



County of Santa Cruz 421

PLANNING DEPARTMENT

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ALVIN D. JAMES, DIRECTOR

April 6, 1999

AGENDA: April 13, 1999

Board of Supervisors
County of Santa Cruz
701 Ocean Street
Santa Cruz, CA 95060

RE: MEMORANDUM OF UNDERSTANDING - CITY OF WATSONVILLE ANNEXATIONS

Members of the Board:

On October 29, 1997, the Santa Cruz Local Agency Formation Commission (LAFCO) adopted a Resolution amending the sphere of influence of the City of Watsonville. The Resolution placed a number of conditions on the City before any annexations could be approved. On June 3, 1998, LAFCO adopted a new Resolution clarifying these conditions of future annexations (Attachment 2). One of the conditions, as clarified, requires:

- "C.** *A memorandum of understanding or other evidence of agreement among the City, the Coastal Commission, and the County of Santa Cruz which provides for the review by the staffs Of those entities of any proposed sphere Of influence amendment regarding land on the ocean side Of Highway 1 in the Watsonville vicinity for consistency with the City General Plan, the Coastal Act, and the County General Plan, respectively. This agreement and subsequent coordinated review pursuant to its terms is designed to enhance intergovernmental cooperation among the three land use agencies with jurisdiction west of Highway 1 in the Watsonville area and provide LAFCO with consistent written information concerning land use policies in order that LAFCO may consider consistency with the Coastal Act and the relevant general plans in making its Sphere Of Influence determination.*"

Since LAFCO's action, staff of the City, Coastal Commission and the County have been working on the language for a Memorandum of Understanding (MOU). On February 23, 1999, the Watsonville City Council authorized the City Manager to execute the MOU with the County, and to make any minor changes necessary to satisfy the County (Attachment 3). Although Coastal Commission staff will not be a party to the MOU, as they do not have the legal authority to enter into such an

agreement, they will participate in the review of the sphere of influence amendments as outlined in the MOU.

The Memorandum of Understanding is now ready for review by your Board. If approved by your Board, the MOU will be forwarded by the City of Watsonville to LAFCO for its review and approval.

Memorandum of Understanding

The Memorandum of Understanding (Attachment 1) would establish the protocols for the early review of proposed sphere of influence amendments for lands located on the ocean side of Highway 1 in the vicinity of Watsonville. The proposed MOU would create two new review processes for any sphere of influence amendment; one during the City's environmental review and one during the LAFCO application review. The MOU would establish a procedure for the review of the agency comments and also establish the mechanism for determining 'thresholds of significance' for the purposes of evaluating the implications of the sphere of influence amendments.

Environmental Review Process - This process, initiated by the City upon receipt of an application for environmental review or upon a determination by the City to commence an environmental review, would solicit County staff review of the proposed amendment within the first 30 days. The City would schedule a meeting with the County and other affected parties during this review period to discuss the issues and the standards for review regarding the proposed amendment. Prior to the release of any environmental review document, the City will submit a copy to the County for its review and comment. The City will consider any comments of the County prior to releasing the environmental document. This review would be in addition to any other reviews conducted by the County pursuant to CEQA. A similar process is provided for Coastal Commission staff.

The MOU provides that the City shall use 'thresholds of significance' as requested by the County's Planning Department and/or the Coastal Commission. Your Board, in 1995, reviewed and accepted a report regarding the annexation of agricultural lands in the Watsonville area. One attachment to that report was a compilation of the applicable County policies and ordinances that are intended to preserve agricultural land (Attachment 4). If the MOU is adopted, staff would draw upon these policies and ordinances as a point of departure in identifying the thresholds to be used by the City in discussing the potential impacts of the proposed sphere of influence amendments. The General Plan/LCP and implementing ordinances contain a number policies and regulations which establish standards regarding scenic corridors, sensitive habitat protection, water resource protection and traffic congestion that would also be included in the discussions with the City.

LAFCO Application Review - Prior to submittal of an application to LAFCO, the City would submit a copy of the application to the County for its review and comment. This would be followed by a meeting with the County and affected agencies and property owners, to discuss the consistency of the proposed application with the applicable general plans and LCP's. The County may submit comments to the City following this meeting. If an application is filed for the amendment, the County's comments regarding the consistency of the amendment with the County's policies and ordinances shall be submitted, following review and comment by the City, to LAFCO.

Conclusion/Recommendation

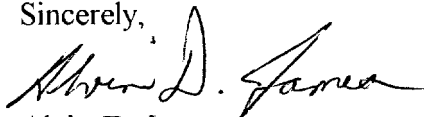
The Memorandum of Understanding provides the County with the ability to comment on a proposed sphere of annexation amendment early in the process and to have the County's General Plan/Local Coastal Program Land Use Plan policies, especially those regarding agricultural land preservation, used as the standard for the CEQA review. These protocols appear to meet the requirements of LAFCO's Resolution.

The MOU, which was drafted by the City of Watsonville, has been reviewed and approved by County Counsel. The MOU was approved by the Watsonville City Council, pending approval by your Board. If approved by your Board, a final MOU would be prepared. The final document would be reviewed by County Counsel to ensure that it adhered to the Board's final action.

It is, therefore, RECOMMENDED that your Board:

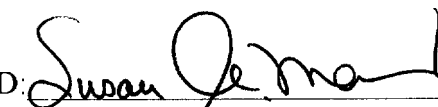
1. Approve the Memorandum of Understanding (Attachment 1), and
2. Direct the Planning Director to sign the final Memorandum of Understanding on the Board's behalf, after County Counsel has reviewed the final document, and
3. Direct the Planning Department to implement the Memorandum of Understanding for any applicable sphere of influence applications by the City of Watsonville.

Sincerely,



Alvin D. James
Planning Director

RECOMMENDED:



Susan A. Mauriello
County Administrative Officer

Attachments: 1. Memorandum of Understanding
 2. LAFCO Resolution No. 838-A
 3. Watsonville City Council Agenda Item, dated February 16, 1999
 4. Attachment 4 of the letter of Daniel K. Shaw, Planning Director, dated September 22, 1995

cc: County Counsel
 Coastal Commission
 LAFCO
 City Council, City of Watsonville

Memorandum of Understanding

ATTACHMENT 1

Whereas, the City of Watsonville (City) and the County of Santa Cruz (County) desire to increase and enhance mutual understanding and cooperation regarding each other's land use plans and policies; and

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Whereas, the City and County share an interest in the present and proposed future uses of unincorporated lands west of Highway One in the vicinity of Watsonville (Lands West of Highway One); and

Whereas, any citizen or Local agency may apply to the Santa Cruz County Local Agency Formation Commission (LAFCO) for a change in the City's Sphere of Influence'; and

Whereas, the City and County desire that LAFCO have the most consistent and reliable information regarding City and County land use policies; and.

Whereas, the City wishes to satisfy Condition 2c of LAFCO Resolution 838-A² by furnishing LAFCO with the "written evidence of agreement" described in **said** Condition 2c; and

Whereas, the City intends that this Memorandum of Understanding satisfy Condition 2c, and

Whereas, this Memorandum of Understanding shall apply only to proposed changes of the City's Sphere of Influence for Lands West of Highway One and then only if the City is the Lead Agency and/or the Applicant.

Now therefore, City, County and LAFCO do agree as follows:

1. **PURPOSE.** The purpose of the process described in this Memorandum of Understanding is to identify the opinions and concerns of Interested Agencies³, the staff of the California Coastal Commission ("Coastal Commission") and others regarding proposed changes in the City's Sphere of Influence to include the Lands West of Highway One as early as possible. This process shall not replace any review of proposed Local Coastal Program amendments by the Coastal Commission under the Coastal Act, or by the County Planning Commission or County Board of Supervisors pursuant to their policies and procedures. Nor is this process intended-to

¹ As defined in Government Code Section 56076

² All references to Condition 2c refer to Condition 2c of Santa Cruz LAFCO Resolution 838-A adopted June 6, 1998.

³ As defined in Government Code Section 56047.5.

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replace LAFCO's own independent determination on proposed amendments under the criteria set forth in the Cortese-Knox Local Government Reorganization Act of 1985 (as amended)⁴.

The City and County agree to use this process to attempt to identify, address and resolve their concerns, those of the Coastal Commission and interested persons, to discuss issues related to any proposed change in such Sphere of Influence, and to improve mutual understanding of goals and relevant policy perspectives of those agencies.

2. **Applicability.** This process described in this Memorandum of Understanding shall be used for applications for proposed changes to the City's Sphere of Influence involving Lands West of Highway One and then only if the City is the Lead Agency and/or Applicant.
3. **Compliance.** The City intends that this Memorandum of Understanding satisfy Condition 2c.
4. **Environmental Review.**
 - (a) **Notice of Start of Environmental Review.** The City shall notify the County Planning Department, the Coastal Commission, and Land Owners' in the Affected Territory' within thirty business days of starting any environmental **review** for any proposed change in the City's Sphere of Influence to include Lands West of Highway One. 'For purposes of this section, the word "starting" means either when the City receives an application for environmental review for a Sphere of Influence Application to include the Lands West of Highway One or upon determination by the City to initiate such environmental review, whichever occurs first.
 - (b) **Environmental and other Issues, First Meeting.** The City shall conduct a meeting with those persons who are interested of the categories of persons identified in

⁴ Government Code Section 56000 et seq.

⁵ As defined in Government Code Section 56048.

⁶ As defined in Government Code Section 56035.

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the previous section within the same thirty-day period, provided however that County and Coastal Commission shall receive at least fifteen business days notice of such meeting. The City may also within the same thirty business days, conduct a Scoping Session, as described in Article 7, Section 15083 of the CEQA Guidelines.

- (c) **Consideration of Environmental Standards and Policies.** The purpose of such meeting or Scoping Session shall be to review preliminary issues involving the proposed action. The City shall also consider applicable standards and policies of any Affected Local Agency⁷ and the Coastal Commission.

- (d) **Preliminary Review of Sections of Draft Environmental Document by County.** Before public release of any environmental review document regarding a proposed change in the City's Sphere of Influence to include the Lands West of Highway One, the City shall submit a preliminary draft of those sections discussing County policies to the County Planning Director for internal review and comment by County.

The County shall return all sections of the preliminary draft, with any comments, to the City within fifteen business days. The City shall then consider those comments submitted by the County in the draft environmental document. The County shall retain its right to comment on the environmental document as provided in the California Environmental Quality Act (CEQA).

- (e) **Preliminary Review of Sections of Draft EIR by Coastal Commission.** Before public release of any draft environmental document reviewing a proposed change in the City's Sphere of Influence to include Lands West of Highway One, the City shall submit a preliminary draft of those sections discussing Coastal Act and Local Coastal Program policies to the Coastal Commission Deputy Director for internal staff review and comment.

The Coastal Commission shall return the sections of the preliminary draft, with any comments, to the City within

⁷ As defined in Government Code Section 56014.

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fifteen business days. The City **shall** consider those comments submitted by the Coastal Commission in the draft environmental document. The **Coastal** Commission shall retain its ability to comment on the draft EIR as provided in CEQA.

5. **Review of Proposed City LAFCO Applications.**

- (a) **Notice of Application.** Before the City submits an application to LAFCO #or any change in the City's Sphere of Influence to include Lands West of Highway One, the City shall submit copies of the application and related materials to the coastal Commission and County's Planning Department staffs and shall mail written notices of such intended application to Landowners within the Affected Territory.
- (b) **Consideration of LAFCO Application; Second Meeting.** Within thirty business days of such submittal and mailing, but not earlier than fifteen business days, the City shall conduct a meeting with Coastal Commission and County's Planning Department staffs, and Landowners within the Affected Territory. The purpose of this meeting is to discuss the consistency of the application with applicable general and local area plans, the Coastal Act, and applicable local coastal programs.
- (c) **Preliminary Agency Comments.** Within fifteen business days after the meeting identified in the previous section, the County and the Coastal Commission may prepare and submit to the City, comments regarding consistency with applicable general plans, local area plans, the Coastal Act, and applicable local coastal programs.
- (d) **Review of Preliminary Comments: Optional Third Meeting of.** After fifteen business days have passed, the City may schedule additional meetings.

6. **Agency Comments.**

- (a) Should any application be filed with LAFCO for consideration of a proposed change in the City's Sphere of Influence in the Area West of Highway One, the County

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Planning Department, the California Coastal Commission staff and, unless the City is the applicant, the City's Community Development Department, shall submit comments on the consistency of the application with City, Coastal Commission and County regulations and policies to LAFCO.

- (b) **Information Sharing.** At least ten business days before an agency submits such comments to LAFCO, it shall provide copies of its comments to the City, any applicant other than the City, and the other cooperating agencies for review and comment.

7. **Thresholds of Significance.** When conducting environmental review under CEQA of an application to change the City's Sphere of Influence boundary to include Lands West of Highway One or to annex Lands West of Highway One, the City shall use thresholds of significance as requested by the County's Planning Department and/or Coastal Commission staff for potential impacts related to relevant policies of these agencies.

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Signature spaces for

City of Watsonville

County of Santa Cruz

**SANTA CRUZ LOCAL AGENCY FORMATION COMMISSION
RESOLUTION NO. 838-A**

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On the motion of Commissioner Van Houten
duly seconded by Commissioner Bell
the following resolution is adopted:

AMENDING THE SPHERE OF INFLUENCE CONDITIONS FOR THE CITY OF WATSONVILLE

WHEREAS, by Resolution No. 610 on January 12, 1983, this Commission adopted a Sphere of Influence for the City of Watsonville; and,

WHEREAS, by Resolution No. 838 on October 29, 1997, this Commission amended the City of Watsonville Sphere of Influence by adding approximately 343 acres and applying three conditions that will be used in reviewing any application to annex territory in the Riverside Drive study area; and

WHEREAS, this Commission held a noticed, public hearing on June 3, 1998 to consider clarifying the three conditions; and at the hearing the Commission heard and received all spoken and written comments which were presented or filed.

NOW THEREFORE, the Santa Cruz Local Agency Formation Commission does hereby **RESOLVE, DETERMINE, AND ORDER** as follows:

Section 2 of Resolution No. 838 is amended to read as follows:

- "2. In order to carry out the policies of Sections 56377 and 56844.1 of the Cortese-Knox Local Government Reorganization Act and to implement the Santa Cruz LAFCO Spheres of Influence Policies and Guidelines and Standards for Evaluating Proposals, annexation proposals in the Riverside Drive study area will be deemed complete only upon inclusion of the following:
- A. An analysis by the City of Watsonville of the industrial potential of the Landmark property, and, if such potential exists, consideration by the City of appropriate regulatory or other actions which would encourage industrial development, including redesignation and rezoning of all or a part of the property for industrial use. In evaluating the annexation proposal, LAFCO will consider the City's analysis and the City's determinations or actions pursuant to the recommendations and findings of the analysis.
 - B. City of Watsonville evaluation of, and plan for implementation of, the relevant recommendations of the Packard Foundation funded Pajaro Valley Futures Project (data collection phase and recommendations) concerning infill potential.
 - C. A memorandum of understanding or other evidence of agreement among the City, the Coastal Commission, and the County of Santa Cruz which provides for the review by the staffs of those entities of any proposed sphere of influence amendment regarding land on the ocean side of Highway 1 in the Watsonville vicinity for consistency with the City General Plan, the Coastal Act, and the County General Plan, respectively. This agreement and subsequent coordinated review pursuant to its terms is designed to enhance intergovernmental cooperation among the three land use agencies

with jurisdiction west of Highway 1 in the Watsonville area and provide LAFCO with consistent written information concerning land use policies in order that LAFCO may consider consistency with the Coastal Act and the relevant general plans in making its Sphere of Influence determination."

AND, BE IT FURTHER RESOLVED, that the Commission has genuinely considered the environmental effects of the project as shown in the environmental impact report for this project:

--Draft Environmental Impact Report for the Watsonville 2005 General Plan Update and Sphere of Influence Amendment, State Clearinghouse No. 91123081, prepared by CH2M Hill, December 1992;

--Final Environmental Impact Report for the Watsonville 2005 General Plan Update and Sphere of Influence Amendment, prepared by CH2M Hill, June 1993.

The Commission finds these documents adequate for these clarifications of the sphere conditions. This Commission hereby adopts the Findings in Compliance with the California Environmental Duality Act as shown in Exhibit B.


AND, BE IT FURTHER RESOLVED, that all other sections and exhibits of Resolution No. 838 shall remain unchanged.

PASSED AND ADOPTED by the Santa Cruz Local Agency Formation Commission this third day of June, 1998 by the following vote:

AYES: Commissioners Ainsworth, Bell, Van Houten, Anderson, Wormhoudt

NOES: Commissioners Belgard, Hurst

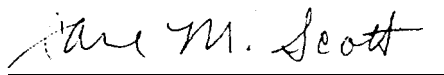
ABSENT:


MARDI WORMHOUDT, CHAIRPERSON
Santa Cruz Local Agency
Formation Commission

Attest:


Patrick M. McCormick
Executive Officer

Approved as to form


Jane M. Scott
LAFCO Counsel

MEMORANDUM

DATE: February 16, 1999

TO: Carlos J. Palacios, City Manager

FROM: David S. Williams, Community Development Director
Charles Eadie, Assistant Community Development Director
Martin Carver, Senior Planner

SUBJECT: Memorandum of Understanding with County of Santa Cruz Implementing
Condition 2C of LAFCO Resolution 838a

AGENDA ITEM: February 23, 1999 City Council

City Manager
FEB 1999
RECEIVED
LAFCO
Santa Cruz
Calif.

RECOMMENDATION

Staff recommends:

1. That the City Council adopt a resolution authorizing the City Manager to execute a Memorandum of Understanding with the County of Santa Cruz regarding review of Sphere of Influence applications in the Watsonville vicinity west of Highway 1;
2. That the City Council authorize the City Manager to make additional minor modifications to the Memorandum of Understanding if needed.

BACKGROUND/DISCUSSION.

In October of 1996, the City of Watsonville filed simultaneously applications for an amended Sphere of Influence and the 214 acre Riverside Drive Industrial area annexation.

At its October 29, 1997 meeting, the Santa Cruz Local Agency Formation Commission (LAFCO) adopted a resolution amending the City of Watsonville's Sphere of Influence. With respect to the Riverside Drive area, LAFCO's action on the Sphere of Influence included only the 94 acre Manabe/Burgstrom portion.

LAFCO in its Resolution 838a amending the City's Sphere of Influence also set forth three conditions which the City is required to meet before LAFCO will process the City's application for annexation of the remaining portion of the Riverside Drive area. Subsequently, following a legal challenge in early 1998 filed by the City of Watsonville and property owners regarding the legality of the conditions, LAFCO modified the language, established policies to underpin the conditions, and adopted amended conditions in the summer of 1998.

The City in response to LAFCO's action, dropped its lawsuit and undertook the variety of efforts necessary to implement the conditions.

The LAFCO conditions include the following language:

"2. In order to carry out the policies of Section 56377 and 56844.1 of the Cortese-Knox Local Government Reorganization Act and to implement the Santa Cruz LAFCO Spheres of Influence Policies and Guidelines and Standards for Evaluating Proposals, annexation proposals in the Riverside Drive study area will be deemed complete only upon inclusion of the following:

A. An analysis by the City of Watsonville of the industrial potential of the Landmark property, and, if such potential exists, consideration by the City of appropriate regulatory or other actions which would encourage industrial development, including redesignation of all or part of the property for industrial use. In evaluating the annexation proposal, LAFCO will consider the City's analysis and the City's determinations or actions pursuant to the recommendations and findings of the analysis.

B. City of Watsonville evaluation of, and plan for implementation of, the relevant recommendations of the Packard Foundation funded Pajaro Valley Futures Project (data collection phase and recommendations) concerning in fill potential.

C. A memorandum of understanding or other evidence of agreement among the City, the Coastal Commission, and the County of Santa Cruz which provides for the review by the staffs of those entities of any proposed sphere of influence amendment regarding land on the ocean side of Highway 1 in the Watsonville vicinity for consistency with the City General Plan, the Coastal Act, and the County General Plan, respectively. This agreement and subsequent coordinated review pursuant to its terms is designed to enhance intergovernmental cooperation among the three land use agencies with jurisdiction west of Highway 1 in the Watsonville area and provide LAFCO with consistent written information concerning land use policies in order that LAFCO may consider consistency with the Coastal Act and the relevant general plans in making its Sphere of Influence determination."

Condition 2C - Review Process for Sphere of Influence Applications in the Coastal Zone:

To comply with this condition the Mayor (former and current), Community Development staff and the City Attorney have had a series of meetings with Coastal Commission and County staff, LAFCO staff, and the LAFCO chair. These meetings began in June of 1998, and now have culminated in a final draft of a Memorandum of Understanding to be executed by the City and the County. (The Coastal Commission staff may not have the legal authority to enter into this agreement formally. They would be voluntary participants unless they determine otherwise, in which case a signatory line would be added for them).

The Memorandum of Understanding (attached as Exhibit A of the draft resolution) describes an expanded review process involving the City, County and Coastal Commission. A final review meeting for the MOU took place on February 16 among the participants, and the latest draft reflects modifications made at the meeting. Although further changes are not anticipated, staff requests that the City Council approve the current MOU draft and also authorize the City Manager to make minor modifications to it, if necessary.

The expanded review process involves the following:

1. **Early Review of Environmental Process:** In addition to the typical pre-review scoping process, the City will notify County and Coastal Commission when initiating environmental review and the agencies will meet and confer to review preliminary issues. (Normally this is accomplished through a Scoping Session and Notice of Preparation);
2. **Review of Environmental Consultants:** The City will identify potential environmental consultants and discuss them with the County Planning Director prior to making a selection. (Normally consultant selection is a matter for each agency alone);
3. **Pre-Release Review of Relevant Portions of EIRs:** The City will submit preliminary drafts of sections of any EIR discussing County or Coastal policies for review by the respective agencies (County and Coastal Commission). (Normally comments are handled through the review of the draft EIR. Such review still would occur);
4. **Pre-Application Notice:** The City will notify County and Coastal Commission and submit copies of any Sphere of Influence prior to filing the application with LAFCO. (Normally referral to these agencies would be handled by LAFCO, after the application is filed. This referral will likely continue);
5. **Review and Comment. on Application to LAFCO:** Prior to submitting a Sphere of Influence application with LAFCO, the City will meet with County and Coastal Commission staff to review consistency of the application with relevant policies of the respective agencies. The agencies will submit comments in writing to the City prior to submitting comments to LAFCO. (Normally this type of interaction is optional and comments from other agencies would be submitted directly to LAFCO. Agencies still may submit final comments to LAFCO);
6. **Consideration of Thresholds of Significance:** Under the California Environmental Quality Act (CEQA) agencies are empowered within prescribed guidelines to adopt "thresholds of significance", which are standards determining when an impact is considered "significant. " When adopting or revising its CEQA provisions, the City will consider other agency standards, as appropriate. (Normally the City would look at other agency standards in the process of adopting its own, but it is not mandatory).

(Note: Although participants had previously agreed to the language currently included in the MOU, Supervisor Wormhoudt proposed at the February 16 meeting that the City agree to adopt the County's thresholds of significance. Staff does not recommend doing this, but has agreed to evaluate for consistency with the County standards any project subject to this process. At this writing staff is working on additional alternative language for the group to consider that would allow for discussion to take place regarding appropriate standards and thresholds of significance for future environmental documents).

The purpose of this arrangement is to help LAFCO and the agencies clarify where there are consistencies and differences in policy, and to spur interagency discussion over-and-above what is called out under current laws and procedures.

Staff believes the process could be helpful in improving communication and recommends adoption of the Memorandum of Understanding. 434

This process would only go into effect for future proposals to change the Sphere of Influence west of Highway 1. Under the *Watsonville 2005: General Plan* the parcels potentially affected include the 14 acre Greenfarm parcel and the 40 acre Resetar parcel of the Riverside Drive area, the 646 acre Tai property, the City's airport clear zone parcel near Airport Boulevard and an adjacent parcel, and the Fish and Game Habitat preserve. All of these parcels are within the City's Urban Limit Line; all but the Tai parcel were included in the City's 1996 Sphere of Influence application to LAFCO. (See Map, Attachment 1).

ENVIRONMENTAL REVIEW

Not applicable. This is a procedural matter, and is not a "project" under CEQA.

FINANCIAL IMPACT

As with many elaborations of procedure, there are additional indirect costs associated with the increased Staff time required to carry out the new process. A dollar amount estimate cannot be determined at this time.

ALTERNATIVE(S)

Reasonable alternatives to the recommendation include:

1. Direct the staff to modify the proposed Memorandum of Understanding.

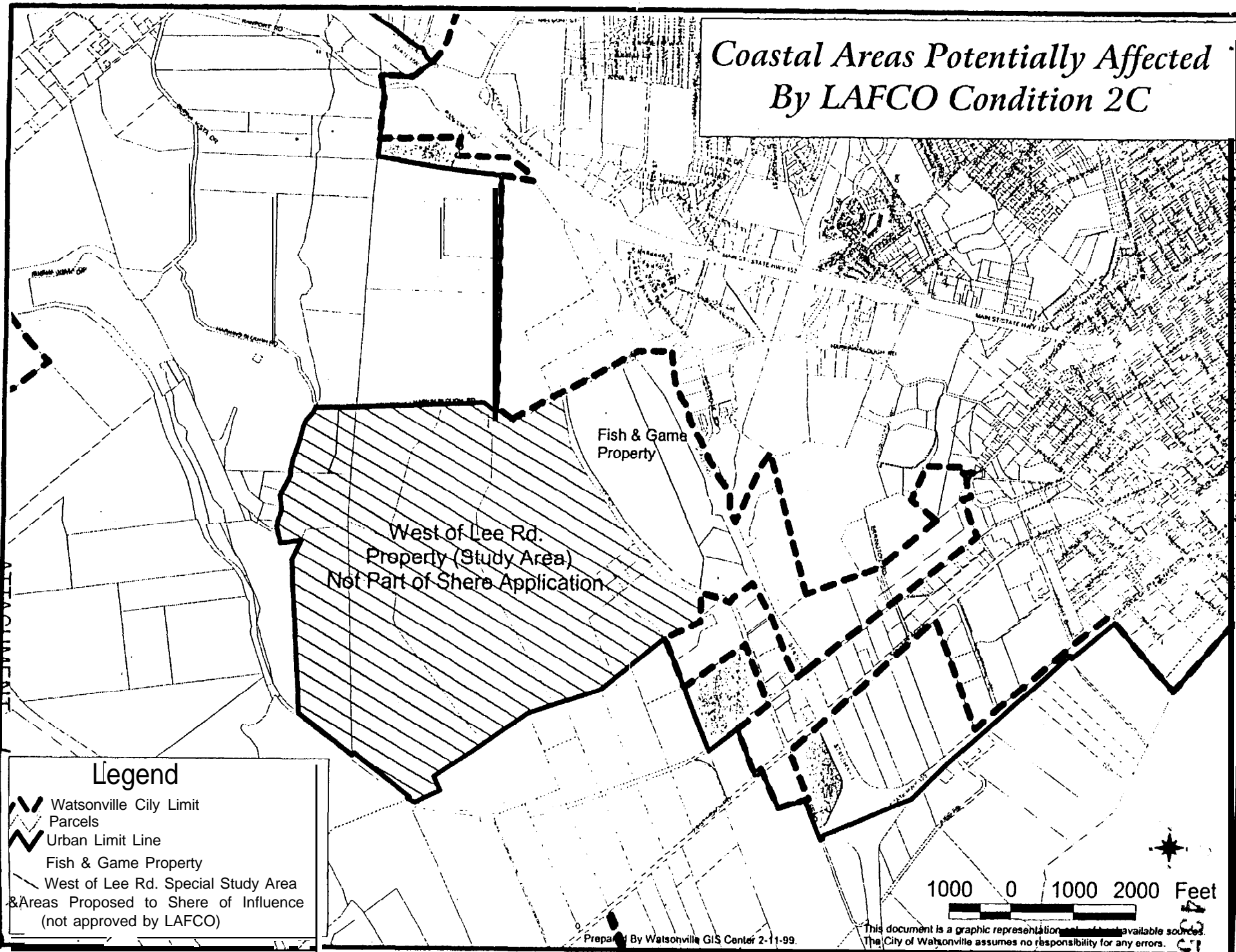
ATTACHMENT(S)

1. Map of Coastal areas within the Urban Limit Line potentially affected by 2c process.

c: City Attorney

Coastal Areas Potentially Affected By LAFCO Condition 2C

ATTACHMENT
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Legend

- Watsonville City Limit
- Parcels
- Urban Limit Line
- Fish & Game Property
- West of Lee Rd. Special Study Area
- Areas Proposed to Shere of Influence (not approved by LAFCO)

1000 0 1000 2000 Feet

Prepared By Watsonville GIS Center 2-11-99.

This document is a graphic representation of available sources. The City of Watsonville assumes no responsibility for any errors.

ATTACHMENT 3