

# SAN BENITO LOCAL AGENCY FORMATION COMMISSION

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## REGULAR MEETING AGENDA

November 8, 2018

Board of Supervisors Chambers  
481 Fourth Street, Hollister CA

**3:00 P.M.**

1. Call to Order and Roll Call
2. Recitation of the Pledge of Allegiance
3. Public Comment Period - This is an opportunity for members of the public to speak on items that are not on the agenda

### CONSENT AGENDA

4. Approval of minutes: October 11, 2018

### BOUNDARY CHANGE PROPOSALS – PUBLIC HEARING ITEM

5. LAFCO 525 – The Promontory at Ridgemark Annexation to the Sunnyslope County Water District and Parallel Sphere of Influence Amendment: Involving an amendment to the Sunnyslope County Water District Sphere of Influence and the annexation of 49.23 acres into the District located south of Ridgemark Drive and Marks Drive, and on the northeast side of Southside Road in the Ridgemark area of unincorporated San Benito County. The proposed annexation is for 90 single-family detached lots with access to Ridgemark Drive and Southside Road. The actions requested are to make an environmental determination regarding the adequacy of the County's Environmental Impact Report, and to consider amendment of the Sphere of Influence and approval the annexation. **(This hearing was continued from the August 9, and October 11, 2018 regularly scheduled Commission meetings.)**

### INFORMATIONAL

6. Commissioner Announcements and Requests for Future Agenda Items
7. Adjourn to regular meeting at 3:00 PM on December 13, 2018 unless meeting time is changed based on Commission action or cancelled by Chair.

Disclosure of Campaign Contributions – LAFCO Commissioners are disqualified and are not able to participate in proceedings involving an “entitlement for use” if, within the 12 months preceding the LAFCO decision, the Commissioner received more than \$250 in campaign contributions from the applicant, an agent of the applicant or an financially interested person who actively supports or opposes the LAFCO decision on this matter.

Those who have made such contributions are required to disclose that fact for the official record of the proceedings. Disclosures must include the amount of the contribution and the recipient Commissioner and may be made either in writing to the Executive Officer of the Commission prior to the hearing or by an oral declaration at the time of the hearing.

The foregoing requirements are set forth in the Political Reform Act of 1974, specifically in Government Code section 84308.

Disability Accommodations - Persons with a disability who require any disability-related modification or accommodation, including auxiliary aids or services, in order to participate in the meeting are asked to contact the LAFCO office at least three (3) days prior to the meeting by telephone at 831/637-5313 or by email at [jslibsager@cosb.us](mailto:jslibsager@cosb.us).

*LOCAL AGENCY FORMATION COMMISSION  
2301 Technology Parkway  
Hollister, CA 95023*



**CERTIFICATE OF POSTING**

Pursuant to Government Code § 59454.2(a) I, Janet Slibsager, Clerk of the Board of Supervisors, certify that the REGULAR MEETING AGENDA for the

**SAN BENITO COUNTY LOCAL AGENCY FORMATION COMMISSION**

Scheduled for November 8, 2018 was posted at the San Benito County Planning Department, 2301 Technology Parkway, Hollister, CA and at the San Benito County Administration Office, 481 Fourth Street, Hollister, CA on this 1<sup>st</sup> Day of November, 2018.

All locations freely accessible to the general public.

Janet Slibsager

Clerk of the Board of Supervisors

# CONSENT AGENDA

4. Approval of minutes: October 11, 2018.



**SAN BENITO LOCAL AGENCY FORMATION  
COMMISSION  
MINUTES OF MEETING**

October 11, 2018  
Board of Supervisors Chambers - Hollister, CA

**CALL TO ORDER**

1. Commissioner Anthony Botelho called the meeting to order at 3:01 p.m.. Present were Executive Officer Bill Nicholson and Commissioners: Vice Chair, Anthony Botelho, Commissioner Jim West, and Commissioner Richard Bettencourt. Commissioner Jaime De La Cruz arrived at 3:14 p.m. Also present were G. Michael Ziman, LAFCO Counsel and Lauren Hull, Recording Secretary.
2. Commissioner Botelho led the Pledge of Allegiance.

**PUBLIC COMMENT**

3. Public Comment Period: There was no one from the public who wished to speak.

**CONSENT AGENDA**

4. **Approval of Minutes from the August 9, 2018.**

*Commissioner Bettencourt made a motion to approve the minutes. Commissioner West seconded the motion.*

Ayes: Bettencourt, Botelho, West  
Noes: None  
Abstain: None

**BOUNDARY CHANGE PROPOSALS – PUBLIC HEARING ITEM:**

5. **LAFCO 525 – The Promontory at Ridgemark Annexation to the Sunnyslope County Water District and Parallel Sphere of Influence Amendment: Involving an amendment to the Sunnyslope County Water District Sphere of Influence and the annexation of 49.23 acres into the District located south of Ridgemark Drive and Marks Drive, and on the northeast side of Southside Road in the Ridgemark area of unincorporated San Benito County. The proposed annexation is for 90 single-family detached lots with access to Ridgemark Drive and Southside Road. The actions requested are to make an environmental determination regarding the adequacy of the County’s Environmental Impact Report, and to consider amendment of the Sphere of Influence and approval of the annexation. This hearing was continued from the August 9, 2018 regularly scheduled Commission meeting.**

Executive Officer Bill Nicholson provided background information by giving a PowerPoint presentation on the item and the requested actions. The item involves an annexation into the Sunnyslope County Water District for the provision of water and sewage services and an amendment to the District's sphere of influence. The proposed subdivision consists of 90-lot single family residences as well as associated parks and open-space land.

Mr. Nicholson reminded the Commission that this hearing item had been continued twice. Originally scheduled for the August 9, 2018 LAFCO meeting, it was continued to the September 13, 2018 meeting at the request of the applicant, Scott Stringer. The September 13, 2018 meeting was cancelled by the Chair, with the concurrence of Mr. Stringer, based on a need to gather more information about a landslide that occurred on Southside Road. Thus, the item was continued to today's October 11, 2018 meeting. Mr. Nicholson also relayed that the issues regarding the Southside Road landslide and how it may affect the operations of the Sunnyslope County Water District were addressed in correspondence between Mr. Nicholson and Don Ridenhour, General Manager of the District.

Mr. Nicholson provided maps and information about the project as well as about the Sunnyslope Water District and its percolation ponds. He also reiterated that there are two parts to the application: a sphere of influence amendment and an annexation. He gave information on the 5 factors set forth in Government Code §56425(e) regarding considerations for sphere of influence amendments.

He also gave information about the capacity of the water district, which is currently operating at only 45% – 50% of its permitted capacity (which is 350,000 gallons per day). He stated that if Pond 5 wasn't available for use, the district could replace it by using other ponds.

He next gave information about the 9 factors related to the question of annexation.

He also spoke about the Southside Road landslide, which occurred next to the Sunnyslope County Water District's wastewater treatment plant. The District has removed all of the water from Pond #5, which is the pond closest to the landslide. Mr. Nicholson spoke about the options, and costs of each, that Mr. Ridenhour said were available if Pond #5 was no longer usable.

Mr. Nicholson stated that San Benito County, as the lead agency, prepared, circulated, and certified an Environmental Impact Report (EIR) that had 30 mitigation measures which reduced the impacts to a less than significant level (so no overriding considerations needed to be adopted). One of the measures is under LAFCO's authority, and Mr. Nicholson recommended that the Commission adopt mitigation measure AG-1, to minimize the impacts on prime agricultural land. This requires the applicant to obtain an easement on a 1:1 ratio of farmland or pay an in lieu fee.

Mr. Nicholson presented 3 options to the Commission for actions to be taken in regard to the sphere of influence amendment and annexation. They include:

- 1) Approve the sphere of influence amendment and annexation, subject to one mitigation measure, and make the appropriate determinations.
- 2) Deny the sphere of influence amendment and annexation, based on the inability to make the appropriate determinations and findings. The denial should include the reasons the Commission reached that conclusion.
- 3) Continue the sphere of influence amendment and annexation to a future meeting, in order to obtain more information.

Commissioner De La Cruz asked for clarification in regard to Option 2. He asked why the Commission needs to list a reason for denial.

Mr. Nicholson stated that a reason for denial should be in the record because a denial is subject to a challenge.

Commissioner Bettencourt announced that he had spoken with Don Ridenhour and Scott Stringer, the project developer, before the meeting.

The project developer, Scott Stringer, of Bates-Stringer Ventures, addressed the Commission and said he was open to any questions.

Commissioner Bettencourt had a question regarding the \$4,500 per lot fee for the 13 secondary dwelling units, which he thought was unfair. He asked if Mr. Stringer had spoken with the Planning Department regarding it yet.

Mr. Stringer responded that they have not discussed that yet.

Commissioner De La Cruz stated that this issue is not before LAFCO and shouldn't be discussed, however, he said he is disappointed that every development that comes before LAFCO seems to fail to address options for low-income housing.

Mr. Nicholson spoke briefly on LAFCO's role in affordable housing.

Don Ridenhour, General Manager and District Engineer for Sunnyslope County Water District, addressed the Commission. He provided a correction to Mr. Nicholson's presentation, clarifying that the District does not currently receive any revenue from property taxes. He spoke about how the District has more than enough capacity to serve the project. Currently, the water treatment plant is using less than 50% of its 350,000 gallons per day permanent capacity. The percolation capacity is 416,000 gallons per day, and the District is using about 37.5% of it. He also stated that water supply is not an issue.

Mr. Ridenhour also addressed the landslide on Southside Road. He stated that he has not seen any evidence that the District will lose capacity as a result of the landslide. He stated that San Benito County is currently working with a geotechnical firm to determine the cause of the slide. To date, Mr. Ridenhour has

not seen any evidence that the District is responsible for the landslide, though he acknowledged that could change. If the District is partially or fully responsible for the landslide due to its use of Pond #5, Mr. Ridenhour said that even in that case the District has enough percolation capacity to meet their permanent capacity without using Pond #5. He emphasized that capacity is not an issue, with or without responsibility for the landslide.

Mr. Ridenhour also stated that the District is financially healthy and if they are responsible for the landslide, they have the financial capability to make changes. He also gave several options the District has for operating without Pond #5.

Commissioner Bettencourt spoke about the impact fees on each unit, which are about \$31,000 per unit multiplied by 90 units, equaling about \$2.7 million in total.

Commissioner Botelho stated that he doesn't have as much faith in the state as Mr. Ridenhour does. He stated that there is no question in his mind that the percolation pond contributed to the landslide. He asked what the capacity would be if the District only used the ponds located in Ridgemark as a way to alleviate any risk of further landslides on Southside Road.

Mr. Ridenhour stated that he did not know the capacity, but he did know that two of the four ponds had provided service to 266 homes. He reiterated that facility was shut down due to water quality problems and the District does not want to build another treatment plant. He also stated that if Commissioner Botelho was certain that the District was responsible for the landslide, he must have seen information that has not been shared with the District yet. Mr. Ridenhour said he had made a request for information but has not received anything yet.

There was a brief discussion about another project proposed in the Ridgemark area and whether it has any effect on the current item before the Commission.

Commissioner Botelho opened public comment. There was no one from the public who wished to speak.

Commissioner Bettencourt stated that he tried to keep the question of what LAFCO's responsibilities are in his mind as he made his decision. He is in favor of approving the item at this time, though he does have a problem with approving the AG-1 mitigation measure.

Commissioner De La Cruz stated that he doesn't agree. There are issues with the project, especially with the landslide. He doesn't think there should be any annexations until the landslide is addressed. He will not support the project at this time.

Commissioner West said the capacity seems fine, though he doesn't know about the landslide. He will be supporting the project at this time.



Commissioner Botelho said he would feel better if the Commission had the geotechnical report before making their decision. He would like to have all of the information before making a decision. He also supported Option #3 from Sunnyslope Water District's letter and conditioning the annexation to alternative percolation areas, if possible.

Discussion ensued between the Commissioners and Mr. Ridenhour. Mr. Ridenhour pointed out that the percolation ponds have been in use since the 1980's. He also stated that it is not LAFCO's decision for how the water treatment plant is operated (e.g. which option to use or not use), as that is up to the District's Board of Directors.

Commissioner Bettencourt stated that LAFCO should not try to run the Sunnyslope Water District. He doesn't think the hillside will slide again and would like to go with Option #1 from the staff report (approval of the annexation and amendment).

Commissioner West stated that if the landslide was a result of the Sunnyslope Water District, he still sees no reason to hold up the project.

Mr. Nicholson provided clarification regarding LAFCO's decision for this project. He also reported that the project applicant's attorney had suggested that the Commission approve the project subject to a third party confirming the results of the report regarding the causes of the landslide.

Commissioner De La Cruz stated that he wanted to deny the application, regardless of the report.

Discussion ensued among the Commissioners.

The attorney for the applicant, Alicia Guerra of Buchalter law firm, addressed the Commission saying that since the issue seems to be about getting confirmation regarding capacity, the Commission could still approve the annexation and amendment subject to an independent third party review to confirm the findings that demonstrate there is sufficient capacity.

Commissioner Bettencourt asked who would pay for such a review. Ms. Guerra assured him that it won't be LAFCO's responsibility. Her firm may wind up paying for it.

County Counsel Michael Ziman stated that it is not clear who the independent third party is going to be or what they may find, and whether their finding will be binding on certain actions. The proposal effectively makes the third party the judge, jury, etc.

Commissioner De La Cruz suggested delaying this to the next meeting. He does not want to involve a third party.

*Commissioner Bettencourt made a motion to continue the item to the November 8, 2018 meeting. Commissioner West seconded the motion.*

Ayes: Bettencourt, Botelho, De La Cruz, West  
Noes: None  
Abstain: None

The Commission entered into a 10 minute break at 4:20 p.m.

### **INFORMATIONAL**

**6. Commissioner announcements and requests for future agenda items.**

There were no announcements or requests.

**7. Executive Officer summary of information received at the CALAFCO Fall Conference in Yosemite.**

Mr. Nicholson gave information and passed out a copy of the annual CALAFCO magazine. He gave a legislative update on bills affecting LAFCO.

Commissioner Bettencourt asked a question regarding Municipal Service Reviews (MSRs) and whether LAFCO can review agencies whenever they want to.

Mr. Nicholson provided clarification.

**8. Discussion of future Commission meetings scheduled for November 8 and December 13, 2018 given ending applications, holidays, and transition in Commission membership:**

The next meeting is scheduled for November 8, 2018, per the motion made on agenda item #5.

### **ADJOURNMENT**

**9. Upon a motion by Commissioner Botelho, and seconded by Commissioner De La Cruz, adjourned meeting at 4:35 p.m.**

Final Minutes Approved by the Commission  
on \_\_\_\_\_

By \_\_\_\_\_  
Ignacio Velazquez, Chairman

# **BOUNDARY CHANGE PROPOSALS-PUBLIC HEARING ITEM**

## **5. LAFCO 525-The Promontory at Ridgemark Annexation to the Sunnyslope County Water District at Parallel Sphere of Influence**

**Amendment: Involving an amendment to the Sunnyslope County Water District Sphere of Influence and the annexation of 49.23 acres into the District located south of Ridgemark Drive and Marks Drive, an on the northeast side of Southside Road in the Ridgemark area of unincorporated San Benito County. The proposed annexation is for 90 single-family detached lots with access to Ridgemark Drive and Southside Road. The actions requested are to make an environmental determination regarding the adequacy of the County's Environmental Impact Report, and to consider amendment of the Sphere of Influence and approval the annexation. (This hearing was continued from the August 9, and October 11, 2018 regularly scheduled meetings).**

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**LOCAL AGENCY FORMATION COMMISSION**

SAN BENITO COUNTY

2301 Technology Parkway

Hollister, CA 95023

Phone: (831) 637-5313 Fax: (805) 647-7647

DATE: November 8, 2018 (Agenda)

TO: Local Agency Formation Commission

FROM: <sup>BN</sup> Bill Nicholson, Executive Officer

RE: Updated Information for Promontory at Ridgemark Annexation to the Sunnyslope County Water District and Parallel Sphere of Influence Amendment  
(Agenda Item 5)

At the October 11, 2018 Commission meeting, the Commission held a continued public hearing on the Promontory at Ridgemark Annexation to the Sunnyslope County Water District (Sunnyslope CWD) and parallel Sphere of Influence Amendment. This project had been continued from two previous agendas. This Memo provides some information that the Commission was concerned about, and that was debated during the public testimony given at the October public hearing. As you recall, the Commission voted 4-0 to continue these applications to the November 8<sup>th</sup> meeting.

The main basis for the continuance was to review the results of geological (boring) tests conducted on the landslide below the Sunnyslope CWDs wastewater treatment plant site which directly impacted Southside Road. Unfortunately, these results are still not available to the Commission, the Sunnyslope CWD or staff. Therefore, this Memo is provided to give the Commission information about District wastewater treatment and ponding capacity and the District's budget, which were other concerns raised at the hearing.

Assuming the Commission wants to take action on the Promontory at Ridgemark project, the original Executive Officer's Report from the October 9, 2018 meeting is attached with the full list of alternative actions and determinations presented on Pages 12 and 13. If the Commission desires to approve the sphere of influence amendment and annexation, Resolution No. 525 has been prepared as an updated "Attachment No. 8" and the entire Executive Report packet from the October 9<sup>th</sup> hearing is attached to this Memo.

#### Results of Soil Geology/Boring Tests for Southside Road Landslide

Unfortunately, this information is not yet available to LAFCO, the Sunnyslope CWD or the public. It may be available by the time of the November 8<sup>th</sup> hearing. If this information is not available, the Commission will have to determine whether this information could have a bearing on the District's treatment plant and ponding capabilities, and further continue the hearing, or alternatively, can proceed with the hearing and action on the proposals based on information provided by the District in the next section of this Memo.

#### Summary Information on Wastewater Treatment and Pond Capacity, and District Budget

Information included in the October 11<sup>th</sup> LAFCO Agenda packet for this item included Attachments Nos. 6 & 7 containing a letter from Don Ridenhour dated September 5, 2018, and his e-mail to Bill Nicholson dated September 27, 2018. This information provided information on the current wastewater treatment

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**Commissioners:** Ignacio Velazquez, Chair ♦ Anthony Botelho, Vice Chair ♦ Richard Bettencourt ♦ Jaime De La Cruz ♦ Jim West

**Alternate Commissioners:** Don DeVries ♦ Robert Rivas ♦ Roberta Daniel **Executive Officer:** Bill Nicholson

plant capacity of 350,000 gallons per day under the Regional Water Quality Control Board permit, with current flows in 2017 averaging 156,000 gallons per day (44.6%).

Mr. Ridenhour also provided information on the three active wastewater ponds being used by the District (Ponds #3, #4 and until recently, Pond #5) which currently receive all wastewater flows from the treatment plant. Pond #6 located north of the plant site (adjacent to the County's Migrant Farmlabor Housing property) is in the process of being reconnected to an outfall line in Pond #5. He indicated that the percolation capacity of the District is 416,000 gallons per day, and the District is using about 37.5% of it, all in ponds adjacent to the treatment plant.

If necessary, Ponds #1 through #4 at the old "Ridgemark II Wastewater Facility" on the east side of Ridgemark could be brought back into use. The Executive Officer toured these ponds on October 26<sup>th</sup> with Mr. Ridenhour and found the ponds, pump stations and pipelines still in place. However, an additional pump (at approximately \$100,000) and undetermined costs would be required to clean out these old basins so they percolate properly. Issues with high nitrates and other wastewater quality issues have been resolved so that these ponds could be used again in compliance with Regional Water Quality Control Board standards.

The final consideration from the October Commission meeting was the financial condition of the District to both allocate funds to implement pond disposal alternatives, and possibly to reimburse the County for costs to secure and restore the landslide and reopen Southside Road, depending on the determination on the cause of the slide. Based on monthly accounting reports provided to the Sunnyslope CWD Board, the District received \$168,521 in wastewater system operating revenue in July 2018, and had \$102,495 in operating expenses. When non-operating revenue and expenses are taken into account, the net income was \$69,201. The water service net revenues are much greater, at \$191,670, because they come from service throughout the entire District while wastewater service is only provided in the Ridgemark community.

Based on the approved FY 2018/19 Budget, the District anticipates \$467,475 in total wastewater system revenue, while the water system is budgeted at a \$889,268 deficit. However, the District balances its budget based on large reserve accounts: \$6.82 million in General Fund reserve, \$1.85 million in water connection fee funds, a \$2.7 million Board designated reserve fund, and a SRF loan reserve of \$0.76 million. The total reserve as of June 2018 was \$12.15 million, and besides operating expenses, the District has an annual debt service of \$1.3 million, primarily for water treatment system improvements. Based on this information, Mr. Ridenhour asserts that the District has sufficient reserve funding capacity to implement any percolation pond alteration options and address costs associated with the Southside Road landslide should this become necessary.

#### Action Requested

The same alternative actions for the Promontory at Ridgemark Annexation and parallel Sphere of Influence Amendment presented in the October 9, 2018 Executive Officer's Report remain available to the Commission - from project approval, continuance to denial (see Pages 12 and 13 of the attached Executive Officer's Report). As referenced in the previous Report, findings and determinations for approval have been provided in Resolution No. 525 should the Commission desire to approve the applications.

SAN BENITO LOCAL AGENCY FORMATION COMMISSION  
EXECUTIVE OFFICER'S REPORT  
(Agenda Item 5)

October 11, 2018 (Agenda)

LAFCO No. 525: Promontory at Ridgemark Annexation to the Sunnyslope County Water District and Parallel Sphere of Influence Amendment

PROPONENT: Board of Directors of the Sunnyslope County Water District by Resolution, and Property Owners by Petition

ACREAGE & LOCATION Expansion of the Sphere of Influence of the Sunnyslope County Water District and Annexation involve 49.24 acres of property located south of Ridgemark Drive and Marks Drive, and on the northeast side of Southside Road in the Ridgemark area of unincorporated San Benito County

PURPOSE: To include this property within the Sunnyslope County Water District sphere of influence and to annex the territory into the District in order to receive District potable water and wastewater services for a 90 unit single family residential development with associated parks and landscape areas

BACKGROUND/HISTORY

This application was originally scheduled on the August 9, 2018 Commission Agenda, but prior to the meeting the project proponent, Scott Stringer, requested a continuance in order to conduct meetings with outside parties "...which would resolve issues related to the project and pertinent to the LAFCO proceedings" as stated in his letter requesting the continuance. Prior to the scheduled Commission meeting, a landslide occurred on the hillside between the Sunnyslope County Water District wastewater treatment plant site and Southside Road, blocking access through Southside Road. While the location of the slide is not adjacent to the Promontory project site, there may be implications for District sewage treatment capacity depending on the solutions available to stabilize the slope. Although the Commission continued the hearing without receiving a presentation or deliberating on the project, Commissioner Botelho questioned Don Ridenhour, P.E. who is the General Manager of the Sunnyslope County Water District about the impact of the slide on District operations and alternative options for sewage treatment capacity.

Mr. Ridenhour indicated there had been no identified link between the District's facilities and the slide, and that should there be a need to shut down any ponds at the treatment plant site, there are other ponds that were available. On motion by Commissioner Bettencourt, Seconded by Commissioner Botelho, and carried 3-0, the hearing was continued to the September 13<sup>th</sup> regular meeting. However, due to ongoing issues with the landslide including attempts to identify the source of the slope failure, LAFCO Chairman Velazquez, with concurrence of the project proponent, cancelled the September meeting and postponed this item to the October 11<sup>th</sup> continued hearing as this was the only item on the agenda.

The Executive Officer sent a letter dated August 21, 2018, to Mr. Ridenhour requesting more detail on the alternative sewage treatment options available to the District and the approximate costs to implement these options. On September 5, 2018, Mr. Ridenhour provided a response regarding options for providing treated effluent storage capacity (presented in Attachment No. 6 to this report), and in a subsequent Email dated September 27, 2018, Mr. Ridenhour supplemented his response with some cost estimates and timing for these improvements (refer to Attachment No. 7).

Due to the important nature of these communications, a summary of the questions and responses from Mr. Ridenhour are presented next, and then the next two sections of the Report, "Project Evaluation and Determinations" for both the Sphere of Influence expansion and Annexation, have been updated from the initial August 9<sup>th</sup> Report.

#### UPDATED INFORMATION ON WASTEWATER PERCOLATION POND DISPOSAL OPTIONS

Based upon information in Don Ridenhour's September 5, 2018 letter (Attachment No. 6) the District has approval from the State to treat up to 350,000 gallons per day (gpd) at their updated wastewater treatment plant completed in 2013. The flows in 2017 were 156,000 gpd (or 44.6% of capacity), and according to the Environmental Impact Report (EIR) prepared by San Benito County for the "Bluffs at Ridgemark" subdivision project, the plant processed 175,000 gpd in 2016, which is referenced in the Project Evaluation and Determinations - Annexation portion of this Executive Officer's Report under Item 4. This 2016 historic flow level is higher than last year, but still only required 50% of capacity. Mr. Ridenhour indicates that due to conservation, improved plumbing fixture efficiencies and customer awareness, the District wastewater flows were 56% lower in 2017 than they were in 2000 - even though the District experienced some modest growth in new sewer connections.

The treatment plant is located on the southwest side of the Ridgemark community, and the 1.2 acre Pond No. 5, which has been emptied, is the closest pond to the area of hillside failure above Southside Road. There are two other percolation ponds adjacent to the treatment plant that have been in use and are receiving the flows previously going into Pond No. 5. Refer to the three sets of maps provided by the District as part of Attachment No.6 which includes a Ridgemark-wide view of the sewer plant site and pond locations, and some close up aerial views.

The simplest solution to replace lost capacity from Pond No. 5 is to redirect flows to Pond No. 6. According to Mr. Ridenhour's September 27, 2018 Email (Attachment No. 7), the costs for this would only be \$35,000 and a contractor has been hired to complete this reconnection within the next 60 days or so.

Another alternative is to use existing, but abandoned, ponds from the former treatment plant located on the east side of Ridgemark (old Ponds Nos. 1 – 4). This requires installation of a new

pump at a cost of \$100,000, and there are existing pipelines in place. Mr. Ridenhour did not estimate the costs to update or rehabilitate these old ponds because he indicated there is no immediate need to use them. There will also be new permits required from the State before the ponds could be reactivated.

The third alternative is to convert Pond No. 1 at the new treatment plant site from a treatment pond into a percolation pond. While Mr. Ridenhour estimated a cost in the range of \$250,000 for pond conversion, he indicated there is no need to do the engineering work in order to estimate a more accurate cost because the capacity isn't needed. This Executive Officer's Report has been forwarded to Mr. Ridenhour and to the County Resource Management Agency, as the responsible entity to manage the landslide and reopen Southside Road. More information may become available by the time of the hearing as soil borings were conducted by consultants for the County, but verification of the full testing may require more time than the October 11<sup>th</sup> hearing date would allow.

The following sections present the analysis and determinations from the original Executive Officer's Report dated August 9, 2018, with new text added highlighted in **boldface type**.

#### PROJECT EVALUATION AND DETERMINATIONS – SPHERE OF INFLUENCE

San Benito LAFCO prepared a comprehensive review of the Sunnyslope County Water District sphere of influence (SOI) in 2008 along with the preparation of the first round of Municipal Service Reviews (MSRs) for the two cities and eight special districts within San Benito County. In 2014, LAFCO approved an updated Municipal Service Review for the District, but did not change the SOI. As a result of the County's approval of the "**Bluffs at Ridgemark Tentative Subdivision Map**," the Sunnyslope County Water District adopted Resolution No. 549 requesting LAFCO amend their SOI boundary and approve annexation of the 49.24 acre property into the district, **with the project's name changed to the "Promontory at Ridgemark."**

The purpose of a sphere of influence, as described in the Cortese-Knox-Hertzberg Local Government Reorganization Act of 2000 governing LAFCO procedures, is to:

- Identify the eventual service area or boundary of a city or special district – typically larger than the current agency boundary when growth in services or population is anticipated.
- Identify which local agency is appropriate to provide services in an area that is not within a current agency boundary in order to avoid overlapping and inefficient boundaries and service extensions; and
- Include an evaluation of public agencies under five determinations consistent with Government Code section 56425(e).



In staff's review of the application materials for the SOI amendment submitted by the Sunnyslope County Water District (SSCWD) in the Sphere of Influence Proposal Questionnaire, along with the annexation application materials, the 49.24 acre project area complies with Government Code section 56425(e) as summarized below:

1. The present and planned land uses in the area including agricultural and open space lands: The application materials and Environmental Impact Report prepared by San Benito County identify the project as a 90 lot single family residential subdivision, including two active and one passive park, new roads, a drainage basin and related public facilities to serve the development. The current land uses include 36.4 acres of fallow land identified as "Important Farmland" under the CEQA definition as it contains soils designated under the Farmland Mapping & Monitoring Program as: prime, statewide important and unique. The balance of the property consists of steep slopes on the southwest and south dropping approximately 55 feet to the property boundary on Southside Road. With the exception of a second project access road with a 40 foot right-of-way, this slope area will remain in open space. (Refer to the determinations under Item 5 on **Page 8** of this Executive Officer's Report for a summary of how the County addressed the impact to Important Farmland.)
2. Present and probable need for public facilities and services in the area: In order to develop the property into urban densities allowed under the County General Plan and zoning, access to the SSCWD potable water supply and wastewater treatment system are required. There are no alternate service providers in the vicinity of this project adjacent to and planed to become part of the Ridgemark Community. **The nearest City of Hollister sewer lines are located to the northwest on Southside Road extending to a complex of County facilities and a farm labor housing development.**
3. Present capacity of public facilities and adequacy of public services that the agency provides: The SSCWD has provided evidence they have adequate water and wastewater treatment capacity for this 49.24 acre sphere amendment and annexation with the corresponding 90 lot subdivision. With indoor and outdoor water demand for the homes, and other park and landscape maintenance, the total annual water demand will be 63 acre feet per year. **The District expects to have 2,935 acre feet of water available by 2020, so the 63 acre demand is a small fraction of the District's capacity. Wastewater treatment services were highlighted earlier, with the District using between 45-50% of permitted treatment capacity. Alternatives for redirecting flows from Pond No. 5 to Pond No. 6 or other ponds are being explored, and a contractor has been retained to connect Pond No. 6 within approximately the next 60 days.**
4. The existence of any social or economic communities of interest: There are no other districts or jurisdictions to provide sewer and water services to the project site. The property consists of two isolated parcels on a bluff adjacent to the unincorporated

Ridgemark community which is separated from Southside Road running along the southwest boundary of the property at the bottom of bluff. **However, a new road connection for residents within the development into the Ridgemark community and a full road connection to Southside Road need to be provided as a condition of the subdivision project approval by the County. When provided, these roads will help improve access to the Southside School which has been partially isolated from the landslide.**

5. For updates to a sphere of a city or district providing water, sewer or fire suppression, the needs and deficiencies related to public services in any disadvantaged unincorporated community (DUC): The project area contains no existing residents, and the adjacent lands to the west and south are rural and agricultural. The existing Ridgemark community to the north and east is an above moderate income development around a golf course and open space lands. Therefore, there are no DUCs in the vicinity of the project. However, the County has made two requirements to help provide new housing opportunities that are more affordable to lower income residents: at least 13 second dwelling units must be constructed within the 90 lots of the subdivision, and the County has imposed their affordable housing ordinance which requires a fee of \$4,500 per lot be paid to the County to provide affordable housing elsewhere in the community.

#### PROJECT EVALUATION AND DETERMINATIONS – ANNEXATION

1. Land Use, Planning and Zoning - Present and Future:

The 49.24 acre property involving two Assessor's Parcels consists of fallow farmland (34.4 acres) on top of a bluff, and steeply sloping land on the southern and western portion of the site. The territory is designated Residential Mixed in the San Benito County General Plan (allowing up to 20 dwellings per acre). The annexation area is zoned R-1 (Single Family Residential). The developable area sits on top of a bluff, which is proposed for 90 residential lots for single family homes and up to 15 secondary units, along with two active and one passive park areas (a total of 3.2 acres) for residents within the gated community.

Surrounding land uses include existing residential development and a golf course to the north and east within the Ridgemark community. These areas are also designated Residential Mixed in the General Plan. The area to the southwest is designated Agricultural with some existing agricultural cultivation and orchards, and the area immediately to the south and southeast is designated Residential Mixed. The corresponding zoning to the southwest and south is "Agricultural Productive."

2. Topography, Natural Features and Drainage Basins:

The project area is level on top of the bluff, and steeply sloping toward the southwest with an approximate 55 foot drop with slopes ranging between a 1.5:1 to 3:1 ratio down to Southside Road. The approximately 12.1 acres of natural slope features will be preserved with building setbacks, with the exception of construction of a new two way access street to Southside Road. This road was required by the County as a second means of access with the primary connection through Ridgemark Drive. The southwestern access point is proposed to be gated as is the current access into the Ridgemark Community.

**There has been a disagreement between the project proponent, Bates Stringer Hollister II LLC and the Ridgemark Homeowner's Association over the primary project access to Ridgemark Drive. Documents provided by Scott Stringer which are a part of the LAFCO File indicate that when a 1983 expansion of the Ridgemark Community was approved by the County, the Environmental Impact Report (EIR) contained Mitigation Measure No. 9 under the "Land Use" impact section: "Design site to provide for possible future access to Lompa property." (Page 1-3 of Draft EIR). Roy and Rita Lompa are the current landowners who signed the landowner petition in support of the annexation, and the property included in this annexation application is the same as referenced in the 1983 EIR.**

**With approval of the Ridgemark Master Plan and Rezoning, the County made the zoning "conditional" and entered a "Zoning Contract" (Contract No. 8403428) with the Ridgemark Corporation that bound the owner to comply with all the mitigation measures. Mr. Stringer and his counsel argue that the successor in interest to the Ridgemark Corporation is the Homeowners Association and they are also bound to comply with the mitigation measures from the 1983 EIR.**

**For the Promontory at Ridgemark (the Lompa property), two full points of access will be required by the County through the connection to Ridgemark Drive and Southside Road, which was identified as Alternative 2 "Full Secondary Access to Southside Road" in the EIR.**

3. Population:

There are no existing homes within the annexation area and no registered voters. Following annexation, development will result in the construction of 90 single family homes and possibly an additional 15 secondary units. Exact occupancy levels are not known, but applying an average of 3.22 occupants per primary dwelling unit would result in a population of 290 based on the Draft EIR calculations.

4. Governmental Services and Controls - Need, Cost, Adequacy and Availability:

The modification to the sphere of influence and annexation into the Sunnyslope County Water District (SSCWD) is proposed in order for the project to receive potable water and wastewater treatment from the district, and to provide sufficient pressure, storage, and flow for adequate fire protection. All other municipal services will be provided by the County or by the City of Hollister through agreements with the County (such as fire protection). In Resolution No. 549, the SSCWD indicates that the district entered into an agreement with the property owner in 1992 when they obtained the rights to a water well site (currently identified as Well #8) in return for supporting the future annexation of the properties into the district. The district's commitment to annex the property also recognized that the parcels were located outside the SSCWD sphere of influence, and an amendment to the sphere would be required along with processing an annexation application through LAFCO.

The project is anticipated to require approximately 45 acre feet of treated water per year, which is a small fraction of the water supply and treatment capacity of the district identified as 2,935 acre feet by Year 2020. The water is supplied in a joint treatment system with the City of Hollister and the San Benito County Water District using surface supplies from the State Water Project and groundwater supplies, and the water is treated to potable standards at the Lessalt treatment plant. The District will require the developer to enter into an Agreement for Water Facilities and Services with the District to cover construction and connection costs.

According to the Section 4.15 Utilities of the Draft Environmental Impact Report: "The statement of sufficient supply from the water purveyor providing water service to the proposed project, combined with the information from the HUA 2015 UWMP [Urban Water Management Plan] and previous water planning documents, provides sufficient evidence of adequate supplies and infrastructure necessary to serve anticipated buildout in the HUA. (Page 431)

With respect to the district's wastewater treatment capacity, the SSCWD Sequential Batch Reactor wastewater treatment plant can treat 350,000 gpd (gallons per day). In 2016 the total treated wastewater was approximately 175,000 gpd. The annexation area will require 22,410 gpd of wastewater treatment at full buildout of the subdivision. According to the district records, this represents only 12.8% of the remaining treatment capacity. (Draft EIR, Page 432). The referenced EIR analysis constitutes the "Plan of Services" as required by Government Code Section 56653 for district facilities and services.

**As stated in the History/Background section of this Report and the following section "Updated Information on Wastewater Percolation Pond Disposal Options," Don Ridenhour, General Manager of the SSCWD, indicated the 2017 sewer flows were only using 44.6% of capacity. This section of the Report identified several options that the District has available to replace pond capacity from the potential**

**decommissioning of Pond No. 5 adjacent to the landslide area, as detailed in correspondence from Mr. Ridenhour by letter (dated September 5, 2018) and in an Email (dated September 27, 2018). Mr. Ridenhour stated that the District is already underway with a contractor to redirect flows to Pond No. 6 within the next 60 days or so, and the cost is relatively inexpensive at \$35,000. However, the other options referenced are more costly: installation of a new pump at approximately \$100,000 to use an existing pipeline connecting to the former district ponds located in the eastern part of the Ridgemark Community (with unknown costs to reactivate the ponds), and conversion of Pond No. 1 next to the treatment plant site into a percolation pond (in the neighborhood of \$250,000).**

**The costs of these upgrades would be born by the District, although there has been no confirmation from the District whether any of these costs would be shared by new projects such as the Promontory at Ridgemark. There could be additional costs faced by the District should they agree or be required to reimburse the County for costs to stabilize the slope and reopen Southside Road (over \$1 million dollars to date). As of the date of this Report, there is no information available as to the cause of the slope failure, what the ultimate solution will be to stop future slides or whether the solution will require physical occupation of part of the treatment plant site. Finally, it is not clear what type of agreement, if any, is needed between the District and County regarding reimbursement. However, from the perspective of the District and their General Manager, the addition of 90 homes will have a negligible impact on District operations and capacity.**

In terms of County services required for new residential development, the County required the project applicant to either form or annex into a Community Facilities District (CFD) as a condition of approval to ensure the project is fiscally neutral on general County services. The project applicant is required to cooperate in the establishment and the imposition of the related special assessment tax levy over the project site prior to recording the first final subdivision map within the annexation area. However, the County has traditionally relied on County Service Areas (CSA's) to provide this project-level services which typically include: street lighting, street sweeping, and maintenance of road, drainage, open space and landscape improvements. For this project, the only additional services that would be provided through a CFD would be public safety (police and fire).

Another condition on the subdivision map requires the applicant to annex the project site into the Ridgemark Home Owners Association (HOA), or if the Association does not agree, to form a separate HOA. As a related requirement, the project site would be annexed into the existing County Service Area (CSA) #9 covering the Ridgemark Community or provide evidence the territory is already within CSA #9. The public

services provided through the HOA and/or the CSA #9 include: street lighting, street sweeping, and maintenance of road, drainage, open space and landscape improvements.

CFDs (also known as Mello-Roos Districts) are exempt from LAFCO review as they only act as financing entities and are not "districts" for LAFCO jurisdictional purposes. However, the formation of or annexation into CSAs requires LAFCO approval. CSAs act as "dependent" districts under the control of the County Board of Supervisors. After a review of LAFCO files and Assessor's records, the annexation territory does not appear to have ever been annexed into CSA #9, and therefore, if the SSCWD sphere of influence amendment and annexation is approved by the Commission and a final map is prepared, LAFCO will likely see the Promontory at Ridgemark project again in order to approve annexation into CSA #9. However, it would be more appropriate for the County to decide whether the project services would be funded through CSA #9 or through formation of a new CFD (Community Facilities District). This would need to be resolved before LAFCO should consider annexation of the project area into CSA #9.

In terms of student generation, the project will be subject to the Proposition 50 impact fees collected at the building permit stage for funding school facilities for K-12 students. The project is within the San Benito High School District and Southside Elementary School District boundaries (refer to Section 3.12 and Impact PF-3 for school facilities in the Draft EIR, Page 358).

One additional public facility cost involves payment of the San Benito County Council of Governments Traffic Impact Mitigation Fee (TIMF) for regional road improvements serving growth throughout the County. This requirement is contained in Mitigation Measure T-1 in the Draft Environmental Impact Report (Page 400). Funds generated under this mitigation measure would fully mitigate traffic impacts based on the analysis in the Draft EIR, with specific reference to the following improvements in Chapter 3.13 of the Draft EIR:

- Installation of a traffic signal at the SR 25/Enterprise Road intersection
- Widening of Union Road to four lanes between San Benito Street and SR 25
- Installation of a traffic signal at the Fairview Road/Hillcrest Road intersection

5. Impact on Prime Agricultural Land, Open Space and Agriculture:

The County's Environmental Impact Report (EIR) **for this project** contains an evaluation of the agricultural resources within the annexation territory which identified the project as containing 36.4 acres of "Important Farmland" as identified in the States Farmland Mapping and Monitoring Program. Important Farmland includes the top three classes of

soil including Prime Farmland, Farmland of Statewide Importance, and Unique Farmland. The property is not under a Williamson Act contract.

The EIR referenced San Benito County General Plan Policy LU-3.10 which calls for the replacement of important farmland through obtaining a permanent conservation easement on similar quality soils on an acre for acre basis, or the payment of an in-lieu fee to a farmland trust to obtain 36.4 acres of farmland easements within the County, together with an endowment amount, as mitigation for the loss of productive farmland. The easement could be held by the San Benito County Agricultural Land Trust or other qualified entity approved by the County. With this mitigation requirement, the impact on agricultural resources was determined to be mitigated to a level was required in the EIR.

6. Assessed Value, Tax Rates and Indebtedness:

The annexation territory consists of two Assessor's Parcels located within Tax Rate Area 83-008: APN 025-420-005 & 019. The assessed value is \$316,968.

The base property tax rate will not be affected by the annexation, although the County's requirement for annexation into a Community Facilities District and a CSA will be added to the tax bill of individual lots following future subdivision and development. The project will not be subject to the existing bonded indebtedness of the SSCWD following annexation.

7. Environmental Justice and Affordable Housing:

The 90 single family dwellings proposed in the Promontory at Ridgemark project will be sold at market rates which will contribute to the "Above Moderate" housing needs under the County's Regional Housing Needs Assessment (RHNA) housing target. In addition, the County required that the applicant provide 15% (or a minimum of 13) secondary units within the project up to the discretion of the Resource Management Agency Director to implement in consultation with the applicant. Another measure to achieve affordable housing was the requirement to pay the County adopted \$4,500 fee per dwelling unit that will go into a County fund to provide affordable housing elsewhere in the community. A total of \$405,000 will be generated through this fee.

The site is not adjacent to a disadvantaged unincorporated community as the adjacent land located in the County contains non-residential land uses and the existing gated golf course housing community of Ridgemark.

8. Landowner and Subject Agency Consent:

Written consent to the annexation has been given by petition of the affected property owners (**Roy and Rita Lompa**) and the district consents to the waiver of conducting authority (protest) proceedings. The district has demonstrated support for the sphere of influence expansion and annexation through adoption of Resolution No. 549 on May 15, 2018.

9. Boundaries, Lines of Assessment and Registered Voters:

The boundaries appear to be definite and certain and there are no conflicts with lines of assessment or ownership. The site is contiguous to the SSCWD boundary on the north and east. The map and legal description are being reviewed by the County Surveyor for sufficiency in filing with the State Board of Equalization.

The territory is uninhabited; specifically, there are fewer than 12 registered voters.

#### ENVIRONMENTAL REVIEW

San Benito County, acting as lead agency for initial approval of the Promontory at Ridgemark Vesting Tentative Map (originally referred to the "Bluffs at Ridgemark") prepared and certified a Draft and Final Environmental Impact Report (EIR) to evaluate the project on April 2, 2018. The environmental record reflects that the project also included future annexation of the parcel into the SSCWD. The Commission must rely on this environmental document when approving the annexation application in its role as a "Responsible Agency" under CEQA.

The County, through adoption of Planning Commission Resolution No. 2018-0-2, determined that all areas of potential impact in the Environmental Checklist would have a less than significant impact with adoption of 30 mitigation measures, and there was no need to adopt a Statement of Overriding Considerations. Mitigation measures were adopted in the following impact areas: aesthetics, agricultural resources, biology, cultural resources, geology, greenhouse gas emissions, noise, transportation and tribal resources. The County also selected Alternative 2 identified in the EIR as "Full Secondary Access to Southside Road" which required the second access to consist of a 40 foot right-of-way road providing access to residents and other visitors rather than only an emergency access route. Only one mitigation measure is under LAFCO's authority to adopt or administer as a responsible agency: measure MM AG-1 requiring agricultural mitigation for the conversion of 36.4 acres of Important Farmland. However, the County maintains responsibility to monitor the impacts from development for all areas as the annexation of the property into the SSCWD is only one small aspect of the development project. The full text of MM AG-1 is found in the County Planning Commission's Resolution No. 2018-2 certifying the EIR (provided as Attachment 7 to the original August 9, 2018 Executive Officer's Report). **The CD containing the Draft and Final EIR was included in the original August 9,**



**2018 Commission Packet as Attachment 8. The Commissioners should review this CD prior to the continued hearing or let Staff know if you need another copy.**

ALTERNATIVES FOR COMMISSION CONSIDERATION

After reviewing this report and any testimony or materials that are presented, the Commission can take one of the following actions:

OPTION 1 – APPROVE the proposed sphere of influence amendment and annexation as submitted based upon the following findings, determinations and orders:

- A. Find that the Commission has reviewed and considered the Draft and Final EIR prepared by San Benito County as lead agency under CEQA approval of the development project, sphere of influence amendment of the Sunnyslope County Water District and annexation. Mitigation measure AG-1 is hereby adopted by the Commission requiring obtaining an agricultural easement or payment of in-lieu fees to a qualified trust on a 1:1 ratio for the 36.4 acres of important farmland converted by the project which is under the responsibility of LAFCO to adopt or monitor as a responsible agency for approval of this sphere amendment and annexation.
- B. Adopt this report and approve the Sphere of Influence amendment to the Sunnyslope County Water District based on the five determinations presented on Pages 4 and 5 of this Executive Officer's Report, and approve the annexation proposal known as the "Promontory at Ridgemark Annexation to the Sunnyslope County Water District" based on the determinations presented on Pages 5 through 10 of this Executive Officer's Report, by adopting Resolution No. 525. The annexation is subject to a requirement that the territory be liable for any existing or authorized taxes or bonded assessments applicable to properties presently within the district (**District Resolution No. 549, Section 6.B.**).
- C. Find: 1) the subject territory is uninhabited, 2) the affected landowner has signed a petition giving consent to the annexation and 3) the annexing agency has given written consent to the waiver of conducting authority proceedings.
- D. Waive the conducting authority (protest) proceedings and direct the staff to complete the proceedings without further notice, hearing or election.
- E. Direct the staff not to record the annexation until the map and legal description are found by the County Surveyor to be acceptable.

OPTION 2 – If the Commission cannot make the determinations and findings presented in the Executive Officer's Report, the Commission should DENY the sphere of influence amendment and annexation applications.

OPTION 3 - CONTINUE these applications to a future meeting for additional information. **Specifically, if the Commission determines that the wastewater treatment system design and improvements to replace Pond No. 5 are not sufficiently identified, or the full costs and extent of necessary improvements as a result of the landslide adjacent to the treatment plant site have not been sufficiently identified, the Commission could postpone the hearing until adequate study results of the cause of the slide and full remediation measures and costs have been identified. If a specific date is not set, the hearing would need to be re-noticed and advertised.**

RECOMMENDED ACTION:

**If the District and/or the County can provide updated information by the date of the continued public hearing, the Commission may have enough supporting information to make the determinations presented in this Report and approve the Sphere of Influence amendment and Annexation as outlined under Option 1. A resolution for approval has been prepared as Attachment No. 8.**

**However, due to the unknown impact to the District of the ongoing slope failure including how stabilization measures may impact the current treatment plant site, the lack of certainty over the overall costs to the District for alternative percolation pond connection and operation, along with unknown liability for costs for permanently stabilizing the slope and protecting Southside Road, the Commission may want to continue the public hearing as outlined under Option 3.**

Respectfully submitted,



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BILL NICHOLSON  
Executive Officer  
LAFCO of San Benito County

cc: Scott Stringer and Fred Bates (Bates Stringer Hollister LLC)  
Don Ridenhour, General Manager, Sunnyslope County Water District  
Taven Kinesin Brown, Principal Planner, San Benito County RMA  
G. Michael Ziman LAFCO Counsel

Attachments:




1. Sphere of Influence Amendment Map
2. Map of Annexation Area and Conceptual Site Plan
3. Proposal Justification Questionnaire – Sphere of Influence Amendment
4. Proposal Justification Questionnaire - Annexation
5. Resolution No. 549 of the Sunnyslope County Water District “Resolution of Application”
6. Letter from Don Ridenhour, General Manager, Sunnyslope County Water District (9/5/18)
7. Email from Don Ridenhour, General Manager, Sunnyslope County Water District (9/5/18)
8. Draft LAFCO Resolution No. 525 Amending the Sunnyslope County Water District Sphere of Influence and Approving the Promontory at Ridgemark Annexation to the Sunnyslope County Water District

**NOTE: The following documents were attached to the Commission's Agenda Packet for the August 9, 2018, meeting and are still posted on the LAFCO Website for that Agenda:**

**Previous attachment No. 7: Resolution No. 2018-2 of the San Benito Planning Commission Certifying the EIR and Adopting the Mitigation Monitoring and Reporting Program. Previous attachment No. 8: CD Containing the Draft and Final Environmental Impact Report (EIR) for the Promontory (Bluffs) at Ridgemark Vesting Tentative Map, and related annexation to the Sunnyslope County Water District and District sphere of influence amendment. (The Commissioners should review these documents from the prior packet prior to the continued hearing.)**



### Legend

-  Sunnyslope WD
-  Sunnyslope WD SOI
-  Parcels

Map Prepared by San Benito County, Mar 2012  
 Source: San Benito County

# THE PROMONTORY at RIDGEMARK

**Proposed Expansion Area**

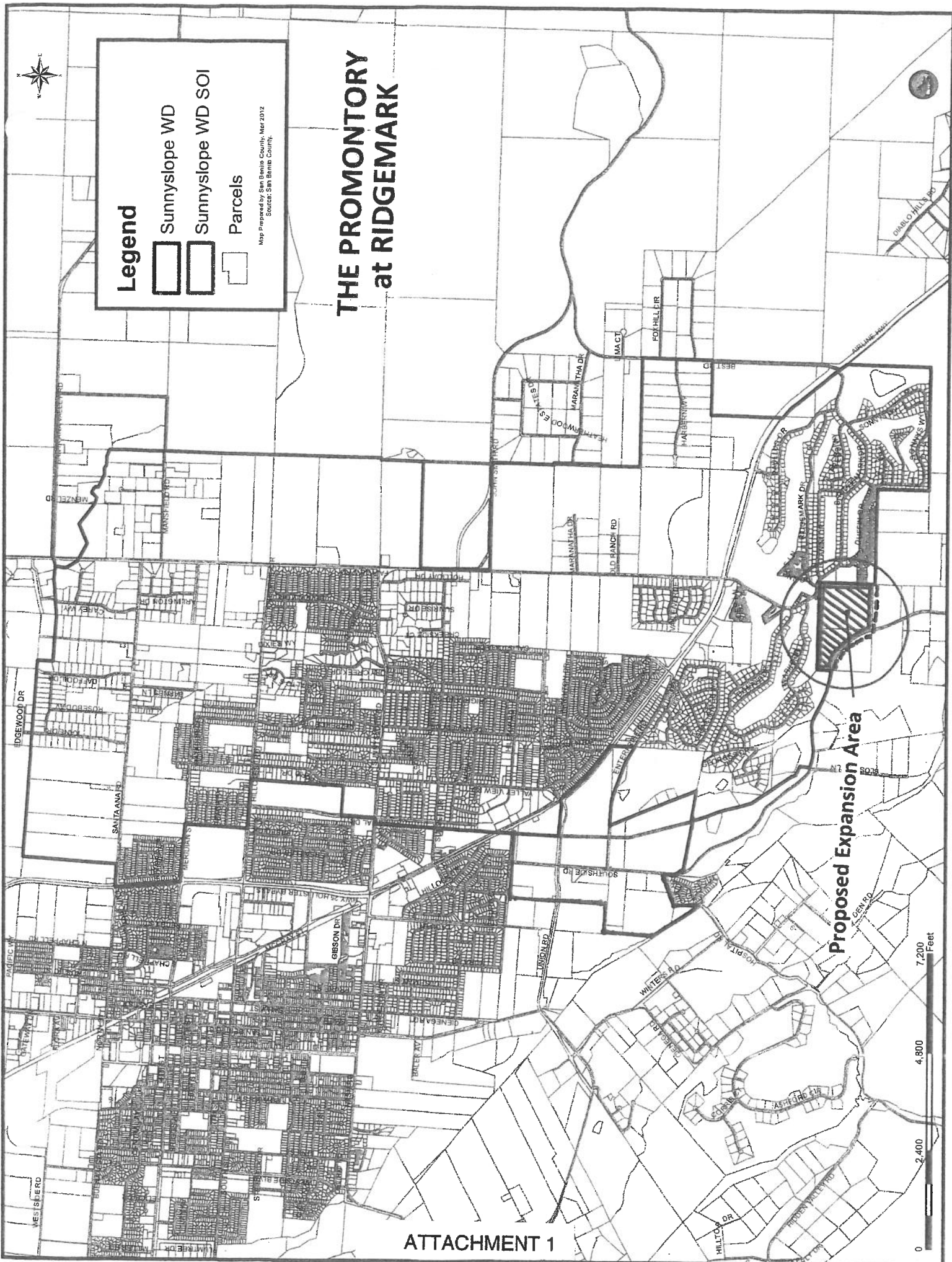
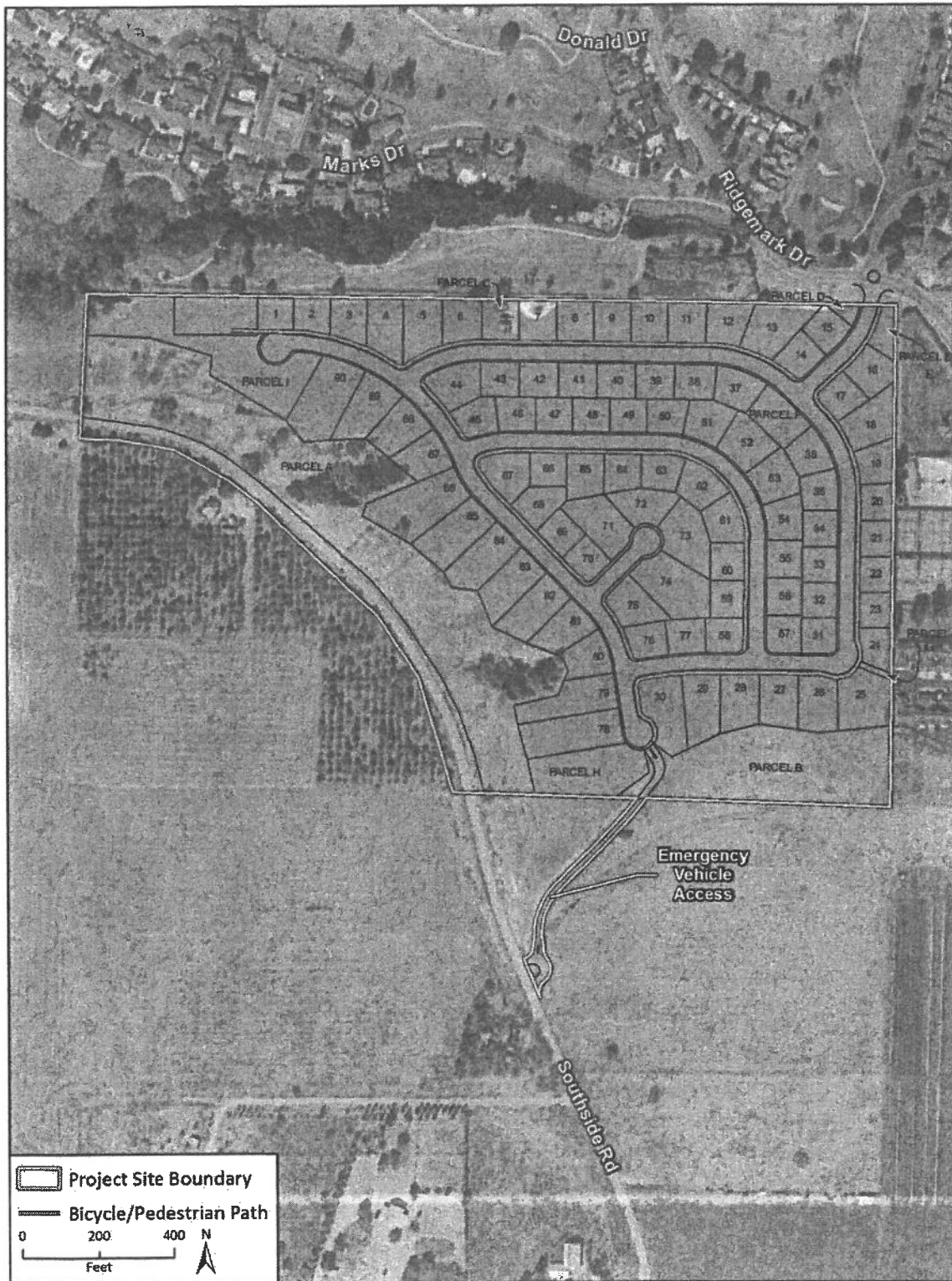


Figure 6 Conceptual Site Plan



# SAN BENITO LOCAL AGENCY FORMATION COMMISSION

## Questionnaire for Amending a Sphere of Influence, (Attach additional sheets as necessary)

Sphere of Influence of the The Sunnyslope County Water District

### Purpose of the proposal

1. List all actions for LAFCO approval. Identify other actions that are part of the overall project, i.e., a tract map or development permit. Why is this proposal being filed?  
LAFCO ACTIONS: Sphere of Influence Amendment – Annex property to SSCWD boundary / Vesting Tentative Map  
Certification of EIR. Purpose for action is to provide sewer & water services in conformance with existing agreement.

### Consultation with the County (City sphere changes only)

2. Provide documentation regarding consultation that has occurred between the City and the County with regard to agreement on boundaries, development standards and zoning requirements for land in the proposed sphere as required by Government Code §56425.  
Communications can be found in the form of a completed application and subsequent County staff report and San Benito County PC minutes

### Description of area to be included in the sphere

3. What area is proposed to be included in the sphere? Attach a map identifying the current sphere and the proposed addition. What is the acreage?  
Please see attached map.  
49.2 acres
4. Why was it decided to use these particular boundaries?  
To coincide with existing APN parcels of record.
5. What are the existing land uses for the proposal area? Be specific.  
Fallow Grassland and slope face
6. Are there proposed land uses changes for the proposal area? Be specific.  
Change existing fallow use to a 90 lot single-family residential development with private ROWs

Relationship to Existing Plans

7. Describe County general plan and zoning designations for the proposal area.  
Residential Mixed – GP  
Residential Mixed zoning
8. Describe City general plan and rezoning designations for the proposal area.  
N/A

Environmental Assessment

9. What is the underlying project? Who is the lead agency? What type of environmental document has been prepared for the proposed project?
  - . 90 unit single-family subdivision
  - . An EIR was prepared
  - . San Benito County is the Lead Agency
  - . Sunnyslope County Water District & LAFCO are Responsible Agencies

Justification

10. To assist LAFCO in making determinations pursuant to Government Code §56425, please provide information relevant to each of the following:
  - A. Present and planned uses in the area.  
Existing Residential (Ridgemark) on North, East and West sides. South is now Agriculture
  - B. Present and probable needs for public facilities and services in the area.  
Sewer & Water services, police, fire services will be required
  - C. Present capacity of public facilities and adequacy of public services the affected agency provides or is authorized to provide.  
Resolution from SSCWD in which water & sewer services are available by paying all applicable fees.
  - D. Existence of any social or economic communities of interest in the area.  
Project will be incorporated as a part of the Ridgemark Golf & Country Club, and will be responsible for future HA fees.

Questionnaire to Amend Sphere of Influence  
Page Two

Additional Comments

11. Provide any other comments or justifications regarding the proposal.  
This action implements the provisions of an existing agreement between the landowner and SSCWD.
12. Enclose any pertinent staff reports and supporting documentation related to this proposal.  
See San Benito County staff report
13. Notices and Staff Reports  
Same as # 12

List up to three persons to receive copies of the LAFCO notice of hearing and staff report

	<u>Name and agency</u>	<u>Address</u>	<u>Email Address</u>
A.	Scott Stringer	875 Orange Blossom Way Danville, CA 94526	scott@thestringercompany.com
B.	Don Ridenhour	3570 Airline Hwy Hollister, CA 95023	don@sscwd.org
C.	Taven Kinison-Brown	2301 Technology Pkwy Hollister, CA 95023	tkinisonbrown@cosb.us

Who should be contacted if there are questions about this application?

<u>Name</u>	<u>Address</u>	<u>Email Address</u>	<u>Phone</u>
Scott Stringer	875 Orange Blossom Way Danville, CA 94526	scott@thestringercompany.com	(925) 216-1816

Signature  Date 6-22-18



# SAN BENITO LOCAL AGENCY FORMATION COMMISSION

## Proposal Justification Questionnaire for Annexations, Detachments and Reorganizations

(Attach additional sheets as necessary)

1. Name of Application: (The name should match the title on the map and legal description; list all boundary changes that are part of the application)  
"Promontory at Ridgemark"  
Amendment to SSCWD Sphere of Influence and annexation to SSCWD
2. Describe the acreage and general location; include street addresses if known:  
49.2 acres located on Southside Road, adjacent to Ridgemark Golf & Country Club on the North & East property lines
3. List the Assessor's Parcels within the proposal area:  
025-420-005 & 019
4. Purpose of proposal: (List all actions for LAFCO approval. Identify other actions that are part of the overall project, i.e., a tract map, development permit, etc. Why is this proposal being filed?)  
Amend the Sunnyslope County Water District for a 90 unit residential subdivision
5. Land Use and Zoning - Present and Future
  - A. Describe the existing land uses within the proposal area. Be specific.  
Fallow grassland
  - B. Describe changes in land uses that would result from or be facilitated by this proposed boundary change.  
The proposed boundary change would allow the development of 90 single-family residences.
  - C. Describe the existing zoning designations within the proposal area.  
RM – Residential Mixed
  - D. Describe any proposed change in zoning for the proposal area. Do the existing and proposed uses conform with this zoning?  
No zone change will be required. The proposed use does conform with the RM zoning
  - E. (For City Annexations) Describe the prezoning that will apply to the proposal area upon annexation. Do the proposed uses conform with this prezoning?

### ATTACHMENT 4

- F. List all known entitlement applications pending for the property (i.e., zone change, land division or other entitlements).  
Final subdivision Map within San Benito County

6. Describe the area surrounding the proposal

Using Table A, describe existing land uses, general plans and zoning designations for lands adjacent to and surrounding the proposal area. The application is incomplete without this table.

Refer to attached aerial photo of the site.

7. Conformity with Spheres of influence

- A. Is the proposal area within the sphere of influence of the annexing agency?  
No, not without the SOI Amendment
- B. If not, are you including a proposal to revise the sphere of influence?  
Yes

8. Conformity with County and City General Plans

- A. Describe the existing County General Plan designation for the proposal area.  
Residential Mixed – RM
- B. (For City Annexations) Describe the City general plan designation for the area.
- C. Do the proposed uses conform with these plans? If not, please explain.  
Yes

9. Topography and Natural Features

- A. Describe the general topography of the proposal area and any significant natural features that may affect the proposal.  
Approximately 37.1 acres of a relatively flat plateau with 12.1 acres of steep slope areas
- B. Describe the general topography of the area surrounding the proposal.  
The property is fallow  
Refer to 9A

10. Impact on Agriculture

- A. Does the property currently produce a commercial agricultural commodity?  
No
- B. Is the property fallow land under a crop rotational program or is it enrolled in an agricultural subsidy or set-aside program?  
The property is fallow
- D. Is the property Prime Agricultural Land as defined in G.C. Section §56064?  
No
- E. Is the proposal area within a Land Conservation (Williamson) Act contract?  
No
  - 1) If "yes," provide the contract number and date contract was executed.
  - 2) If "yes", has a notice of non-renewal be filed? If so, when?  
  
N/A
  - 3) If this proposal is an annexation to a city, provide a copy of any protest filed by the annexing city against the contract when it was approved.  
N/A

11. Impact on Open Space

Is the affected property Open Space land as defined in G.C. Section 65560?  
No

12. Relationship to Regional Housing Goals and Policies (City annexations only)

*If this proposal will result in or facilitate an increase in the number of housing units, describe the extent to which the proposal will assist the annexing city in achieving its fair share of regional housing needs.*

N/A

13. Population

- A. Describe the number and type of existing dwelling units within the proposal area.  
None
- B. How many new dwelling units could result from or be facilitated by the proposal?  
Single-family \_\_\_\_\_ 90 \_\_\_\_\_ Multi-family \_\_\_\_\_

14. Government Services and Controls – Plan for Providing Services (per §56653)

A. Describe the services to be extended to the affected territory by this proposal.  
Water & Sewer Services

B. Describe the level and range of the proposed services.  
The 90 R-1 homes will use 56.8 AFY and generate 22,410 gpd of sanitary sewer demand

C. Indicate when the services can feasibly be provided to the proposal area.  
Services can be provided immediately

D. Indicate any improvements or upgrading of structures, roads, sewers or water facilities or other conditions that will be required as a result of the proposal.  
Road, sewer, and water infrastructure will be developed on-site. All these facilities are available to the site, however a new public road will connect all of Southside Road

E. Identify how these services will be financed. Include both capital improvements and ongoing maintenance and operation  
Privately funded with construction financing.

F. Identify any alternatives for providing the services listed in Section (A) and how these alternatives would affect the cost and adequacy of services.  
N/A

15. Ability of the annexing agency to provide services

Attach a statement from the annexing agency describing its ability to provide the services that are the subject of the application, including the sufficiency of revenues (per Gov't Code §56668j).

Refer to Resolution 549 SSCWD authorizing water and sewer services per the existing agreement.

16. Dependability of Water Supply for Projected Needs (as per §56653)

If the proposal will result in or facilitate an increase in water usage, attach a statement from the retail water purveyor that describes the timely availability of water supplies that will be adequate for the projected needs.

Same attachment covers both for water

17. Bonded indebtedness and zones – These questions pertain to long-term debt that applies or will be applied to the affected property.

- A. Do agencies whose boundaries are being changed have existing bonded debt?  
 Yes  No If yes, please describe
- B. Will the proposal area be liable for payment of its share of this existing debt?  
 Yes  No If yes, how will this indebtedness be repaid (property taxes, assessments, water sales, etc.?)
- C. Should the proposal area be included within any 'Division or Zone for debt repayment?  Yes  No If yes, please describe.
- D. (For detachments) Does the detaching agency propose that the subject territory continue to be liable for existing bonded debt?  Yes  No Please describe.

18. Environmental Impact of the Proposal

- A. Who is the "lead agency" for this proposal?  
 County of San Benito
- B. What type of environmental document has been prepared?  
 None, Categorically Exempt -- Class \_\_\_\_  
 EIR  Negative Declaration \_\_\_\_\_ Mitigated Neg. Dec. \_\_\_\_\_  
 Subsequent Use of Previous EIR \_\_\_\_\_ Identify the prior report. \_\_\_\_\_
- C. If an EIR has been prepared, attach the lead agency's resolution listing significant impacts anticipated from the project, mitigation measures adopted to reduce or avoid significant impacts and, if adopted, a "Statement of Overriding Considerations."  
 See attached Final EIR

19. Boundaries

- A. Why are these particular boundaries being used? Ideally, what other properties should be included in the proposal?  
 The project is conforming to a previously approved agreement between the SSCWD and the property owner
- B. If any landowners have included only part of the contiguous land under their ownership, explain why the additional property is not included.  
 N/A

20. Final Comments

- A. Describe any conditions that should be included in LAFCO's approval.
- B. Provide any other comments or justifications regarding the proposal.
- C. Enclose all pertinent staff reports and supporting documentation related to this proposal. Note any changes in the approved project that are not reflected in these materials.

21. Notices and Staff Reports

List up to three persons to receive copies of a notice of hearing and staff report.

	<u>Name and agency</u>	<u>Address</u>	<u>Email address</u>
A.	Fred Bates	8650 River Meadows Rd. Carmel, CA 93923	fbates@bpi4.com
B.	Don Ridenhour	3570 Airline Hwy Hollister, CA 95023	don@sscwd.org
C.	Taven Kinison-Brown	2301 Technology Parkway Hollister, CA 95023	tkinsonbrown@cosb.us

Who should be contacted if there are questions about this application?

<u>Name</u>	<u>Address</u>	<u>Email address</u>	<u>Phone</u>
Scott Stringer	875 Orange Blossom Way Danville, CA 94526	scott@thestringercompany.com	915) 216-1816

Signature 

Date 8/22/18

TABLE A

Information regarding the areas surrounding the proposal area

	<b>Existing Land Use</b>	<b>General Plan Designation</b>	<b>Zoning Designation</b>
East	Residential: Ridgemark Golf and Country Club	Residential Mixed – RM	RM/Contract Zone R-1
West	Agriculture	Agriculture	Agr. Productive
North	Residential: Ridgemark Golf and Country Club	RM	RM/R-1
South	Agriculture	RM	Agr. Productive

Other comments or notations:

**RESOLUTION NO. 549**

**A RESOLUTION OF THE BOARD OF DIRECTORS OF  
SUNNYSLOPE COUNTY WATER DISTRICT  
INITIATING PROCEEDINGS FOR THE ANNEXATION OF ASSESSOR  
PARCEL NUMBERS 025-420-005 AND 025-420-119 TO THE  
SUNNYSLOPE COUNTY WATER DISTRICT WATER AND  
WASTEWATER SPHERE OF INFLUENCE AND SERVICE AREA**

WHEREAS, the District entered into an agreement on September 10, 1992 with the Property Owners of Assessor Parcel Numbers 025-420-005 and 025-420-119 (Property Owners) to provide a water well site to the District in support of future annexation of the Properties to the District for water and wastewater services; and

WHEREAS, the District developed a water well on the Properties (Well #8) and continues to utilize Well #8 as part of the District's water supply; and

WHEREAS, the Properties are not consistent with the District's Sphere of Influence; and

WHEREAS, the Property Owners now desire to be annexed to the District's Sphere of Influence and Service Area; and

WHEREAS, the District desires to support and assist in proceedings to annex the Properties to the District's Sphere of Influence and Service Area; and

WHEREAS, the owners of the Properties have received approval by San Benito County for a tentative subdivision map, plan to develop the parcels, and are requesting future water service and wastewater service from the District; and

WHEREAS, an Environmental Impact Report was certified by the San Benito County Planning Commission on April 2, 2018 per County Resolution No. 2018-0-2, and in its role as a Responsible Agency under the California Environmental Quality Act (CEQA), the District can rely on this document for the requested annexation and Sphere of Influence expansion.

**NOW, THEREFORE, BE IT RESOLVED**, that the Board of Directors of the Sunnyslope County Water District hereby makes the following findings and orders as follows:

1. The foregoing recitals are adopted as findings of the Board as though set forth fully herein.
2. The Board finds annexation of the Properties would allow the District to provide potable water service and wastewater services to an area that is currently unserved, and to provide sufficient pressure, storage, and flow for adequate fire protection.
3. The General Manager is authorized to execute all documents and to perform all other necessary District acts to support and assist proceedings for inclusion of the Properties into the District's Sphere of Influence and the annexation of the Properties into the District pursuant to the Cortese/Knox/Hertzberg Local Government Reorganization Act of 2000, commencing with section 56000 of the California Government Code.
4. An Environmental Impact Report in compliance with the California Environmental Quality Act was certified by the San Benito County Planning Commission on April 2, 2018 per County Resolution No. 2018-0-2, and the District in its role as a Responsible Agency can rely on this County EIR for the requested Sphere of Influence expansion and annexation.
5. A map of the annexation territory is set forth in Exhibit "A", attached hereto and by reference incorporated herein.
6. The Board agrees to support and assist annexation proceedings subject to the following terms and conditions:



A) In the event that pursuant to the rules, regulations, or ordinance of the District as now or hereafter amended, the District shall require any payment of a fixed or determinable amount of money, either as a lump sum or installments, for the acquisition, transfer, provision of water or wastewater service, use or right of use of all or any part of existing property, real or personal, of the District, such payment shall be made to the District in the manner and at the time as provided by the rules, regulations or ordinance of the District.

B) Upon and after the effective date of said annexations of the Properties to the District, the Properties, all inhabitants within such territory and all persons entitled to vote by reason of residing or owning land within the territory shall be subject to the jurisdiction of the District; shall have the same rights and duties as if the territory had been a part of the District upon its original formation; shall be liable for the payment of principal, interest and any other amounts which shall become due on account of any outstanding or then authorized but thereafter issued bonds, including revenue bonds, or other contracts or obligations of the District; shall be subject to the levying or fixing and collection of any taxes, assessments, service charges, rentals or rates as may be necessary to provide for such payment; and shall be subject to all the rates, rules, regulations and ordinances of the District as now or hereafter amended.

**THE FOREGOING RESOLUTION** on a motion by Director Alcorn and second by Director Ross is duly adopted this 15<sup>th</sup> day of May, 2018, by the following votes.

AYES:	DIRECTORS	Alcorn, Johnson, Ross, and Spencer
NAYS:	DIRECTORS	None
ABSENT:	DIRECTORS	Rodriguez

SUNNYSLOPE COUNTY WATER DISTRICT

By: Judi H. Johnson  
Judi H. Johnson, President

(SEAL)

ATTEST: Donald G. Ridenhour  
Donald G. Ridenhour, Secretary

**CERTIFICATE OF SECRETARY**

The undersigned Secretary of the Board of Directors of Sunnyslope County Water District hereby certifies that the foregoing is a full, true and correct copy of the "Resolution Initiating Proceedings for the Annexation of Assessor Parcel Numbers 025-420-005 and 025-420-119 to the Sunnyslope County Water District Water and Wastewater Sphere of Influence and Service Area" duly adopted by the Board of Directors of the District at the regular meeting thereof duly called and held on May 15, 2018, a quorum being present.

WITNESS my hand this 15th day of May, 2018

Donald G. Ridenhour  
Donald G. Ridenhour, Secretary

**EXHIBIT A**  
**THE PROMONTORY AT RIDGEMARK ANNEXATION**  
**AREA TO BE ANNEXED TO THE SUNNYSLOPE COUNTY WATER DISTRICT**  
**SAN BENITO COUNTY, CALIFORNIA**

**GEOGRAPHIC DESCRIPTION**

ALL THAT CERTAIN REAL PROPERTY, SITUATE IN THE UNINCORPORATED TERRITORY OF THE COUNTY OF SAN BENITO, STATE OF CALIFORNIA, AND BEING A PORTION OF SECTION 13, TOWNSHIP 13 SOUTH (T.13 S.), RANGE 5 EAST (R.5 E.) MOUNT DIABLO BASELINE AND MERIDIAN (M.D.B. & M.) DESCRIBED AS FOLLOWS:

**BEGINNING** AT A POINT ON THE SOUTHERLY LINE OF

THENCE, ALONG SAID SOUTHERLY LINE, THE FOLLOWING THREE (3) COURSES:

- 1) NORTH 03°00'10" EAST 383.39 FEET,
- 2) SOUTH 88°57'35" EAST 2,124.04 FEET,
- 3) NORTH 00°49'12" EAST 1330.77 FEET,

THENCE, (4) LEAVING SAID SOUTHERLY LINE, SOUTH 87°55'44" EAST 1,151.17 FEET;

THENCE, (5) NORTH 33°15'20" WEST 196.68 FEET;

THENCE, (6) NORTH 45°53'20" WEST 433.62 FEET;

THENCE, (7) NORTH 52°25'20" WEST 89.76 FEET;

THENCE, (8) NORTH 59°52'20" WEST 172.26 FEET;

THENCE, (9) NORTH 79°35'00" WEST 152.38 FEET;

THENCE, (10) NORTH 87°53'20" WEST 100.60 FEET TO SAID **POINT OF BEGINNING**.

CONTAINING 49.24 ACRES OF LAND, MORE OR LESS.

FOR WATER DISTRICT PURPOSES ONLY. THIS DESCRIPTION OF LAND IS NOT A  
LEGAL PROPERTY DESCRIPTION AS DEFINED IN THE SUBDIVISION MAP ACT AND  
MAY NOT BE USED AS THE BASIS FOR AN OFFER OF SALE OF THE LAND  
DESCRIBED.

**END OF DESCRIPTION**

\_\_\_\_\_  
MARK H. WEHBER, P.L.S.  
L.S. NO. 7960

BOUNDARY DESCRIPTION CONFORMS TO LAFCO REQUIREMENTS

DATE: \_\_\_\_\_ BY: \_\_\_\_\_  
NAME: \_\_\_\_\_  
RCE/LS: \_\_\_\_\_

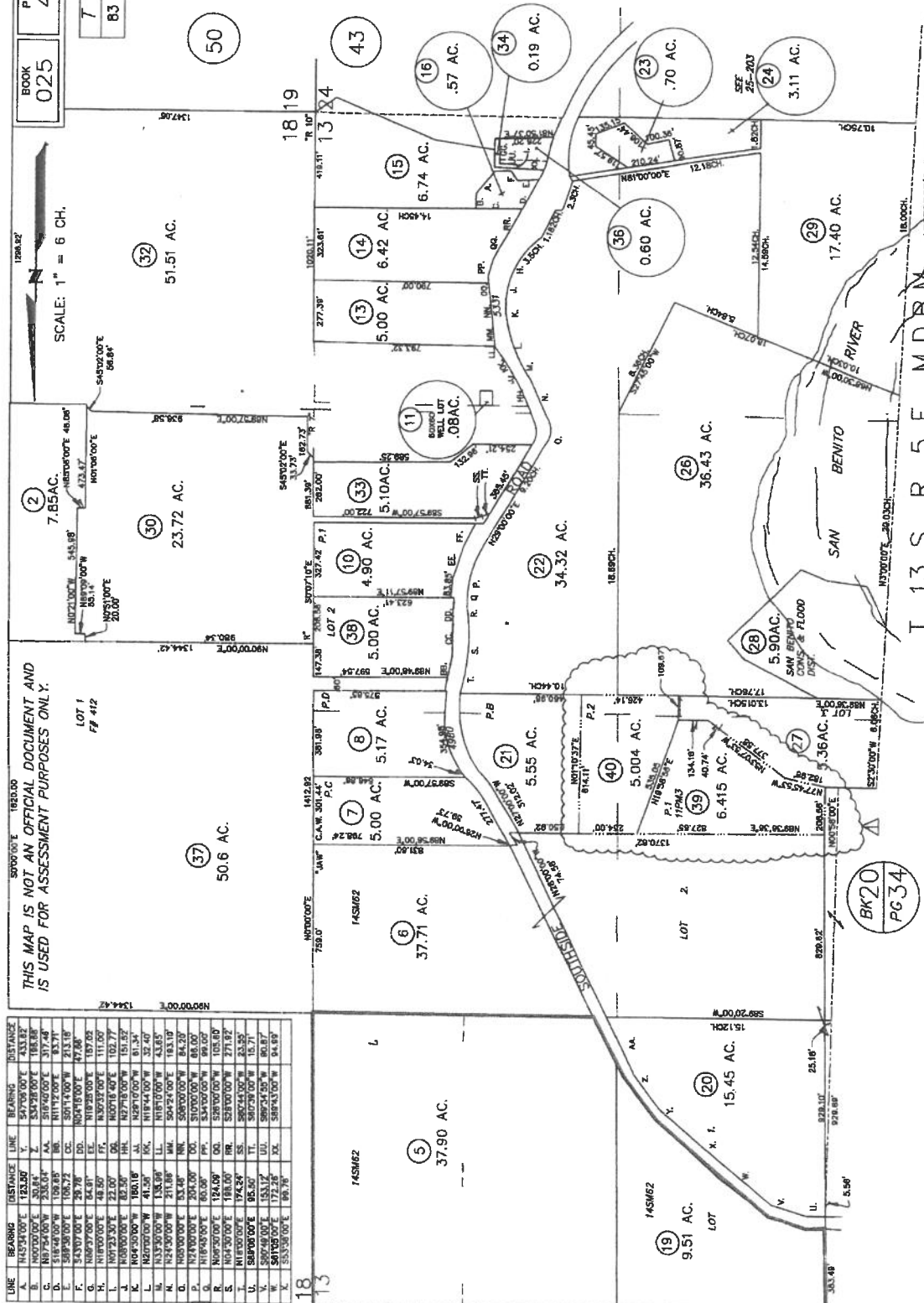
BOOK 025 PAGE 42  
T R A  
83 008

SCALE: 1" = 6 CH.  
1288.32'

THIS MAP IS NOT AN OFFICIAL DOCUMENT AND IS USED FOR ASSESSMENT PURPOSES ONLY.

LINE	BEARING	DISTANCE	LINE	BEARING	DISTANCE
A.	N45°34'00"E	123.50'	Y.	S47°00'00"E	433.82'
B.	N07°00'00"E	20.84'	Z.	S55°48'00"E	183.89'
C.	N07°54'00"W	230.84'	AA.	S59°42'00"E	317.48'
D.	S88°23'00"E	156.72'	AB.	S01°14'00"W	213.18'
E.	S43°07'00"E	25.78'	AC.	N04°18'00"E	47.88'
F.	N18°00'00"E	54.81'	AD.	N18°38'00"E	187.09'
G.	N18°00'00"E	48.50'	AE.	N03°07'00"E	111.00'
H.	N07°23'00"E	72.00'	AF.	N07°18'00"E	102.77'
I.	N04°30'00"W	180.18'	AG.	N07°00'00"E	81.34'
J.	N07°00'00"W	41.50'	AH.	N18°44'00"W	32.40'
K.	N13°30'00"W	138.89'	AI.	N18°10'00"W	43.85'
L.	N24°30'00"W	211.89'	AJ.	S04°24'00"E	183.19'
M.	N03°00'00"E	33.48'	AK.	S09°00'00"W	84.20'
N.	N74°00'00"E	204.00'	AL.	S10°00'00"W	85.00'
O.	N18°00'00"E	124.89'	AM.	S18°00'00"W	101.80'
P.	N04°30'00"E	181.00'	AN.	S28°00'00"W	271.93'
Q.	N18°00'00"E	174.24'	AO.	S00°00'00"W	23.55'
R.	S88°00'00"E	65.50'	AP.	S80°38'00"W	15.71'
S.	S07°48'00"E	153.12'	AQ.	S80°34'00"W	80.87'
T.	S01°00'00"E	172.26'	AR.	S89°43'00"W	94.89'
U.	S55°38'00"E	180.78'			

DRAWN BY	JG
10-18-01	
REVISED BY	
03-28-07	SD
10-18-08	HO



T. 13 S., R. 5 E., M.D.B.M. ASSESSOR'S OFFICE, COUNTY OF SAN BENITO, CA

7 18  
12 13

BK 20  
PG 33

BK 20  
PG 34

# Sunnyslope County Water District

3570 Airline Highway  
Hollister, California 95023-9702

Phone (831) 637-4670  
Fax (831) 637-1399

September 5, 2018

Local Area Formation Commission  
San Benito County  
Attn: William Nicholson, Executive Officer  
2301 Technology Pkwy  
Hollister, CA 95023

**RE: Wastewater Treatment Capacity**

Mr. Nicholson:

This letter is to respond to your letter dated August 21, 2018 regarding the Sunnyslope County Water District's Ridgemark I Wastewater Treatment Plant located at 10 Georges Drive in Hollister and within the Ridgemark Country Club development. This treatment facility has been operating since 1974. The original treatment facility consisted of two treatment ponds (Pond #1 and Pond #2) and two percolation ponds (Pond #3 and Pond #4). In 1984 Pond #5 was added and in 1990 Pond #6 was constructed, which is on a separate parcel north of the treatment facilities. In 2013 the District completed the construction of a new modern treatment facility called a Sequencing Batch Reactor (SBR) plant that replaced the out dated Pond #1 and Pond #2 treatment system. The current SBR wastewater treatment plant is permitted to treat 350,000 gallons per day and the 2017 wastewater flows into the treatment plant were 156,000 gallons per day or 44.6% of the treatment plants permitted capacity. As part of the 2013 SBR plant construction, a second pond treatment system called the Ridgemark II Wastewater Treatment Plant was taken out of service and all wastewater flows to that facility were diverted to the new SBR plant. The abandoned Ridgemark II Wastewater Facility consisted of two treatment ponds and two percolation ponds. These four ponds currently sit empty and the property is still owned by the District. There is piping in place that allowed the District to pump wastewater between the two treatment plants in the past and this plumbing is still in place and would allow treated wastewater to be pumped to the Ridgemark II facility. The District's current wastewater disposal permit does not allow the use of the Ridgemark II ponds, but the permit could be modified for their future use.

Much discussion and speculation has taken place regarding the District's percolation ponds at the Ridgemark I Wastewater Treatment Plant due to the ground failure and slide along Southside

Road immediately west and downhill from these ponds. To date no conclusive evidence has been shared with the District or any other agency that I am aware of that identifies the cause of this slide. San Benito County is actively investigating the cause of the hillside failure and slide. Public comments have been made at recent Board of Supervisor's meetings that the cause of the slide could be the result of water percolating from the ponds. The District is anxious to review any evidence and investigation report that determines the cause of the slide. From the public discussion, I have to assume your letter raises questions about the District's Percolation Pond #5, which is closest to the hillside failure. I am assuming your letter is requesting the capacity of the Ridgemark I Wastewater Treatment Plant without the future use of Percolation Pond #5? I will try to satisfy your concerns about capacity below.

Since the completion of the SBR Treatment Plant in 2013 the District has been utilizing Pond #3, #4 and #5 for disposal of its treated wastewater. Pond #6 has not been used and sits as a backup pond. The acreages and each pond are as follows:

Percolation Pond #3	-	0.4 acres
Percolation Pond #4	-	0.8 acres
Percolation Pond #5	-	1.2 acres
Percolation Pond #6	-	2.1 acres

The acreages of the empty and idle ponds at the Ridgemark II Wastewater Facility are as follows:

Treatment Pond #1	-	2 acres
Treatment Pond #2	-	0.8 acres
Percolation Pond #3	-	1.1 acres
Percolation Pond #4	-	1.1 acres

The District's wastewater customers have increased slightly over the years, but wastewater flows have been decreasing due to conservation, improved plumbing fixture efficiencies, and customer awareness. The District had 1,161 customers in June of 2000 and had 1,230 active customer in June of 2018 or an increase of 69 connections over an 18 year period. While there has been growth in the surrounding area, the District's sewer customer have grown less than 7% in 18 years and wastewater flows in 2017 were 56% of the wastewater flows being treated in the year 2000.

If the District was to lose the use of Percolation Pond #5, Percolation Pond #6 would be placed into service and the District would alternate between Percolation Ponds #3, #4, and #6. There is adequate capacity for the current wastewater flows and additional flows from new development for the near future. If and when the use of Pond #6 becomes inadequate to meet the disposal needs of the District, The four ponds at the idle Ridgemark II facility could be put back into use. The piping to move treated wastewater from the Ridgemark I facility and the Ridgemark II ponds is currently in place and could be put back into use. The District's permit with the State would have to be modified to utilize the Ridgemark II ponds. This is a very feasible alternative in future years if capacity of the disposal ponds needs to be expanded.

The District has another alternative to expanding its percolation capacity on the Ridgemark I Wastewater Treatment Plant site. Treatment Pond #1 on the site sits idle and full of water and treated wastewater sludge. When the new SBR was built this pond was no longer needed and the District has future plans to remove the sludge and dry the pond out. This 1.3 acre pond was clay lined to prevent percolation in the 1970s as it was a treatment pond and not a percolation pond. With removal of sludge and the clay lining the pond could easily be converted to a percolation pond in the future if development required the additional percolation capacity.

Attached to this letter are aerial maps showing the District's Ridgemark I Wastewater Treatment Plant and ponds, Ridgemark II ponds, and an aerial view of the District's service area showing the District's treatment facilities. I would be happy to provide you and/or any of your Commissioners a tour of the facilities if seeing them in person would provide a better understanding of the District's facilities and why our treatment and disposal capacities are not currently a concern of the District.

If you have any questions or need additional information regarding the capacity of the District's facilities, please don't hesitate to contact me by email at [don@sscwd.org](mailto:don@sscwd.org) or by phone at 831-637-4670. Thanks.

Sincerely,



Donald G. Ridenhour, P.E.  
General Manager

Attachments

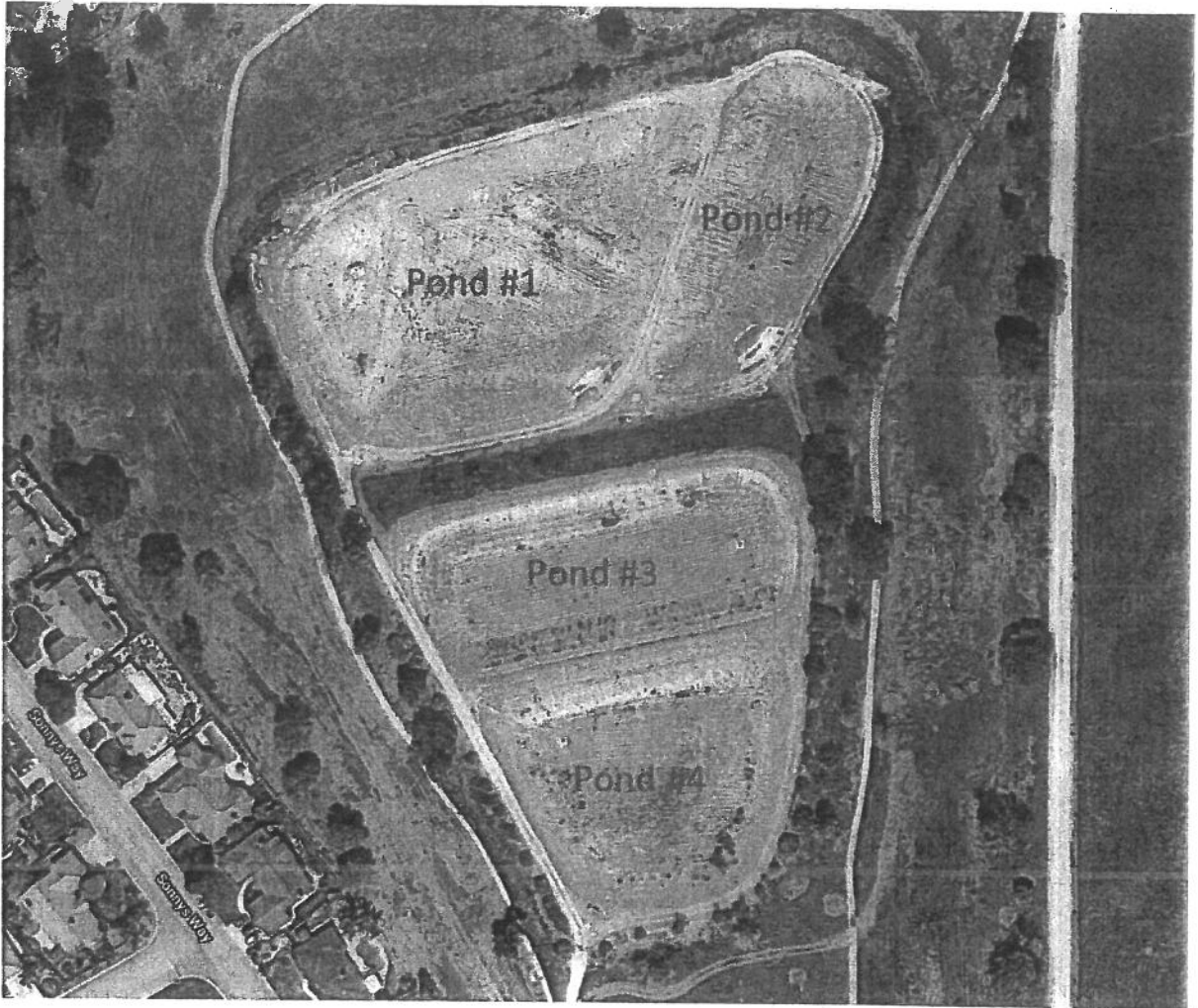
Cc: Scott Stringer, Fred Bates, Bates Stringer Hollister LLC  
Judi Johnson, President, Sunnyslope County Water District

# Ridgemark I Wastewater Treatment Plant Ponds





# Ridgemark II Ponds





## Bill Nicholson

---

**From:** Don Ridenhour <don@sscwd.org>  
**Sent:** Thursday, September 27, 2018 2:52 PM  
**To:** Bill Nicholson  
**Cc:** 'Scott Stringer'; 'Rob Hillebrecht'  
**Subject:** RE: Update on Response to Cost Questions Regarding the Promontory at Ridgemark Annexation

Bill:

The answers to your questions are listed below:

Question #1. The cost to redirect flows to Pond #6 is \$35,500 and a contractor has been hired to do the work. We could move water there today if we put water in pond #5 but would like to avoid that considering the slide activity and all the speculation about the cause of the slide. We could also do it today with a temporary pump owned by the District and temporary piping owned by the District, but are in no hurry and the District has no immediate need so we will wait for our contractor to complete the work in the next 60 days or so.

Question #2. The pump station to move water through the pipeline was removed when the treatment plant was construct so the cost would be in the range of \$100,000 or so. The District has no immediate need to use those ponds so no cost estimates or engineering effort is planned to determine the cost at this time.

Question #3. Conversion of the old treatment Pond #1 to a percolation pond would be in the range of \$250,000 or so. The District has no immediate need to use Pond #1 so no cost estimates or engineering effort is planned to determine the cost at this time.

I would be happy to take you on a tour of our facilities and please let me know which Thursday you are interested in. I was out of town the last few days so today is obviously out of the question but I am available next Thursday the 4th of October or the 11th of October. I can also be available several other days if those two Thursdays do not work. Thanks.

Don Ridenhour  
General Manager  
Sunnyslope County Water District  
3570 Airline Highway  
Hollister, CA 95023  
831-637-4670

-----Original Message-----

From: Bill Nicholson [<mailto:BNicholson@cosb.us>]  
Sent: Monday, September 24, 2018 4:44 PM  
To: Don Ridenhour <[don@sscwd.org](mailto:don@sscwd.org)>  
Cc: Scott Stringer <[scott@thestringercompany.com](mailto:scott@thestringercompany.com)>  
Subject: Update on Response to Cost Questions Regarding the Promontory at Ridgemark Annexation

Hello Don - As you know, we continued the LAFCO Commission meeting to the October 11, 2018 public hearing to allow for more time to understand the ramifications of a possible change in sewage treatment operations. Your letter dated September 5, 2018, gave a good summary of the options available to the District and

I am repeating some follow-up questions I had sent you on September 6th, regarding some ball park cost estimates. I need to wrap up an updated Executive Officer's Report by the end of this week, so if you could either give me some estimates, or if you are unable to estimate costs, please indicate the challenges or limitations. I recall in our phone call after you received my letter, that estimating costs would be challenging, but if an alternative was using existing improvements, and there are little or no costs to alter treated wastewater flows and use old existing ponds, it would be great if you could just verify that.

I did offer the Commissioner's to take a tour of your district's facilities, but didn't hear back from them. I would be interested in a tour this coming Thursday (late morning or afternoon if possible). The week prior to the LAFCO meeting I will be away at a conference and won't be coming to Hollister. If this Thursday doesn't work, perhaps the morning of the LAFCO meeting date (10/11) would be an alternative.

Please let me know about your ability to respond to the questions below, and your availability to provide a tour of the facilities.

Summary of response and Questions from my September 6th e-mail:

It is pretty clear from your letter the District has options for capacity in other ponds, especially Pond #6. Alternatively, if more ponds are needed the District could reactivate the ponds by the old Ridgemark II treatment facility. The only information missing was whether there are any costs to the District for using the other ponds. Can you indicate whether there are costs in pursuing the various options listed?

Specifically:

1. Would redirecting current flows from Pond #5 to Pond #6 have any costs, and if so, can you provide a ballpark estimate?
  
2. Is it correct to assume that there would be no construction costs if one or both of the old percolation ponds by the Ridgemark II facility were needed, since the pipeline and ponds are still in place? Your letter indicated that only authorization and permitting from the Regional Water Quality Control Board (State) would be needed. Is this a simple process and approximately how long would it take?
  
3. Finally, for future capacity, your letter identified the possible conversion of Pond #1 at the new treatment facility from a treatment (storage) pond to a percolation pond. Would this have any significant costs in terms of removing the clay liner and sludge, and can you provide a ballpark estimate?

---

Thank you Don,

Bill  
  
Bill Nicholson  
Executive Officer  
San Benito LAFCO  
(831) 637-5313 (Office)



LAFCO No. 525

RESOLUTION OF THE SAN BENITO LOCAL AGENCY FORMATION COMMISSION  
MAKING DETERMINATIONS AND APPROVING THE PROMONTORY AT RIDGEMARK  
ANNEXATION TO THE SUNNYSLOPE COUNTY WATER DISTRICT

WHEREAS, the Promontory at Ridgemark Annexation to the Sunnyslope County Water District (LAFCO File No. 525) has been filed with the Executive Officer of the San Benito Local Agency Formation Commission pursuant to the Cortese-Knox-Hertzberg Local Government Reorganization Act and the County Service Area Law (Sections 56000 et seq. of the Government Code); and

WHEREAS, the proposal seeks Commission approval to annex 49.24 acres into the Sunnyslope County Water District (“District”) and represents two parcels identified by the San Benito County Assessor as APN Numbers 025-420-005 & 019; and

WHEREAS, because the property is outside the District’s Sphere of Influence, the District has requested the Commission approve a sphere of influence amendment in addition to approval of an annexation in District Resolution No. 549; and

WHEREAS, the Executive Officer has reviewed the proposal and prepared a report with recommendations; and

WHEREAS, the Commission heard and fully considered all the evidence presented at public hearings held on the proposal on August 9, October 11, and November 8, 2018; and

WHEREAS, at the times and in the manner required by law the Executive Officer has given notice of the Commission’s consideration of the proposal through publication in the Hollister Freelance Newspaper; and

WHEREAS, the Commission heard, discussed and considered all oral and written testimony related to the proposal including, but not limited to, the Executive Officer's Report and recommendation, the Environmental Impact Report and San Benito County’s determinations upon certification, the current and proposed Spheres of Influence and applicable General Plan; and

WHEREAS, in accordance with applicable provisions of the California Environmental Quality Act (hereinafter “CEQA”), the Commission serves as responsible agency for the sphere

of influence amendment and annexation and has determined that the applications are a “project” subject to CEQA; and

WHEREAS, the Local Agency Formation Commission finds the applications to be in the best interests of the affected area and the organization of local governmental agencies within San Benito County.

NOW, THEREFORE, BE IT RESOLVED DETERMINED AND ORDERED by the Local Agency Formation Commission of San Benito County as follows:

(1) The Commission finds it has reviewed and considered the Environmental Impact Report prepared by San Benito County as lead agency under CEQA, and the Commission finds the EIR adequately addresses all environmental impacts of the sphere of influence amendment and annexation and no new significant impacts have been identified, and that there is one mitigation measure that is the responsibility of LAFCO to adopt or monitor as a result of action on this proposal (Mitigation Measure AG-1 “Agricultural Conservation.” These environmental findings are based on the Commission’s independent judgment and analysis, and the Commission agrees with the CEQA Findings of Fact contained in San Benito County Planning Commission Resolution No. 2018-2, presented on Pages 3 through 17, and the Commission agrees with the County in selecting Alternative 2 entitled “Full secondary access to Southside Road” based on the conclusions of the County, presented on Pages 15 through 17 of Resolution No. 2018-2.

(2) The Commission adopts the one mitigation measure, Mitigation Measure AG-1, requiring the applicant to obtain an agricultural easement or payment of in-lieu fees to a qualified agricultural trust on a 1:1 ratio for the 36.4 acres of important farmland converted by the project which is under the responsibility of LAFCO to adopt or monitor as a responsible agency for approval of this sphere amendment and annexation.

(3) The annexation proposal is assigned the distinctive short-form designation:

PROMONTORY AT RIDGEMARK ANNEXATION TO THE SUNNYSLOPE COUNTY  
WATER DISTRICT

(4) Said territory is found to be uninhabited as there are no registered voters within the annexation area.

(5) The boundaries of the affected territory are found to be definite and certain as approved and set forth in the legal descriptions, with verification from the County Surveyor.

(6) All proceedings in connection with this proposal shall be conducted in compliance with the approved boundaries set forth in the attachments.

(7) The annexation boundary is consistent with the sphere of influence as amended by the Commission as part of their approval of the proposal, and identified in Exhibit C, and the sphere of influence amendment is processed in compliance with the provisions contained in Section 56425 of the Government Code, and the Commission adopts all five determinations as presented on Pages 4 and 5 of the Executive Officer's Report dated October 11, 2018.

(8) The Commission has considered evidence in the record regarding the District's water and wastewater treatment capacity and alternatives for providing wastewater ponding capacity within the authority and funding capability of the Sunnyslope County Water District.

(9) Since the subject territory is uninhabited, all affected landowners have given written consent to the annexation and the annexing agency has given written consent to the waiver of conducting authority proceedings, the conducting authority proceedings are waived and the staff is directed to complete the proceeding.

(10) The territory being annexed shall be liable for any existing or authorized taxes, charges, fees or assessments comparable to properties presently within the District.

(11) The proposal is APPROVED, and Staff is directed not to record the annexation until the following condition of approval has been satisfied:

(a) The maps and legal descriptions presented as Exhibit A and B are found by the County Surveyor to be acceptable.

I, Ignacio Valezquez, Chairman of the Local Agency Formation Commission of San Benito County, California, do hereby certify that the foregoing resolution was duly and regularly

[Type text]



adopted by said Commission at a regular meeting thereof held upon the 8th day of November, 2018, by the following vote:

AYES:

NOES:

ABSTAINS:

Dated: \_\_\_\_\_

\_\_\_\_\_  
Ignacio Velazquez., Chair  
San Benito Local Agency Formation Commission

ATTEST

\_\_\_\_\_  
Bill Nicholson, Executive Officer  
San Benito Local Agency Formation Commission

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## **INFORMATIONAL**

**6. Commissioner Announcements and Request for Future Agenda Items.**

**7. Adjourn to regular meeting at 3:00 PM on December 13, 2018 unless meeting time is changed based on Commission action or cancelled by Chair.**

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