



## Council Agenda Report

**From:** Dick McKinley, Public Works Director

**Subject:** Detachment of Cumbre/Ladera Parcel from City Limits

**Date:** February 20, 2018

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### Facts

1. The City of El Paso de Robles (“City”) is a municipal corporation, established under California Constitution art. XI, §2 and Government Code section 56000 *et seq.* Among its other functions, the City operates a municipal enterprise.
2. In 1982, the City purchased approximately 5.04+/- acres on Cumbre/Ladera Lane, south of Charolais/Creston Road as a site for a future water reservoir/tank. The site is now surrounded by residential development. Large water tanks provide storage and pressure-regulating capabilities to a water system.
3. Based on subsequent events, the City no longer needs a water tank south of the City and, as a result, no longer needs the parcel.
4. As a result, the City desires to initiate a proposal pursuant to the Cortese-Knox-Hertzberg Local Government Reorganization Act of 2000 (Government Code section 56000 *et seq.*) (the “Act”) for the detachment (“Detachment”) of territory owned by the City to the County of San Luis Obispo (“County”) as set forth in Exhibit A.
5. Notice of intent in accordance with Government Code section 56157 was mailed to landowners and registered voters within the affected territory at least 21 days before the Council’s consideration of this Resolution.
6. Notice of the hearing was also published in a newspaper of general circulation at least 21 days prior to the hearing, in accordance with Government Code section 56157.
7. Mailed notice was also provided to the County and the San Luis Obispo Local Agency Formation Commission (“SLO LAFCO”).
8. The proposed Detachment consists solely of the detachment of a 5.04 +/- acre parcel (“Property”) owned by the City, located at the northwest corner of Ladera Lane and Cumbre Road, APN # 009-800-001, to the County of San Luis Obispo (the “County”). A description of the boundaries of the territory is set forth in Exhibit A of the Resolution.
9. The Property proposed to be detached is unimproved and does not contain any inhabited residences.
10. This Detachment proposal is consistent with the sphere of influence of the City and the Property is non-contiguous to the City, is surrounded by property located entirely within the County, and does not affect other counties or any cities.
11. The City has determined that the proposed action to detach the Property has no potential to impact the environment and is exempt from the California Environmental Quality Act (“CEQA”) pursuant to (1) Section 15312 (Class 12) of the CEQA Guidelines, as it is a disposition of surplus government property that does not have significant values for wildlife habitat or other environmental purposes and the use of the Property and adjacent property has not changed since the time of purchase by the public agency; (2) Section 15320 (Class 20) of the CEQA Guidelines, as it does not change the geographical area in which previously existing powers are exercised; and (3) Section 15378(b)(5) of the CEQA Guidelines, as the action is an organizational or administrative activity of a government that will not result in direct or indirect physical changes in the environment.

**Options**

1. Do nothing;
2. Adopt Resolution 18-XXX to formally commence the detachment process for this parcel;
3. Provide other direction to staff.

**Analysis and Conclusions**

The City has owned this parcel since 1982, and taking no action would maintain the status quo. Detaching the parcel from the City limits would return the parcel to the unincorporated portion of San Luis Obispo County so that the parcel could be sold, and the City would be relieved of the need to provide the parcel with City services and utilities. The City has no intention of building a water reservoir on the site (the original intent), meaning that this site provides no real benefit to the City's ratepayers and taxpayers. Selling the site, after detachment, means that revenues could provide a financial benefit to the City's Water Fund and ratepayers. There are no other foreseeable uses for the parcel by any City department or program.

**Fiscal Impact**

This action has in and of itself has minimal fiscal impact (with the exception of any filing fees or needed survey work) but will create an opportunity to sell this parcel and return the proceeds to the City ratepayers and taxpayers.

**Recommendation**

Approve Resolution 18-XXX to commence the detachment process for the City-owned parcel at the corner of Cumbre Road and Ladera Lane.

**Attachments**

1. Resolution 18-XXX

RESOLUTION NO. 18-XXX

A RESOLUTION OF APPLICATION OF THE  
CITY COUNCIL OF THE CITY OF EL PASO DE ROBLES  
REQUESTING THE LOCAL AGENCY FORMATION COMMISSION TO TAKE PROCEEDINGS  
FOR THE DETACHMENT OF CERTAIN PROPERTY FROM THE CITY INTO THE COUNTY OF  
SAN LUIS OBISPO

WHEREAS, the City of El Paso de Robles (“City”) is a municipal corporation, established under California Constitution art. XI, §2 and Government Code section 56000 *et seq.*, and desires to initiate a proposal pursuant to the Cortese-Knox-Hertzberg Local Government Reorganization Act of 2000 (Government Code section 56000 *et seq.*) (the “Act”) for the detachment (“Detachment”) of territory owned by the City to the County of San Luis Obispo (“County”) as set forth in Exhibit A; and

WHEREAS, notice of intent in accordance with Government Code section 56157 was mailed to landowners and registered voters within the affected territory at least 21 days before the adoption of this Resolution; and

WHEREAS, notice of the hearing was also published in a newspaper of general circulation at least 21 days prior to the hearing, in accordance with Government Code section 56157; and ;

WHEREAS, mailed notice was also provided to the County and the San Luis Obispo Local Agency Formation Commission (“SLO LAFCO”); and

WHEREAS, the proposed Detachment consists solely of the detachment of a 5.04 +/- acre parcel (“Property”) owned by the City, located at the northwest corner of Ladera Lane and Cumbre Road, APN # 009-800-001, to the County of San Luis Obispo (the “County”). A description of the boundaries of the territory is set forth in Exhibit A; and

WHEREAS, the Property proposed to be detached is unimproved and does not contain any inhabited residences; and

WHEREAS, this Detachment proposal is consistent with the sphere of influence of the City and the Property is non-contiguous to the City, is surrounded by property located entirely within the County, and does not affect other counties or any cities; and

WHEREAS, the Property to be detached was acquired by the City in 1982 for the purpose of constructing a water reservoir to serve the residents of the City is surrounded by rural residential development; and

WHEREAS, since that time, the City has developed other plans to serve the water needs of its residents; and

WHEREAS, in addition, the City has determined that the proposed action to detach the Property has no potential to impact the environment and is exempt from the California Environmental Quality Act (“CEQA”) pursuant to (1) Section 15312 (Class 12) of the CEQA Guidelines, as it is a disposition of surplus government property that does not have significant values for wildlife habitat or other environmental purposes and the use of the Property and adjacent property has not changed since the time of purchase by the public agency; (2) Section 15320 (Class 20) of the CEQA Guidelines, as it does not change the geographical area in which previously existing powers are exercised; and (3) Section 15378(b)(5) of the CEQA Guidelines, as the action is an organizational or administrative activity of a government that will not result in direct or indirect physical changes in the environment;

NOW, THEREFORE, BE IT RESOLVED by the City Council of the City of El Paso de Robles, as follows:

Section 1. All of the above recitals are true and correct and incorporated herein by reference.

Section 2. CEQA Findings.

The City Council has determined and finds that the proposed action to detach the Property is exempt from CEQA for the following reasons:

- a. the Detachment constitutes a disposition of surplus property that does not have significant values for wildlife habitat or other environmental purposes, and the use of the Property and adjacent property has not changed since the time the City acquired the Property in 1982;
- b. the Detachment has no potential to impact the environment, and that the proposed action is Categorically Exempt pursuant to Section 15320 (Class 20) of the California Environmental Quality Act (“CEQA”) Guidelines, as it does not change the geographical area in which previously existing powers are exercised; and
- c. Section 15378(b)(5) of the CEQA Guidelines applies to the Detachment as the action is an organizational or administrative activity of the government that will not result in direct or indirect physical changes in the environment.

Section 3. Submission of Application.

The City Council hereby directs staff to submit an application to the SLO LAFCO initiating the Detachment as set forth in this Resolution of Application, pursuant to the provisions of the Act and authorizes the City Manager, or his designee, to prepare the necessary SLO LAFCO application documents, conduct investigations and file such application, as necessary and appropriate.

Section 4. Request to San Luis Obispo LAFCO

The City Council hereby requests SLO LAFCO to take proceedings for the Detachment of the Property as described above and as set forth in Exhibit A, in the manner as provided by the Act.

Section 5. NOE Posting.

The City Clerk is hereby authorized to file the attached Notice of Exemption for the Detachment with the County Clerk of the County of San Luis Obispo.

PASSED AND ADOPTED this 20th day of February, 2018, by the following vote:

AYES;

NOES:

ABSENT:

ABSTAIN:

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Steven W. Martin, Mayor

Attest:

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Kristen L. Buxkemper, Deputy City Clerk

Exhibit A

Description of Property to be Detached

[to be inserted]

Exhibit B

City of Paso Robles  
Notice of Exemption

To:          Office of Planning and Research                     From: City of Paso Robles  
  1400 Tenth Street, Room 121   1000 Spring Street  
  Sacramento, CA 95814   Paso Robles, CA 93446

    County Clerk  
  County of San Luis Obispo  
  County Government Center  
  San Luis Obispo, CA 93408

Project Title: Detachment of 5.04+/- acre (APN 009-800-001) from City

Project Applicant: City of El Paso de Robles

Project Location – Specific:

Project Location - City: Paso Robles     Project Location - County: San Luis Obispo

Project Description: This parcel is located in a residential subdivision and, due to its elevation, was acquired by the City in 1982 for purposes of constructing a water reservoir to serve the residents of Paso Robles. Since that time, the City has conducted further planning and analysis and determined that it no longer needs to construct a water reservoir on that property.

Name of Public Agency Approving Project: City of Paso Robles

Name of Person or Agency Carrying Out Project: City of Paso Robles

Exempt Status: *(check one)*

- Ministerial (Sec 21080(b)(1); 15268);
- Declared Emergency (Sec 21080(b)(3); 15269(a));
- Emergency Project (Sec 21080(b)(4); 15269(b)(c));
- Categorical Exemption. State type and section number: Section 15352 (Class 12); 15320 (Class 20); 15378(b)(5)
- Statutory Exemptions. State code number:

Reasons why project is exempt: The City intends to sell the property as surplus government property and the property has no significant values for wildlife habitat or other environmental purposes, and the use of the property and adjacent property have not changed since the time the property was purchased by the city. The property is surrounded by minimum 5-acre residential uses within the unincorporated area of the County of San Luis Obispo.

The detachment represents a change in the organization of the city, as it will revert control of the property to the same rules and regulations of the County of San Luis Obispo that govern the properties surrounding the property to be detached.

Finally, the detachment is an organization and administrative activity of the City that will not result in any direct or indirect physical change in the environment.

Lead Agency Contact Person: Susan DeCarli

Phone: 805 237-3970

Signature: \_\_\_\_\_ Date:

Signed by Lead Agency

Date received for filing at OPR:

Signature: \_\_\_\_\_ Date: \_\_\_\_\_ Title: \_\_\_\_\_

Date received for filing at OPR: \_\_\_\_\_

Authority cited: Sections 21083 and 21110, Public Resources Code

Reference: Sections 21108, 21152, and 21152.1, Public Resources Code