

SAN BENITO LOCAL AGENCY FORMATION COMMISSION

MEETING AGENDA

Thursday, October 20, 2016

**Board of Supervisors Chambers
481 Fourth Street, Hollister CA**

6:00 PM

1. Call to Order and Roll Call
2. Recitation of the Pledge of Allegiance
3. Public Comment Period

CONSENT AGENDA

BUSINESS ITEMS - GENERAL BUSINESS, NON-PUBLIC HEARING

4. Agenda Item 7 : Business Items -Non-Hearing Item

INFORMATIONAL

Disclosure of Campaign Contributions

Disability Accommodations

BOUNDARY CHANGE PROPOSALS

PUBLIC HEARING

5. Rustic Street Annexation No. 514
6. Maple Park Annexation No. 513

CLOSED SESSION

Adjournment

Commissioners: Rick Edge, Chair - Margie Barrios - Anthony Botelho - Richard Bettencourt - Ignacio Velazquez

Alternate Commissioners: Victor Gomez - Robert Rivas - Mark Tognazzini **Executive Officer:** Bill Nicholson



SAN BENITO COUNTY AGENDA ITEM TRANSMITTAL FORM

BOARD OF SUPERVISORS

MARGIE BARRIOS
District One
ANTHONY BOTELHO
District Two
ROBERT RIVAS
District Three
JERRY MUENZER
District Four
JAIME DE LA CRUZ
District Five

Item Number: 4.

MEETING DATE: 10/20/2016

DEPARTMENT: RESOURCE MANAGEMENT AGENCY

DEPT HEAD/DIRECTOR: Bill Nicholson

AGENDA ITEM PREPARER: Bill Nicholson

SBC DEPT FILE NUMBER:

SUBJECT:

Agenda Item 7 : Business Items -Non-Hearing Item

AGENDA SECTION:

BUSINESS ITEMS

BACKGROUND/SUMMARY:

Discussion - Alternative time, day of week or week of the month for LAFCO Meetings

BUDGETED:

SBC BUDGET LINE ITEM NUMBER:

CURRENT FY COST:

STAFF RECOMMENDATION:

See Executive Officer Agenda Item 7

ADDITIONAL PERSONNEL:

ATTACHMENTS:

Description

SB LAFCO Agenda 10-20-16

Memo - Agenda Item 7

Upload Date

10/14/2016

10/14/2016

Type

Other

Other

SAN BENITO LOCAL AGENCY FORMATION COMMISSION

RESCHEDULED MEETING AGENDA

Thursday, October 20, 2016

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 for the July 14 and August 25, 2016 meetings

BOUNDARY CHANGE PROPOSALS – PUBLIC HEARINGS

5. LAFCO 514 – Rustic Street Annexation to the City of Hollister: To consider the annexation of approximately 2.72 acres located east and west of and including Rustic Street, approximately 100 feet north of Lorene Drive, and to make an environmental determination.
6. LAFCO 513 – Maple Park Annexation to the City of Hollister: To consider the annexation of approximately 5.43 acres located west of and including Chappell Road, between Maple Street and Primavera Drive, and to make an environmental determination.

BUSINESS ITEMS – NON-HEARING ITEM

7. Consideration of changing the normal LAFCO meeting day and/or time: Based on current conflict with the City of Hollister Planning Commission Meeting, the Commission requested placing this item on the agenda for discussion and possible action.

INFORMATIONAL

8. Commissioner Announcements and Requests for Future Agenda Items
9. Executive Officer Announcements – Upcoming CALAFCO Annual Conference in Santa Barbara, October 26-28, 2016
10. Oral status report on pending proposals
11. Adjourn to regular meeting at 6:00 PM on January 22, 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 jslibsager@cosb.us.

LOCAL AGENCY FORMATION COMMISSION

SAN BENITO COUNTY

2301 Technology Parkway

Hollister, CA 95023

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

October 20, 2016 (Agenda)

Local Agency Formation Commission
2301 Technology Parkway
Hollister, CA 95203

RE: AGENDA ITEM 7: Business Items - Non-Hearing Item

Dear Members of the Commission:

RECOMMENDATION

It is recommended the Commission make a decision whether to change the day, week of the month, and/or the time day for the regular Commission meeting to avoid conflict with other conflicting meetings, and give direction to staff to produce a new meeting calendar.

DISCUSSION

At the August 25, 2016, Commission meeting, Anne Hall, with San Benito Engineering, stated that the Commission meetings pose a hardship on her and City of Hollister staff and applicants as the City's Planning Commission meeting is on the same night each month, starting at 7 pm. She requested that a change be considered because it makes it difficult to serve clients who have items at both meetings, and can lead to a lack of City staff attending the LAFCO meeting on important City applications.

At the end of the Commission meeting, under the topic of "Commissioner Announcements and Requests for Future Agenda Items, the Commission unanimously agreed to set this as an item for consideration at the next meeting. While no specific change was proposed, the Commission may consider retaining Thursday as the regular meeting day, but holding the meeting on an alternate week each month. In July, the Commission rescheduled the meeting to the second Thursday to accommodate an applicant because the Commission does not hold a meeting in June. This month, the meeting was rescheduled to the third week due to a request of an applicant for the earliest possible meeting date, and because of the conflict with next weeks CALAFCO Annual Conference.

The Commissioners can discuss what alternative time, day of the week or week of the month fits everyone's schedule the best and direct staff to produce a new meeting calendar reflecting any agreed to changes.

Sincerely,



Bill Nicholson,
Executive Officer
San Benito LAFCO



SAN BENITO COUNTY AGENDA ITEM TRANSMITTAL FORM

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District Five

Item Number: 5.

MEETING DATE: 10/20/2016

DEPARTMENT: RESOURCE MANAGEMENT AGENCY

DEPT HEAD/DIRECTOR: Bill Nicholson

AGENDA ITEM PREPARER: Bill Nicholson

SBC DEPT FILE NUMBER: LAFCO 514

SUBJECT:

Rustic Street Annexation No. 514

AGENDA SECTION:

PUBLIC HEARING

BACKGROUND/SUMMARY:

See attachment for Executive Officer Report

BUDGETED:

SBC BUDGET LINE ITEM NUMBER:

CURRENT FY COST:

STAFF RECOMMENDATION:

Approve with Conditions

ADDITIONAL PERSONNEL:

ATTACHMENTS:

Description	Upload Date	Type
EO Report Rustic St	10/14/2016	Executive Summary
Rustic Map - Assessors Parcel Page	10/14/2016	Backup Material
D. Proposal Questionnaire	10/14/2016	Backup Material
Rustic - City of Hollister Letter	10/14/2016	Backup Material
Rustic Street Map	10/14/2016	Backup Material
A1 - Resolution	10/14/2016	Resolution
C. Ordinance	10/14/2016	Ordinance
City of Hollister	10/14/2016	Resolution Letter

SAN BENITO LOCAL AGENCY FORMATION COMMISSION
EXECUTIVE OFFICER'S REPORT

October 20, 2016 (Agenda)

LAFCO No. 513: Rustic Street Annexation to City of Hollister

PROPONENT: City Council of the City of Hollister, by resolution

ACREAGE & LOCATION Approximately 2.72 acres located east and west of and including Rustic Street, approximately 100 feet north of Lorene Drive; Hollister area

PURPOSE: To provide municipal services for existing and potential future development, and avoid creation of an unincorporated island.

BACKGROUND/HISTORY

This annexation is linked to the adjacent Maple Park Annexation (LAFCO File No. 513) also set on today's LAFCO Agenda. While the City of Hollister Resolution of Application to LAFCO (Resolution No. 2015-181) included this territory along with the adjacent Maple Park property, due to the lack of written landowner support for the three parcels in this portion of the annexation area, the territory was split into two separate annexations. However, approval of the adjacent Maple Park Annexation without concurrent approval of this Rustic Street area would result in creation of a county island if the Maple Park Annexation was approved by itself. Therefore, the Rustic Street Annexation was set as the first item on tonight's scheduled Public Hearing.

PROJECT INFORMATION

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

The annexation area contains three developed parcels containing existing single family homes: three homes on the parcel west of Rustic Street, and one home on each of the two parcels on the east side of Rustic Street. The County General Plan and zoning is Rural Residential.

The City General Plan also designates the site as Medium Density Residential. The City rezoned the property as R3 M/PZ (Medium Density Residential, Performance Overlay) on September 8, 2015. The area is located within the City Sphere of Influence and is adjacent to the City to the north, south, and west. Following annexation, any new development would be subject to the City's zoning and development standards.

Surrounding land uses are single family residential to the north, residential and commercial uses to the south (including the US Post Office), commercial to the west, and vacant land to the east.

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 six single-family homes within the proposal area, and the territory is considered "uninhabited" under the LAFCO definition (12 or more registered voters). Annexation will not directly result in any change in land use.

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

The City "Plan for Providing Services Within the Affected Territory" as required by Government Code Section 56653 is included as part of the "Proposal Justification Questionnaire for Annexation" in Question 14, provided as an attachment to this report. It adequately addresses the service needs supplied by the City of Hollister although there is no new development anticipated as a result of this annexation.

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

The annexation area consists of three developed parcels with no agricultural or open space resources.

6. Assessed Value, Tax Rates and Indebtedness:

The annexation area is within Tax Rate Area 067-003. The current assessed value is \$68,380. The overall tax rate will not be affected by this change, although property values will increase upon development. Upon annexation, the territory be liable for any existing or authorized taxes, charges, fees or assessments comparable to properties presently within the City.

7. Environmental Impact of the Proposal:

The City of Hollister is the lead agency and has found the proposal to be categorically exempt from CEQA (Class 32 – Infill Development Projects). LAFCO, as a "responsible agency" under CEQA can rely upon this determination.

8. Landowner and Subject Agency Consent:

Correspondence was sent to each landowner within the annexation boundary by the City of Hollister informing them of the annexation and seeking their written consent. However, no response was received and therefore the annexation is subject to a protest hearing in compliance with section 57050 of the Government Code. If the Commission approves this annexation and the adjacent Maple Park Annexation which is not subject to a protest hearing, staff is recommending the Maple Park Annexation not be recorded until the completion of the protest proceedings for this Rustic Street Annexation to avoid creation of an unincorporated island consisting of the three parcels in this proposal

9. Boundaries, Lines of Assessment and Registered Voters:

The boundaries are definite and certain and there are no conflicts with lines of assessment or ownership based on the review by the County Surveyor. The annexation area is contiguous to the City, and constitutes a peninsula of unincorporated land surrounded by the city to the north, south and west. The territory is uninhabited; namely, there are fewer than 12 registered voters.

10. Environmental Justice

Annexation will have no effect with respect to the fair treatment of people of all races and income, or the location of public facilities or services.

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 proposal to be categorically exempt from CEQA as an Infill Development Project.
- B. Adopt this report and approve the proposal known as Rustic Street Annexation to the City of Hollister, subject to the understanding that the territory will be liable for any existing or authorized taxes, charges, fees or assessments comparable to properties presently within the City.

- C. Determine that the subject territory is uninhabited and all affected landowners have not given consent to the annexation.
- D. Direct the staff to initiate and conduct a protest hearing and report the results to the Commission.

OPTION 2 - Adopt this report and DENY this proposal.

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

RECOMMENDED ACTION:

Approve OPTION 1.



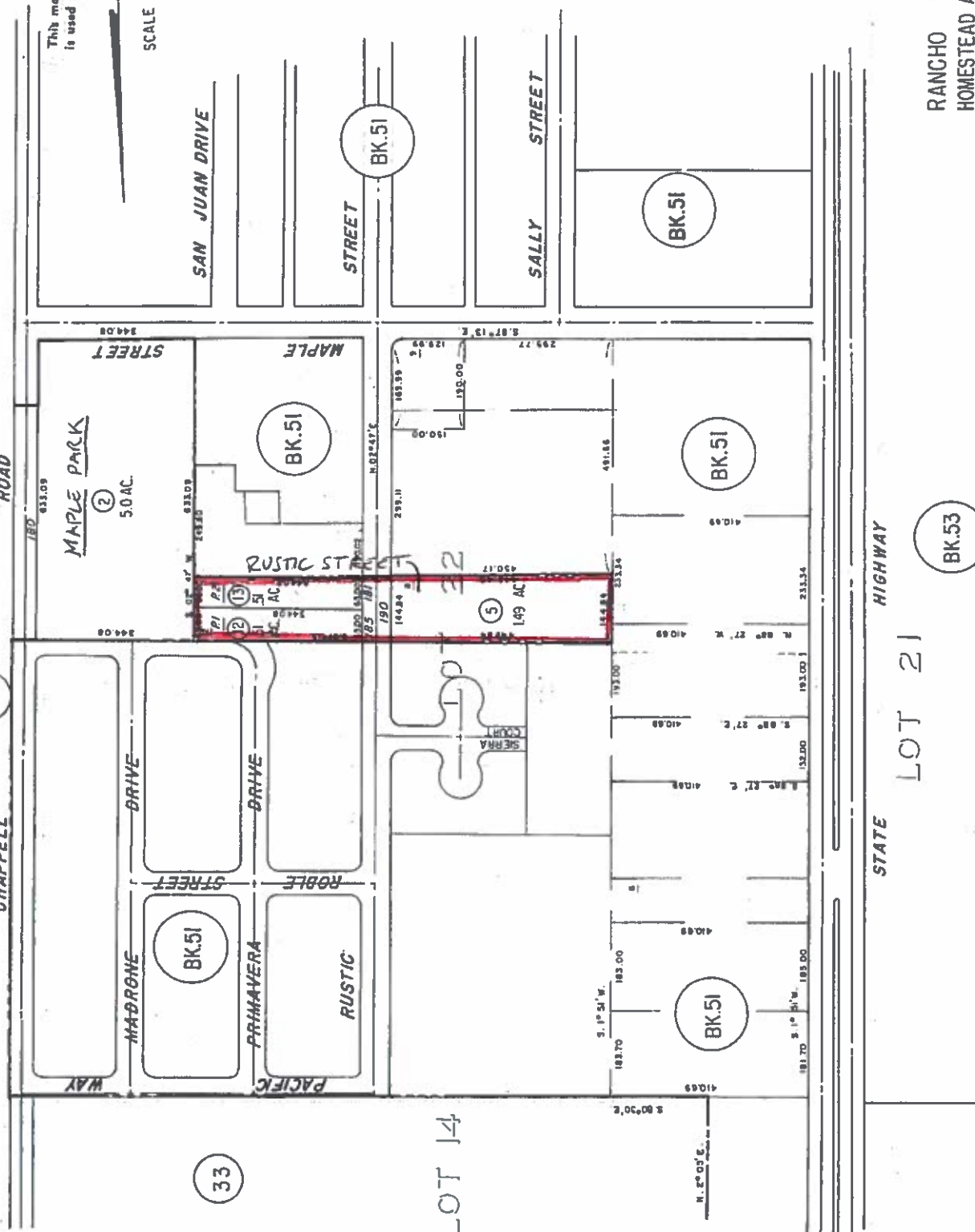
BILL NICHOLSON
Executive Officer

LOCAL AGENCY FORMATION COMMISSION

cc: Abraham Prado, Associate Planner, City of Hollister

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

SCALE : 1" = 200'



**RANCHO SAN JUSTO
HOMESTEAD ASSOC. DIST. #1**
Assessor's Office, County of San Benito, Calif.

STATE HIGHWAY

12107

LAFCO 514

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)
Rustic Street Annexation
2. **Describe the acreage and general location; include street addresses if known:**
The total area consists of approximately 2.51 acres located in unincorporated San Benito County and within the City of Hollister's sphere of influence. The property addresses are 181, 185, and 190 Rustic Street. The Hollister city limit is contiguous to the site on the south, west, and north. Adjacent right-of-way is Rustic Street. The site is bordered to the west by commercial uses, existing residential and commercial to the south, existing residential to the north, and existing residential and vacant land to the east.
3. **List the Assessor's Parcels within the proposal area:**
019-340-005, 019-340-012, and 019-340-013
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 to eliminate an existing county island.
5. **Land Use and Zoning - Present and Future**
 - A. **Describe the existing land uses within the proposal area. Be specific.**
There are three existing dwelling units on the property at 190 Rustic Street. There is one existing dwelling unit on the property at 185 Rustic Street. There is one existing dwelling unit on the property at 181 Rustic Street.
 - B. **Describe changes in land uses that would result from or be facilitated by this proposed boundary change.**
The parcel at 190 Rustic Street currently contains three residential dwelling units and is zoned Rural Residential (RR). The parcels at 181 and 185 Rustic Street currently contain one residential dwelling unit each and are both zoned Rural Residential (RR). Pending annexation of the parcels, it is anticipated that current land uses shall remain the same at this time.
 - C. **Describe the existing zoning designations within the proposal area.**
All three parcels are currently zoned Rural Residential (RR) by the County of San Benito.
 - 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 High Density Residential Performance Overlay Zoning District (R4 H/PZ) for the parcel at 190 Rustic Street. The parcel currently contains three residential dwelling units and is zoned Rural Residential (RR) within the jurisdiction of San Benito County. Any new residential development will need to conform to the City of Hollister's zoning classification of Low Density Residential Performance Overlay Zoning District (R1-L/PZ) for the parcels at 181 and 185 Rustic Street. Both parcels currently contain one residential dwelling unit and are zoned Rural Residential (RR) within the jurisdiction of San Benito County. The current land uses are not anticipated to change at this time. Current land uses are consistent with the densities allowed within the City's Residential Zoning Designations.

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

The prezoning for the property is High Density Residential Performance Overlay Zoning District (R4 H/PZ) for the parcel at 190 Rustic Street that currently contains three residential dwelling units. The prezoning for the property is Low Density Residential Performance Overlay Zoning District (R1 L/PZ) for the parcels at 181 and 185 Rustic Street that currently contain one residential dwelling unit each. Pending annexation of the parcels, it is anticipated that current land uses shall remain the same at this time.

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.

Rural Residential (RR).

B. (For City Annexations) Describe the City general plan designation for the area.

High Density Residential for the property at 190 Rustic Street. Low Density Residential for the properties located at 181 and 185 Rustic Street

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

The parcel at 190 Rustic Street currently contains three residential dwelling units and the parcels at 181 and 185 Rustic Street currently contain one residential dwelling unit

each. Pending annexation of the parcels, it is anticipated that current land uses shall remain the same and is to be consistent with the City of Hollister's General Plan.

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 proposal 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 proposal is generally flat.

10. Impact on Agriculture

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

No.

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

No.

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

No.

- 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.**

No protest.

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.

The parcel at 190 Rustic Street currently contains three residential dwelling units and is zoned Rural Residential (RR). The parcels at 181 and 185 Rustic Street currently contain one residential dwelling unit each and are both zoned Rural Residential (RR). Pending annexation of the parcels, it is anticipated that current land uses shall remain the same at this time and 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 three existing dwelling units on the property at 190 Rustic Street. There is one existing dwelling unit on the property at 185 Rustic Street. There is one existing dwelling unit on the property at 181 Rustic Street.

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

Single-family 0 Multi-family 0

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 aid 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 surrounded by the City limits (current 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. 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 Rustic Street, Primavera Drive, and Lorene 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 also 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 sites are 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 5 acres of vacant land. An existing 8-inch water main is located in the right-of-way of Primavera Drive along the northern boundary, an existing 8-inch water main is located in the right-of-way of Lorene Drive along the southern boundary, and an existing 8-inch water main is located in the right-of-way of Rustic Street along the western 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 the Santa Ana Creek drainage area. Annexation of the property in its current 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 sites in their 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 will enter 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 properties have existing access to Rustic Street, and annexation of the properties 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.
None.
- E. Identify how these services will be financed. Include both capital improvements and ongoing maintenance and operation.
All utilities will be public. The proposed streets are 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.
None.

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 City of Hollister

B. What type of environmental document has been prepared?

Categorical Exemption, Section 15332, In-Fill Development, Class 32.

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 are being used to avoid the creation of unincorporated county islands are being referred to as the Rustic Street Annexation to the City of Hollister:

Approximately 2.72 acres (APNs 019-340-005, 019-340-012, and 019-340-013)

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

All the remaining parcels have been included to eliminate the county island.

20. Final Comments

- A. **Describe any conditions that should be included in LAFCO's approval.**

Owner would be required 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 July 23, 2015 the City of Planning Commission approved Resolution No. 2015-22 recommending to the City Council of the City of Hollister the approval of the pre-zone application for the subject property. The City of Hollister City Council adopted Ordinance No. 1123 on September 8, 2015 pre-zoning the property to Low Density Residential Performance Overlay Zoning District (R1-L/PZ). The request is for annexation only.

- 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.

Name and agency

Address

Email address

- A. Jill Morales, City of Hollister Development Services Department, 375 Fifth Street, Hollister, CA 95023. jill.morales@hollister.ca.gov, tel. 831-636-4360.

- B. Byron Turner, San Benito County Planning Department, 2301 Technology Parkway, Hollister, CA 95023. BTurner@cosb.us, tel. 831-637-5313.

- C. All property owners of property to be annexed. Please see List of Landowners

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

Name

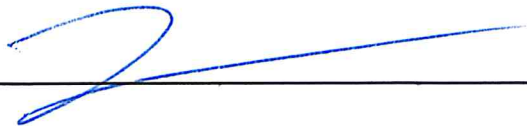
Address

Email address

Phone

Jill Morales, City of Hollister Development Services Department, 375 Fifth Street, Hollister, CA 95023. jill.morales@hollister.ca.gov, tel. 831-636-4360

Signature _____



Date

1/13/2016

TABLE A
Information regarding the areas surrounding the proposal area

	Existing Land Use	General Plan Designation	Zoning Designation
East	Residential Uses And Vacant Land	County of San Benito: Rural Residential	County of San Benito: RR Rural Residential
West	Commercial	City of Hollister: North Gateway Commercial	City of Hollister: NG North Gateway
North	Residential	City of Hollister: Low Density Residential	City of Hollister: R1 Low Density Residential
South	Residential and Commercial Uses	City of Hollister: Low Density Residential and General Commercial	City of Hollister: R1 Low Density Residential and GC General Commercial

Other comments or notations:



CITY OF HOLLISTER

Send All Mail To:

375 Fifth Street • Hollister, CA 95023-3876

ENGINEERING DEPARTMENT

Office Location: 420 Hill Street • Building C • (831) 636-4340 Fax: (831) 636-4349

January 11, 2016

LAFCO Commission
2301 Technology Parkway
Hollister, CA 95023

Re: Rustic Street Annexation Application Question Number 15 and 16

Dear LAFCO Commissioner,

Along with the Maple Park Annexation, the City is requesting annexation approval of the properties located at 181, 185, and 190 Rustic Street and are further identified as San Benito County Assessor Parcel Numbers 019-340-005, 019-340-012, and 019-340-013. 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



City of Hollister Development Services

339 Fifth Street, Hollister, CA. 95023 Telephone (831) 636-4360 • Fax (831) 634-4913

January 12, 2016

To: Bob Braitman
Executive Officer
San Benito LAFCO
2301 Technology Parkway
Hollister, CA 95023

From: City of Hollister Development Services Department
339 Fifth Street
Hollister, California 95023

RE: **Rustic Street Annexation to the City of Hollister – List of Property Owners or Lessees**

Dear Mr. Braitman,

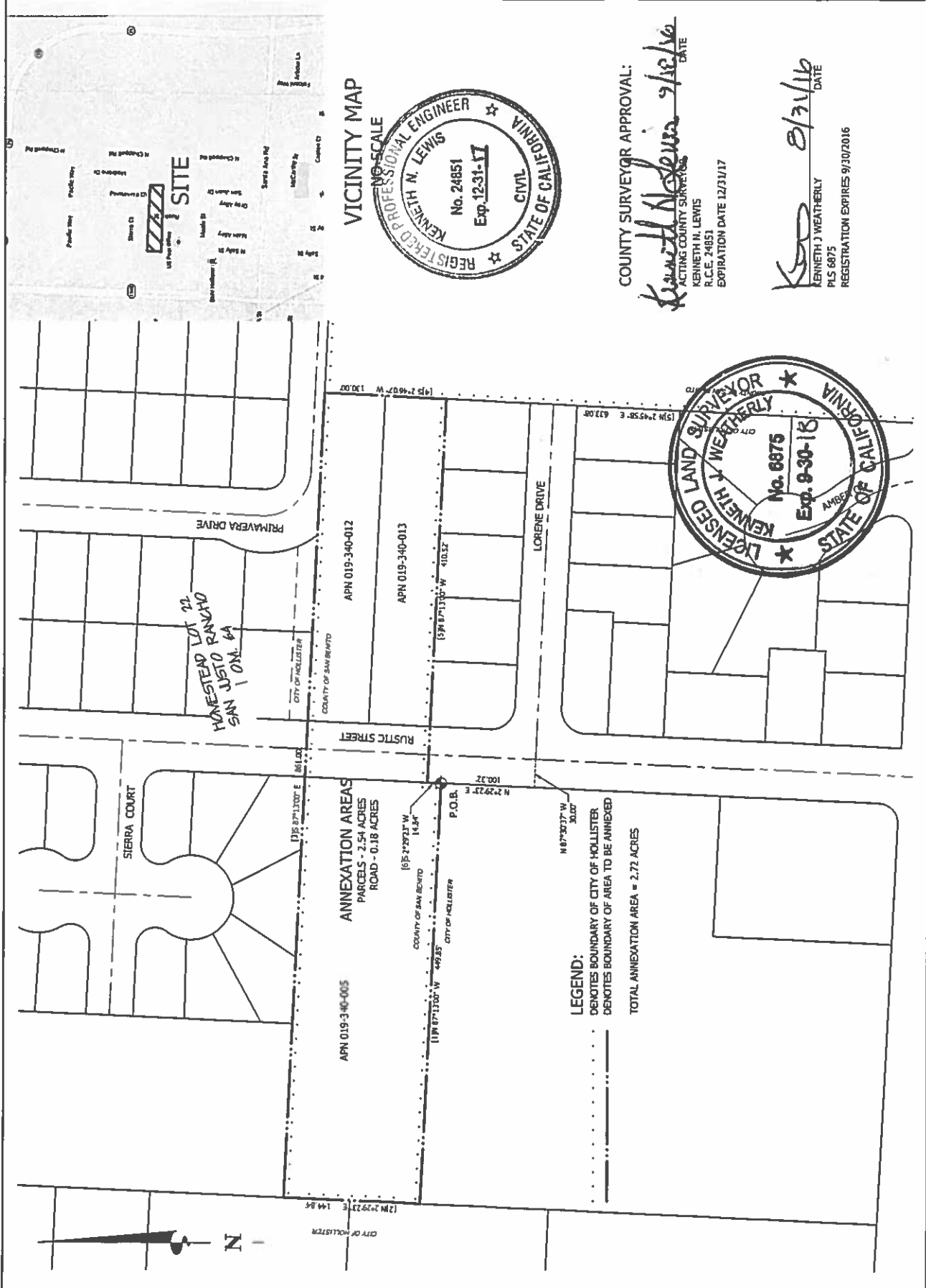
Notices have been sent to the property owners and written consent has not been received regarding this boundary change by any of the affected property owners and it is therefore requested that the Commission hold the protest hearing as required. The following are the current property owners of the requested boundary change:

1. POMPA LOUIS & POMPA KRISTINE BUTLER, APN:019-340-013 (.51 acres)
181 Rustic Street, Hollister, CA 95023
2. AMEZCUA ERIKA M & EFRAIN C, APN:019-340-012 (.51 acres)
185 Rustic Street, Hollister, CA 95023
3. BALBAS JAMES G-LINDA F, APN:019-340-005 (1.49 acres)
190 Rustic Street, Hollister, CA 95023

If you have any questions regarding this proposal, please contact the undersigned at 831-636-4360, by e-mail at jill.morales@hollister.ca.gov or stop by the office at 339 Fifth Street, Hollister, CA. Regular hours of operation are Monday through Friday 8:00a.m. to 12:00p.m. and 1:00p.m. to 5:00p.m. Thank you.

Sincerely,


Jillian R. Morales
Assistant Planner



RESOLUTION NO. 2015-181

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

**A RESOLUTION OF THE CITY COUNCIL OF THE CITY OF HOLLISTER
REQUESTING THE LOCAL AGENCY FORMATION COMMISSION (LAFCo) TO
INITIATE PROCEEDINGS FOR THE ANNEXATION OF TERRITORY
(HUGH P. BIKLE)**

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 019-340-002, 019-340-012, 019-340-013, and 019-340-005; and

WHEREAS, the reasons for the proposed reorganization is to annex the territory of multiple properties owned by Hugh P. Bikle (the "Territory") which is substantially surrounded 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. 1123 in conformance with state and local law; and

WHEREAS, the City Council certifies that as lead agency the project is exempt from the California Environmental Quality Act per Section 15332, In-Fill Development, Class 32.

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.

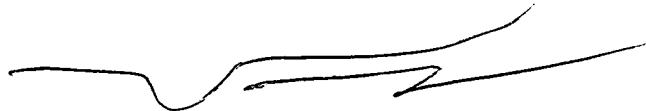
PASSED AND ADOPTED by the City Council of the City of Hollister at a regular meeting duly held on this 8th day of September, 2015, by the following vote:

AYES: Council Members Klauer, Gomez, Friend, Luna, and Mayor Velazquez.

NOES: None.

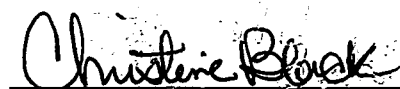
ABSTAINED: None.

ABSENT: None.



Ignacio Velazquez, Mayor

ATTEST:



Christine Black, Interim City Clerk

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

APPROVED AS TO FORM:

L+G LLP, Attorneys at Law



Bradley Sullivan, City Attorney

EXHIBIT A

MAPLE PARK ANNEXATION TO THE CITY OF HOLLISTER

BEING A PORTION of Homestead Lot 22 of the Rancho San Justo according to the map thereof recorded in Book 1 of Maps, page 64, San Benito County Records, bounded by a line more particularly described as follows:

BEGINNING at a point on the easterly line of Chappell Road that bears South 2° 29' 23" West 10.00 feet and South 87° 13' 00" East 20.00 feet from the centerline intersection of Chappell Road and Primavera Drive at an angle point in the jurisdictional boundary line of the City of Hollister; thence from said point of beginning and along the said easterly line of Chappell Road

[1] South 2° 29' 23" West 445.09 feet to a point, said point being an angle point in the jurisdictional boundary line of the City of Hollister; thence following along said boundary line

[2] North 87° 30' 37" West 40.00 feet to a point in the westerly line of Chappell Road; thence along said westerly line

[3] South 2° 29' 23" West 187.79 feet to a point in the northerly line of Maple Street; thence along said northerly line of Maple and said jurisdictional boundary line

[4] North 87° 13' 00" West 347.18 feet; thence leaving said northerly line of Maple Street and continuing along said jurisdictional boundary line

[5] North 2° 45' 58" East 633.08 feet to a point in the southerly line of Primavera Drive; thence along said southerly line and the jurisdictional boundary line

[6] South 87° 13' 00" East 384.12 feet to the point of beginning

Containing 5.43 Acres



16 4/22/15

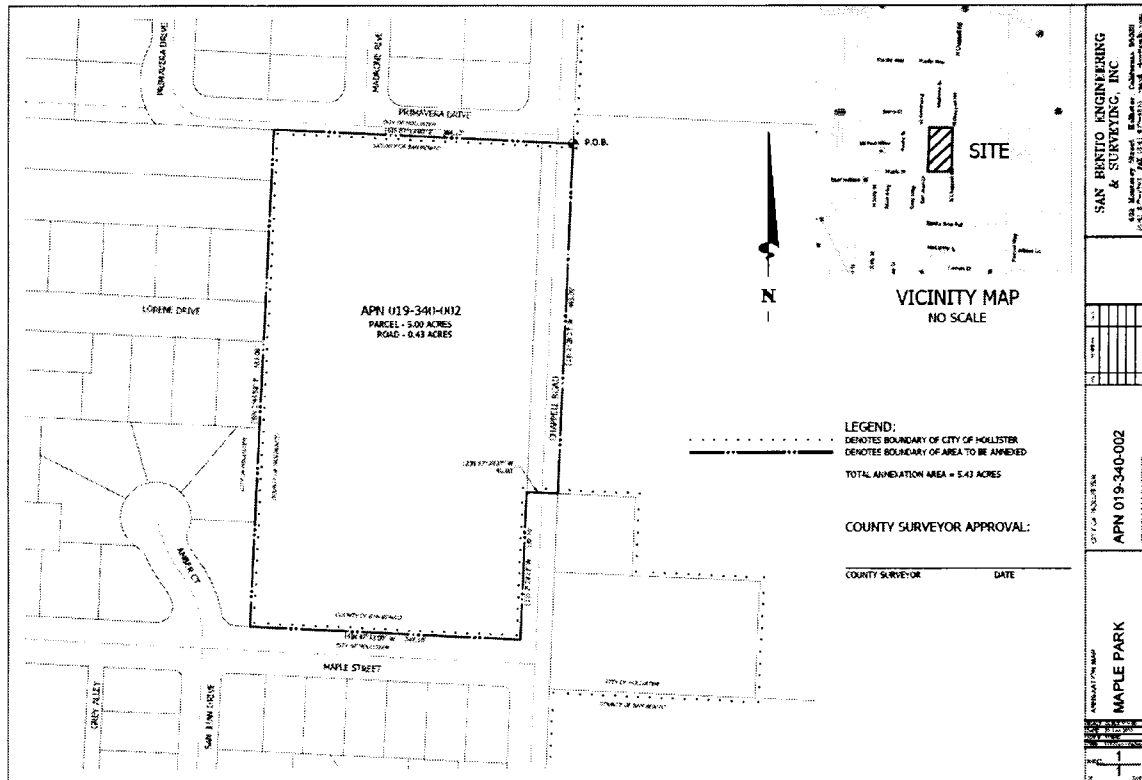
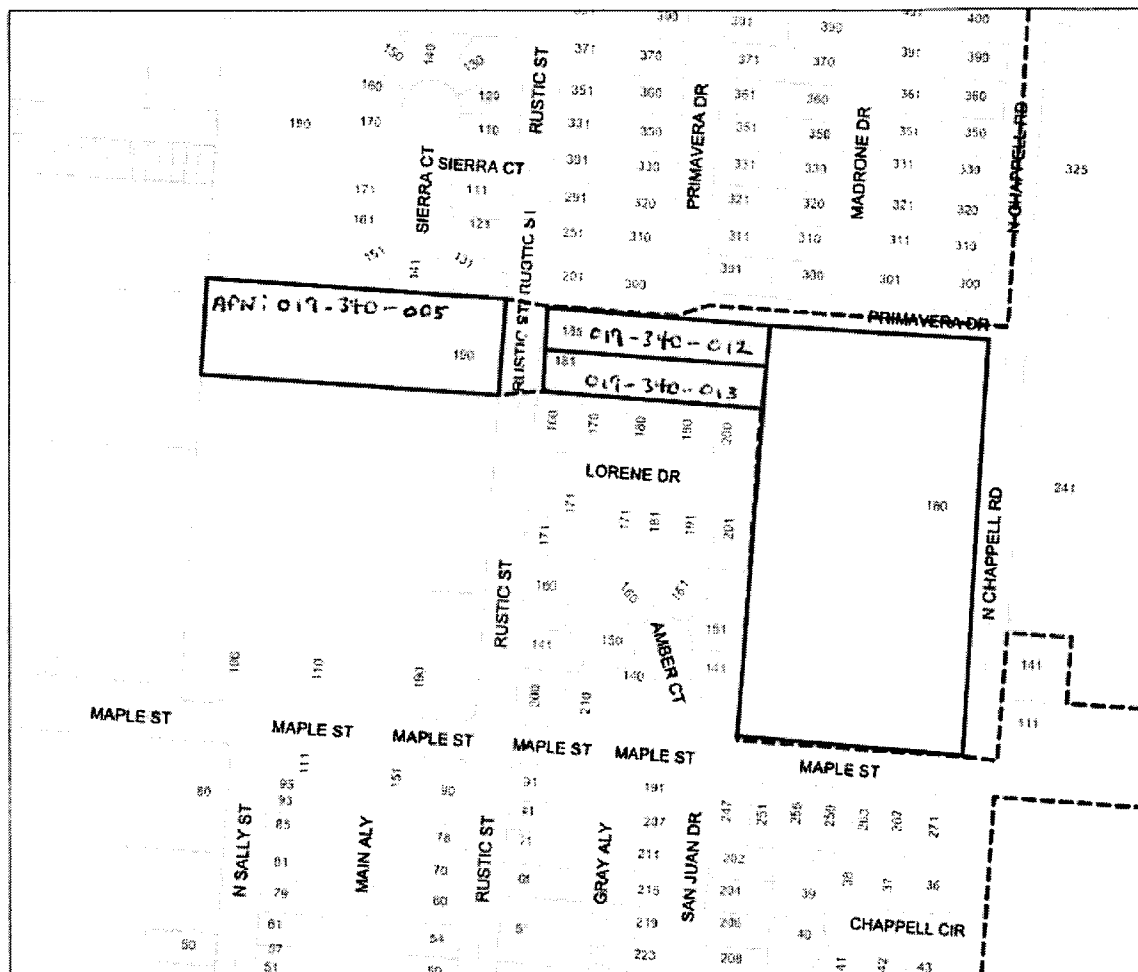


EXHIBIT B



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

ORDINANCE NO. 1123

**AN ORDINANCE OF THE CITY COUNCIL OF THE CITY OF HOLLISTER
AMENDING MUNICIPAL CODE CHAPTER 17.24.250 PREZONING OF
SPECIFICALLY DESCRIBED REAL PROPERTY TO MEDIUM DENSITY
RESIDENTIAL PERFORMANCE OVERLAY ZONE THE PROPERTY AT 180 N
CHAPPELL ROAD, FURTHER IDENTIFIED AS ASSESSOR PARCEL NUMBER
019-340-002**

WHEREAS, following duly noticed public hearing on July 23, 2015, the City of Hollister Planning Commission recommended approval of the request to pre-zone the parcel located at 180 N. Chappell Road APN 019-340-002 to Medium Density Residential Performance Overlay Zone; and

WHEREAS, the planning commission further recommended that the City Council approve an amendment to the pre-zoning request to add three (3) contiguous unincorporated parcels (San Benito County Assessor Parcel Numbers 019-340-012, 019-340-013, and 019-340-005), to avoid the creation of an unincorporated island and avoid conflict with San Benito County LAFCO Policy 2.2.18; and,

WHEREAS, on August 17, 2015, the City Council of the City of Hollister held a duly noticed public hearing to consider adoption of the general plan amendment application;

NOW, THEREFORE, the City Council of the City of Hollister ordains as follows:

Section 1: Zoning Map Amended. The Official Zoning Map of the City of Hollister is hereby amended by prezoning to R3-M/PZ (Medium Density Residential Performance Overlay Zone) all that real property situated in the County of San Benito, State of California, particularly described in "Exhibit A" and identified as R-3-M/PZ (Medium Density Residential Performance Overlay Zone) attached hereto and made a part thereof by reference.

Section 2: Zoning Map Amended. The Zone Map of Title 17 of the City Municipal Code is amended by prezoning to R-1-L/PZ Low Density Residential Performance Overlay Zone the San Benito County Assessor Parcel Numbers 019-340-012, 019-340-013, and 019-340-005 situated in the County of San Benito, State of California, particularly described in Exhibit "B" attached hereto and made a part by reference.

Section 3: Severability. The City Council declares that, should any provision, section, paragraph, sentence or word of this ordinance be rendered or declared invalid by any final court action in a court of competent jurisdiction or by reason of any of any preemptive legislation, the remaining provisions, sections, paragraphs, sentences or words of this ordinance as hereby adopted shall remain in full force and effect.

Section 4: Effective Date. This ordinance shall take effect and be in force thirty days from and after its final passage.

Section 5: Publication. Within fifteen days after passage, the City Clerk shall cause this ordinance to be published one time in the Free Lance, a newspaper of general circulation.

INTRODUCED following a public hearing held at a regular meeting on the 17th day of August, 2015.

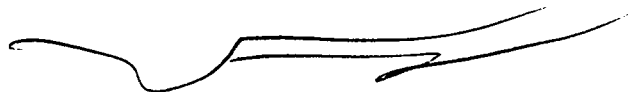
PASSED AND ADOPTED, by the City Council of the City of Hollister at a regular meeting held this 8th day of September, 2015, by the following vote:

AYES: Council Members Klauer, Gomez, Friend, Luna, and Mayor Velazquez.

NOES: None.

ABSTAINED: None.

ABSENT: None.



Ignacio Velazquez, Mayor

ATTEST:

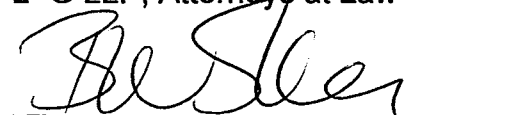


Christine Black, Interim City Clerk

DUPLICATE OF ORIGINAL
ON FILE IN THE
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CITY OF HOLLISTER

APPROVED AS TO FORM:

L+G LLP, Attorneys at Law



Bradley Sullivan, City Attorney

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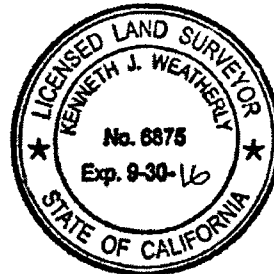
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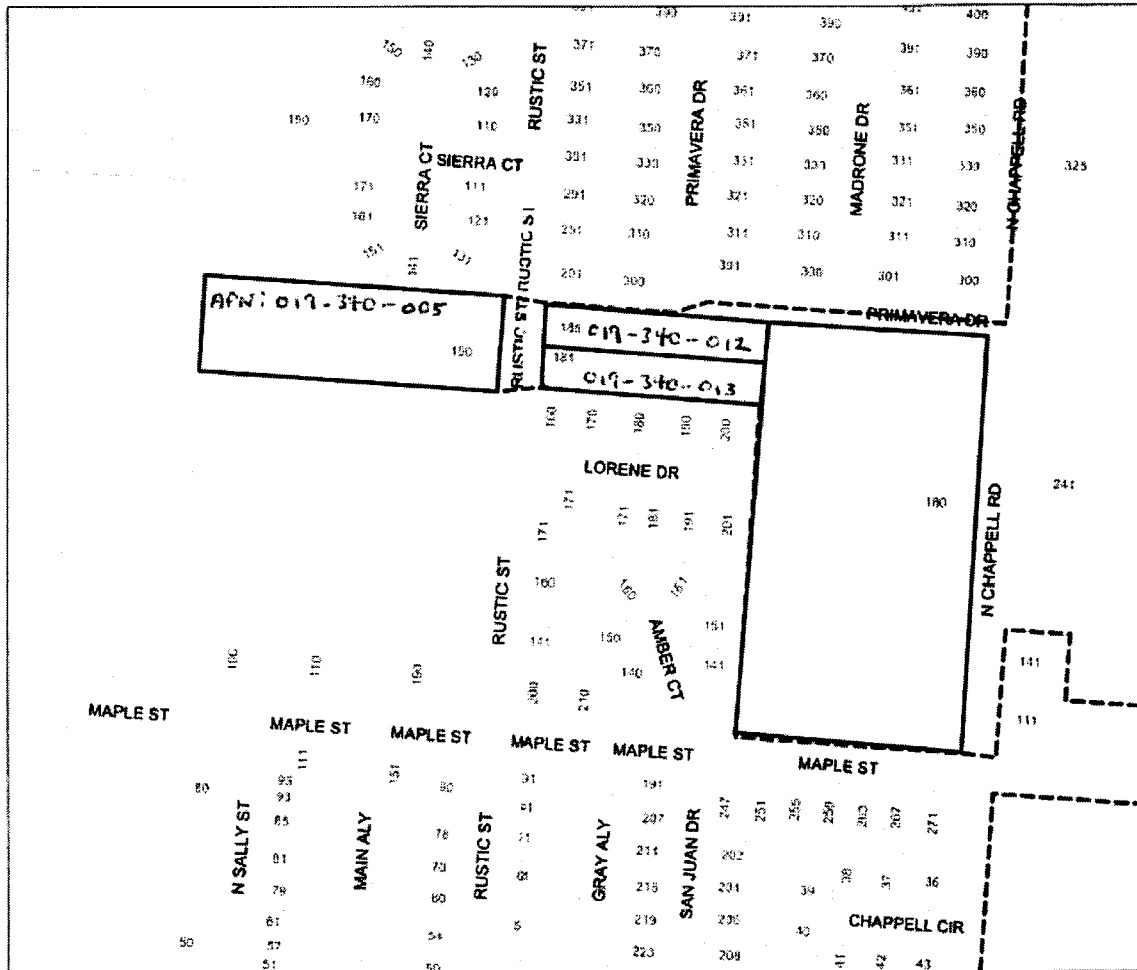
[6] South 87° 13' 00" East 384.12 feet to the point of beginning

Containing 5.43 Acres



16 4/22/15

EXHIBIT B



LAFCO No. 514

RESOLUTION OF THE SAN BENITO LOCAL AGENCY FORMATION COMMISSION
MAKING DETERMINATIONS AND APPROVING THE RUSTIC STREET
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. and Section 25210 et seq. of the Government Code) ; 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 categorically exempt from CEQA under section 15332 of the CEQA Guidelines "Infill Development Projects."

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

RUSTIC STREET ANNEXATION TO CITY OF HOLLISTER

(3) Said territory is found to be uninhabited.

(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 formation shall be conducted only in compliance with the approved boundaries set forth in the attachments.

(6) Since not all affected landowners have given written consent to the annexation the staff is directed to notice and conduct a protest hearing prior to completing the proceeding.

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

This resolution was adopted on October 20, 2016 and is effective on the date signed by the Chair.

AYES:

NOES:

ABSTAINS:

Dated: _____

Chair

San Benito Local Agency Formation Commission

ATTEST

William Nicholson, Executive Officer
San Benito Local Agency Formation Commission



SAN BENITO COUNTY AGENDA ITEM TRANSMITTAL FORM

BOARD OF SUPERVISORS

MARGIE BARRIOS
District One
ANTHONY BOTELHO
District Two
ROBERT RIVAS
District Three
JERRY MUENZER
District Four
JAIME DE LA CRUZ
District Five

Item Number: 6.

MEETING DATE: 10/20/2016

DEPARTMENT:

DEPT HEAD/DIRECTOR: Bill Nicholson

AGENDA ITEM PREPARER: Bill Nicholson

SBC DEPT FILE NUMBER: LAFCO 513

SUBJECT:

Maple Park Annexation No. 513

AGENDA SECTION:

PUBLIC HEARING

BACKGROUND/SUMMARY:

See attached Executive Officer Report

BUDGETED:

Yes

SBC BUDGET LINE ITEM NUMBER:

N/A

CURRENT FY COST:

N/A

STAFF RECOMMENDATION:

Approve subject to conditions

ADDITIONAL PERSONNEL: No

ATTACHMENTS:

Description	Upload Date	Type
Executive Officer Report	10/14/2016	Staff Report
Annexation Map	10/13/2016	Map
Proposal Questionnaire	10/13/2016	Backup Material
Resolution of Application	10/13/2016	Resolution
Rezoning Ordinance	10/13/2016	Ordinance
County Letter	10/14/2016	Correspondence
County Letter on 513	10/14/2016	Correspondence
Resolution No. 513	10/14/2016	Resolution

SAN BENITO LOCAL AGENCY FORMATION COMMISSION
EXECUTIVE OFFICER'S REPORT

October 20, 2016 (Agenda)

LAFCO No. 513: Maple Park Annexation to City of Hollister

PROPONENT: City Council of the City of Hollister, by resolution

ACREAGE & LOCATION: Approximately 5.43 acres located west of and including Chappell Road, between Maple Street and Primavera Drive; Hollister area

PURPOSE: To provide municipal services for the potential development of 49 single-family homes.

BACKGROUND/HISTORY

This annexation was originally set on the Commission's February 25, 2016 Agenda, but was continued due to pending litigation over the San Benito County and City of Hollister Property Tax Sharing Agreement. The adjacent "Rustic Street Annexation (LAFCO File 514 should have been processed parallel with this annexation as it would become a county island if the Maple Park Annexation was approved. The Rustic Street Annexation was set as the first item on tonight's scheduled Public Hearing.

Although the litigation over the Revenue Sharing Agreement is still pending, the Superior Court has granted a new trial, and therefore, the existing Agreement remains in place and processing of this application can proceed in compliance with Section 99 of the Revenue and Taxation Code. However, not all parties are in support of the terms of the agreement and the County has requested a condition of approval be added to require the landowner enter a "Preannexation Agreement" with the County to ensure adequate funds are paid to mitigate impacts on County services resulting from the increase in population from the development. This issue will be discussed in the next section of this Executive Officer's Report.

PROJECT INFORMATION

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

The annexation area contains one parcel with an existing single family home. The County General Plan and zoning is Rural Residential.

The City General Plan designates the site as Medium Density Residential. The City prezoned the property as R3 M/PZ (Medium Density Residential, Performance Overlay) on September 8, 2015. The area is located within the City Sphere of Influence and is adjacent to the City to the north, south, and southwest. The construction of 49 single

Family homes is planned with a density of 10 dwelling units per acre facing onto an internal private loop street with a private park and tot lot.

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 is one single-family home within the proposal area, and the territory is considered "uninhabited" under the LAFCO definition. Annexation will result in the construction of up to 49 additional single family homes, with an estimated population of 172 residents based on the average population per unit of 3.5 reflected in the City's Housing Element.

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

The City "Plan for Providing Services Within the Affected Territory" as required by Government Code Section 56653 is included as part of the "Proposal Justification Questionnaire for Annexation" in Question 14, provided as an attachment to this report. It adequately addresses the service needs supplied by the City of Hollister and how the City obtains funding for such services as police, fire, parks, sewer and water supply through a combination of impact fees, community facilities districts, property and sales taxes, and through entering into an annexation agreement for fiscal neutrality. In correspondence received from the County of San Benito Resource Management Agency dated October 14, 2016, the County has identified various services that will be impacted from population growth, including growth within the City. The letter notes that these impacts were addressed in the Revenue Sharing Agreement with the City of Hollister which requires collection of fees from new residential development.

Due to the uncertain outcome of the pending litigation on the Revenue Sharing Agreement, the County is requesting LAFCO add a conditions of approval that would require the landowner, currently Hugh Bikle, to enter into an Annexation Agreement with the County to ensure these fees will be paid regardless of the outcome of the litigation, and that compliance with the Master Tax Agreement is made a condition of approval of the annexation. Without these fees, the County does not receive enough property tax revenue from the property, after annexation, to adequately fund such services as libraries, the district attorney, probation, the elections department, public administrator, etc. Staff has made this request a recommended condition of approval, unless, as an alternative, the Commission can conclude the impact to County services is not significant.

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

The annexation area includes a small 5 acre parcel containing prime agricultural land. However, the property is not in agricultural production and is surrounded by adjacent residential development on approximately 70% of its boundary, and is therefore, not considered a significant impact. The City relied on an exemption from CEQA review for projects considered "Infill Development Projects" under section 15332 of the CEQA Guidelines, which includes "...a project site of no more than five acres substantially surrounded by urban uses."

6. Assessed Value, Tax Rates and Indebtedness:

The annexation area is within Tax Rate Area 067-003. The current assessed value is \$68,380. The overall tax rate will not be affected by this change, although property values will increase upon development. Upon annexation, the territory be liable for any existing or authorized taxes, charges, fees or assessments comparable to properties presently within the City.

7. Environmental Impact of the Proposal:

The City of Hollister is the lead agency and has found the proposal to be categorically exempt from CEQA (Class 32 – Infill Development Projects). LAFCO, as a "responsible agency" under CEQA can rely upon this determination.

8. Landowner and Subject Agency Consent:

The property owner involved in this proposal has given written consent to the annexation and the City consents to the waiver of conducting authority proceedings. However, because the adjacent Rustic Street Annexation area does not have written consent of the landowners, that annexation is subject to a protest hearing. If the Maple Park Annexation is approved and recorded and there is a protest on the Rustic Street Annexation that prevents it from also being recorded, a 2.72 acre unincorporated island would be created. Therefore, staff is recommending, as a condition of approval, that the Certificate of Completion for the Maple Park Annexation not be recorded until the completion of the protest proceedings for the Rustic Street Annexation. Should the protest not lead to termination of that annexation (less than a majority of landowners owning less than 50% of the assessed value of the land file written protests), then the Certificate of Completion for Maple Park can be recorded. If the protest leads to termination of proceedings for the Rustic Street Annexation, then the Maple Park Annexation would need to be returned to

the Commission in order to consider adoption of findings that support approval of the annexation while creating an unincorporated island.

9. Boundaries, Lines of Assessment and Registered Voters:

The boundaries appear to be definite and certain and there do not appear to be conflicts with lines of assessment or ownership. The annexation area is contiguous to the City, and constitutes a peninsula of unincorporated land surrounded by the city to the north, south and southwest. The territory is uninhabited; namely, there are fewer than 12 registered voters.

The map and legal description have been reviewed by the County Surveyor for sufficiency in filing with the State Board of Equalization.

10. Environmental Justice

Annexation will have no effect with respect to the fair treatment of people of all races and income, or the location of public facilities or services. The proposed medium density residential project, at approximately 10 units per acre will help reduce development and ultimately the sales price of the units, although the units will not be restricted to low income buyers.

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 two conditions of approval.

- A. Find the proposal to be categorically exempt from CEQA.
- B. Adopt this report and approve the proposal known as Maple Park Annexation to the City of Hollister, subject to the understanding that the territory be liable for any existing or authorized taxes, charges, fees or assessments comparable to properties presently within the City.
- C. Find: 1) the subject territory is uninhabited, 2) all affected landowners have given 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 proceedings and direct the staff to complete the proceedings without further notice, hearing or election.
- E. Direct staff not to record the Certificate of Completion for the Maple Park Annexation until the completion of the protest proceedings for the adjacent Rustic Street Annexation. Should the protest not lead to termination of that annexation (less than a majority of landowners owning less than 50% of the assessed value of the land file written protests), then the Certificate of Completion for Maple Park can be recorded. If the protest leads to termination of proceedings for the Rustic Street Annexation, then the Maple Park Annexation would need to be returned to the Commission in order to consider adoption of findings that support approval of the annexation while creating an unincorporated island.
- F. Direct staff not to record the annexation until the property owner has entered into an Annexation Agreement with the County of San Benito to address impacts to County services regardless of the outcome of the litigation, and that the annexation is subject to compliance with the Master Tax Agreement.

OPTION 2 - APPROVE the proposal as submitted without the conditions of approval identified in Item F. if the Commission can determine that the impact to County services from the annexation is not significant..

OPTION 3 - Adopt this report and DENY this proposal.

OPTION 4 - CONTINUE this proposal to a future meeting for additional information.

RECOMMENDED ACTION:

Approve OPTION 1, unless the City or project applicant can provide evidence to support the determination that adequate revenues will be generated from the project to provide acceptable levels of County services.



BILL NICHOLSON
Executive Officer

LOCAL AGENCY FORMATION COMMISSION

cc: Abraham Prado, Associate Planner, City of Hollister
Hugh Bikle, Property Owner
Christine Kemp, Attorney for the Property Owner

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)
Maple Park Annexation
2. **Describe the acreage and general location; include street addresses if known:**
The site consists of approximately 5 acres located in unincorporated San Benito County and within the City of Hollister's sphere of influence. The property address is 180 N Chappell Road. The Hollister city limit is contiguous to the site on the south, west, and north. Adjacent right-of-way is N Chappell Road to the east, Maple Street to the south, Lorene Drive to the west, and Primavera Drive to the north. The site is bordered to the east by agricultural uses, existing residential to the south, north, and west.
3. **List the Assessor's Parcels within the proposal area:**
019-340-002
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.
5. **Land Use and Zoning - Present and Future**
 - A. **Describe the existing land uses** within the proposal area. Be specific.
The parcel currently contains one residential dwelling unit.
 - B. **Describe changes in land uses** that would result from or be facilitated by this proposed boundary change.
The parcel currently contains one residential dwelling unit and is zoned Rural Residential (RR). Pending annexation of the parcel, the applicant would submit for a final map of the approved major subdivision to subdivide the property into 49 single family lots to be consistent with the densities allowed within the City's R3 M/PZ Zoning Designation.
 - C. **Describe the existing zoning designations within the proposal area.**
Parcel is currently zoned Rural Residential (RR) by the County of San Benito.
 - 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 one residential dwelling unit and is zoned Rural Residential (RR) within the jurisdiction of San Benito County. Pending annexation of

the parcel, the applicant would submit for a final map of the approved major subdivision to subdivide the property into 49 single family lots to be consistent with the densities allowed within the City's R3 M/PZ Zoning Designation. The R3 Zoning District is consistent with the Medium Density Residential (LDR) land use category of the General Plan which now allows eight to twelve units per net acre.

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

The prezoning for the property is Medium Density Residential Performance Overlay Zoning District (R3 M/PZ). The property currently contains one existing residential dwelling unit. Pending annexation of the parcel, the applicant would submit for a final map of the approved major subdivision to subdivide the property into 49 single family lots to be 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.

Rural Residential (RR).

B. (For City Annexations) Describe the City general plan designation for the area.

Medium Density Residential (R3/MPZ).

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

There is currently one existing dwelling unit on the site. Pending annexation, the applicant would submit for a final 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 proposal 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 proposal is generally flat.

10. Impact on Agriculture

- A. **Does the property currently produce a commercial agricultural commodity?**
No.
- B. **Is the property fallow land under a crop rotational program or is it enrolled in an agricultural subsidy or set-aside program?**
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.**
No protest.

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.

The approved Tentative Map (49 single family dwellings) proposed on site 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 is one existing dwelling unit on the property.
- B. **How many new dwelling units could result from or be facilitated by the proposal?**
- Single-family 49 Multi-family 0

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 surrounded by the City limits (current 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. 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 N Chappell Road, Maple Street, and Lorene 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 also 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 5 acres of vacant land. An existing 8-inch water main is located in the right-of-way of Primavera Drive along the northern boundary, an existing 8-inch water main is located in the right-of-way of Lorene Drive along the western boundary, an existing 6-inch water main is located in the right-of-way of N Chappell Road along the eastern boundary, and an existing 6-inch water main is located in the right-of-way of Maple Street 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 the Santa Ana Creek drainage area. Annexation of the property in its current 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 will enter 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 Primavera Drive to the north, Maple Street to the south, Lorene Drive to the west, and N Chappell Road to the east, 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.
None.
- E. Identify how these services will be financed. Include both capital improvements and ongoing maintenance and operation.
All utilities will be public. The property shall be included within a Community Facilities District to finance the related maintenance costs. The proposed streets are 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.
None.

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 City of Hollister
- B. What type of environmental document has been prepared?
Categorical Exemption, Section 15332, In-Fill Development, Class 32.
- 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 Maple Park Annexation are being used (APN 019-340-002). Other properties that should be included to avoid the creation of unincorporated county islands are being referred to as the Rustic Street Annexation to the City of Hollister: Approximately 2.72 acres (APNs 019-340-005, 019-340-012, and 019-340-013)
- 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 July 23, 2015 the City of Planning Commission approved Resolution No. 2015-22 recommending to the City Council of the City of Hollister the approval of the pre-zone application for the subject property. The City of Hollister City Council adopted Ordinance No. 1123 on September 8, 2015 pre-zoning the property to Medium Density Residential Performance Overlay Zoning District (R3-M/PZ). The request is for annexation only. The applicant has received Planning Commission approval of Tentative Map 2015-6 on October 22, 2015 (PC Resolution 2015-39) to subdivide the property into 49 single family lots to be 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. Jill Morales, City of Hollister Development Services Department, 375 Fifth Street, Hollister, CA 95023.		<u>jill.morales@hollister.ca.gov</u> , tel. 831-636-4360.
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B. Byron Turner, San Benito County Planning Department, 2301 Technology Parkway, Hollister, CA 95023.		<u>BTurner@cosb.us</u> , tel. 831-637-5313.
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C. Hugh P. Bikle, P.O. Box 293, Tres Pinos, CA 95075.		<u>hbikle@thrustiv.com</u> , tel. 831-628-0826.
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Who should be contacted if there are questions about this application?

<u>Name</u>	<u>Address</u>	<u>Email address</u>	<u>Phone</u>
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Jill Morales, City of Hollister Development Services Department, 375 Fifth Street, Hollister, CA 95023.		<u>jill.morales@hollister.ca.gov</u> , tel. 831-636-4360	
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Signature  Date 1/13/2016

TABLE A
Information regarding the areas surrounding the proposal area

	Existing Land Use	General Plan Designation	Zoning Designation
East	Agriculture and Residential Uses	County of San Benito: Rural Residential	County of San Benito: RR Rural Residential
West	Residential	City of Hollister: Low Density Residential	City of Hollister: R1 Low Density Residential
North	Residential	City of Hollister: Low Density Residential	City of Hollister: R1 Low Density Residential
South	Residential	City of Hollister: Medium Density Residential	City of Hollister: R3 Medium Density Residential

Other comments or notations:



CITY OF HOLLISTER

Send All Mail To:

375 Fifth Street • Hollister, CA 95023-3876

ENGINEERING DEPARTMENT

Office Location: 420 Hill Street • Building C • (831) 636-4340 Fax: (831) 636-4349

January 11, 2016

LAFCO Commission
2301 Technology Parkway
Hollister, CA 95023

Re: Maple Park Annexation Application Question Number 15 and 16

Dear LAFCO Commissioner,

Mr. Hugh P. Bikle is requesting annexation approval of his property located at 180 N Chappell Road which is east of N Chappell Road, Maple Street to the south, Lorene Drive to the west, and Primavera Drive to the north and is further identified as San Benito County Assessor Parcel Number 019-340-002. 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. 2015-181

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

**A RESOLUTION OF THE CITY COUNCIL OF THE CITY OF HOLLISTER
REQUESTING THE LOCAL AGENCY FORMATION COMMISSION (LAFCo) TO
INITIATE PROCEEDINGS FOR THE ANNEXATION OF TERRITORY
(HUGH P. BIKLE)**

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 019-340-002, 019-340-012, 019-340-013, and 019-340-005; and

WHEREAS, the reasons for the proposed reorganization is to annex the territory of multiple properties owned by Hugh P. Bikle (the "Territory") which is substantially surrounded 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. 1123 in conformance with state and local law; and

WHEREAS, the City Council certifies that as lead agency the project is exempt from the California Environmental Quality Act per Section 15332, In-Fill Development, Class 32.

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 8th day of September, 2015, by the following vote:

AYES: Council Members Klauer, Gomez, Friend, Luna, and Mayor Velazquez.

NOES: None.

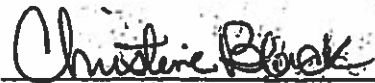
ABSTAINED: None.

ABSENT: None.



Ignacio Velazquez, Mayor

ATTEST:



Christine Black, Interim City Clerk

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

APPROVED AS TO FORM:

L+G LLP, Attorneys at Law



Bradley Sullivan, City Attorney

EXHIBIT A

MAPLE PARK ANNEXATION TO THE CITY OF HOLLISTER

BEING A PORTION of Homestead Lot 22 of the Rancho San Justo according to the map thereof recorded in Book 1 of Maps, page 64, San Benito County Records, bounded by a line more particularly described as follows:

BEGINNING at a point on the easterly line of Chappell Road that bears South 2° 29' 23" West 10.00 feet and South 87° 13' 00" East 20.00 feet from the centerline intersection of Chappell Road and Primavera Drive at an angle point in the jurisdictional boundary line of the City of Hollister; thence from said point of beginning and along the said easterly line of Chappell Road

[1] South 2° 29' 23" West 445.09 feet to a point, said point being an angle point in the jurisdictional boundary line of the City of Hollister; thence following along said boundary line

[2] North 87° 30' 37" West 40.00 feet to a point in the westerly line of Chappell Road; thence along said westerly line

[3] South 2° 29' 23" West 187.79 feet to a point in the northerly line of Maple Street; thence along said northerly line of Maple and said jurisdictional boundary line

[4] North 87° 13' 00" West 347.18 feet; thence leaving said northerly line of Maple Street and continuing along said jurisdictional boundary line

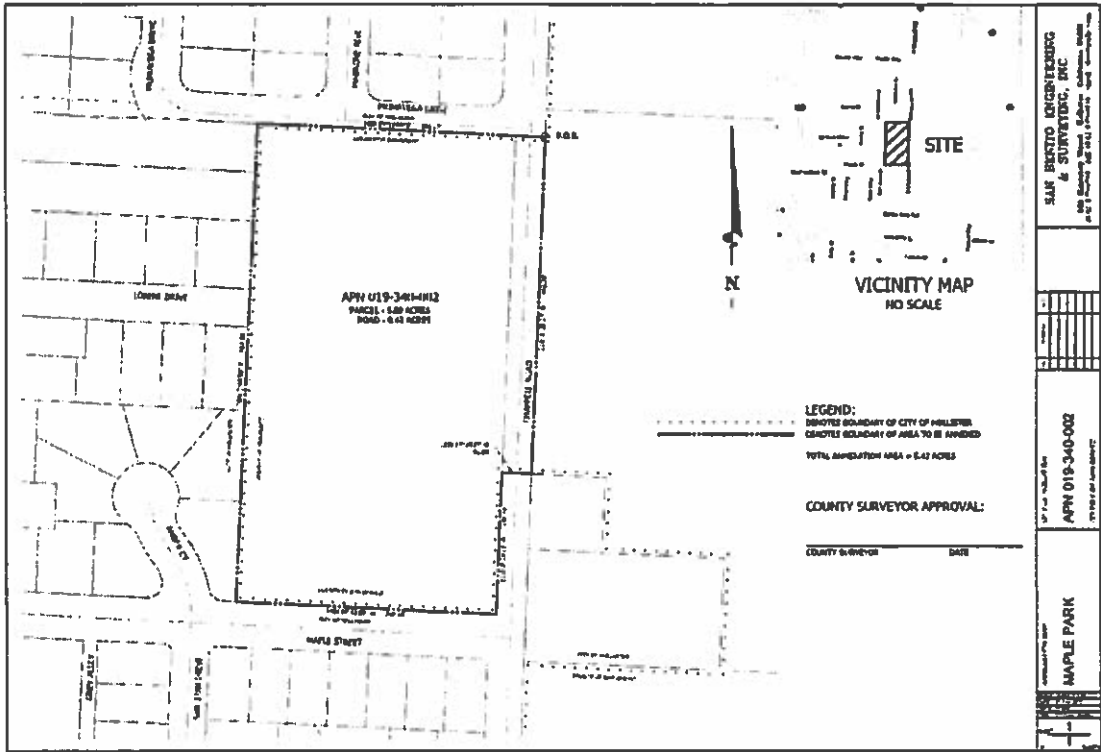
[5] North 2° 45' 58" East 633.08 feet to a point in the southerly line of Primavera Drive; thence along said southerly line and the jurisdictional boundary line

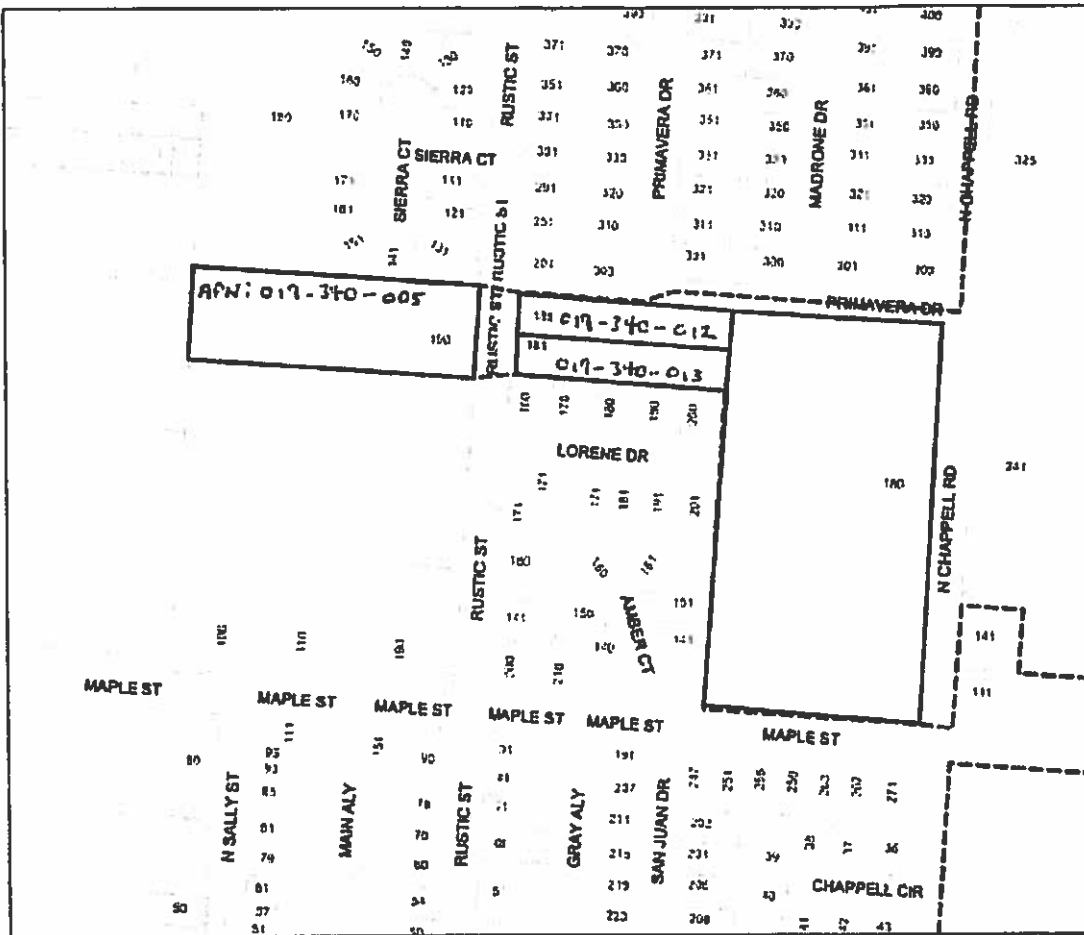
[6] South 87° 13' 00" East 384.12 feet to the point of beginning

Containing 5.43 Acres



16 4/22/15





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

ORDINANCE NO. 1123

**AN ORDINANCE OF THE CITY COUNCIL OF THE CITY OF HOLLISTER
AMENDING MUNICIPAL CODE CHAPTER 17.24.250 PREZONING OF
SPECIFICALLY DESCRIBED REAL PROPERTY TO MEDIUM DENSITY
RESIDENTIAL PERFORMANCE OVERLAY ZONE THE PROPERTY AT 180 N
CHAPPELL ROAD, FURTHER IDENTIFIED AS ASSESSOR PARCEL NUMBER
019-340-002**

WHEREAS, following duly noticed public hearing on July 23, 2015, the City of Hollister Planning Commission recommended approval of the request to pre-zone the parcel located at 180 N. Chappell Road APN 019-340-002 to Medium Density Residential Performance Overlay Zone; and

WHEREAS, the planning commission further recommended that the City Council approve an amendment to the pre-zoning request to add three (3) contiguous unincorporated parcels (San Benito County Assessor Parcel Numbers 019-340-012, 019-340-013, and 019-340-005), to avoid the creation of an unincorporated island and avoid conflict with San Benito County LAFCO Policy 2.2.18; and,

WHEREAS, on August 17, 2015, the City Council of the City of Hollister held a duly noticed public hearing to consider adoption of the general plan amendment application;

NOW, THEREFORE, the City Council of the City of Hollister ordains as follows:

Section 1: Zoning Map Amended. The Official Zoning Map of the City of Hollister is hereby amended by prezoning to R3-M/PZ (Medium Density Residential Performance Overlay Zone) all that real property situated in the County of San Benito, State of California, particularly described in "Exhibit A" and identified as R-3-M/PZ (Medium Density Residential Performance Overlay Zone) attached hereto and made a part thereof by reference.

Section 2: Zoning Map Amended. The Zone Map of Title 17 of the City Municipal Code is amended by prezoning to R-1-L/PZ Low Density Residential Performance Overlay Zone the San Benito County Assessor Parcel Numbers 019-340-012, 019-340-013, and 019-340-005 situated in the County of San Benito, State of California, particularly described in Exhibit "B" attached hereto and made a part by reference.

Section 3: Severability. The City Council declares that, should any provision, section, paragraph, sentence or word of this ordinance be rendered or declared invalid by any final court action in a court of competent jurisdiction or by reason of any of any preemptive legislation, the remaining provisions, sections, paragraphs, sentences or words of this ordinance as hereby adopted shall remain in full force and effect.

Section 4: Effective Date. This ordinance shall take effect and be in force thirty days from and after its final passage.

Section 5: Publication. Within fifteen days after passage, the City Clerk shall cause this ordinance to be published one time in the Free Lance, a newspaper of general circulation.

INTRODUCED following a public hearing held at a regular meeting on the 17th day of August, 2015.

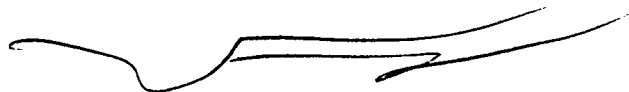
PASSED AND ADOPTED, by the City Council of the City of Hollister at a regular meeting held this 8th day of September, 2015, by the following vote:

AYES: Council Members Klauer, Gomez, Friend, Luna, and Mayor Velazquez.

NOES: None.

ABSTAINED: None.

ABSENT: None.



Ignacio Velazquez, Mayor

ATTEST:

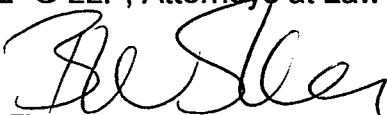


Christine Black, Interim City Clerk

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

APPROVED AS TO FORM:

L+G LLP, Attorneys at Law



Bradley Sullivan, City Attorney

EXHIBIT A

MAPLE PARK ANNEXATION TO THE CITY OF HOLLISTER

BEING A PORTION of Homestead Lot 22 of the Rancho San Justo according to the map thereof recorded in Book 1 of Maps, page 64, San Benito County Records, bounded by a line more particularly described as follows:

BEGINNING at a point on the easterly line of Chappell Road that bears South 2° 29' 23" West 10.00 feet and South 87° 13' 00" East 20.00 feet from the centerline intersection of Chappell Road and Primavera Drive at an angle point in the jurisdictional boundary line of the City of Hollister; thence from said point of beginning and along the said easterly line of Chappell Road

[1] South 2° 29' 23" West 445.09 feet to a point, said point being an angle point in the jurisdictional boundary line of the City of Hollister; thence following along said boundary line

[2] North 87° 30' 37" West 40.00 feet to a point in the westerly line of Chappell Road; thence along said westerly line

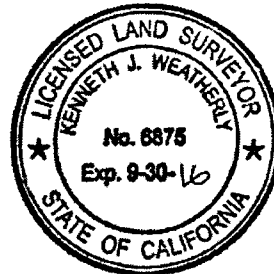
[3] South 2° 29' 23" West 187.79 feet to a point in the northerly line of Maple Street; thence along said northerly line of Maple and said jurisdictional boundary line

[4] North 87° 13' 00" West 347.18 feet; thence leaving said northerly line of Maple Street and continuing along said jurisdictional boundary line

[5] North 2° 45' 58" East 633.08 feet to a point in the southerly line of Primavera Drive; thence along said southerly line and the jurisdictional boundary line

[6] South 87° 13' 00" East 384.12 feet to the point of beginning

Containing 5.43 Acres



16 4/22/15

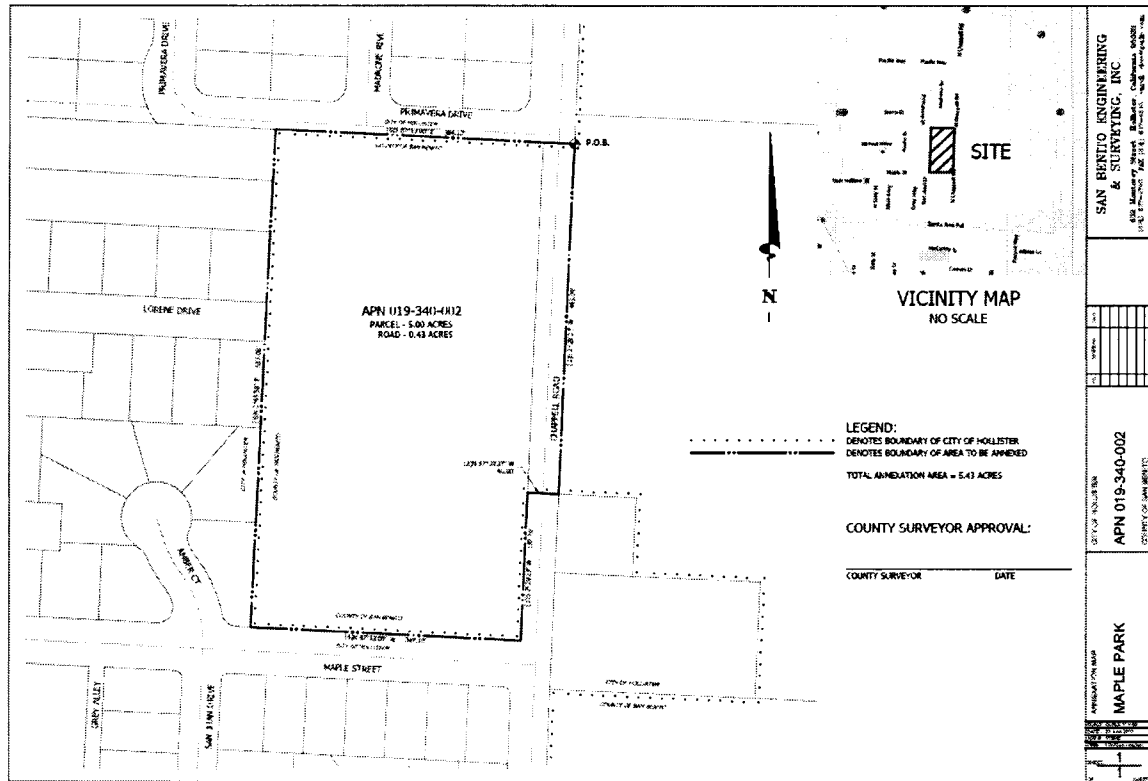
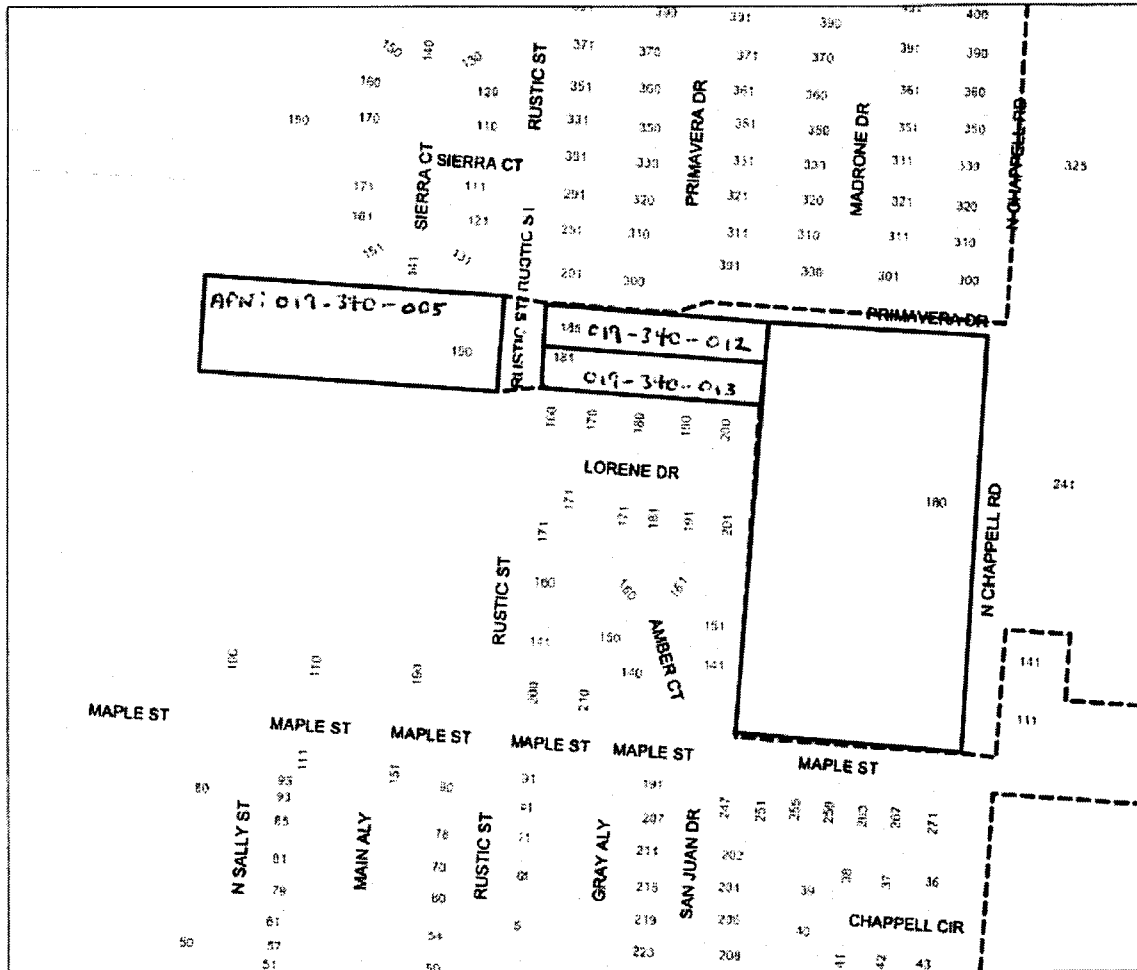


EXHIBIT B



COUNTY OF SAN BENITO
RESOURCE MANAGEMENT AGENCY

2301 Technology Parkway, Hollister, Ca. 95023



October 14, 2016

William Nicholson, Executive Officer
San Benito LAFCO
2301 Technology Parkway
Hollister, Ca. 95023

Subject: Annexations Involving New Development

Dear Mr. Nicholson:

This memo is directed to LAFCO for its consideration of all pending annexations involving new development, and most particularly to the annexations pending before the LAFCO Commission in October 2016. It is critical that compliance with the terms of the Master Tax Agreement between San Benito County and the City of Hollister be made a condition of approval for any future annexations.

Various County services are impacted from population growth, including growth within the City. The current Master Tax Agreement was entered into to ensure fiscal neutrality to the County in the event of future annexations for residential construction. The cost of impacts were addressed in the Revenue Sharing Agreement with the City which require collection of an additional amount of money, as specified in the Master Tax Agreement, at the time of issuance of occupancy permits for each new home being built.

Due to the uncertain outcome of pending litigation relating to the Agreement, the County is requesting LAFCO add a condition of approval that would require all landowners for annexations for future residential projects, (1) to enter into an Annexation Agreement with the County to ensure this additional amount will be paid regardless of the outcome of the litigation, and (2) that compliance with the Master Tax Agreement is a condition of approval of the annexation. Without this additional source of funding, the County does not receive enough property tax revenue from the property after annexation to adequately fund services funded by the general fund, such as libraries, district attorney, probation, elections department, public administrator, etc.

Please feel free to contact me if you have any questions about this matter.

Sincerely,

Brent C. Barnes, AICP, Director
San Benito Resource Management Agency

**COUNTY OF SAN BENITO
RESOURCE MANAGEMENT AGENCY**

2301 Technology Parkway, Hollister, Ca. 95023



October 14, 2016

William Nicholson, Executive Officer
San Benito LAFCO
2301 Technology Parkway
Hollister, Ca. 95023

Subject: Maple Park Annexation, LAFCO File No. 513

Dear Mr. Nicholson:

San Benito County has reviewed the proposed application for annexation and has the following comments.

The applicant's "Proposal Justification Questionnaire for Annexations, Detachments and Reorganizations" improperly characterizes impacts on San Benito County at Section 14 Government Services and Controls – Plan for Providing Services in that it does not consider potential impacts on County services that remain in place after annexation is completed. Specifically, The County has identified various services that will be impacted from population growth, including growth within the City. These impacts were addressed in the Revenue Sharing Agreement with the City that requires collection of an "Additional Amount" at the time of issuance of occupancy permits for each new home being built.

Due to the uncertain outcome of pending litigation relating to this Agreement, the County is requesting LAFCO add a condition of approval that would require the landowner, currently Hugh Bikle, to enter into an Annexation Agreement with the County to ensure this Additional Amount will be paid regardless of the outcome of the litigation. Without this funding source, the County does not receive enough property tax revenue from the property after annexation to adequately fund services such as libraries, district attorney, probation, elections department, public administrator, etc.

Please feel free to contact me if you have any questions about this matter.

Sincerely,

Brent C. Barnes, AICP, Director
San Benito Resource Management Agency

LAFCO No. 513

RESOLUTION OF THE SAN BENITO LOCAL AGENCY FORMATION COMMISSION
MAKING DETERMINATIONS AND APPROVING THE MAPLE PARK
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. and Section 25210 et seq. of the Government Code) ; 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 categorically exempt from CEQA under section 15332 of the CEQA Guidelines "Infill Development Projects."

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

MAPLE PARK ANNEXATION TO CITY OF HOLLISTER

(3) Said territory is found to be uninhabited.

(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 formation shall be conducted only in compliance with the approved boundaries set forth in the attachments

(6) 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.

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

(8) Direct staff not to record the annexation until the property owner has entered into an Annexation Agreement with the County of San Benito to address impacts to County services regardless of the outcome of the litigation, and that the annexation is subject to compliance with the Master Tax Agreement.

This resolution was adopted on October 20, 2016 and is effective on the date signed by the Chair.

AYES:

NOES:

ABSTAINS:

Dated: _____
Chair
San Benito Local Agency Formation Commission

ATTEST

William Nicholson, Executive Officer
San Benito Local Agency Formation Commission