

SAN BENITO LOCAL AGENCY FORMATION COMMISSION

SPECIAL MEETING AGENDA

August 10, 2017

Board of Supervisors Chambers
481 Fourth Street, Hollister CA

6:00 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 of the June 8 and June 29, 2017 meetings.

BOUNDARY CHANGE PROPOSALS – PUBLIC HEARING ITEMS

5. LAFCO 520 – Allendale Annexation to the City of Hollister and Parallel Sphere of Influence Amendment: Involving an amendment to the City of Hollister Sphere of Influence of approximately 31 acres, and the annexation of 57.9 acres into the City located to the northeast of the intersection of Buena Vista Road and Locust Avenue and west of the Union Pacific Railroad Right-of Way. The annexation involves a portion of a larger development, with the annexation area proposed for 198 single family and 10 multiple family residential dwellings to be served all public services the City of Hollister. The actions requested are to make an environmental determination regarding the adequacy of the City's Environmental Impact Report, and consider amendment of the Sphere of Influence and approval of the annexation. **(Public Hearing Continued from May 25, June 8, June 29, and July 13, 2017 Meetings)**
6. LAFCO 522 – Borelli Annexation to the City of Hollister: Involving the annexation of approximately 25 acres of property, located on the north side of Buena Vista Road and on the west side of the extension of Miller Road, more particularly identified as 1340 Buena Vista Road, for a future residential subdivision to be served by the City of Hollister. The actions requested are to make a determination that the Commission has reviewed and considered the City's Initial Study/Mitigated Negative Declaration, and that there are no mitigation measures for the Commission to adopt, and to approve the annexation, and authorize LAFCO staff to complete the proceedings without further notice, hearing or election.

BUSINESS ITEMS – NON-HEARING ITEM

7. Possible Direction to Staff on how to proceed with Out of Agency Boundary Service Extensions, notably sewer service in connection with the Hollister Urban Area Water and

Wastewater Master Plan (continued direction from the April 27, 2017 Study Session, and continued from the May 25 and June 29, 2017, meetings)

8. Correspondence from the City Attorney for the City of Hollister dated July 5, 2017, regarding exemption from LAFCO Review for City sewer connection to new development at 3061 Southside Road – Commission direction on letter of response.
9. Consideration of adoption of policy to require applicants to enter an indemnification agreement as part of the standard application submittal process with the San Benito Local Agency Formation Commission

INFORMATIONAL

10. CALAFCO Legislative Committee Status Report
11. Adjourn to regular meeting at 6:00 PM on September 14, 2017, 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 cgraves@cosb.us.

CONSENT AGENDA

**4. Approval of minutes of the
June 8 and June 29, 2017
meetings.**

SAN BENITO LOCAL AGENCY FORMATION COMMISSION MINUTES OF MEETING

June 8, 2017

Board of Supervisors Chambers - Hollister, CA

1. Chair Richard Bettencourt called the meeting to order at 6:00 pm. Present were Vice-Chair Ignacio Velazquez, and Commissioners De La Cruz, and West, Alternate Commissioner Rivas, LAFCO Executive Officer Bill Nicholson, and LAFCO Counsel Barbara Thompson. Commissioner Botelho was absent. Alternate Commissioners Daniel and DeVries were not present.
2. The Pledge of Allegiance was recited.
3. Public Comment Period.

This evening, no one chose to speak during the Public Comment period.

CONSENT AGENDA

4. Chair Bettencourt announced that there are no minutes available for approval this evening.

BOUNDARY CHANGE PROPOSALS – CONTINUED PUBLIC HEARING ITEM

5. LAFCO 520 – Allendale Annexation to the City of Hollister and Parallel Sphere of Influence Amendment:

Per Executive Officer Nicholson, negotiations are still ongoing. The applicant and Staff are asking for a continuation of this item.

Public Hearing period:

As there were no speakers, Chair Bettencourt closed the Public Hearing.

Commissioner De La Cruz made a motion to continue this item to the June 29, 2017 special meeting at 6:00 PM. Vice-Chair Velazquez seconded the motion.

Ayes: De La Cruz, Velazquez, Bettencourt, West, and Rivas
Noes: None
Abstain: None

BUSINESS ITEMS – CONTINUED PUBLIC-HEARING ITEM

6. Adoption of Final Fiscal Year 2017-2018 Budget (Public Hearing Continued from May 25, 2017 Meeting.)

Executive Officer Nicholson provided testimony as to the budget hours that were originally projected for his position as Executive Officer. Executive Officer Nicholson requested an increase in the budget hours from 30 hours per month to 35 hours per month, with an annual fiscal increase of \$8,400.00.

Vice-Chair Velazquez asked if it would be more beneficial to hold fewer meetings, such as every other month, rather than every month, in terms of demands on Executive Officer Nicholson's time. Executive Officer Nicholson responded that the number of meetings depends on the number of applications submitted and the workload. Meetings can be cancelled if there is no pressing business.

Executive Officer Nicholson advised of one additional budget item, which is the membership dues paid to CALAFCO. The dues were budgeted in at \$898.00 annually, and the invoice came in for \$899.00, so the account needs to be modified to reflect \$899.00.

Commissioner De La Cruz made a motion to approve the recommended budget, with one modification. Commissioner West seconded the motion.

Ayes: De La Cruz, Velazquez, Bettencourt, West, and Rivas
Noes: None
Abstain: None

BUSINESS ITEMS – NON-HEARING ITEM

7. Adoption of resolution changing Policies and Procedures in the LAFCO Commission Handbook allowing Alternate Commissioner participation at Commission meetings only when a Regular Commissioner is absent or disqualified from voting.

Executive Officer Nicholson provided summary testimony as to whether or not the language in the LAFCO Handbook should be modified to reflect the fact that Alternative Commissioners" may participate as citizens, and exercise normal citizen rights, in any LAFCO Commission meeting, rather than discouraging their rights as citizens.

Commissioner De La Cruz made a motion to approve the adoption of the resolution that was drafted at the last meeting. Commissioner West seconded the motion.

Ayes: De La Cruz, Velazquez, West, and Rivas
Noes: Bettencourt
Abstain: None

INFORMATIONAL

8. Commissioner Announcements and Requests for Future Agenda Items

There were no Commissioner Announcements this evening.

9. Executive Officer oral status report on pending proposals - Executive Officer Nicholson gave a brief overview of a pending application for the Borelli property on the North side of Buena Vista Road.

10. Adjourn to special meeting at 6:00 PM on June 29, 2017, unless meeting time is changed based on Commission action or cancelled by Chair

ADJOURNMENT

Upon motion by Commissioner De La Cruz, with a second by Commissioner West, the meeting adjourned at 6:20 PM to the next special meeting on June 29, 2017, unless canceled by the Chair or a special meeting is called.

Final Minutes Approved by the Commission
on _____

By _____
Chair

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

June 29, 2017

Board of Supervisors Chambers - Hollister, CA

1. Chair Richard Bettencourt called the meeting to order at 6:00 p.m. Present were Executive Officer Bill Nicholson, Vice-Chair Ignacio Velazquez, and Commissioners Jaime De La Cruz, Anthony Botelho, and Jim West. Alternate Commissioners Dan DeVries, Robert Rivas, and Roberta Daniel were not present.
2. Commissioner Botelho led the chamber in The Pledge of Allegiance.
3. Public Comment Period.

This evening, no one chose to speak during the Public Comment period.

BOUNDARY CHANGE PROPOSALS – CONTINUED PUBLIC HEARING ITEM

4. LAFCO 520 – Allendale Annexation to the City of Hollister and Parallel Sphere of Influence Amendment:

Per Executive Officer Nicholson, the applicant and Staff request a continuance of this item.

Public Hearing period:

As there were no speakers, Chair Bettencourt closed the Public Hearing.

Commissioner De La Cruz made a motion to continue this item to the July 13, 2017 meeting at 6:00 PM. Commissioner Botelho seconded the motion.

Ayes: De La Cruz, Botelho, Bettencourt, West

Noes: None

Abstain: Velazquez

BUSINESS ITEMS – NON-HEARING ITEM

5. Possible Direction to Staff on how to proceed with Out of Agency Boundary Service Extensions, notably sewer service (**continued direction from the April 27, 2017 Study Session on the Hollister Urban Area**).

This evening's discussion is a continuation of the initial April 27, 2017 study session. Executive Officer Nicholson provided testimony, with a PowerPoint presentation, as to the progress to date of this item. The goal tonight is receive direction from the Commission as to how to manage the Hollister Urban Area boundary, and the extension of the sewer service from the City of Hollister's regional sewer plant. The law requires LAFCO to review all extensions of any services outside of city or district boundaries, as per Government Code Section 56133, unless the applicant qualifies for one of the approved exemptions. Executive Officer Nicholson concluded his presentation with the 4 potential options for resolution.

Commissioner Botelho provided testimony as to the challenge of allowing applications to go forward that may, or may not, be subject to LAFCO review before actual LAFCO approval is granted. Executive Officer Nicholson offered the solution of modeling themselves after Los Angeles County, which requires you to file the same paperwork and pay the same fee, whether you are seeking LAFCO approval or a decision, and whether or not the applicant is exempt from LAFCO approval.

A lengthy discussion ensued amongst the Chair, Vice-Chair, Executive Officer, and the Commissioners as to the importance of following all the necessary steps and adhering to the letter of the state laws for all current and future project applications. It was agreed that proper legal counsel should be present to provide direction and to help avoid any future litigation.

Commissioner Botelho requests that a discussion of the process that surrounds the Brigantino project, which is currently "in limbo", be included on the July 13, 2017 LAFCO meeting agenda.

Vice-Chair Velazquez prefers this item be put on the agenda for the August 10, 2017 LAFCO meeting.

Commissioner Botelho made a motion to continue this item to the July 13, 2017 LAFCO meeting. Commissioner West seconded the motion.

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

Public Comment period:

Don Ridenhour, General Manager of the Sunnyslope County Water District, spoke during Public Comment on this item. He indicated the district has plans to serve sewer outside of the Ridgemark area, but also agreed to respect the City of Hollister service area identified in the Hollister Urban Area water and wastewater Master Plan.

A lengthy discussion ensued amongst the Executive Officer and the Commissioners as to the ramifications of the 4 potential options that Executive Officer Nicholson presented earlier this evening.

There was also a discussion as to the boundary lines of the “will serve” letters issued by the Sunnyslope Water District, and whether or not these “will serve” letters should continue to be issued until the Commission knows which projects these letters pertain to.

The Commissioners agreed that a study session of any pending LAFCO applications be included on the agenda for the August 2017 LAFCO meeting.

Commissioner De La Cruz requests that a closed session be included on the agenda for the July 13, 2017 LAFCO meeting.

6. Budget Transfer: Fiscal Year 2016-17 Budget for Executive Officer costs exceeding 360 hours.

Executive Officer Nicholson gave testimony that the number of hours he has devoted to LAFCO, particularly given the workload of the last 6 months, exceeds the originally forecasted 360 hours. There is approximately \$700.00 or \$800.00 left in the final budget. Executive Officer Nicholson requests a transfer of funds, in the amount of \$10,255.00, from the contingency account to cover his hours, as he will easily exceed the remaining funds in the final budget.

Vice-Chair Velazquez made a motion to approve the transfer of funds from the contingency account. Commissioner De La Cruz seconded the motion.

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

INFORMATIONAL

7. Adjourn to regular meeting at 6:00 PM on July 13, 2017, unless meeting time is changed based on Commission action or cancelled by Chair.

ADJOURNMENT

Upon motion by Commissioner De La Cruz, with a second by Commissioner West, the meeting adjourned at 7:16 PM, to the next meeting on July 13, 2017, unless canceled by the Chair or a special meeting is called.

SAN BENITO LAFCO
Minutes of Meeting
June 29, 2017
Page 4

Final Minutes Approved by the Commission
on _____

By _____

Chair

**BOUNDARY CHANGE
PROPOSALS – PUBLIC
HEARING ITEMS**

**5. LAFCO 520 – Allendale
Annexation to the City of Hollister
and Parallel Sphere of Influence
Amendment.**

**6. LAFCO 522 – Borelli
Annexation to the City of
Hollister.**

LOCAL AGENCY FORMATION COMMISSION
SAN BENITO COUNTY

2301 Technology Parkway
Hollister, CA 95023
Phone: (831) 637-5313 Fax: (805) 647-7647

August 10, 2017 (Agenda)

Local Agency Formation Commission
2301 Technology Parkway
Hollister, CA 95023

**Action on LAFCO File No. 520: Allendale Annexation to the City of Hollister
and Parallel Sphere of Influence Amendment (Agenda Item 5)**
(Public Hearing Continued from May 25, June 8, June 29, and July 13, 2017)

SUMMARY

The Commission held a noticed public hearing on May 25, 2017, to consider approval of the Allendale Annexation to the City of Hollister involving 57.9 acres located north of North Avenue and Buena Vista Avenue and northeast of the intersection with Locust Avenue. In order to annex this territory, the City also requested LAFCO approval of a 31 acre expansion of the City Sphere of Influence on the northern portion of the territory (part of Assessor's Parcel No. 019-130-027).

Testimony from the applicant, Michael Evans with DeNova Homes and project representative Scott Fuller, questioned the contents of two new proposed conditions of approval (labeled F and G) that were presented to them and the Commission just prior to the start of the Commission meeting, and whether they were needed or appropriate. Following a brief discussion, and with concurrence from the project proponents, the Commission continued the Public Hearing to the June 8th regular Commission meeting giving time to work with LAFCO Counsel on condition "F" regarding the 2010 Master Tax Agreement between the City of Hollister and San Benito County, and on condition "G" the indemnification language where the applicant holds LAFCO harmless if the project is litigated. Both conditions supplemented the recommendations listed on Page 5 of the Executive Officer's Report dated May 25, 2017. At the June 8th Continued Hearing, Executive Officer Nicholson indicated that the County, City and project applicant had not reached agreement and they requested the application be continued to the June 29, 2017 meeting, and subsequently, the applicant requested the hearing be continued again as they try to negotiate with the City and County over the conditions. With no update provided at the continued July 13th public hearing, this item is again placed on the August 10, 2017 Commission Agenda.

The Commission is requested to bring your full packet for this item from the May 25th Agenda Packet, and if you need another copy, to contact the Executive Officer. Without having confirmation that an agreement on the wording on the conditions of approval has been reached, the findings and conditions presented in this Executive Officer's Report reflect the most recent version contained in attached Draft Resolution No. 520, which has been prepared for consideration if the Commission takes action to approve the Allendale Annexation and parallel sphere of influence amendment, and wishes to include the two conditions of approval.

RECOMMENDATION

It is recommended the Commission open the public hearing and receive any testimony, and consider conditions of approval "F" and "G." After closing the public hearing, make the findings and determinations presented below, and adopt the attached resolution approving the Allendale Annexation to the City of Hollister and parallel Sphere of Influence Amendment involving 31 acres of the annexation territory, subject to the conditions of approval, or with modification or adjustment of the conditions as desired by the Commission. While Condition F is presented with a requirement that the project owner agree to fully comply with the 2010 Master Tax Agreement between the City of Hollister and San Benito County, a stronger condition may be considered as an alternative, that would require the project owner to submit an agreement in writing to LAFCO before LAFCO records the Certificate of Completion. Staff is in agreement with Counsel that Condition G should be imposed regardless of the wording of Condition F as LAFCO does not have the budget to defend a lawsuit for applicants wishing to annex into a city. Therefore, staff recommends the Commission approve the annexation and parallel sphere of influence amendment based on the following findings, determinations and conditions:

- A. Find that the Commission has reviewed and considered the Draft and Final EIR prepared by the City of Hollister as lead agency under CEQA approval of the development project, and related sphere of influence amendment and rezoning. There are no mitigation measures that are the responsibility of LAFCO to adopt or monitor as a responsible agency for approval of this annexation. The Commission concurs with the Statement of Overriding Considerations adopted by the City of Hollister for approval of the project through Resolution 2016-202.
- B. Adopt Resolution No. 520 approving the proposal known as the "Allendale Annexation to the City of Hollister," based on the determinations presented on Pages 2 through 5 of the May 25, 2017, Executive Officer's Report, along with the parallel sphere of influence amendment involving 31 acres on the northern portion of the Annexation area, based upon the 5 determinations presented on Page 2 of the Executive Officer's Report, and subject to the conditions listed in Items E, F and G below.
- C. Determine: 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 Certificate of Completion until the map and legal description is found by the County Surveyor to be acceptable.
- F. The project owner shall comply with the 2010 Master Tax Agreement between the City of Hollister and San Benito County notwithstanding any future change in the agreement or outcome of any challenge/litigation, or, as an alternative, the project owner has entered into a project specific annexation agreement agreed to by the City and County prior to recording the Certificate of Completion for the annexation.
- G. PROJECT OWNER shall defend, indemnify, and hold SAN BENITO LOCAL AGENCY FORMATION COMMISSION, its agents, officers, and/or employees (hereinafter "LAFCO") free and harmless from any and all suits, fees, claims, demands, causes of action, proceedings (hereinafter

Local Agency Formation Commission
Allendale Annexation to the City of Hollister
(LAFCO File 520)
August 10, 2017
Page 3

collectively referred to as "Legal Action"), costs, losses, damages, liabilities and expenses (including, but not limited to, an award of attorneys' fees, expert witness fees, and court costs) incurred by LAFCO arising (directly or indirectly) or resulting from the review, processing, consideration, or approval of PROJECT OWNER'S Project or action taken by LAFCO thereon, including Legal Actions based on the negligence of LAFCO. PROJECT OWNER will reimburse LAFCO for any damages, costs, or fees awarded pursuant to any settlement, default judgment, or other judgment taken against the LAFCO, whether the result of PROJECT OWNER'S decision not to defend legal action or otherwise. LAFCO retains its discretion to direct counsel regarding whether to defend, settle, appeal, or take other action regarding any Legal Action.

Respectfully submitted,



BILL NICHOLSON
Executive Officer

cc: Abraham Prado, City of Hollister Development Services Department
Michael Evans, DeNova Homes
John Brigantino, San Benito Realty

Attachments:

Draft Resolution No. 520, including map and legal description of annexation territory and sphere of influence adjustment map

LAFCO No. 520

**RESOLUTION OF THE SAN BENITO LOCAL AGENCY FORMATION COMMISSION
MAKING DETERMINATIONS AND APPROVING THE ALLENDALE
ANNEXATION TO THE CITY OF HOLLISTER AND PARALLEL
CITY OF HOLLISTER SPHERE OF INFLUENCE AMENDMENT**

WHEREAS, the above-referenced proposal 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 57.9 acres into the City of Hollister and represents two parcels identified by the San Benito County Assessor as APN Numbers 019-130-026 and 019-130-027; and

WHEREAS, because the northern 31 acres of the annexation territory are located outside the City of Hollister's Sphere of Influence, the City has requested the Commission approve a sphere of influence amendment through City of Hollister Ordinance No. 1134; 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 May 25, 2017 and continued to June 8, 2017, June 29, 2017 and July 13, 2017; 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 mailed notice to all owners within 300 feet of the project boundaries; 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 document or determination, Spheres of Influence and applicable General and Specific Plans; 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 annexation is a “project” subject to CEQA; and

WHEREAS, the Local Agency Formation Commission finds the proposal 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 the City of Hollister as lead agency under CEQA, and the Commission finds the EIR adequately addresses all environmental impacts of this sphere of influence amendment and annexation and no new significant impacts have been identified, and that there are no mitigation measures that are the responsibility of LAFCO to adopt or monitor as a result of action on this proposal. 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 City of Hollister Resolution No. 2016-202, presented on Pages 3 through 42, and the Commission rejects the alternatives to the project based on the conclusions of the City of Hollister Resolution No. 2016-202, presented on Pages 43 through 45. The Executive Officer is the custodian of the records upon which these determinations are based; these records are located at the Commission office - 2301 Technology Parkway, Hollister, CA 95023.

(2) The Commission adopts the statement of overriding considerations in compliance with Section 15091(a)(2) and (a)(3), consistent with the findings adopted by the City of Hollister in Resolution No. 2016-202, as presented on Pages 42 and 43 for the significant and unavoidable impacts related to visual degradation of the project site and its surroundings, loss of prime agricultural farmland, and traffic and circulation impacts.

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

ALLENDALE ANNEXATION TO CITY OF HOLLISTER

(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, attached hereto and made a part hereof.

(6) All proceedings in connection with this proposal shall be conducted only 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 Page 2 of the Executive Officer's Report dated May 25, 2017.

(8) 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.

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

(10) The annexation and related sphere of influence amendment are APPROVED, subject to the following conditions of approval:

(a) The project owner shall comply with the 2010 Master Tax Agreement between the City of Hollister and San Benito County notwithstanding any future change in the agreement or outcome of any challenge/litigation, or, as an alternative, the project owner has entered into a project specific annexation agreement agreed to by the City and County prior to recording the Certificate of Completion for the annexation.

(b) PROJECT OWNER shall defend, indemnify, and hold SAN BENITO LOCAL AGENCY FORMATION COMMISSION, its agents, officers, and/or employees (hereinafter "LAFCO") free and harmless from any and all suits, fees, claims, demands, causes of action, proceedings (hereinafter collectively referred to as "Legal Action"), costs, losses, damages, liabilities and expenses (including, but not limited to, an award of attorneys' fees, expert witness fees, and court costs) incurred by LAFCO arising (directly or indirectly) or

resulting from the review, processing, consideration, or approval of PROJECT OWNER'S Project or action taken by LAFCO thereon, including Legal Actions based on the negligence of LAFCO. PROJECT OWNER will reimburse LAFCO for any damages, costs, or fees awarded pursuant to any settlement, default judgment, or other judgment taken against the LAFCO, whether the result of PROJECT OWNER'S decision not to defend legal action or otherwise. LAFCO retains its discretion to direct counsel regarding whether to defend, settle, appeal, or take other action regarding any Legal Action. regarding indemnification by the project owner of San Benito LAFCO, as presented in the handout at the May 25, 2017 meeting or as modified by the Commission.

I, Richard Bettencourt, Chairman of the Local Agency Formation Commission of San Benito County, California, do hereby certify that the foregoing resolution was duly and regularly adopted by said Commission at a regular meeting thereof held upon the 8th day of June, 2017, by the following vote:

AYES:

NOES:

ABSTAINS:

Dated: _____

Richard Bettencourt, Chair
San Benito Local Agency Formation Commission

ATTEST

Bill Nicholson, Executive Officer
San Benito Local Agency Formation Commission

**EXHIBIT A
ALLENDALE
AREA TO BE ANNEXED TO THE CITY OF HOLLISTER
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 RANCHO SAN JUSTO, DESCRIBED AS FOLLOWS:

BEGINNING AT A POINT ON THE EXISTING CITY LIMIT LINE OF THE CITY OF HOLLISTER, SAID POINT BEING THE INTERSECTION OF THE NORTHERN LINE OF NORTH STREET AND THE SOUTHWESTERN LINE OF THE UNION PACIFIC RAILROAD RIGHT OF WAY;

- THENCE, (1) FROM SAID POINT OF BEGINNING, ALONG SAID EXISTING CITY LIMIT LINE, NORTH 86°53'26" WEST 148.54 FEET;
- THENCE, (2) NORTH 28°07'26" WEST 231.99 FEET;
- THENCE, (3) NORTH 86°53'26" WEST 391.50 FEET;
- THENCE, (4) NORTH 39°53'26" WEST 1,158.45 FEET;
- THENCE, (5) NORTH 86°53'26" WEST 421.75 FEET;
- THENCE, (6) SOUTH 02°41'34" WEST 1,045.63 FEET TO A POINT ON SAID NORTHERN LINE OF NORTH STREET;
- THENCE, (7) NORTH 86°53'26" WEST 100.00 FEET;
- THENCE, (8) LEAVING SAID EXISTING CITY LIMIT LINE, NORTH 02°41'34" EAST 762.99 FEET;
- THENCE, (9) NORTH 10°35'26" WEST 82.01 FEET;
- THENCE, (10) NORTH 17°50'26" WEST 174.00 FEET;
- THENCE, (11) NORTH 37°15'26" WEST 362.00 FEET;
- THENCE, (12) NORTH 27°03'26" WEST 275.70 FEET;
- THENCE, (13) NORTH 17°41'26" WEST 827.32 FEET;
- THENCE, (14) SOUTH 86°43'45" EAST 1,307.78 FEET;

THENCE, (15) SOUTH 31°33'47" EAST 284.50 FEET;
THENCE, (16) SOUTH 31°08'54" EAST 130.25 FEET;
THENCE, (17) SOUTH 28°00'31" EAST 2,274.73 FEET TO SAID POINT OF
BEGINNING.

CONTAINING 57.9 ACRES OF LAND, MORE OR LESS.

ATTACHED HERETO IS EXHIBIT B, AND BY THIS REFERENCE MADE A PART
HEREOF.

FOR ASSESSMENT 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

PRELIMINARY

SABRINA KYLE PACK, P.L.S.
L.S. NO. 8164

THENCE, (1)
BOUNDARY DESCRIPTION CONFORMS TO LAFCO REQUIREMENTS

DATE: _____ BY: _____

NAME: _____

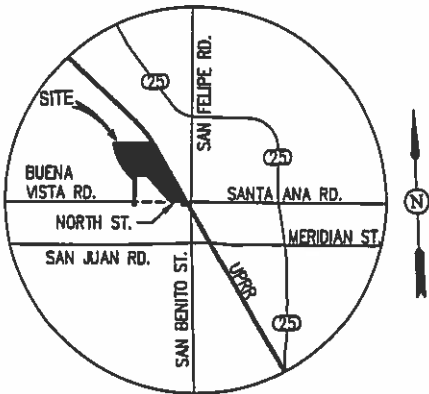
RCE/LS: _____

BOUNDARY DESCRIPTION CONFORMS TO LAFCO REQUIREMENTS.

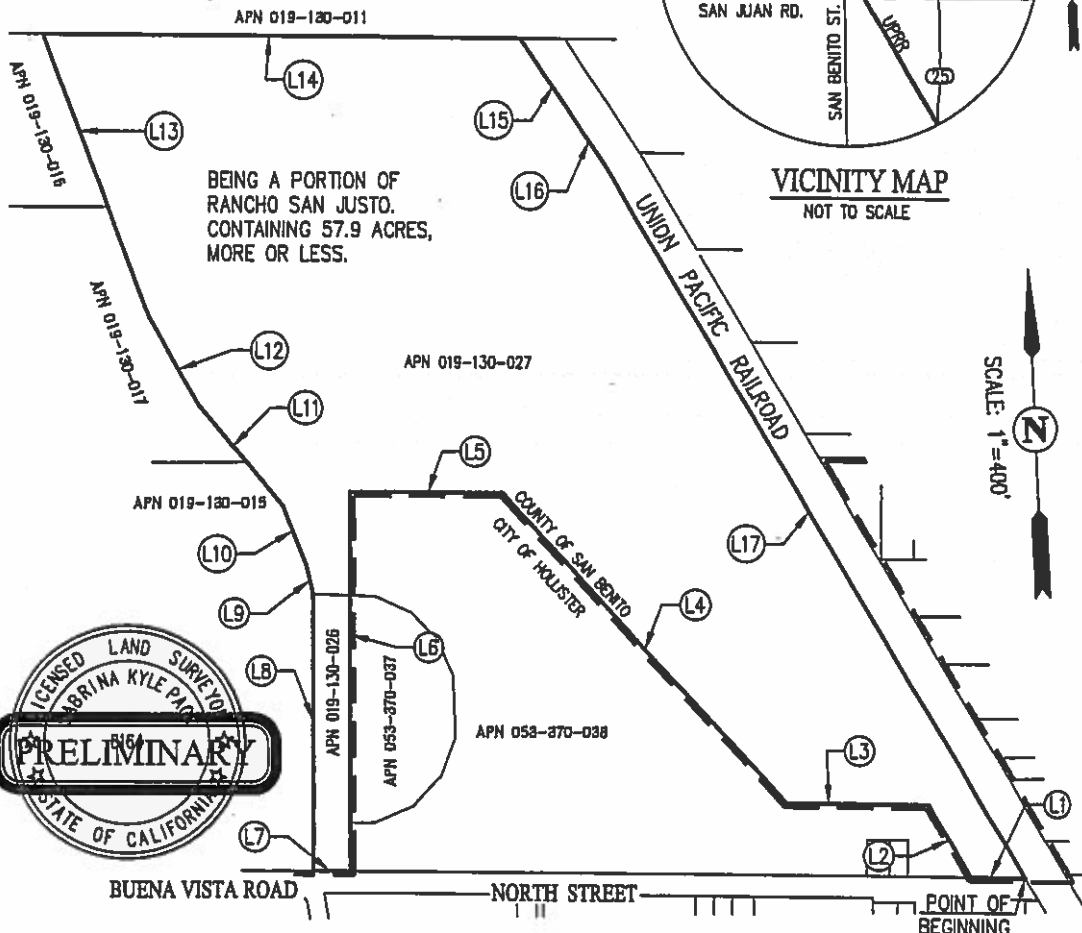
DATE: _____

BY: _____

PLS/RCE: _____



VICINITY MAP
NOT TO SCALE



LINE TABLE		
NO	BEARING	LENGTH
L1	N86°53'26"W	148.54'
L2	N28°07'26"W	231.99'
L3	N86°53'26"W	391.50'
L4	N39°53'26"W	1158.45'
L5	N86°53'26"W	421.75'
L6	S02°41'34"W	1045.63'

LINE TABLE		
NO	BEARING	LENGTH
L7	N86°53'26"W	100.00'
L8	N02°41'34"E	762.99'
L9	N10°35'26"W	82.01'
L10	N17°50'26"W	174.00'
L11	N37°15'26"W	362.00'
L12	N27°03'26"W	275.70'

LINE TABLE		
NO	BEARING	LENGTH
L13	N17°41'26"W	827.32'
L14	S86°43'45"E	1307.78'
L15	S31°33'47"E	284.50'
L16	S31°08'54"E	130.25'
L17	S28°00'31"E	2274.73'

LAFCO
EXHIBIT B
ALLENDALE

AREA TO BE ANNEXED INTO THE CITY OF HOLLISTER
SAN BENITO COUNTY, CALIFORNIA

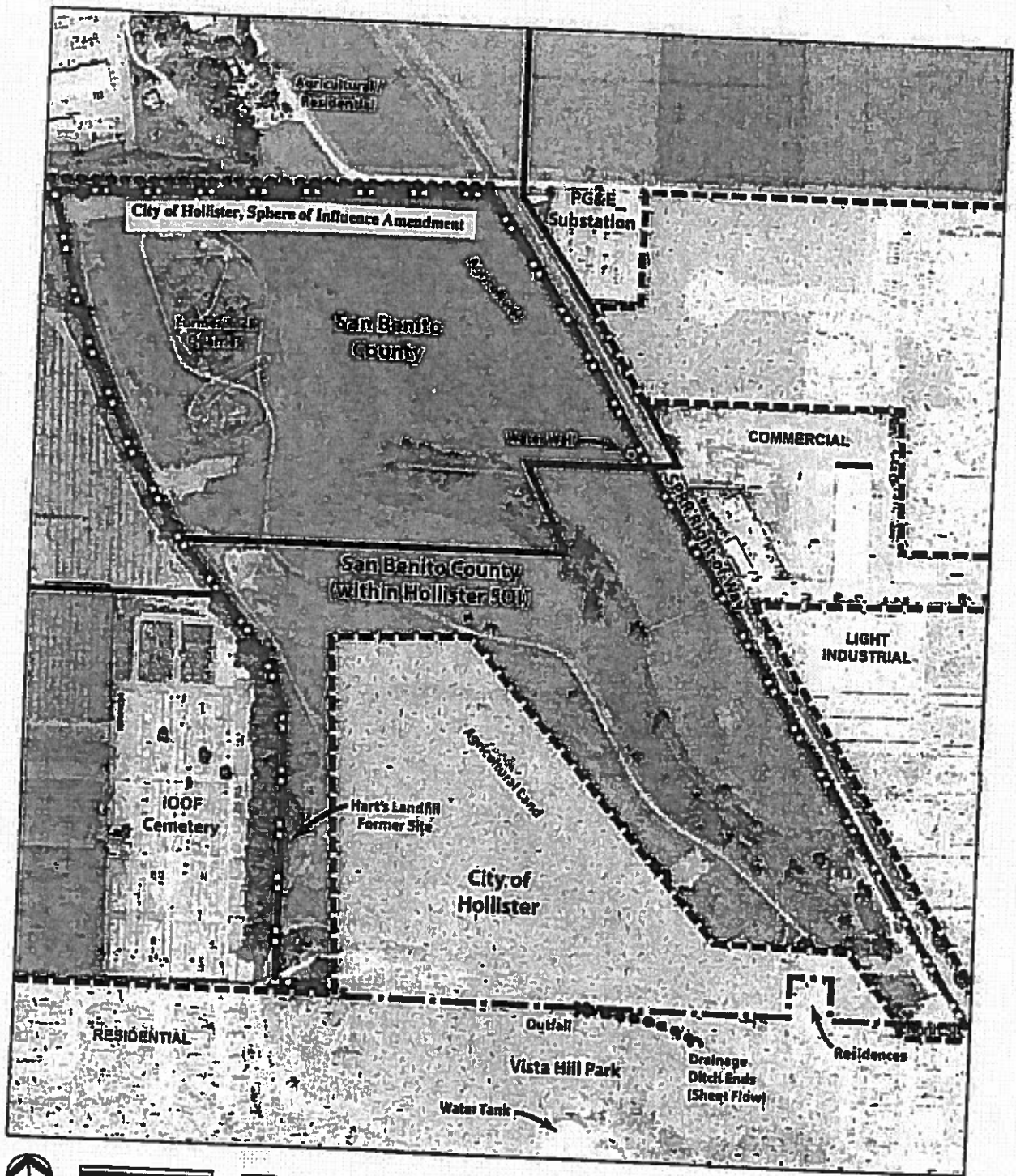
FEBRUARY 15, 2017

SHEET 1 OF 1

Carlson, Barbee & Gibson, Inc.

CIVIL ENGINEERS • SURVEYORS • PLANNERS
SAN RAMON • (925) 888-0322
WEST SACRAMENTO • (916) 375-1877

2/15/2017 3:53 PM



0 400 feet

Project Boundary

Hollister SOI

Source: Google Earth 2013, AEI Consultants 2013

Hollister City Limits

●●● Drainage Ditch

**City of Hollister, Sphere of Influence Amendment
LAFCO Resolution No. 520 (Allendale Annexation)**

Exhibit C

SAN BENITO LOCAL AGENCY FORMATION COMMISSION
EXECUTIVE OFFICER'S REPORT
(Agenda Item 6)

August 10, 2017 (Agenda)

- LAFCO No. 522:** Borelli Annexation to City of Hollister
- PROPONENT:** City Council of the City of Hollister, by resolution
- ACREAGE & LOCATION** Approximately 25.0 acres located on the north side of Buena Vista Road on the west side of the extension of Miller Road, and approximately 2,000 feet west of Westside Road. The addresses on the property are 1340 and 1470 Buena Vista Road. (APN: 019-120-038) (the “Borelli Property”)
- PURPOSE:** To provide municipal services for future residential development in a density range of 8 to 12 dwellings per acre. No tentative subdivision map has been submitted for processing with the City.

BACKGROUND/HISTORY

The proposed annexation of the Borelli property (the “Borelli Annexation”) was initially part of a larger annexation referred to as the “Gonzalez/ Borelli Annexation” involving 37.28 acres of property, which included the 12.2 acre Gonzalez property (APN: 019-110-031) located just west of the Borelli property also on the north side of Buena Vista Road. The Gonzalez property is under a Williamson Act contract and the City protested the contract when it was entered into with San Benito County back in 1973, which would allow the City to cancel the contract upon annexation without penalty (City Resolution No. 73-11). However, after the City completed their environmental review and the Hollister City Council adopted their resolution of application, it was discovered that the State Williamson Act rules were changed in 1971 to also require LAFCO to agree with the city protest. In later years, evidence of this agreement from LAFCO was found in adopted LAFCO resolutions, but there is no evidence LAFCO took such action in 1973.

As a result, the purchaser of the property, Doug Ledebouer with Keiper Development, Inc. requested the City and LAFCO proceed with only the 25 acre Borelli property (APN: 019-120-038) at this time. The application materials, annexation map and legal descriptions have been revised accordingly, while the City’s resolution of application and CEQA document continue to reflect the larger 37.28 acre territory. However, a letter from the City Attorney, Soren Diaz, dated July 10, 2017, confirms the City’s willingness to allow LAFCO to approve the smaller annexation boundary. In the letter, it is stated that Mr. Gonzalez is in agreement with having his property excluded from the annexation application. Once the issues involving the Williamson Act are resolved, the City will submit a new application to LAFCO for processing the Gonzalez property. (A copy of the letter is attached to this report.)

The actions requested are to make an environmental determination regarding the adequacy of the City's Mitigated Negative Declaration, and approve the annexation, and authorize LAFCO staff to complete the proceedings without further notice, hearing or election.

PROJECT INFORMATION

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

The annexation area consists of agricultural land planted in row crops, with two existing homes. The County General Plan designation is Residential Mixed (RM), and the zoning is Agricultural Productive (AP). The City General Plan designates the site as Medium Density Residential. The City rezoned the property as Medium Density Residential Performance Overlay Zoning District (R3-M/PZ) on March 7, 2016, through Ordinance No. 1126. The area is located within the City Sphere of Influence and is designated as a priority infill parcel in the City General Plan. Following annexation, any new development would be subject to the City's zoning and development standards which would permit both small lot single family and multiple family residential units at a density between 8 and 12 units per acre. While no subdivision has been submitted to the City, the developer has indicated they will propose approximately 170 units for the property.

Surrounding land uses are agricultural to the north, east and west, and residential in the City limits to the south. Buena Vista Road running along the south side of the property is already within the City limits.

2. Topography, Natural Features and Drainage Basins:

The site and surrounding areas are generally level. There are no significant natural boundaries affecting the proposal.

3. Population:

There are two dwellings within the proposal area, and no registered voters. There could be approximately six residents on the property. The territory is considered "uninhabited" under the LAFCO definition (less than 12 registered voters). Following annexation, development within the City will result in the construction of between 144 and 216 dwellings based on information provided by the City (Response to Question 13.B. in the "Proposal Justification Questionnaire for Annexations"). This range would accommodate

the proposed 170 units indicated by the project developer. Assuming an average of 3.61 occupants per unit would result in a population increase of between 520 and 780 people based on the range of density provided by the City.

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

The City Plan for Providing Services as required by Government Code section 56653 is included in response to Item 14 in the "Proposal Justification Questionnaire" and included as an attachment to this report is very simple for this developed property, and is presented in response to question Number 14 in the "Proposal Justification Questionnaire for Annexations, Detachments and Reorganizations" and related letter from the Interim City Engineer responding to questions 15 and 16, both of which are attached to this Executive Officer's Report. The City's responses are that the City has adopted impact fees and connection fees to cover the costs of providing services and that new development won't lead to a demand for additional personnel. Sewer and water infrastructure is available adjacent to the property in Buena Vista Road.

It should be noted that the County has requested imposition of a standard condition of approval for all residential annexations into the City of Hollister regarding obtaining the applicant's agreement for compliance with the 2010 Master Tax Agreement between the City of Hollister and San Benito County. This request has come in on past residential annexations (Maple Park and Allendale as two examples). It is up to the Commission's discretion whether to include this condition, but it has been included under Option 1 at the end of this Report, and in the draft Resolution No. 522.

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

The annexation area consists of prime agricultural land that has historically grown a variety of row crops, along with two homes that comprise approximately 1.69 acres. While the City's Initial Study identified the conversion of this farm land as a significant impact, they also indicated that this area along Buena Vista Road is designated as a priority infill area for annexation by the City. The City's Initial Study also relied on CEQA Guidelines section 15063(b)(1)(C) to conclude the loss of farmland was adequately examined in the City of Hollister General Plan 2020, and that the project is consistent with the development densities identified in the 2020 General Plan and under CEQA Guidelines section 15183, and no additional environmental review of agricultural resource impacts is necessary.

The conversion of approximately 23.3 acres of prime farmland remains a significant impact for LAFCO's action on the annexation, in its role as a Responsible Agency under

CEQA. The City adopted a statement of overriding considerations when adopting their General Plan EIR in 2005 and didn't adopt a specific measure to require mitigation through obtaining agricultural conservation easements on other farmland, or other similar mitigation which would at least partially offset the impact.

San Benito LAFCO has also not adopted any standard requirement for the mitigation of the loss of prime farmland. In accordance with CEQA Guidelines section 15096(g)(2), when an EIR has been prepared for a project, a Responsible Agency shall not approve the project as proposed if the agency finds any feasible alternative or feasible mitigation measures within its powers that would substantially lessen or avoid any significant effect the project would have on the environment. The Commission can rely on the City's Initial Study and not require mitigation unless it determines that mitigation is feasible in accordance with the authority under section 15096(g)(2) of the CEQA Guidelines.

6. Assessed Value, Tax Rates and Indebtedness:

The annexation area is within Tax Rate Area 067-003. The current assessed value is \$267,237. The overall tax rate will not be affected by this annexation, although property values will increase upon development of the property within the city. Upon annexation, the territory will not be liable for any existing or authorized assessments or debt according to the City.

7. Environmental Impact of the Proposal:

The City of Hollister, acting as Lead Agency under CEQA, prepared an Initial Study to evaluate the impacts from the project. The City determined that most areas of potential impact in the Environmental Checklist would have a less than significant impact. Mitigation measures were adopted for the topic areas of: Agricultural Resources for "right to farm" notification measures; Air Quality for construction activities and grading; Biological Resources related to noise impacts on nesting birds and bats; Cultural Resources for potential historic structures and buried human remains, archeological and paleontological resources; Geology and Soils by requiring a soils report for liquefaction hazards, and a geologic report for identification of earthquake safety measures; Hazards and Hazardous Materials for a Phase I Site Assessment and building demolition requirements; Hydrology and Water Quality related to adequate stormwater improvements necessary to protect groundwater quality; Noise involving an acoustical analysis for future development and noise reduction measures during construction; and Transportation and Traffic to pay adopted local and regional impact fees, future intersection and sidewalk improvements, and improvements to signal timing and transit/bicycle and pedestrian

facility improvements. None of these measures are under LAFCO's authority to adopt or administer.

8. Public Notice and Subject Agency Consent:

Notice of the Public Hearing was published in the Hollister Freelance on July 21st, and was sent to all landowners within 300 feet of the project boundary. The City Council, through adoption of Resolution No. 2017-62 submitted this annexation request, and is therefore in support of the annexation, as modified through correspondence dated July 10, 2017, from the City Attorney to reflect the smaller 25.0 acre annexation area.

9. Boundaries, Lines of Assessment and Registered Voters:

The boundary map and legal description have been submitted to the County Surveyor for review, but no comments have been received. A condition of approval is proposed that: "The Executive Officer is directed not to record the Certificate of Completion until the map and legal description are found by the County Surveyor to be acceptable.

10. Disadvantaged Unincorporated Communities and Low Income Housing

Government Code Section 56375(a)(8) requires the Commission to determine whether there is a disadvantaged unincorporated community adjacent to a city annexation of more than 10 acres in size. The site is not adjacent to a disadvantaged unincorporated community as the adjacent land located in the County contains primarily agricultural and non-residential land uses. The annexation does not propose any low or moderate income housing, and therefore will not directly help the City of Hollister meet its fair share of affordable housing.

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 proposal as submitted based on the following determinations, with no conditions of approval.

- A. Find the Commission has reviewed the Initial Study and Mitigated Negative Declaration prepared by the City of Hollister as lead agency under CEQA for approval of the rezoning ordinance and annexation request. There are no

mitigation measures that are the responsibility of LAFCO to adopt or monitor as a responsible agency for approval of this annexation proposal.

- B. Determine that the subject territory is uninhabited and all affected landowners have given consent to the annexation.
- C. Adopt this report and approve the proposal known as the Borelli Annexation to the City of Hollister, subject to three conditions of approval:
 - 1. Direct staff not to record the annexation until the Property Owner has, at its option, has agreed to comply with the 2010 Master Tax Agreement between the City of Hollister and San Benito County notwithstanding any future change in the agreement or outcome of any challenge/litigation, or, as an alternative, the project owner has entered into a project specific annexation agreement agreed to by the City and County prior to recording the Certificate of Completion for the annexation.
 - 2. PROJECT OWNER shall defend, indemnify, and hold SAN BENITO LOCAL AGENCY FORMATION COMMISSION, its agents, officers, and/or employees (hereinafter "LAFCO") free and harmless from any and all suits, fees, claims, demands, causes of action, proceedings (hereinafter collectively referred to as "Legal Action"), costs, losses, damages, liabilities and expenses (including, but not limited to, an award of attorneys' fees, expert witness fees, and court costs) incurred by LAFCO arising (directly or indirectly) or resulting from the review, processing, consideration, or approval of PROJECT OWNER'S Project or action taken by LAFCO thereon, including Legal Actions based on the negligence of LAFCO. PROJECT OWNER will reimburse LAFCO for any damages, costs, or fees awarded pursuant to any settlement, default judgment, or other judgment taken against the LAFCO, whether the result of PROJECT OWNER'S decision not to defend legal action or otherwise. LAFCO retains its discretion to direct counsel regarding whether to defend, settle, appeal, or take other action regarding any Legal Action.
 - 3. The Executive Officer not record the Certificate of Completion until the map and legal description are found by the County Surveyor to be acceptable.
 - 4.

OPTION 2 - Consider this report and DENY the proposal based on the inability to make all the determinations presented.

OPTION 3 - CONTINUE this proposal to a future meeting for additional information.

RECOMMENDED ACTION:

Approve OPTION 1.



BILL NICHOLSON
Executive Officer

LOCAL AGENCY FORMATION COMMISSION

cc: Abraham Prado, Associate Planner, City of Hollister
Frank Borelli, Landowner
Doug Ledebor, Keiper Development, Inc., project applicant

Enclosures:

1. Annexation and Vicinity Map
2. Proposal Justification Questionnaire for Annexations, Detachments and Reorganizations with City Engineer Letter
3. City Resolution No. 2017-62
4. Draft LAFCO Resolution No. 522
5. CD containing the Initial Study/Mitigated Negative Declaration

LAFCO No. 522

RESOLUTION OF THE SAN BENITO LOCAL AGENCY FORMATION COMMISSION
MAKING DETERMINATIONS AND APPROVING THE BORRELI
ANNEXATION TO THE CITY OF HOLLISTER

WHEREAS, the above-referenced proposal 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 25.0 acres into the City of Hollister and represents one parcels identified by the San Benito County Assessor as APN Numbers 019-120-038; 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 a public hearing held on the proposal on August 10, 2017; and

WHEREAS, at the time 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 mailed notice to all owners within 300 feet of the project boundaries; 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 document or determination, Spheres of Influence and applicable General and Specific Plans; and

WHEREAS, in accordance with applicable provisions of the California Environmental Quality Act (hereinafter "CEQA"), the Commission serves as responsible agency for the annexation and has determined that the annexation is a "project" subject to CEQA; and

WHEREAS, the Local Agency Formation Commission finds the proposal 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) Find the Commission has reviewed the Initial Study and Mitigated Negative Declaration prepared by the City of Hollister as lead agency under CEQA for approval of the rezoning ordinance and annexation request. There are no mitigation measures that are the responsibility of LAFCO to adopt or monitor as a responsible agency for approval of this annexation proposal.

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

BORELLI ANNEXATION TO CITY OF HOLLISTER

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

(4) The boundaries of the affected territory are found to be definite and certain as approved and set forth in the legal descriptions, attached hereto and made a part hereof.

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

(6) The annexation boundary is consistent with the sphere of influence in compliance with Section 56425 of the Government Code.

(8) 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.

(9) The territory being annexed shall not be liable for any existing or authorized taxes, charges, fees or assessments comparable to properties presently within the City.

(10) The proposal is APPROVED, subject to completion of the following conditions of approval:

(a) Direct staff not to record the annexation until the Property Owner has, at its option, has agreed to comply with the 2010 Master Tax Agreement between the City of Hollister and San Benito County notwithstanding any future change in the agreement

or outcome of any challenge/litigation, or, as an alternative, the project owner has entered into a project specific annexation agreement agreed to by the City and County prior to recording the Certificate of Completion for the annexation.

(b) PROJECT OWNER shall defend, indemnify, and hold SAN BENITO LOCAL AGENCY FORMATION COMMISSION, its agents, officers, and/or employees (hereinafter "LAFCO") free and harmless from any and all suits, fees, claims, demands, causes of action, proceedings (hereinafter collectively referred to as "Legal Action"), costs, losses, damages, liabilities and expenses (including, but not limited to, an award of attorneys' fees, expert witness fees, and court costs) incurred by LAFCO arising (directly or indirectly) or resulting from the review, processing, consideration, or approval of PROJECT OWNER'S Project or action taken by LAFCO thereon, including Legal Actions based on the negligence of LAFCO. PROJECT OWNER will reimburse LAFCO for any damages, costs, or fees awarded pursuant to any settlement, default judgment, or other judgment taken against the LAFCO, whether the result of PROJECT OWNER'S decision not to defend legal action or otherwise. LAFCO retains its discretion to direct counsel regarding whether to defend, settle, appeal, or take other action regarding any Legal Action.

(c) The Executive Officer is directed not to record the Certificate of Completion until the map and legal description are found by the County Surveyor to be acceptable.

I, Richard Bettencourt, Chairman of the Local Agency Formation Commission of San Benito County, California, do hereby certify that the foregoing resolution was duly and regularly adopted by said Commission at a regular meeting thereof held upon the 20th day of August, 2017, by the following vote:

AYES:

NOES:

ABSTAINS:

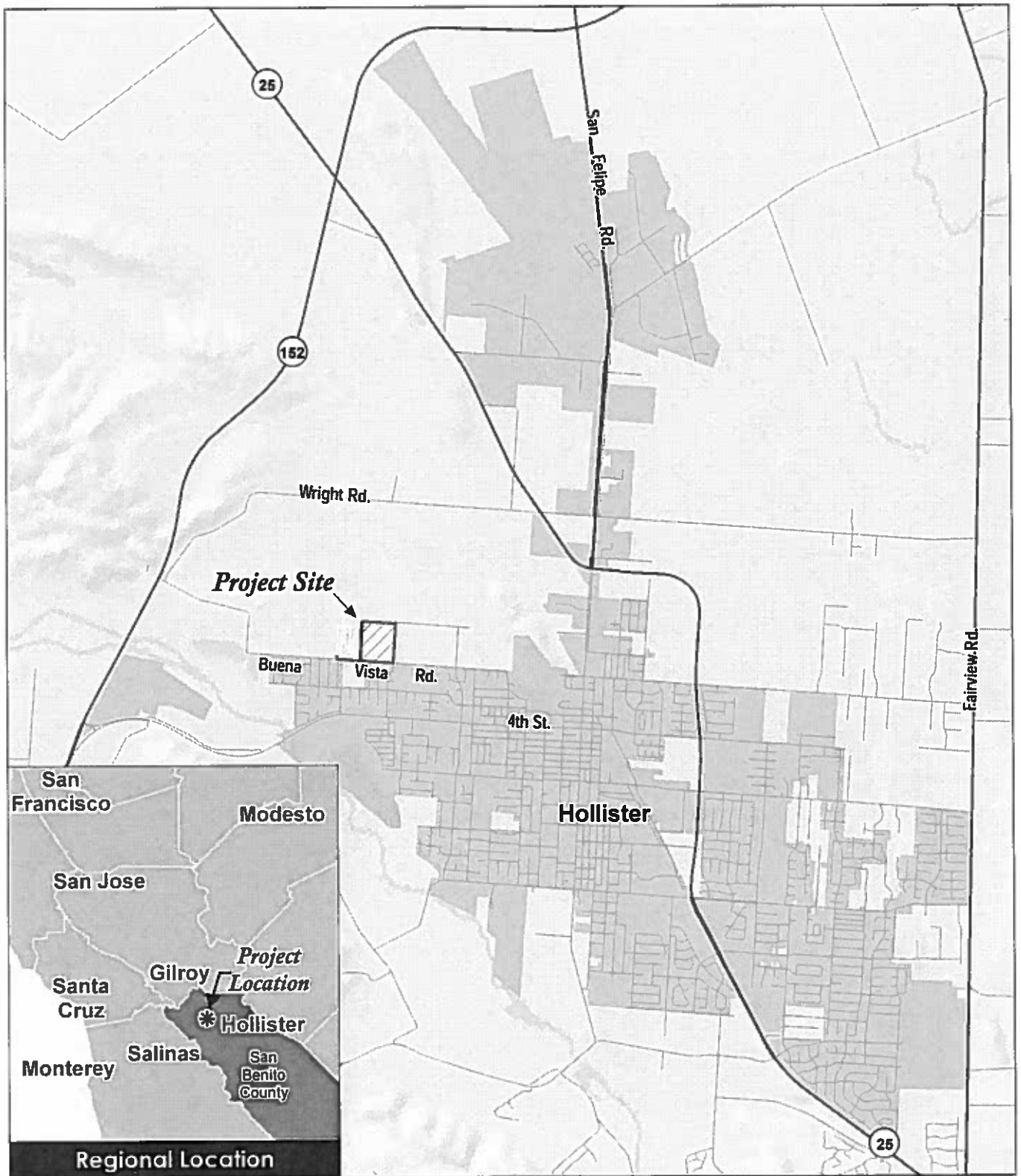
San Benito LAFCO
LAFCO No. 520

Dated: _____

Richard Bettencourt, Chair
San Benito Local Agency Formation Commission

ATTEST

Bill Nicholson, Executive Officer
San Benito Local Agency Formation Commission



Source: San Benito County 2014

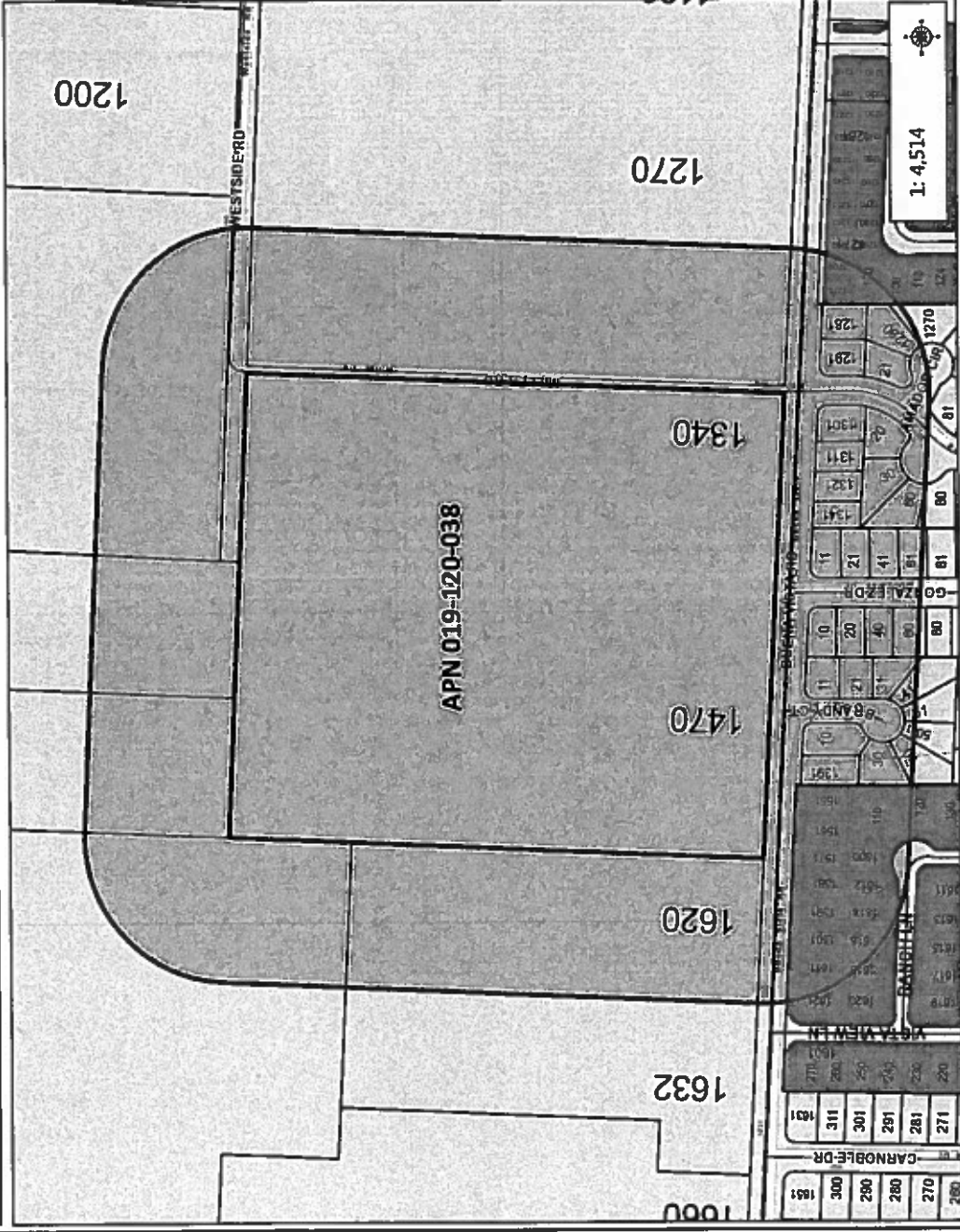
Figure 1
Location Map

Borelli Prezone Initial Study





300 Ft Buffer



1: 4,514

752.3 Feet

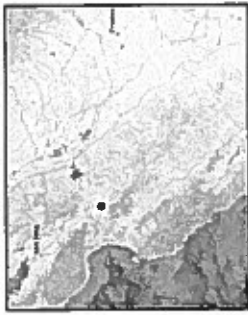
376.17

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752.3

WGS 1984, Web_Mercator_Auxiliary_Sphere
©County of San Benito, GIS Services

This map is a user generated static output from an internet mapping site and is for reference only. Data layers that appear on this map may or may not be accurate, current, or otherwise reliable.

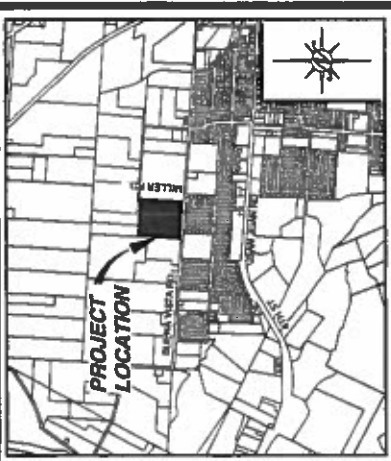


Legend

- California County Boundaries
 - all other values>
 - San Benito
- City Limit
- Tentative Subdivision
- Tentative Streets
- SBC Parcels
- World Street Map

Notes

300 FT buffer around APN 019-120-038



VICINITY MAP
NOT TO SCALE

PROJECT INFORMATION

Owner: Frank P. Borelli, Jr. et al
72 Nevada Street
Hollister, CA 95023

Applicant: City of Hollister
375 Fifth Street
Hollister, CA 95023

Engineer: NorthStar Engineering Group, Inc.
820 12th Street
Hollister, CA 95034
(209) 324-3223

Assessor's Parcel Number: 019-120-038

COUNTY OF SAN BENITO AP
Zoning: R-1
Existing Use: Agriculture
Proposed Use: Single Family Homes

Hazard Zones: There are no known seismic hazard zones on this property and the property is located outside of any flood hazard zones.

Water District: This project is within the service area of the City of Hollister.

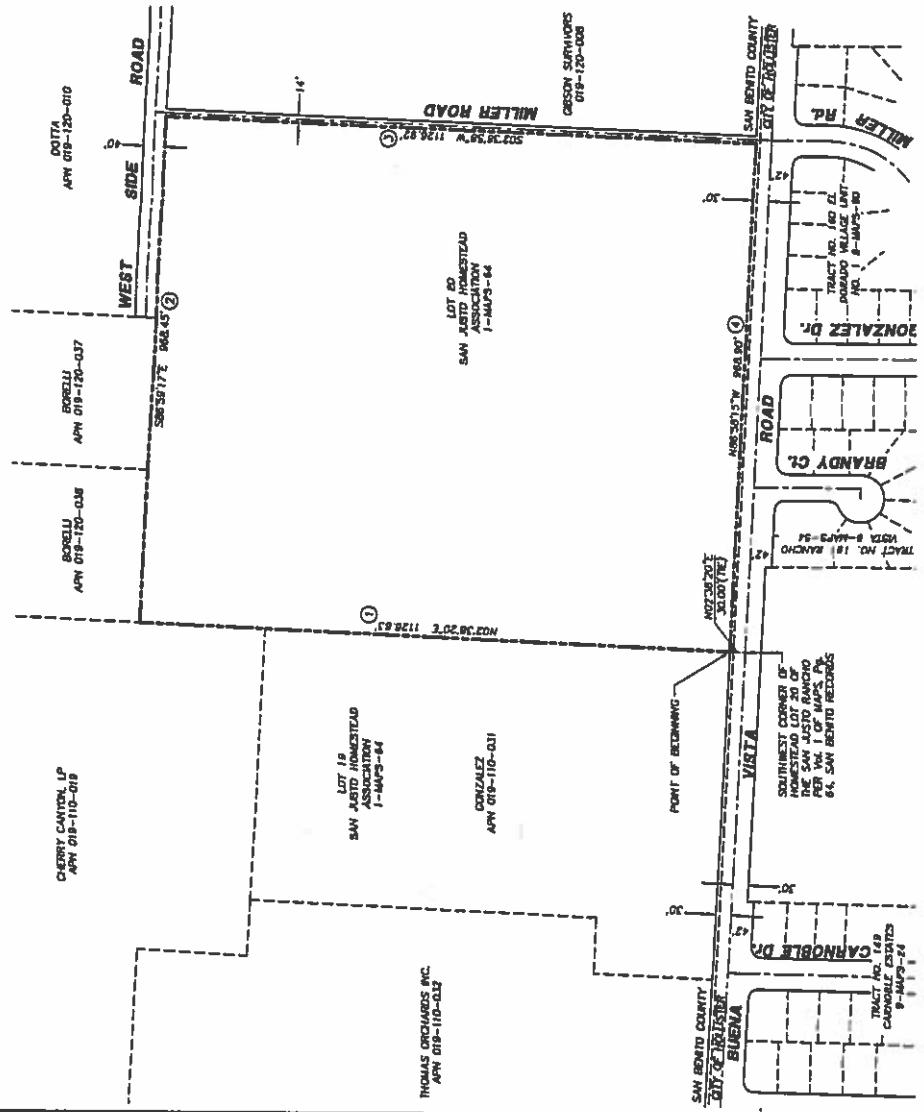
Adjacent Property uses: Agricultural to the East, North and West; Residential to the South.

Required Setbacks: Front = 10' Residential/20' Garage
Side = 5' Interior 10'/10' corner lot
Back = 15'-20'



MAP SCALE: 1" = 150'

R. Greenwald 6/1/17
Date
Rian Greenwald P.L.L.C. 6946



THIS SPACE RESERVED FOR THE APPROVAL OF THE COUNTY SANITARY



BORELLI ANNEXATION

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)
Borelli Annexation

2. **Describe the acreage and general location; include street addresses if known:**
The site consists of approximately 25 acres located in unincorporated San Benito County. The property lies within the City of Hollister's sphere of influence and is designated a priority infill parcel in the General Plan. The Hollister city limit is contiguous to the site on the south side of the property. Adjacent right-of-way is Buena Vista Road to the south and Miller Road to the east. The site is bordered to the north, east and west by existing agricultural uses and existing residential uses to the south.

3. **List the Assessor's Parcels within the proposal area:**
019-120-038

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?)
Annexation to the City of Hollister consistent with the policies of the General Plan.

5. **Land Use and Zoning - Present and Future**
 - A. **Describe the existing land uses within the proposal area. Be specific.**
The parcel currently contains two residential dwelling units and row crops.

 - B. **Describe changes in land uses that would result from or be facilitated by this proposed boundary change.**
The parcel currently contains two residential dwelling units and row crops. The property currently zoned Agricultural Productive (AP). The property has been Prezoned R3 M/PZ and Annexation would change the land use from agriculture to residential. Pending annexation, the applicant would submit for a tentative map to subdivide the property consistent with the densities allowed within the City's R3 M/PZ Zoning Designation.

 - C. **Describe the existing zoning designations within the proposal area.**
The parcel is currently zoned Agricultural Productive (AP) by the County of San Benito. The parcel is within the City's Sphere of Influence and designated in the City's General Plan for Medium Density Residential.

 - D. **Describe any proposed change in zoning for the proposal area. Do the existing and proposed uses conform with this zoning?**
Any new residential development will need to conform to the City of Hollister's zoning classification of Medium Density Residential Performance Overlay Zoning District (R3

M/PZ). The parcel currently contains a total of two residential dwelling units and row crops. The Parcel is zoned Agricultural Productive (AP) within the jurisdiction of San Benito County. This would change the land use from agriculture to residential. Pending annexation, the applicant would submit for a tentative map to subdivide the property into residential units consistent with the densities allowed within the City's R3 M/PZ Zoning Designation. The Medium Density Residential (R3) Zoning District includes areas substantially developed with small-lot single-family and multi-family residences with densities of eight to twelve dwelling units per net acre. The R3 Zoning District is consistent with the Medium Density Residential (MDR) land use category of the General Plan which now allows eight to twelve units per net acre.

- E. (For City Annexations) Describe the rezoning that will apply to the proposal area upon annexation. Do the proposed uses conform with this rezoning?**

The rezoning for the property is Medium Density Residential Performance Overlay Zoning District (R3 M/PZ). The property currently contains two existing residential dwelling units and row crops. Pending annexation of the parcels, the applicant would submit for tentative map to subdivide the property into residential uses consistent with the densities allowed within the City's R3 M/PZ Zoning Designation.

- F. List all known entitlement applications pending for the property (i.e., zone change, land division or other entitlements).**

None.

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. *Please see Table A at the end of the application.*

7. Conformity with Spheres of influence

- A. Is the proposal area within the sphere of influence of the annexing agency?**

Yes.

- B. If not, are you including a proposal to revise the sphere of influence?**

Not applicable.

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.**
Medium Density Residential (R3).

- C. Do the proposed uses conform with these plans? If not, please explain.**

There are currently two existing dwelling unit and row crops located on the property. Pending annexation, the applicant would submit for tentative map for a medium density residential subdivision to be consistent with the City of Hollister's Medium Density Residential Designation of 8 to 12 dwelling units per net acre.

9. Topography and Natural Features

- A. Describe the general topography of the proposal area and any significant natural features that may affect the proposal.

The general topography of the proposed area is generally flat.

- B. Describe the general topography of the area surrounding the proposal.

Topography of surrounding parcels:

The general topography of the area surrounding the proposed are is generally flat.

10. **Impact on Agriculture**

- A. Does the property currently produce a commercial agricultural commodity?

Yes. Portions of the property are currently farmed in broccoli, cauliflower and lettuce.

- B. Is the property fallow land under a crop rotational program or is it enrolled in an agricultural subsidy or set-aside program?

No.

- C. Is the property Prime Agricultural Land as defined in G.C. Section §56064?

Yes.

- D. Is the proposal area within a Land Conservation (Williamson) Act contract?

No

- 1) If "yes," provide the contract number and date contract was executed.

Not applicable.

- 2) If "yes", has a notice of non-renewal be filed? If so, when? *Not applicable.*

- 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.

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.

Developing the site consistent with the City's General Plan will increase and assist in the number of market rate housing units for the City of Hollister.

13. **Population**

- A. Describe the number and type of existing dwelling units within the proposal area.

There are two existing dwelling units on the property.

- B. How many new dwelling units could result from or be facilitated by the proposal?

Although there are currently no specific development plans for the project site, for Purposes of environmental review, a maximum development scenario has been Established based upon net parcel size: 25 acres, reduced by 25 percent gross Acreage to account for roads, infrastructure, and open space, leaving approximately 18 net acres. Based on a residential density of 8 to 12 units per net acre, it is assumed that future development of the project site would include between 144 minimum to 216 maximum residential units.

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.**
- B. Describe the level and range of the proposed services.**
- C. Indicate when the services can feasibly be provided to the proposal area.**
Please see below answers for A, B, and C.

Police Service

Police service to the affected area upon annexation will be provided by the Hollister Police Department. The Police Department provides this service throughout the City based upon staffing levels set by the City Council of the City of Hollister. The affected area is contiguous to the current City limits (current service area). The annexation will not extend the boundary of police service currently in effect. Upon annexation and upon development, the project will not include roadways that would affect traffic enforcement/collision investigation responsibilities. The annexation of the affected area will not create the need for any police related structures or improvements.

Fire Service

The Hollister Fire Department will provide fire service to the affected area upon annexation. The Fire Department provides this service throughout the City and adjoining County areas, via a mutual aide agreement, based upon staffing levels set by the City Council. The Fire Department currently houses its fire personnel and equipment at its stations located at the northwest corner of Fifth and Sally Streets and the north side of Union Road between Valley View Road and Airline Highway. The affected area is part of an unincorporated parcel immediately adjacent to the City limits (current service area), thus it will not extend the range of fire service currently in effect. The affected area is within the five minute first engine response time, as set forth in City Fire Protection Master Plan for Fire Station 1. The affected area in its current condition would result in a negligible increase in fire services.

General Government

General Government services include the City Council, City Administration (City Manager, City Attorney), City Finance (Payment of Utility Bills), Building, Planning, Engineering, and Animal Control. These services are currently being provided to the City at large. Annexation of the affected area in its current condition will not cause any increase in City General Government services. Development of the site if annexed will cause a negligible incremental increase in General Government services for the City Council, City Administration, City Finance, and Animal Control. These will be financed through an incremental increase in General Fund revenues, such as property and

sales taxes. The City is also requiring that all projects requesting annexation enter into an agreement to be fiscally neutral (project will provide all revenues necessary to provide public services). The affected area has entered into an annexation agreement for fiscal neutrality. The incremental increase in services for Building, Planning and Engineering will be financed through permit fees.

Sewer Service

The property owner will be required to fund the installment of sewer lines from the main transmission line to City standards. To offset the use of the capacity for the transmission facilities, the property owner will be assessed an impact fee at the time of connection of the subdivision. A sewer treatment impact fee will also be assessed to provide funding for additional capacity at the treatment plant. The City of Hollister currently treats its domestic wastewater at the Hollister Domestic Wastewater Treatment Plant (DWTP), which serves the current City limits and portions of unincorporated San Benito County. Domestic wastewater is the waste flows from the City's residential, industrial, commercial, and institutional land uses. Sewage or wastewater flows are transported to the treatment plant via a series of transmission lines. The affected area is near a sanitary sewer transmission line in the right-of-way of Buena Vista Road, and San Lorenzo Drive. This line is part of a system of lines that currently transports wastewater flows to the DWTP and/or IWPT and is designed to serve the affected area. The City currently treats domestic and industrial wastewater at its new regional immersed membrane bioreactor (MBR) wastewater treatment plant located on the west side of the City, on the north side of San Juan Hollister Road. The plant has a design capacity of 5.0 million gallons per day (MGD) and produces effluent that meets Title 22 requirements for disinfected tertiary recycled water. In accordance with the implementation of the Long Term Wastewater Management Plan (LTWMP) filed with the Water Quality Control Board, the City is currently implementing a long-term program of phased improvements for the disposal and reuse of reclaimed wastewater including spray fields, non-potable irrigation for landscaping, and certain agricultural uses. The new facility expands the City's ability to provide wastewater treatment service for the next 10 years, with an additional five years of expansion possible with the expansion of the membrane biological reactor. The City will continue to implement efforts to improve water quality and to implement the water conservation measures. The development will incrementally utilize capacity at both the treatment plant and within the City sewer transmission line.

Domestic Water Service

The subject site is within the City of Hollister's adopted service area. All plans for water service will need to be approved the City. The area requested for annexation, will comprise a total of 25 acres of primarily vacant land. An existing 12-inch water main is located in the right-of-way of Buena Vista Road along the southern boundary of the project site. The project proponent will be required to fund the installment of a future water connection to the City of Hollister standards.

Storm Drain

The City of Hollister maintains a series of transmission lines that convey storm flows within the city and some adjoining areas of unincorporated San Benito County to either the San Benito River or Santa Ana Creek. The affected area is within San Benito River drainage area. Annexation of the property is not expected to alter the capacity of the

City storm transmission lines and area wide storm water treatment and recharge facilities.

Parks and Recreation

Annexation of the site in its current state will not require any additional park facilities or recreational programs. The City of Hollister maintains a number of park facilities with its jurisdictional limits to serve the needs of City residents and residents of the adjoining unincorporated San Benito County. The City or private developers, or a combination of both has historically constructed these facilities. The amount of parkland required is correlated to population growth that could result from residential development and is set forth by the City General Plan and the City Subdivision Ordinance for residential development. The City of Hollister would require residential land uses to contribute to park impact fee programs.

The City of Hollister funds a number of recreation programs to serve the needs of City residents and residents of adjoining unincorporated San Benito County. These programs are funded at a level of 75 percent by user fees. The remaining costs are funded by the City of Hollister General Fund. The City has entered into an annexation agreement with the owners of the affected area to ensure that the development of the site is fiscally neutral, which would include the City portion of the funding required for recreational programs.

Road Construction

The City of Hollister requires that there be adequate roadways to serve the transportation needs of City residents. The City, private developers, or a combination of both will fund roadways.

Street and Utility Maintenance

Annexation of the site in its current state will not require an increase in the need for the funding for street or utility maintenance. The property has existing access to Buena Vista Road and annexation of the property would not require the addition of new roads, landscape area or utility systems to service the properties.

- 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.
Existing water, sewer, and storm drainage will be extended to serve the property upon future residential improvements.
- E. Identify how these services will be financed. Include both capital improvements and ongoing maintenance and operation.
All utilities will be public. Upon development, the property shall be included within a Community Facilities District to finance the related maintenance costs. Any proposed streets will be public and will be maintained by the City of Hollister. The street, water, sewer, storm water drainage improvements are developer financed.
- F. Identify any alternatives for providing the services listed in Section (A) and how these alternatives would affect the cost and adequacy of services.
No alternative mechanisms proposed.

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). *Please see attached letter.*
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.
The site is expected to obtain domestic water service from the City of Hollister. The services can be provided upon annexation of the site pending LAFCO approval of the annexation of territory.
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.?) N / A
- 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?**
The "lead agency" for this proposal will be the City of Hollister.
- B. **What type of environmental document has been prepared?**
A Mitigated Negative Declaration was prepared titled "Gonzalez Borelli Prezone (Prezone No. 2013-2)
- 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."**
Not applicable.
19. **Boundaries**
- A. **Why are these particular boundaries being used? Ideally, what other properties should be included in the proposal?**
The boundaries of the Borelli Annexation are being used. APN 019-120-038.

- B. If any landowners have included only part of the contiguous land under their ownership, explain why the additional property is not included.
The property owner has included the entire parcel.

20. Final Comments

- A. Describe any conditions that should be included in LAFCO's approval.
Owner agrees to comply with all ordinances, rules and policies of the City with regard to the development of the property.
- B. Provide any other comments or justifications regarding the proposal.
On January 28, 2016 the City of Planning Commission approved Resolution No. 2016-4 recommending to the City Council of the City of Hollister the approval of the Mitigated Negative Declaration and pre-zone application for the subject property. The City of Hollister City Council adopted Ordinance No. 1126 on March 7, 2016 pre-zoning the property to Medium Density Residential Performance Overlay Zoning District (R3-M/PZ). The request is for annexation only. The applicant has expressed that pending annexation of the parcel, they would submit for tentative map to subdivide the property into approximately 170 units consistent with the densities allowed within the City's R3 M/PZ Zoning Designation.
- 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.
Please see attached

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.	Abraham Prado or Maria Mendez	Development Services Department, Planning Division 375 Fifth Street Hollister, CA 95023	abraham.prado@hollister.ca.gov maria.mendez@hollister.ca.gov
B.	Shandell Clark	San Benito County Resource Management Agency Planning Division 2301 Technology Pkwy. Hollister, CA 95023	sclark@cosb.us
C.	Doug Ledeboer		dledeboer@highlandpartnersgroup.com

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

<u>Name</u>	<u>Address</u>	<u>Email address</u>	<u>Phone</u>
Abraham Prado or	Development Services Department,	abraham.prado@hollister.ca.gov	
Maria Mendez	Planning Division	maria.mendez@hollister.ca.gov	
	375 Fifth Street		
	Hollister, CA 95023		

Signature  Date 6/7/2017

TABLE A

Information regarding the areas surrounding the proposal area

	Existing Land Use	General Plan Designation	Zoning Designation
East	Agricultural and Residential Uses	County of San Benito: Residential Mixed Hollister: Medium Density Residential	County of San Benito: Agricultural Productive
West	Agricultural and Residential Uses	County of San Benito: Residential Mixed Hollister: Medium Density Residential	County of San Benito: Agricultural Productive
North	Agricultural	County of San Benito: Agriculture Hollister: Low Density Residential and Agriculture	County of San Benito: Agricultural Productive
South	Residential	City of Hollister: Low Density Residential Hollister: Low Density Residential	City of Hollister: R1 Low Density Residential

Other comments or notations:



CITY OF HOLLISTER

Send All Mail To:

375 Fifth Street • Hollister, CA 95023-3876

ENGINEERING DIVISION

Office Location: 339 Fifth Street • (831) 636-4340 Fax: (831) 634-1834

June 2, 2017

LAFCO Commission
2301 Technology Parkway
Hollister, CA 95023

RE: Borelli/Gonzalez Annexation Application Question Number 15 and 16

Dear LAFCO Commissioner,

Mr. Fernando Gonzalez and Mr. Frank Borelli are requesting annexation approval of their property located north of Buena Vista Road, between Miller Road to the east and Carnoble Drive to the west, further identified as San Benito County Assessor Parcel Numbers 019-110-031 and 019-120-038 and consists of a total area of approximately 37.28 acres. Question number 15 of the LAFCO application states, *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.* The city of Hollister will provide services to the site upon development pending LAFCO approval of the annexation of territory. The project site is within the City of Hollister General Plan area and is accounted for in the City's Long-Term Wastewater Management Program. It is proposed that services including sewer and wastewater generated onsite be collected and conveyed to the City of Hollister Domestic Wastewater Treatment Plant (DWTP) for treatment and disposal. The site is expected to obtain domestic water service from the City of Hollister. Impact fees will be assessed at the time of building permit issuance for use in future capital improvement projects. At the time the property is annexed and developed the City will be able to provide and will have sufficient revenues to provide the proposed municipal services.

Question number 16 of the LAFCO application states, *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.* In response, the site is expected to obtain domestic water service from the City of Hollister. At the time the property is developed the City will be able to supply water which is adequate for the projected needs of the proposed land use.

Should you have any questions, or require additional information, please do not hesitate to contact our department at your convenience at (831) 636-4340.

Sincerely,

David Rubcic, PE, PLS
Interim Engineering Manager/City Engineer

RESOLUTION NO. 2017-62

DUPLICATE OF ORIGINAL
ON FILE IN THE
OFFICE OF THE CITY CLERK
CITY OF HOLLISTER
Block, Deputy City Clerk

**A RESOLUTION OF APPLICATION BY THE CITY OF HOLLISTER CITY COUNCIL
REQUESTING THE LOCAL AGENCY FORMATION COMMISSION (LAFCo) OF SAN
BENITO COUNTY TO INITIATE PROCEEDINGS FOR THE ANNEXATION OF
TERRITORY
(GONZALEZ AND BORELLI)**

WHEREAS, the City Council of the City of Hollister desires to initiate proceedings pursuant to the Cortese-Knox-Hertzberg Local Government Reorganization Act of 2000, commencing with Section 56000 of the California Government Code,(the "Act") for a change of organization consisting of the annexation of multiple properties identified as San Benito County Assessor's Parcel Numbers 019-110-031 and 019-120-038; and

WHEREAS, the reasons for the proposed reorganization is to annex the territory of multiple properties owned by Fernando Gonzalez and Frank Borelli (the "Territory") which is bordered along the southern property line by the City of Hollister, and to allow for the provision of municipal services to the Territory that will allow development consistent with the City of Hollister General Plan; and

WHEREAS, the following agency would be affected by the proposed jurisdictional change:

<u>Agency</u>	<u>Nature of Change</u>
County of San Benito	Annexation to City of Hollister

WHEREAS, a description and map of the boundaries of the Territory are attached hereto as Exhibits A and B and by this reference incorporated herein; and

WHEREAS, the proposed annexation of the Territory is consistent with the City of Hollister sphere of influence as set forth in the City's General Plan; and

WHEREAS, the Territory has been rezoned by City of Hollister Ordinance No. 1126 in conformance with state and local law; and

WHEREAS, the City Council certifies that as lead agency pursuant to the California Environmental Quality Act it has adopted a Mitigated Negative Declaration at its March 7, 2016 meeting per Resolution No. 2016-16 which is on file in the office of the City Clerk, as the appropriate environmental document for the project.

NOW, THEREFORE, BE IT RESOLVED BY THE CITY COUNCIL OF THE CITY OF HOLLISTER AS FOLLOWS:

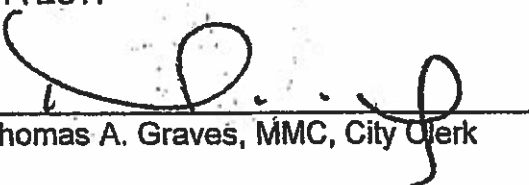
1. This Resolution of Application is hereby adopted and approved by the City Council of the City of Hollister, and the San Benito County Local Agency Formation Commission is hereby requested to take proceedings for the change of organization as authorized and in the manner provided by the Cortese-Knox-Hertzberg Local Government Reorganization Act of 2000.
2. The City Clerk shall cause a certified copy of this Resolution to be filed with the Executive Officer of the San Benito County Local Agency Formation Commission.

PASSED AND ADOPTED by the City Council of the City of Hollister at a regular meeting duly held on this 20th day of March, 2017, by the following vote:

AYES: Council Members Friend, Luna, and Vice Mayor Klauer.
NOES: None.
ABSENT: Mayor Velazquez.


Karson Klauer, Vice Mayor

ATTEST:


Thomas A. Graves, MMC, City Clerk

APPROVED AS TO FORM:

L+G LLP, Attorneys at Law


Soren Diaz, City Attorney

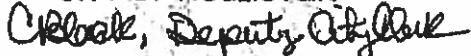
DUPLICATE OF ORIGINAL
ON FILE IN THE
OFFICE OF THE CITY CLERK
CITY OF HOLLISTER


EXHIBIT A

ANNEXATION BOUNDARY

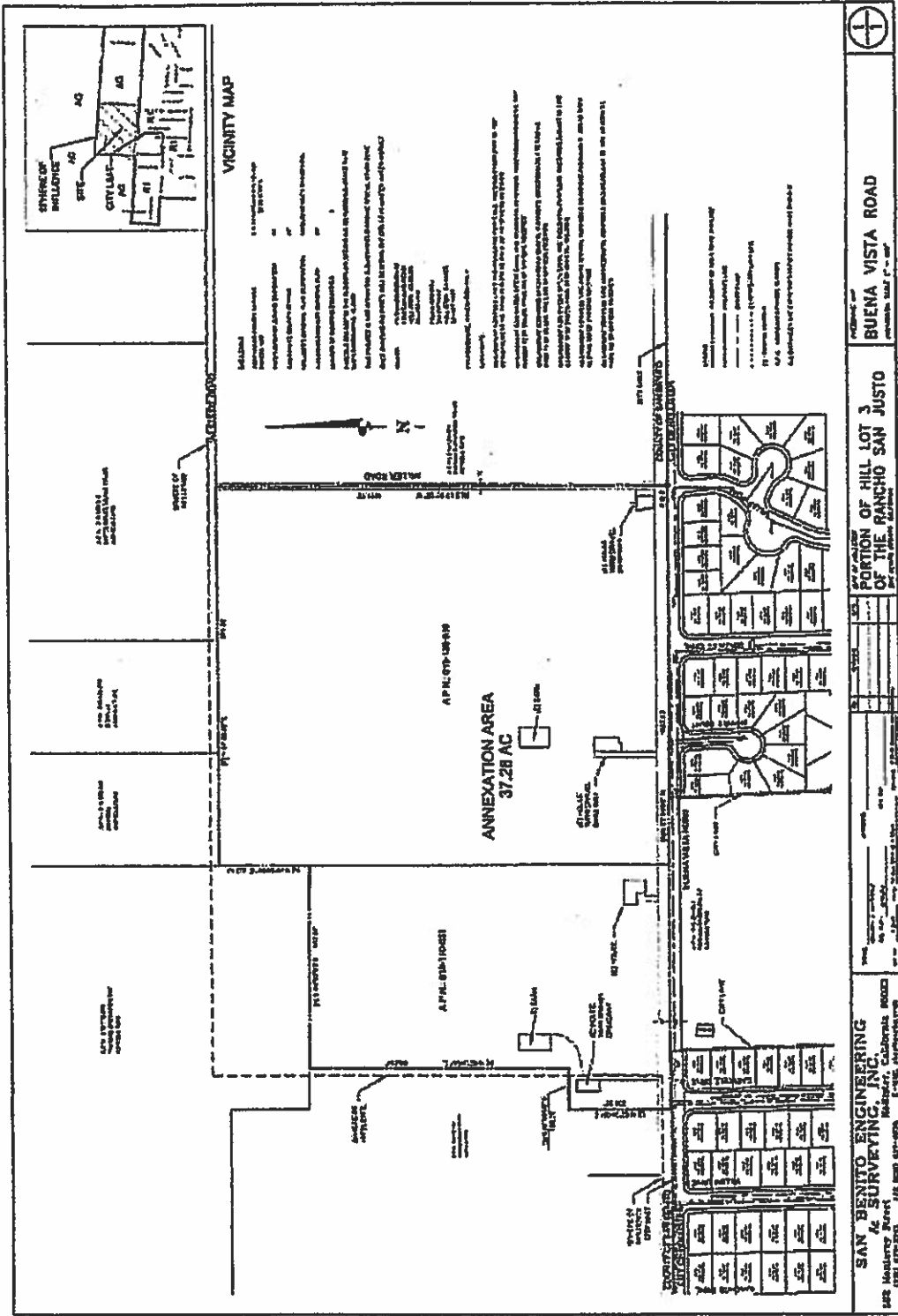
BEING A PORTION of Homestead Lots 19 and 20 of the Rancho San Justo, bounded by a line more particularly described as follows:

BEGINNING at a point in the center of Buena Vista Road at the intersection thereof with the center of Miller; thence along the centerline of Buena Vista Road
[1] North 87° 00' 00" West 1597.13 feet; thence leaving said centerline
[2] North 2° 34' 00" East 256.57 feet; thence
[3] South 87° 26' 00" East 105.35 feet; thence
[4] North 2° 34' 00" East 662.97 feet; thence
[5] South 86° 52' 50" East 517.47 feet; thence
[6] North 3° 00' 00" East 232.43 feet; thence
[7] North 87° 00' 00" East 974.86 feet to a point on the centerline of said Miller Road; thence along said centerline
[8] South 3° 00' 00" West 1151.70 feet to the point of beginning
Containing 37.28 acres, more or less



KJW 5/15/14

EXHIBIT B



Not a valid title block. This is a placeholder for the title block information.



City of Hollister

375 Fifth Street, Hollister, CA. 95023 Telephone (831) 636-4300

July 10, 2017

To: Bill Nicholson
Executive Officer
LAFCO of San Benito County
2301 Technology Parkway
Hollister, CA 95023

From: City Attorney of the City of Hollister, California
375 Fifth Street
Hollister, California 95023

RE: San Benito County Assessor's Parcel Number 019-110-031 and 019-120-038

Dear Mr. Nicholson,

The City of Hollister City Council at its regular meeting of March 7, 2016 adopted Ordinance No. 1126 pre-zoning to Medium Density Residential Performance Overlay Zone (R3-M/PZ) two properties identified as San Benito County Assessor Parcel Number 019-110-031 and 019-120-038 for a total of approximately 37.28 acres. The property identified as APN 019-110-031 is currently owned by Mr. Fernando Gonzalez (the "Gonzalez"). The property identified as APN 019-120-038 is currently owned by Felice Clarice Borelli Trust Et Al (the "Borrelli Property").

As you know, on April 25, 2017 the City of Hollister submitted to the San Benito County Local Agency Formation Commission (LAFCO) an application for the annexation of both properties. On June 21, 2017, Mr. Gonzalez provided an e-mail to the City of Hollister indicating the following: "As owner of property identified as APN 019-110-031 it is ok with me that the City of Hollister not submit an application to LAFCO for annexation because of Williamson Act matter."

Given pending Williamson Act issue(s) with the Gonzalez Property, the City of Hollister is respectfully requesting that instead of proceeding with the annexation process of both properties together, that only the annexation of the Borrelli Property be processed at this time. The Borelli application for annexation to the City of Hollister for the property identified as APN 019-120-038 was submitted to LAFCO on June 7, 2017. Upon resolution of the Williamson Act issue(s) with the Gonzalez Property, a separate application for the annexation for the property identified as APN 019-110-031 will be submitted to LAFCO. The City of Hollister looks forward to working with you in regards to the Borrelli Property annexation.

Please don't hesitate to contact me if you should have any questions on this matter.

Sincerely,


Soren Diaz,
City Attorney

Cc: Bryan Swanson
Abraham Prado

BUSINESS ITEMS – NON-HEARING ITEM

7. Possible direction to Staff on how to proceed with Out of Agency Boundary Service Extensions, notably sewer service in connection with Hollister Urban Area (continued).

8. Correspondence from the City Attorney for the City of Hollister, dated July 5, 2017, regarding exemption from LAFCO Review for City sewer connection to new development at 3061 Southside Road – Commission direction on letter of response.

9. Consideration of Adoption of Policy to require applicants to enter an Indemnification Agreement as part of the standard application submittal process with the San Benito LAFCO.

LOCAL AGENCY FORMATION COMMISSION
SAN BENITO COUNTY

2301 Technology Parkway
Hollister, CA 95023
Phone: (831) 637-5313

DATE: August 10, 2017 (Agenda)

TO: San Benito LAFCO Commissioners

FROM: ^{BN} Bill Nicholson, Executive Officer

RE: Possible direction to staff on how to proceed with Out of Agency Service Extensions – Continued direction from April 27, 2017 Study Session on the Hollister Urban Area (Continued from the May 25 and June 29, 2017 Agenda) (Agenda Item 7)

BACKGROUND

At the April 27, 2017 Commission meeting, the Commission conducted a lengthy Study Session regarding the Hollister Urban Area, its relationship to LAFCO approval for the extension of urban sewer and water services outside the City limits of Hollister or the boundary of the Sunnyslope County Water District, and various related urban service and groundwater protection issues.

Representatives from the City of Hollister (Bill Avera, City Manager), Sunnyslope County Water District (Don Ridenhour, General Manager), the San Benito County Water District (Jeff Cattaneo, General Manager), were in attendance and provided information to the Commission from their various historic and current perspectives.

After approximately two hours of discussion, questions and deliberations, the Commission decided to continue any discussion of preferred options until the next meeting on May 25, 2017. The Commission again continued the Study Session from May 25, 2017, to a special June 29th meeting. At this meeting, the Commission received an updated presentation summarizing the history of past LAFCO positions, the requirements for LAFCO review of out of agency service extensions under Government Code section 56133, and pending applications and possible exemptions from LAFCO review. At the conclusion of the continued study session, the Commission directed that action on direction over the preferred approach to address out of agency sewer extensions would be continued to the August 10, 2017 meeting, and that action on one pending request for LAFCO File 507 (Brigantino) be set for the next regular Commission meeting on July 13th. (As additional information, the Commission also determined that a proposed CHISPA affordable housing project involving approximately 25 low income units at the old County Hospital property was exempt from LAFCO review since the homes will use less sewer capacity than the previous hospital, and subsequent nursing home, on the same property.) The Commission also requested Staff to provide a list of pending projects in the Southside Road/Enterprise Road area where most of the requests

for City of Hollister sewer service extensions outside the city limits have recently been experienced.

In response, Staff has attached several maps to this Agenda Item, including a new map which identifies the location, project name, and number of proposed dwelling units in subdivisions being processed or recently approved by the County. These include the following pending or approved projects in the County:

- The Fey/Bennett Property (Todd Deutscher) pending subdivision involving 90 lots
- The Ladd Ranch (Homestead/Benchmark) pending project involving 174 lots
- The Sunnyside Estates (Brigantino) approved subdivision involving 190 lots
- The Campisi pending subdivision involving 23 lots

There are other landowners with potential or desired projects in the area, but who have not submitted applications such as the Lico family and B.. family.

POSSIBLE ACTIONS

For the Commission's consideration and possible action is a summary of the options presented and initially discussed at the June 29th continued study session. These alternatives are are broad concepts that would need to be refined depending on the direction the Commission wishes to take.

Attached are five maps for reference by the Commission and the public intended to help understand the boundaries of the different jurisdictions and service providers:

1. The County General Plan Land Use Diagram with the Hollister Urban Area (HUA) boundary overlay
2. The Wastewater Service Areas map from the Hollister Urban Area (HUA) Water and Wastewater Master Plan (Figure 3-2)
3. Figure 4-2 from the HUA Master Plan identifying areas within the HUA located within the County General Plan boundary, but not the City of Hollister General Plan (highlighting the southern and eastern areas)
4. the Hollister Planning Area map from the City's General Plan identifying current General Plan and sphere of influence boundaries
5. A map identifying the "Proposed/Approved/Future Subdivisions" highlighting the Southside/Enterprise Road area (based on GIS data).

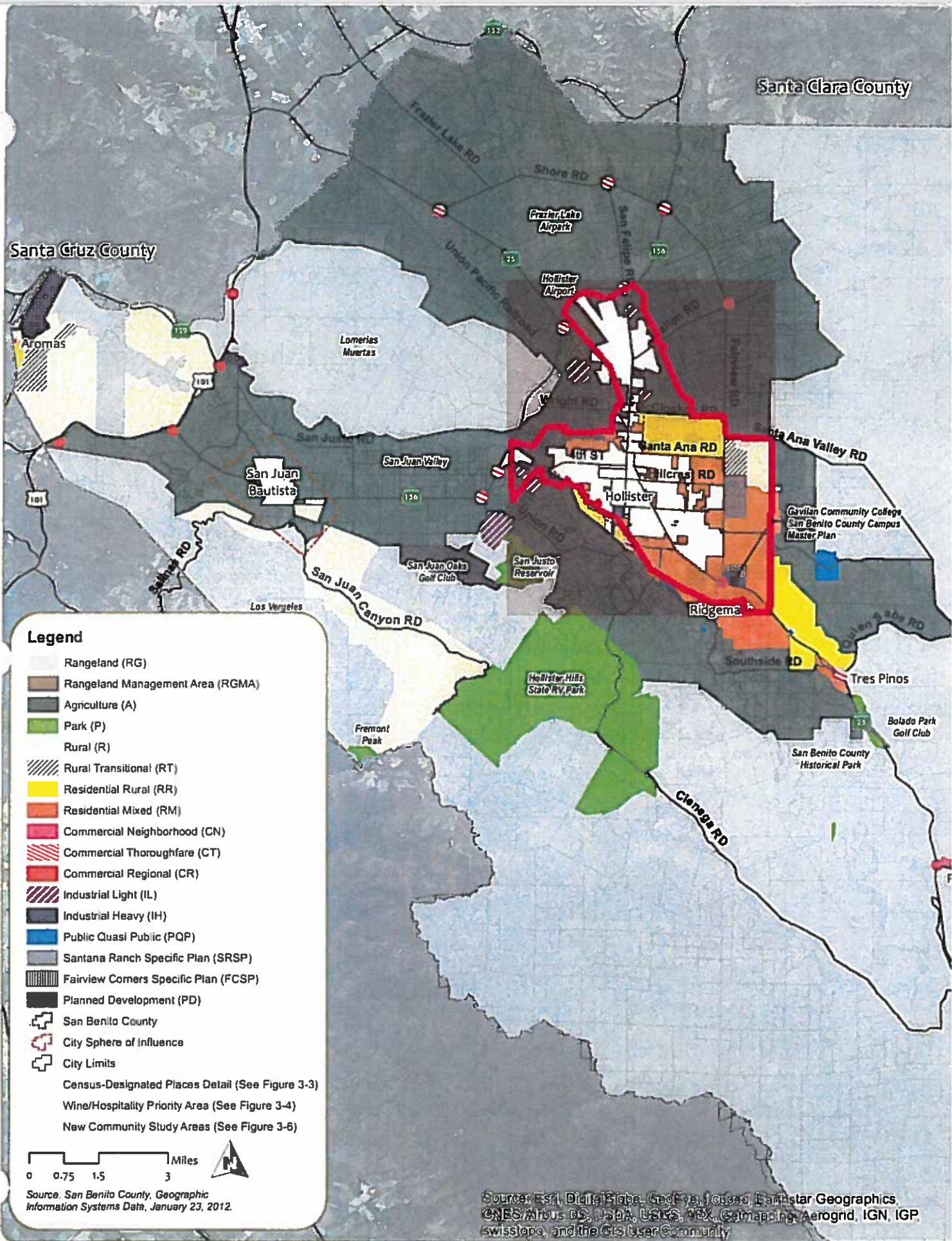
The options for Commission direction include the following four alternatives presented at the June 29th Special Commission meeting, all of which are intended to address the regional sewer service concepts behind the Hollister Urban Area Master Plan:

Hollister Urban Area and Out of Agency Service Extensions - Direction
Agenda Item 7
August 10, 2017
Page 3

1. The Commission can give direction to work with the City and other agencies to establish a “Hollister Sanitation District” or similar district to match the boundaries of the Hollister Urban Area and incorporate all land receiving City sewer service within the potential district boundary. It could involve establishing a “sphere of influence” for areas considered for future service (possibly even including the City of San Juan Bautista or the San Juan Oaks project). Attention to the manner of governance of the District could include the Hollister City Council or a larger body including membership from registered voters within the district who reside outside the City limits. LAFCO Role: Approval of district formation and establishment of a sphere of influence.
2. The City could work with the County and possibly other related public entities (such as the San Benito County Water District), to form a joint powers authority (JPA) for sewer service within or even outside the HUA. LAFCO Role: Besides a coordination role, no formal approval or action is required.
3. The City of Hollister can initiate an update to their 2005 General Plan to expand the urban service area to match the Hollister Urban Area, and request LAFCO to expand the City’s sphere of influence to include the entire Hollister Urban Area boundary with the exception of the sewer service area by the Sunnyslope County Water District (CWD). The City can also initiate a more limited sphere expansion as they have considered recently as part of a partial update to the City General Plan, or a very focused expansion in the southern area south of Union Road which has been discussed by the City Council. LAFCO Role: Approve, modify or deny the sphere of influence amendment application – which are similar options the Commission has with all applications.
4. The Commission can direct LAFCO Staff, with the possible aid of consultants, to initiate an update to the City of Hollister sphere of influence to include the entire Hollister Urban Area boundary (excluding the sewer service area of the Sunnyslope CWD). The Commission would need to coordinate closely with the City for those areas outside the City’s General Plan boundary and ensure the City will require preannexation agreements from all landowners who seek city sewer connection. LAFCO Role: Approve or modify the City of Hollister sphere of influence amendment as determined by the Commission.

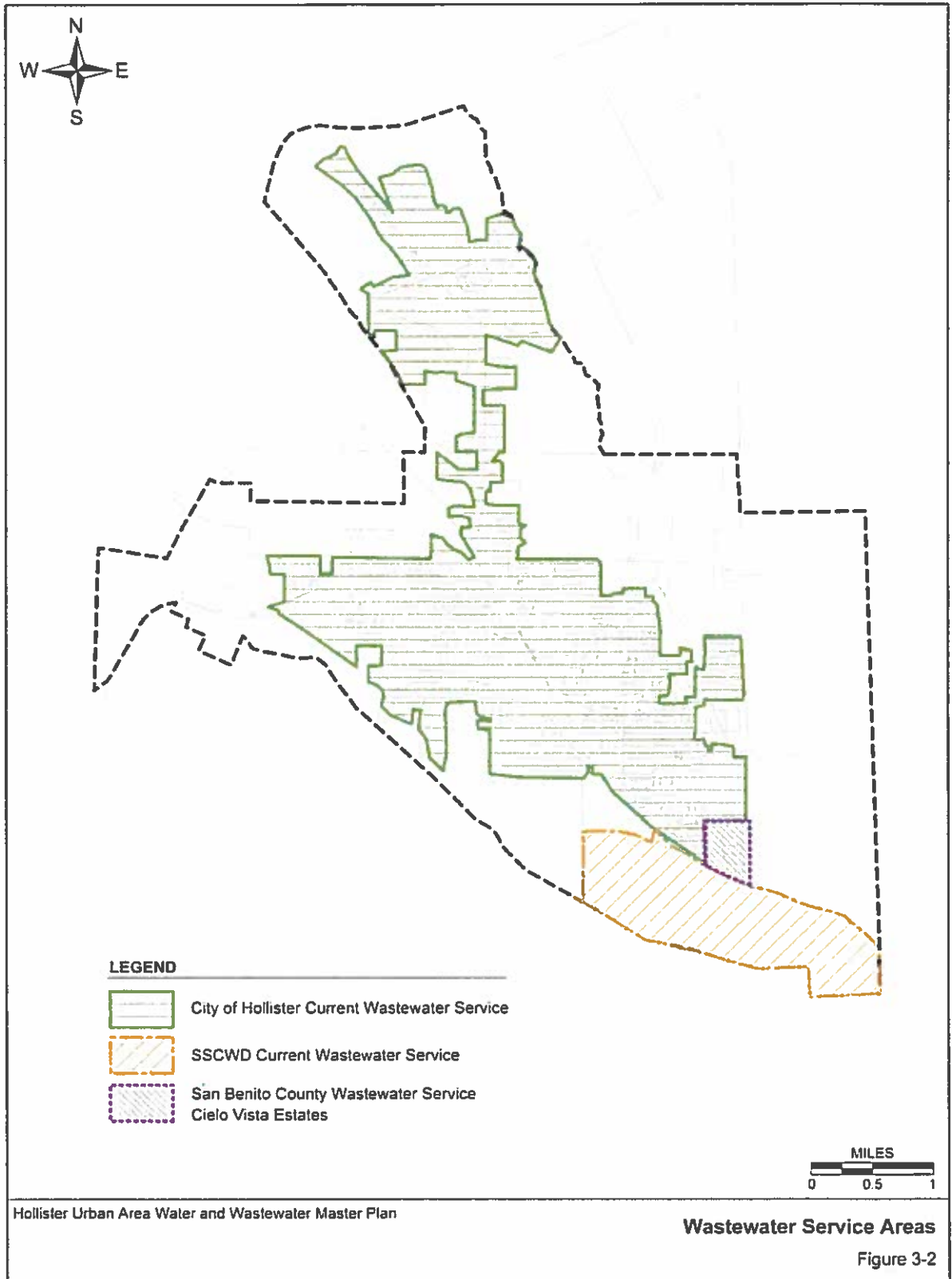
All of these options will have an environmental review component in order to comply with CEQA. Staff would work with the respective agencies on identifying a plan for the selected option(s) and return to the Commission for specific actions and a schedule.

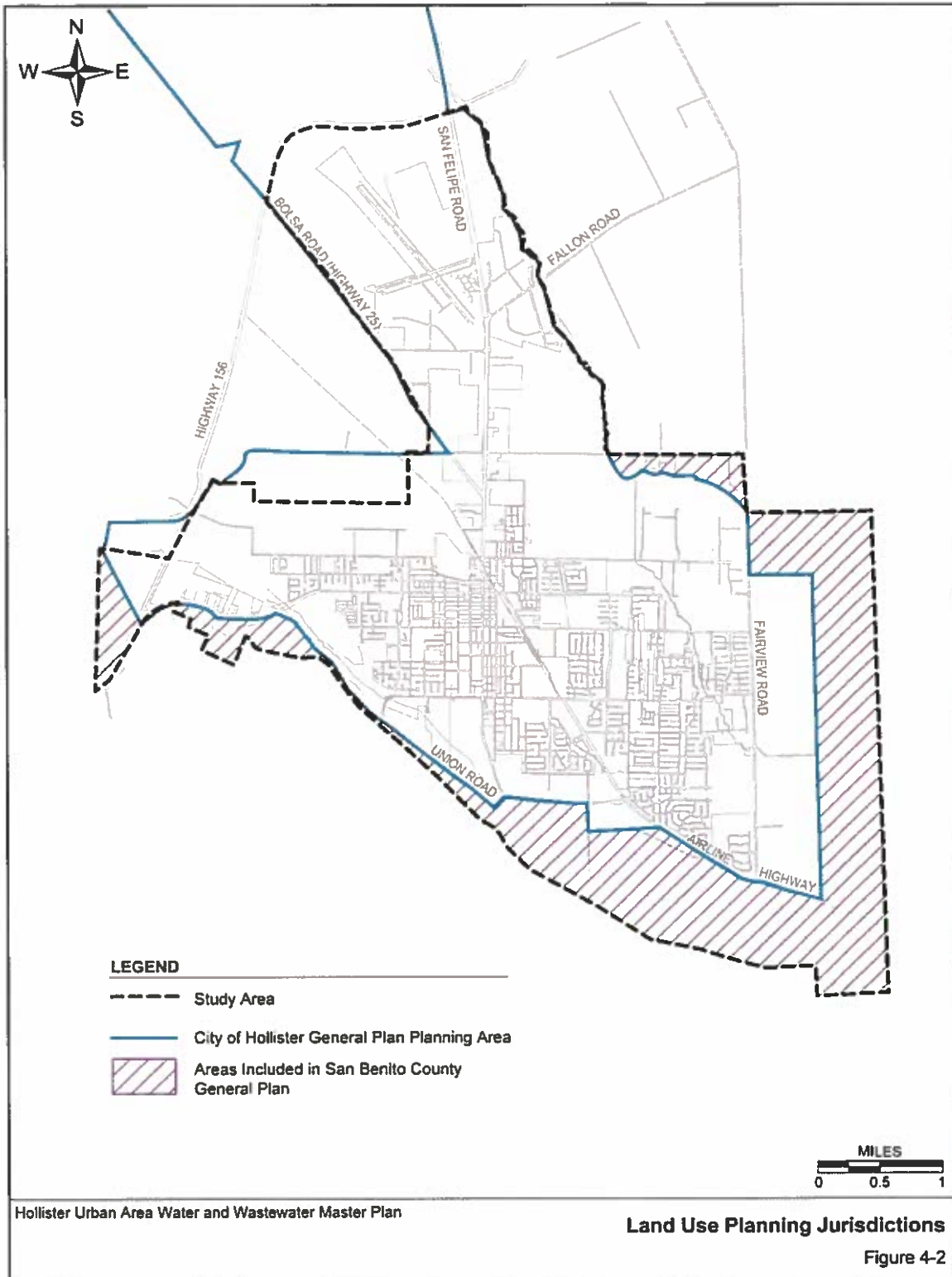
cc: Bill Avera, City Manager, City of Hollister
Don Ridenhour, General Manager, Sunnyslope County Water District
Jeff Catteneo, General Manager, San Benito County Water District
Erin E. Liem, LAFCO Counsel



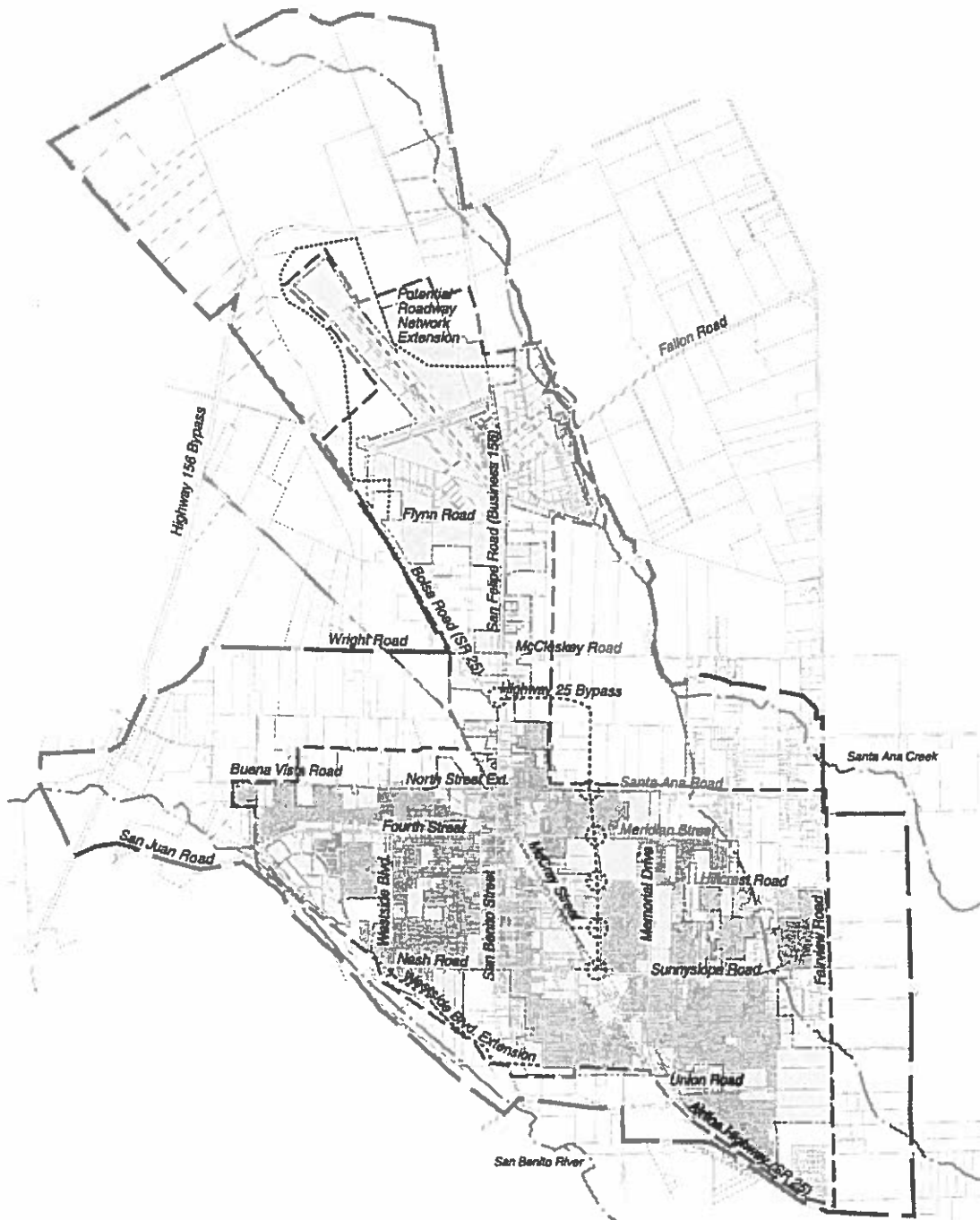
County General Plan with HUA Boundary —

Figure 3-2
Land Use Diagram (North County Detail)

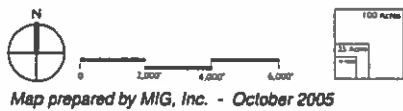




2. LAND USE AND COMMUNITY DESIGN ELEMENT



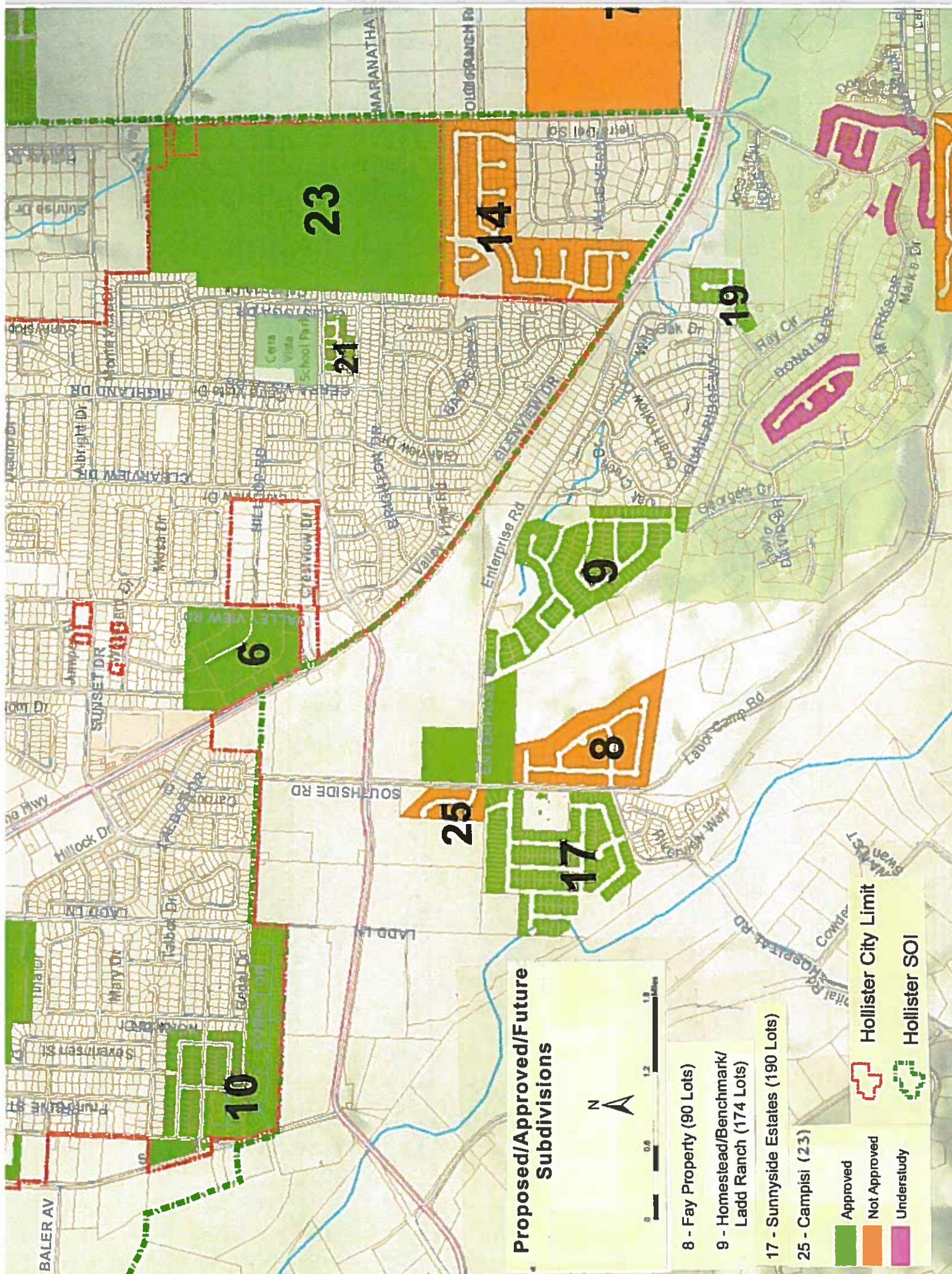
- Hollister City Limits
- Planning Area
- Planned Roads
- Sphere of Influence
- Creeks and Rivers
- Planned Interchanges



Map prepared by MIG, Inc. - October 2005

Map 1
Hollister Planning Area

City of Hollister 2005 General Plan



Proposed/Approved/Future Subdivisions

- 8 - Fay Property (90 Lots)
- 9 - Homestead/Benchmark/Ladd Ranch (174 Lots)
- 17 - Sunnyside Estates (190 Lots)
- 25 - Campisi (23)



	Approved
	Not Approved
	Understudy
	Hollister City Limit
	Hollister SOI

LOCAL AGENCY FORMATION COMMISSION
SAN BENITO COUNTY

2301 Technology Parkway
Hollister, CA 95023
Phone: (831) 637-5313

DATE: August 10, 2017 (Agenda)

TO: San Benito LAFCO Commissioners

FROM: ^{Bh} Bill Nicholson, Executive Officer

RE: Correspondence from the City Attorney for the City of Hollister (July 5, 2017) regarding exemption from LAFCO Review for City Sewer Connection to New Development at 3061 Southside Road – Commission direction on letter of response
(Agenda Item 8)

RECOMMENDATION

Direct Staff to send a letter of response to the Hollister City Attorney, A. Soren Diaz, objecting to the City's position that a pending new development project on Southside Road (known as the Fey/Benett project) is exempt from LAFO review under Section 56133(e)(4) because the City has never provided sewer service to the property, and to request the City cooperate on a comprehensive strategy as identified by the Commission for all City sewer extensions proposed outside the City Limits and outside the City Sphere of Influence.

SUMMARY

Following the Commission's discussion and possible direction on the previous item on tonight's Agenda (Item 7), Staff is seeking support from the Commission to send a response to the City Attorney, A. Soren Diaz, regarding the City's position that the "an extended service" exists from the City to a proposed new subdivision located outside the City limits and is therefore exempt from LAFCO review and approval. The term "an extended service" is highlighted here because the City Attorney apparently has concluded the City previously extended service to the property before January 1, 2001, which is the date qualifying for an exemption from Commission review under Government Code 56133(e)(4).

The Commission is very familiar with this exemption based on action taken at the July 13, 2017, Commission meeting to determine the nearby 25 unit CHISPA housing project was exempt from LAFCO review under this same section of the Government Code (the Cortese-Knox-Hertzberg Local Government Reorganization Act of 2000). As the Commission will recall, the CHISPA project involved the replacement of the City's existing and historic sewer connection to the County Hospital and subsequent nursing home with a connection for up to 25 homes proposed on the same property which CHISPA is in the process of purchasing from the County.

Contrary to this well documented history, the property identified as 3061 Southside Road involves a recently removed orchard on a parcel with a pending 90 unit subdivision which has never received sewer service from the City. There is no differentiation between this property and any other property located adjacent to the historic sewer line on Southside Road, including the Brigantino project for which the Commission determined a different exemption was applicable: Government Code Section 56133(e)(1). In fact, there would be no distinction for the City to argue they could connect any property with sewer service in unincorporated county territory as long as the City had historic sewer lines in the vicinity (such as along Hillcrest Road, Buena Vista Road, and even the main sewer outfall line along San Juan Hollister Road).

The language under Government Code section 15133(e)(4) is very concise in exempting from Commission review: “*An extended service that a city or district was providing before January 1, 2001.*” Where there was no historic connection, no city billing or customer payment for sewage treatment (as with other customers receiving the same city service), and no physical infrastructure on the property allowing for sewage collection, it would be extremely difficult for the Commission to defend the interpretation of the term “an extended service” promulgated by the City Attorney.

Therefore, Staff requests the Commission authorize sending a letter to the City Attorney and City Manager clarifying LAFCO’s position and asking for the City’s support in working toward a comprehensive solution for future out of agency service extensions to property outside the City limits and those outside the current sphere of influence. If the Commission does not respond in a timely manner, other landowners may petition the City for similar letters.

cc: Bill Avera, City Manager, City of Hollister
A. Soren Diaz, City Attorney, City of Hollister
Linda Klein, Attorney, Cox, Castle & Nicholson, LLP
Todd Deutscher
Erin E. Liem, LAFCO Counsel

Attachments:

1. Letter Dated July 5, 2017, from E. Soren Diaz, City Attorney to Ms. Linda C. Klein, Attorney with Cox, Castle & Nicholson
2. Draft Letter of response to Soren Diaz, City Attorney



CITY OF HOLLISTER

375 Fifth Street • Hollister, CA 95023-3876

July 5, 2017

Via U.S. Mail

Ms. Linda C. Klein
Cox, Castle & Nicholson, LLP
50 California Street
San Francisco, CA 94111

Re: Sewer Service for 3061 Southside Road

Dear Ms. Klein:

In response to your inquiry, we are informed that the City of Hollister (the "City") has been lawfully providing extended sewer service outside of its jurisdictional boundaries since approximately 1996. Government Code section 56133(e)(4) provides that no LAFCO approval is necessary for a city to provide out of jurisdiction service if such service is "an extended service that a city or district was providing on or before January 1, 2001. Therefore, pursuant to Government Code section 56133(e)(4), no LAFCO approval is necessary for the City to also provide such service to your client's proposed development project at 3061 Southside Road (the "Project"). Consistent with the City's power and authority to continue to provide sewer service outside of its boundaries under Section 56133(e)(4), City Council Resolution No. 2015-136 approved sewer service for the Project, which is located in the County of San Benito (the "County"). At this time, we believe that no additional action from the Project applicant or the San Benito County Local Formation Agency Commission ("LAFCO") is required.

No LAFCO action is required because the City installed a sewer line under Southside Road, and has been providing extended sewer service to development in the adjacent County area since 1996. Given this fact, Government Code section 56133(e)(4) applies and exempts the City from having to obtain LAFCO approval to serve the Project.

If you should have any question on this matter, please don't hesitate to contact me.

Sincerely,

E. Soren Diaz
Attorney for the City of Hollister

City Attorney
636-4306

City Clerk
636-4304

City Manager
636-4305

Finance
636-4301

Management Services
636-4324

Personnel
636-4308

Fax (831) 636-4310 • TDD Line Only (831) 636-4319

LOCAL AGENCY FORMATION COMMISSION
SAN BENITO COUNTY

2301 Technology Parkway
Hollister, CA 95023

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

August 10, 2017

Mr. Soren Diaz, City Attorney
City of Hollister
375 Fifth Street
Hollister, CA 95023-3876

RE: Letter to Linda Klein, Attorney, Regarding an Exemption from LAFCO Review Under Government Code 56133(e)(4) for the Extension of City Sewer Service to a Proposed Subdivision at 3061 Southside Road (known as the Fay/Benett Project)

Dear Mr. Diaz:

The Commission received a copy of your letter dated July 5, 2017, addressed to Ms. Linda C. Klein, an Attorney with Cox, Castle & Nicholson, LLP who represents the developer of a proposed 90 lot subdivision located at 3061 Southside Road. As you are aware, the Southside Road area has been the subject of much discussion by the San Benito Local Agency Formation Commission, including several public study sessions. Specific to this property, the Commission reviewed your letter to Ms. Klein at their August 10, 2017, regularly scheduled Commission meeting, and authorized this letter objecting to the City's position that the pending new development project known as the Fey/Benett project is exempt from LAFCO review under Government Code section 56133(e)(4), because the City has never provided sewer service to this property. The Commission also requests that the City continue to cooperate with the Commission on a comprehensive strategy to address all City sewer extensions proposed outside the City Limits, especially those also located outside the City Sphere of Influence.

The language under Government Code section 56133(e)(4) is very concise in exempting from Commission review: *"An extended service that a city or district was providing before January 1, 2001."* Where there was no historic connection, no city billing or customer payment for sewage treatment (as with other customers receiving the same city service), and no physical infrastructure on the property allowing for sewage collection, it would be extremely difficult for the Commission to defend the interpretation of the term "an extended service that a city or district was providing" as it applies to raw undeveloped land.

In contrast, at the July 13, 2017, Regular LAFCO meeting, the Commission determined the request to find the City of Hollister sewer service to a proposed low-income housing project on the northwest corner of Southside Road and Hospital Road was exempt from LAFCO review and approval under this same exemption based on evidence including: historic records for the hospital construction and sewer connection, City utility records, and estimates of historic sewage flows to the property compared to projected demand for 25 residential lots.

Therefore, the Commission respectively objects to the conclusion reached in your July 5, 2017, correspondence to Linda Klein, Attorney, and requests a meeting with LAFCO Counsel and staff to determine alternate solutions for complying with Government Code section 56133 in the future sewer extension to the property at 3061 Southside Road and other pending development projects in the vicinity.

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

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

Mr. Soren Diaz, City Attorney
City of Hollister
August 10, 2017
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I can be reached by phone at (209) 769-0472 or by e-mail at bnicholson@cosb.us to arrange a meeting or to answer any questions you may have.

Sincerely,

William Nicholson
Executive Officer

cc: Bill Avera, City Manager, City of Hollister
Linda C. Klein, Attorney, Cox Castle & Nicholson
Todd Deutscher
Erin Liem, LAFCO Counsel

LOCAL AGENCY FORMATION COMMISSION
SAN BENITO COUNTY

2301 Technology Parkway
Hollister, CA 95023

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

DATE: August 10, 2017 (Agenda)
TO: Local Agency Formation Commission
FROM: ^{BN} Bill Nicholson, Executive Officer
RE: Consideration of Adoption of Procedure to Require Applicants to Enter an Indemnification Agreement as Part of the Application Submittal Process with LAFCO (Agenda Item 9)

SUMMARY

Most LAFCOs and many local government development agencies have adopted a standard requirement that project applicants enter indemnification agreements as part of the standard application filing package. This is an alternative to adding a condition of approval requiring indemnification after Commission action on a project. The benefit to the Commission is to standardize the process, and the benefit to the applicant is to save time and steps following action by the Commission. A draft of the "Reimbursement and Indemnification Agreement" drafted with LAFCO Counsel input is attached for the Commissions review.

The Commission has debated the merits of requiring indemnification from applicants at recent meetings (notably during the public hearing on the Allendale Annexation to the City of Hollister, LAFCO File No. 520 on May 25, 2017), however, a brief summary is presented again here of the benefits for LAFCO and our funding partners.

There are inherent risks in acting on annexations, sphere of influence revisions, out of agency service extensions and related LAFCO boundary change activities due to the often contentious nature of land use, growth and public service decisions. Even though cities and countys typically require applicants for subdivisions and other development projects to indemnify their jurisdiction, it can be argued that they get a direct benefit from the project through an increase in property and/or sales taxes. However, LAFCO's role in review and action on boundary change or out of agency service proposals does not result in any direct benefit to LAFCO itself, in terms of an increase in on-going revenues or enterprise funds. In a sense, LAFCO takes on the risks of litigation for its actions, but doesn't directly benefit from the rewards.

Further, it is the County and cities within the County who pay most of LAFCO operation costs, and should LAFCO lose litigation on a specific annexation to Hollister, for example, the defense and legal fees would fall on all entities to pay: San Benito County, the City of Hollister and the City of San Juan Bautista. It is to the benefit of each local jurisdiction that LAFCO seek an agreement with applicants to defend LAFCOs action on their project and pay related attorney fees for that defense.

RECOMMENDATION

Adopt a procedure to require applicants to enter into the "Reimbursement and Indemnification Agreement" in the format attached to today's agenda item or as revised by LAFCO Counsel over time.

Attachment: Draft Reimbursement and Indemnification Agreement

Commissioners: Richard Bettencourt, Chair ♦ Ignacio Velazquez, Vice Chair ♦ Anthony Botelho ♦ Jaime De La Cruz ♦ Jim West
Alternate Commissioners: Dan DeVries ♦ Robert Rivas ♦ Roberta Daniel Executive Officer: Bill Nicholson

REIMBURSEMENT AND INDEMNIFICATION AGREEMENT

THIS AGREEMENT is made and entered into this ____ day of _____ 20__, by and between the SAN BENITO LOCAL AGENCY FORMATION COMMISSION, hereinafter "LAFCO" and _____, hereinafter "APPLICANT." For purposes of this Agreement, "PROJECT" shall refer to the APPLICANT's project, the _____, and LAFCO shall be defined to include LAFCO's officers, elected officials/commissioners, employees, agents, and agencies. LAFCO and APPLICANT agree as follows:

1. APPLICANT shall defend, indemnify, and hold LAFCO free and harmless from any and all suits, fees, claims, demands, causes of action, proceedings (hereinafter collectively referred to as "Legal Actions"), costs, losses, damages, liabilities and expenses (including, but not limited to, an award of attorneys' fees, expert witness fees, and court costs) incurred by LAFCO arising (directly or indirectly) or resulting from the review, processing, consideration, or from the approval of APPLICANT'S Project or action taken by LAFCO thereon. In the event APPLICANT does not wish to defend any Legal Action, APPLICANT will reimburse LAFCO for any damages, costs, or fees awarded pursuant to any default judgment or other judgment taken against LAFCO as a result of its decision not to defend any Legal Action. In addition to any Legal Actions related to project processing/approval, "Legal Actions" shall include but not be limited to, any action against LAFCO by third-party seeking a related approval as the APPLICANT, and any action by LAFCO against APPLICANT related to the Project, including specifically, any action to enforce conditions of approval, mitigation measures, or the terms of this reimbursement and indemnification agreement.

2. This agreement is not subject to termination, except by mutual agreement, after approval or other action on APPLICANT's project. Further, in the event the agreement is not fully executed prior to approval or other action on APPLICANT's project, APPLICANT irrevocably agrees to hold Applicant's offer to enter into this agreement until the agreement is accepted and fully executed by LAFCO.

3. In the event of a default of APPLICANT's obligations under this agreement, LAFCO, in its sole discretion, may deem APPLICANT's default of APPLICANT'S obligations under this Agreement as abandonment of the PROJECT. LAFCO may rescind any approvals or other actions previously granted and may settle any related litigation. APPLICANT shall remain responsible for any costs, attorney's fees (LAFCO and/or plaintiffs' if awarded by the Court or as a result of settlement), and/or other expenses incurred by LAFCO related to the litigation or settlement.

4. Nothing contained in this Agreement, however, shall be construed to limit the discretion of LAFCO, in the interest of the public welfare, to settle, defend, or appeal, or to decline settlement or to terminate or forego defense or appeal of a legal action. In no event shall LAFCO be required to continue with a legal challenge, although LAFCO shall have the right to do so, in the event APPLICANT fails to pay any amounts owing to LAFCO pursuant to this Agreement. In no event shall LAFCO have any obligation or liability to APPLICANT in connection with LAFCO'S defense or prosecution of litigation related to the Project (including, but not limited to, the outcome thereof) or in the event LAFCO elects not to prosecute a case or defend litigation brought against it.

5. The obligations specified herein shall be made, and are binding on the successors in interest of the APPLICANT, whether succession is by agreement, by operation of law or by any other means. This Agreement contains the entire agreement of the parties, and any representations, inducements, promises, or agreements otherwise between the parties that are not embodied herein, or incorporated herein by reference, are invalid and lack any force or effect. Further, no terms or provisions hereof may be changed, waived, discharged, or terminated, unless the same is in a writing executed by the parties hereto. This agreement shall be construed as being mutually drafted by both parties. Both parties are represented by counsel or have waived their right to consult with counsel after being informed of their right to do so.

Execution:

LAFCO:

APPLICANT:

Date: __/__/__ By: _____ Date: __/__/__ By: _____

INFORMATIONAL

**10. CALAFCO Legislative
Committee Status Report.**

**11. Adjourn to regular meeting at
6:00 PM on September 14, 2017,
unless meeting time is changed
based on Commission action, or
cancelled by Chair.**
