle-Pinhey:

Pursuant to California Government Code Section 56425, representatives of Stanislaus County and the City of Riverbank met on April 21, 2016 to discuss the City's proposed Sphere of Influence (SOI) expansion consisting of approximately 1,479 acres.

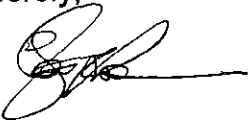
At the meeting, the County expressed the expectation that the City will adequately address traffic mitigation and impacts to area agricultural operations associated with any future annexation and/or development within the proposed SOI expansion area. The City acknowledged the County's role in reviewing any future environmental documents associated with annexation and/or development. The City also expressed a desire to formalize the County's existing practice of providing notification of land use projects by creating an "Area of Concern." The establishment of an "Area of Concern" will not provide the City with any land use controls within the area.

Development requiring discretionary review by the County within the City's SOI will be subject to Stanislaus County's General Plan Land Use Policy requiring written support by the City for development approval and conformance to the City's development standards. Development will also be subject to the existing City/County property tax sharing agreement upon annexation.

Sara Lytle-Pinhey, Executive Officer  
May 13, 2016  
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With the understanding that future annexation and/or development will need to be mitigated and there will be an opportunity for the County to review mitigation for adequacy, and with General Plan Policy and a tax sharing agreement in place, on May 10, 2016 the Board of Supervisors approved staff's finding that the City of Riverbank's proposed SOI expansion is logical and orderly.

Sincerely,



Stan Risen  
Chief Executive Officer  
Stanislaus County

Attachment: Board Agenda Item \*D-1– Action No. 2016-237

CC: Jill Anderson, City Manager, City of Riverbank  
Keith Boggs, Assistant Executive Officer, Stanislaus County  
Angela Freitas, Director, Planning and Community Development, Stanislaus County  
Matt Machado, Director, Public Works, Stanislaus County