

SAN BENITO LOCAL AGENCY FORMATION COMMISSION  
EXECUTIVE OFFICER'S REPORT

OUT-OF-AGENCY SERVICE AGREEMENT

January 28, 2016 (Agenda)

LAFCO 510: City of Hollister – Bertero

LOCATION: Approximately 24 acres located west of and adjacent to Mitchell Road, between Highway 156 and Freitas Road; Hollister area

PURPOSE: Allow the City of Hollister to serve water to this property outside its boundaries as an alternative to residents using well water

RECOMMENDATION Authorize the City to provide water service to this property.

GENERAL ANALYSIS:

Project Information

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

The affected parcel (APN 018-170-015) is actively farmed and has two existing homes. The majority of the land is in row crops. No change in land use is proposed.

The homes receive water from a well located off the property to the north across Freitas Road. Residents do not drink the well water due to the proximity of the well to City of Hollister sewer ponds.

Some time ago the City installed a water line along Mitchell road to serve properties on the east side of Mitchell Road after the sewer ponds were installed. The owner of the Bertero property would also like his property to be served domestic water from the City.

Annexation is not possible at this time because the property is not contiguous to the City nor is it within the City Sphere of Influence.

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 single-family homes on the site; no change in use is proposed.

4. Environmental Impact of the Proposal

The water connection is statutorily exempt from CEQA (Section 15268 - Ministerial Projects) which includes "Approval of individual utility service connections."

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.

LAFCO Approval is Required

In addition to regulating local government boundaries LAFCO regulates the extension of local services without boundary changes.

Government Code §56133 states "A city or district may provide new or extended services by contract or agreement outside of its jurisdictional boundaries only if it first requests and receives written approval from the commission."

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 provide water services.

A. Find the approval to be categorically exempt from CEQA (Section 15268).

B. Adopt this report and approve the proposal, to be known as the City of Hollister Out-of-Agency Service Agreement – Bertero, allowing the City to provide water outside of its boundaries to APN 018-170-015.

**Option 2** DENY the request.

**Option 3** CONTINUE the item to obtain additional information.

RECOMMENDED ACTION:

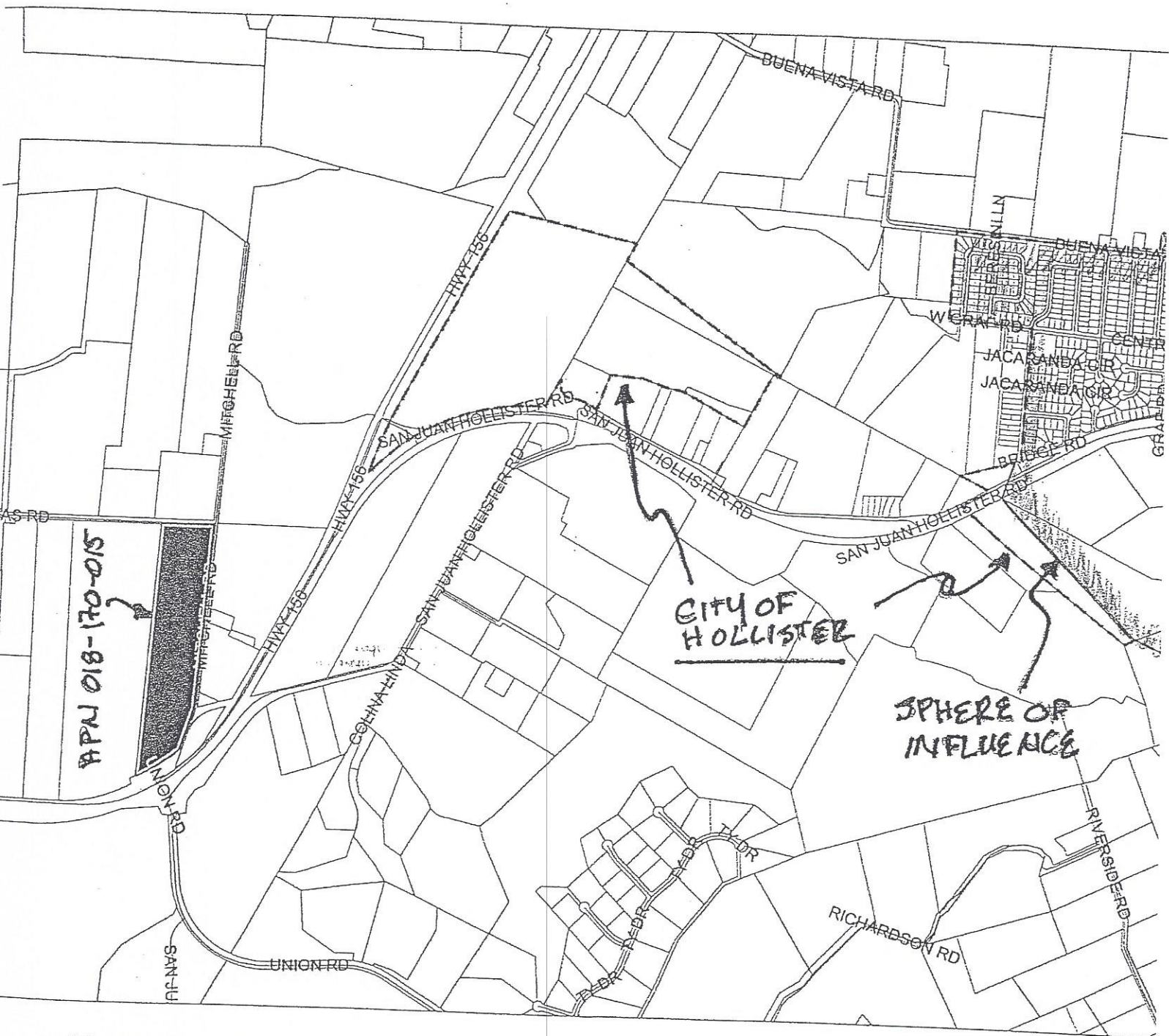
Approve **Option 1.**



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BOB BRAITMAN  
Executive Officer  
LOCAL AGENCY FORMATION COMMISSION





SCALE 1 : 20,000

2,000  
FEET

4,000

6,000

LAFCO No. 510

RESOLUTION OF THE SAN BENITO LOCAL AGENCY FORMATION COMMISSION  
APPROVING THE CITY OF HOLLISTER PROVIDING OUT-OF-AGENCY  
WATER SERVICES FOR THE BERTERO PROPERTY

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 finds the proposal to be statutorily exempt from CEQA (Section 15268).

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

CITY OF HOLLISTER OUT-OF-AGENCY SERVICES – BERTERO

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

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



