



## CITY OF SAN JUAN BAUTISTA CITY COUNCIL REPORT

**AGENDA TITLE:** URBAN GROWTH BOUNDARY – SPHERE OF INFLUENCE AD HOC COMMITTEE STATUS

**MEETING DATE:** September 20, 2022

**DEPARTMENT HEAD:** Don Reynolds, City Manager

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### **RECOMMENDED ACTION(S):**

It is recommended that the City Council consider the status of the Urban Growth Boundary – Sphere of Influence Ad Hoc Committee, consider reconvening the Ad Hoc Committee and sending the attached letter to affected property owners outside of and surrounding the City limits.

### **BACKGROUND INFORMATION:**

The Local Agency Formation Commission (“LAFCo”) informed the City Council that the current General Plan’s “Sphere of Influence” (“SOI”) and Urban Growth Boundary was never adopted by LAFCO, in 2016 when it was approved by the City. The 1998 General Plan SOI remains as the City’s guide for future growth. **Attachment B** to this report provides the definitions of Sphere of Influence, the LAFCO SOI application process, and a definition of Urban Growth Boundary (“UGB”).

In June 2020 the City agreed to establish an Ad Hoc Committee to study the SOI and UGB status and recommend changes to better control growth. Councilmember Dan DeVries and Mayor Mary Edge, joined Planning Commission Chair Scott Freels and Historic Resources Board Chair Luis Matchain. Jackie Morris Lopez was appointed as the “Member at Large.” The first meeting was August 18, 2020. By November 2020, the Committee had met six times. The Committee met in the library and each member drew its preferred scope of influence on the map.

There was a lot of discussion about preventing sprawl and whether or not the City’s growth could be better controlled using a large SOI including more parcels, or a small SOI excluding most parcels. The City can establish strong limited land uses for those within the SOI. But some felt that a large SOI is dangerous, and invites developers to exploit land for development that is intended for preservation.

Following the election, Dan DeVries termed out, and Commissioner Freels replaced him as the new City Council representative. Jackie Morris Lopez was appointed to the Planning Commission

and replaced Scott Freels. E.J. Sabathia was appointed as the Member at Large. This Ad Hoc Committee met twice, in November 2021 and December 2021. A two-tiered map shared with the Committee in November and was discussed. An Email summary of the two-tiered map provided to the Ad Hoc Committee as Attachment C.

Staff took the feedback from the December 2021 Ad Hoc Committee meeting, and finalized the two-tier map and interpreted this meeting to be the Ad Hoc Committee's final decision. Both the parcels to be preserved for conservation ("yellow") and the parcels to be considered for development ("orange") are indicated as being within the SOI. But apparently, although the Committee discussed the two tiers and the SOI, the Committee did not conclude that both tiers be contained within the SOI before it went out to the public.

The "draft" map became part of the scope of work to be completed as a Community Plan by EMC that was approved by the Council February 15, 2022. This Community Plan will help inform the LAFCO application by defining land uses within the proposed sphere of influence. EMC's scope of work is part of the definitions provided on the second page in **Attachment C**.

In order to meet the State grant deadline of September 2022, the City then embarked on an aggressive public outreach campaign, inviting the community and surrounding property owners to meetings about the two-tier map during the week of May 4, 2022. These meetings were then interpreted by staff and EMC and presented to the community June 13, at the VFW Hall. Despite staff's good intentions, the meeting became contentious, several left early, leaving no quorum of either the City Council or Planning Commission, and leaving some feeling ignored or left out of the decisions represented by the map. Because of lack of quorum, some expressed feelings that the conclusions from that meeting (adding or not adding parcels to the SOI) are illegitimate.

**Attachment D** is the chronology of significant events and outreach since August 2020. The video and records from this outreach effort and maps are all available on the City Website:  
[https://www.san-juan-bautista.ca.us/departments/planning/projects\\_of\\_community\\_interest.php](https://www.san-juan-bautista.ca.us/departments/planning/projects_of_community_interest.php)

### **DISCUSSION:**

The map has two tiers: one for those specific properties to be included in the SOI and a second yellow-colored tier to designate as parcels for conservation and cultural preservation.

***The issue is that the map states that both tiers are to be included within the SOI.***

The Ad Hoc Committee did not have the opportunity to discuss this recommendation. Chair Scott Freels and Ad Hoc Committee Member Edge have requested that the Ad Hoc Committee not be disbanded, and meet to discuss this issue, as well as coming to a final decision about which parcels to include in the first tier.

This is a critical question that requires more deliberation because if these yellow parcels are inside the SOI, then it would be substantially larger than the 2016 General Plan, and may be interpreted by developers as a larger development opportunity for them. Perhaps that can be avoided with a recommendation to zone these preservation parcels for rural uses including agricultural, and restricting residential to one home per 40-acres. Regardless, this discussion needs to occur before the Ad Hoc Committee recommended map can come forward.

Chair Scott Freels and Ad Hoc Committee Member Edge have asked three fundamental questions:

1. Remove the “maps” from public circulation and the City’s website, and remove any reference to the yellow parcels being included in the SOI;
2. Send the letter provided as Attachment A to property owners in both proposed tiers on the map to confirm their interest to be part of the SOI, or remain as stated, or changed;
3. Reconvene the Ad Hoc Committee to bring a recommended map to the Planning Commission this fall.

**FISCAL IMPACT:**

The City appealed to the State Department of Housing and Community Development and received approval for a one-year extension of the September 2022 deadline for the \$160,000 grant funds used to finance this project.

**ATTACHMENTS:**

- A) Proposed Letter to Affected Property Owners
- B) Definitions
- C) Summaries of the Ad Hoc Committee’s last two meetings November and December 2021
- D) Project Milestones and Chronology



# City of San Juan Bautista

*The "City of History"*

Office of the City Manager

P.O. Box 1420, 311 Second Street

San Juan Bautista CA 95045

(831) 623-4661 x 14 **C (831) 594-6322 (New!)**

September 23, 2022

To property owners outside the City limits:

The City embarked on a challenging project in 2020, to examine and re-define how its population will grow between now and 2035. Although the City has attempted to be transparent in this process there are many that feel left out of the conversation. The City is inviting all of those who are concerned or have questions about the City's future population growth to attend a work-shop Saturday October 29, 2022 at 10AM, at \_\_\_\_\_, San Juan Bautista, CA 95045.

The question is: *how fast shall the City grow, and shall this growth occur within the current sphere of influence ("SOI"), or shall the SOI be changed?*

As defined by CAL-LAFCo:

A sphere of influence is a planning boundary outside of an agency's legal boundary (such as the city limit line) that designates the agency's probable future boundary and service area. Factors considered in a sphere of influence review focus on the current and future land use, the current and future need and capacity for service, and any relevant communities of interest.

The City's sphere of influence did not change when the City adopted its General Plan in 2016. Instead, the 1998 SOI remains as the guide for growth. The General Plan SOI is much smaller. If adopted, the General Plan SOI will limit city growth to 3% a year (which is still very fast growth). The Council appointed an "Urban Growth Boundary Committee" in August 2020 to weigh the options. They met several times and produced a map where each member drew their own SOI around the City limits. When they met in-person a second time in December 2021, a map with two tiers was proposed by the consulting team and staff: 1) one tier with an SOI like the 2016 General Plan, and 2) a second larger planning area that would serve as preservation easements (cultural, historical, agricultural) to buffer the City from sprawl development and preserve its cultural integrity (the purpose of the UGB).



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There are advantages and disadvantages to owning a parcel within the SOI or outside and adjacent to it. Committee did consider an UGB that is the same as the SOI rather than larger as it was in 1998.

There is still time to debate whether the yellow parcels to be preserved will be included, or be outside the SOI in a separate "Planning Area." The Ad Hoc Committee has not had that discussion.

Since the Ad Hoc Committee last met, the City sent invitations to all property owners within the City limits and around the City limits to attend community meetings in May and June. The video of the May 4 meeting, and notes from the other meetings are all on the City's website. The two-tier map is also there with other mapping options to consider. This background and history can be found here:

[https://www.san-juan-bautista.ca.us/departments/planning/projects\\_of\\_community\\_interest.php](https://www.san-juan-bautista.ca.us/departments/planning/projects_of_community_interest.php)

If you own property within the City limits or around the City limits, this work may directly impact your property's value and development potential. The Chair of the Ad Hoc, Councilmember Scott Freels, would like to invite anyone not familiar with this project to attend this meeting October 29<sup>th</sup> to learn more and share concerns, comments and questions. It is important to provide your feedback and contribute now, before the application is sent to the Planning Commission, then City Council and eventually to LAFCo.

Thank you again for your help in moving this project forward. Feel free to reach me at [citymanager@san-juan-bautista.ca.us](mailto:citymanager@san-juan-bautista.ca.us) or call if you need anything from the City.

Sincerely,

Don Reynolds  
City Manager

cc: City Council  
Planning Commission

## Attachment B

Definitions:

### SPHERE OF INFLUENCE

As defined by CAL-LAFCo:

A sphere of influence is a planning boundary outside of an agency's legal boundary (such as the city limit line) that designates the agency's probable future boundary and service area. Factors considered in a sphere of influence review focus on the current and future land use, the current and future need and capacity for service, and any relevant communities of interest.

THE APPLICATION TO LAFCo TO ESTABLISH A SOI, is a General Plan Amendment. *Corteze/Knox Herzberg (CA Code) Section 56425(e)* describes this application criteria:

- (1) The present and planned land uses in the area, including agricultural and open-space lands.
- (2) The present and probable need for public facilities and services in the area.
- (3) The present capacity of public facilities and adequacy of public services that the agency provides or is authorized to provide.
- (4) The existence of any social or economic communities of interest in the area if the commission determines that they are relevant to the agency.
- (5) ... the present and probable need for those public facilities and services of any disadvantaged unincorporated communities within the existing sphere of influence.

AN URBAN GROWTH BOUNDARY can also be established and was part of the previous General Plan. It would establish a buffer around the City that limits development. This is the general definition of an Urban Growth Boundary:

An **urban growth boundary**, or **UGB**, is a regional boundary, set in an attempt to control urban sprawl by, in its simplest form, mandating that the area inside the boundary be used for urban development and the area outside be preserved in its natural state or used for agriculture. Legislating for an "urban growth boundary" is one way, among many others, of managing the major challenges posed by unplanned urban growth and the encroachment of cities upon agricultural and rural land.<sup>[1]</sup>

An urban growth boundary circumscribes an entire urbanized area and is used by local governments as a guide to zoning and land use decisions, and by utilities and other infrastructure providers to improve efficiency through effective long term planning (e.g. optimizing sewerage catchments, school districts, etc.).

If the area affected by the boundary includes multiple jurisdictions a special urban planning agency may be created by the state or regional government to manage the boundary. In a rural context, the terms town boundary, village curtilage or village envelope may be used to apply the same constraining principles. Some jurisdictions refer to the area within an urban growth boundary as an urban growth area (UGA) or urban service area, etc. While the names are different, the concept is the same.

The scope approved February 15, 2022 for EMC's work on the "Community Plan" required by the intended to be part of the LAFCo - SOI Application:

Per our most recent phone conversation (12-23-21), EMC Planning Group has prepared a scope of work and budget for a San Juan Bautista Community Plan, intended to incorporate the current City work effort on the "Urban Growth Boundary or City Sphere of Influence", the "Active Transportation Plan", and the planning effort for the "South San Juan area". It is intended that the South side planning effort provide the City with additional residential development area to assist in meeting the City's RHNA Allocation. We propose to team with Dan Burden and the Built Environment Team at Blue Zones LLC who would lead the public participation effort, collaborate on design guidelines, and ensure that a strong emphasis is placed on creating a healthy, livable environment in the new City growth areas and connection those new growth areas to the communities urban corp. The team has expertise in building collaboration through community-informed processes, and bringing together diverse stakeholders to embrace healthy community design principles. In the work program presented below, tasks that include Blue Zones participation are in blue lettering. We also propose to bring in AMBC Consulting, a Colorado firm that specializes in online engagement, to lead the online engagement effort. In our current and ongoing pandemic environment, this online engagement piece has become essential.

## ATTACHMENT C

### Chronology:

March 10, 2020	Introduction of issues to the Planning Commission
April 21, 2020	City Council introduction to the issues
August 2020	Harris and Associates Contract awarded
August 17, 2020	1 <sup>st</sup> Meeting of Ad-Hoc Committee
August 31, 2020	2 <sup>nd</sup> meeting of Ad-Hoc Committee
September 9, 2020	3 <sup>rd</sup> meeting of Ad-Hoc Committee
October 5, 2020	4 <sup>th</sup> meeting of Ad-Hoc Committee
October 19, 2020	5 <sup>th</sup> meeting of Ad-Hoc Committee
November 2, 2020	6 <sup>th</sup> meeting of Ad-Hoc Committee – draft map for SOI Election and City Council re-organization
November 10, 2020	Planning Commission status report
February 16, 2021	Advertise to fill Ad-Hoc Committee vacancy
March- July 2021	Recruit, on-board new Assistant City Manager – Community Development Director
November 22 2021:	Staff presents the two-tier concept for consideration by the UGB
December 3, 2021:	UGB Committee meets in person and reviews the two- tier map concept and SOI configuration as a preliminary. (Staff email to PC/CC/UGB prior to 12/3 meeting.)
December 14, 2021:	Staff suggests combined SOI and So. SJB Specific Plan to EMC. EMC begins to develop a scope of work.
January 18, 2022:	HCD approves grant contract amendment to prepare Community Plan per draft scope of work.
February 8, 2022:	1) the Planning Commission reviews the recommendation of the Urban Growth Boundary Committee; and 2) recommends that the City Council Review the recommendation of the Urban Growth Boundary Committee and approve a contract with EMC Planning Group to develop a Sphere of



**Influence proposal for presentation to San Benito County and San Benito County LAFCO, as contained in attachment 1.**

- February 15,2022:** City Council adopts Resolution 2022-13 to “develop and prepare a General Plan – level Community Plan incorporating a South San Juan Area Plan and Sphere Of influence study in an amount not to exceed \$259,457.56 as outlined in the attached EMC Scope of Work dated January 12, 2022. ”
- March 4, 2022:** CM signs the contract for professional services enabling the Community Plan
- May 3 – 5 2022:** Consultants and City staff host community meetings at City Hall and charette at school gym (see video)
- June 13, 2022:** Planning Commission and City Council joint meeting.