SAN BENITO LOCAL AGENCY FORMATION COMMISSION
EXECUTIVE OFFICER'S REPORT

OUT-OF-AGENCY SERVICE AGREEMENT

January 28, 2016 (Agenda)

LAFCO 508:	City of Hollister – Rodriguez
LOCATION:	Approximately 2.9 acres in two sections located west of and contiguous to Bridgevale Road, between West Graf Road and Bridge Road; Hollister area (APNs 019-240-031 and -032)
PURPOSE:	Allow the City of Hollister to serve water and sewer services to this property outside its boundaries
RECOMMENDATION	Deny the City's application and encourage the City to submit a proposal to annex the territory.

GENERAL ANALYSIS:

Project Information

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

   The affected parcels are vacant. It is proposed to allow the construction of up to 58 single family homes.

   The County General Plan and zoning designate the area as Residential Multiple (RM).

   The two parcels are contiguous to the City boundary though not within the City Sphere of Influence but are within the Hollister Urban Area

   Surrounding land uses are residential within the City to the east and north, unincorporated residential uses and the San Benito River to the south and large lots to the west.

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 no existing homes; up to fifty-eight new homes may be constructed.

AGENDA NO. 7

4. Environmental Impact of the Proposal

The County of San Benito has prepared a Negative Declaration to change the zoning of this property from Agricultural Productive (AP) to Residential Multiple (RM). A copy of this document is included with the packet for this meeting.

5: Environmental Justice

The provision of public services will support the fair treatment of people of all races and income and the equitable location of public facilities or services.

Staff Analysis

This territory is contiguous to the existing City Sphere of Influence and boundary and, clearly, when homes are constructed and occupied they will be part of the overall Hollister community.

In analyzing this proposal we received the following statement from the City staff:

> The properties identified as San Benito County assessor parcel numbers 019-240-031 and 032 are currently in the unincorporated area of the County of San Benito and outside of the City of Hollister Sphere of Influence but within the Urban Service Area Water and Wastewater Master Plan.
>
> As you know, the sphere of influence is an important benchmark because it defines the primary area within which urban development is to be encouraged and where the city will be expanding providing new or extended services. The subject properties are not within the city's sphere of influence and at this time the City of Hollister is not considering the prezoning of the subject properties west of Bridgevale Road.
>
> Per City Council Resolution No.2015-143 the City Council is in support of providing extended services outside of its jurisdictional boundaries and outside the sphere of influence but within the urban service area to the subject properties upon LAFCO approval.

The application says the purpose is to allow the City to provide water and sanitary sewer services but it should be obvious that once homes are occupied the City will provide a variety of other services to the residents including law enforcement, fire protection, local recreation and parks and general municipal services. Access to the homes will only be through the City.

The City is the logical local service provider, not just for water and sewer services but other municipal services afforded the majority of the residents of the Hollister area.

Experience has shown the best time to annex residential property to a city is before the homes are built. Once homes are occupied annexation becomes more difficult and questionable. Therefore, annexation to the City should occur before the homes are occupied.

The application received from the City states, "The land owner is not opposed to annexation, but this property is not in the city Sphere of Influence."

While this site is not presently within the City Sphere of Influence it is immediately contiguous to the City and is within the Hollister Urban Area. It would be a simple matter to extend the City Sphere to encompass these properties and the others adjacent to Bridgevale Road. Therefore this hearing has been properly noticed and we are recommending the City Sphere of Influence be revised to include these property.

We recognize there are several existing homes the two parcels proposed to be annexed and while we recommend these existing parcels be included within the City Sphere of Influence we are not proposing or recommending that they be included in this annexation.

ALTERNATIVES FOR COMMISSION ACTION

After consideration of this report and any testimony or additional materials that are submitted the Commission should consider taking one of the following options:

Option 1 APPROVE the request to allow the City of Hollister to serve water and sewer services to this property outside its boundaries

A. Find the proposal will not have a significant environmental impact and affirm the Mitigated Negative Declaration

B. Approve the proposal, to be known as the City of Hollister Out-of-Agency Service Agreement – Rodriguez, allowing the City to provide water outside of its boundaries to APNs 019-240-031 and -032.

Although this is not our recommended action we have included a resolution the Commission can adopt if it wishes to allow the out-of-agency services.

Option 2 DENY the City's application and encourage the City to submit a proposal to annex the territory.

If this application is denied direct staff to apply the processing fee submitted for the application to the proposed annexation of the territory to the City.

Option 3 CONTINUE the item to obtain additional information.

RECOMMENDED ACTION:

Approve **Option 2** and direct the staff to help facilitate the annexation of the two parcels that are included in this application.

BOB BRAITMAN
Executive Officer
LOCAL AGENCY FORMATION COMMISSION

Legend
Hollister Urban Area
Rodriquez Property
PACHECO PASS HWY
HUDNER LN
BOLSA RD
OLD SAN JUAN HOLLISTER RD
AIRWAY DR
FLYNN RD
BRIGGS RD
WRIGHT RD
WESTSIDE RD
BUENA VISTA RD
CENTRAL AV
SAN JUAN HOLLISTER RD
SOUTHSIDE
RAMONDR
LUCY BROWN LN
DUNCAN AV
OLYMPIA AV
BIXBY RD
FREITAS RD
MITCHELL RD
FLINT RD
156 HWY
COLINA LINDA
RICHARDSON DR
GENEVA
RIVERSIDE RD
UNION RD
UNION HTS DR
GORDON WAY
HILLTOP DR
MORRIS DR
HITCH DR
HIDDEN VALLEY RD
ASHFORD
SAN JUAN CANYON RD
0
1.2
1.8
Miles

LAFCO No. 508

RESOLUTION OF THE SAN BENITO LOCAL AGENCY FORMATION COMMISSION APPROVING THE CITY OF HOLLISTER OUT-OF-AGENCY SERVICES FOR RODRIGUEZ

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

WHEREAS, Government Code Section 56133 allows a city to provide new or extended services by contract or agreement outside its jurisdictional boundaries only if it first requests and receives written approval from the Commission; and the Commission may authorize a city to provide new or extended services outside its boundaries and within its sphere of influence in anticipation of a later change of organization, 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; 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, the Local Agency Formation Commission finds the proposal to be in the best interests of the affected area and the total 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 reviewed and considered the Negative Declaration prepared by the County of San Benito.

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

CITY OF HOLLISTER OUT-OF-AGENCY SERVICES – RODRIGUEZ

(3) The City of Hollister is hereby authorized to provide water and sewer service outside its boundaries and outside its Sphere of Influence for this affected territory.

San Benito LAFCO
LAFCO No. 508

This resolution was adopted on January 28, 2016 and is effective on the date signed by the Chair.

AYES:

NOES:

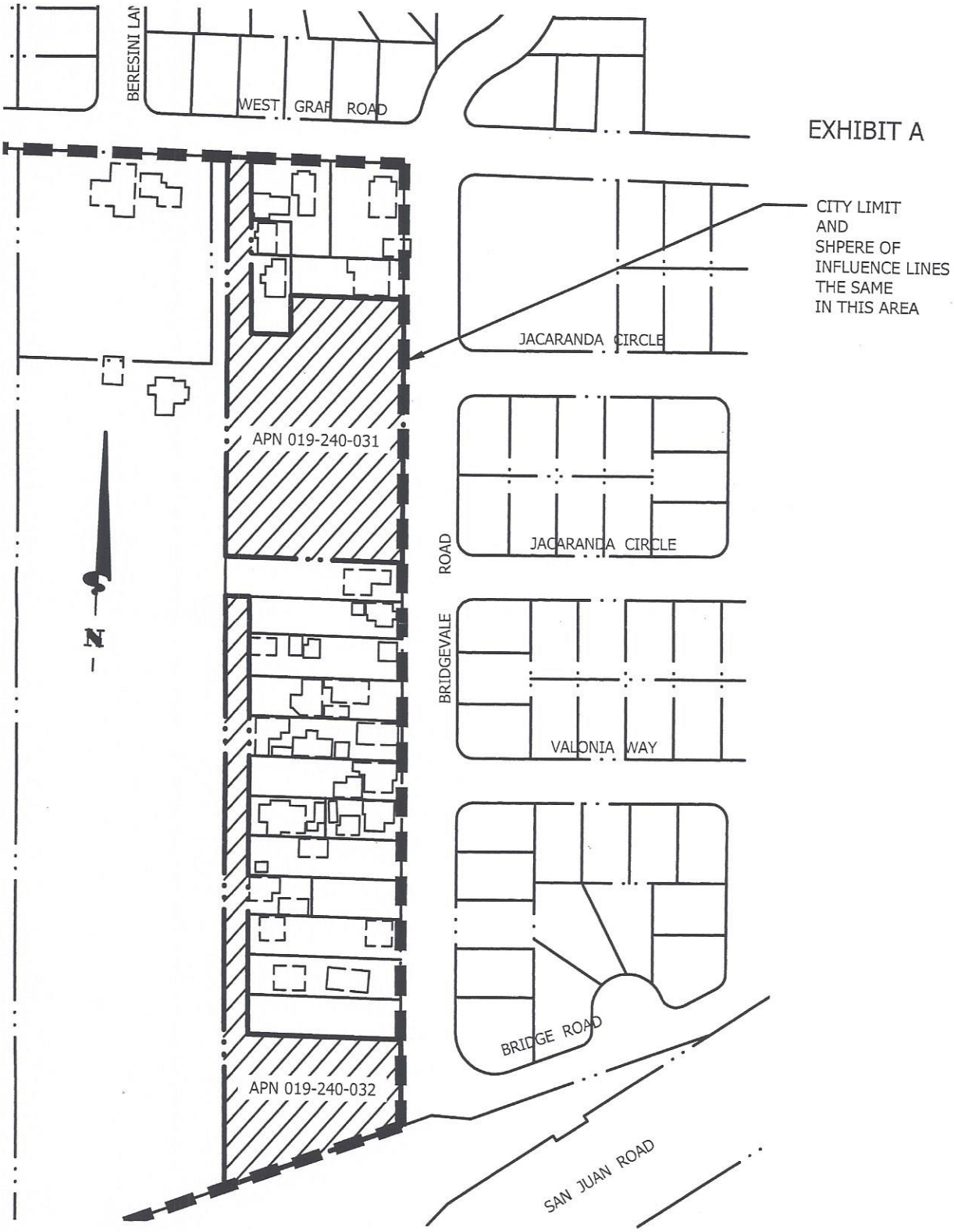
ABSTAINS:

Dated: _____ _____

Chair
San Benito Local Agency Formation Commission

ATTEST

_____
Bob Braitman, Executive Officer
San Benito Local Agency Formation Commission


BERESINI LA
WEST GRAF ROAD
EXHIBIT A
CITY LIMIT
AND
SHPERE OF
INFLUENCE LINES
THE SAME
IN THIS AREA
JACARANDA CIRCLE
APN 019-240-031
JACARANDA CIRCLE
ROAD
BRIDGEVALE
VALONIA WAY
N
BRIDGE ROAD
APN 019-240-032
SAN JUAN ROAD