

SAN BENITO LOCAL AGENCY FORMATION COMMISSION

SPECIAL MEETING AGENDA

Thursday, November 10, 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

4. None

BUSINESS ITEMS - GENERAL BUSINESS, NON-PUBLIC HEARING

5. LAFCO 519 - City of Hollister Out of Agency Service extension to Brent Sabbatini:
To provide City wastewater connection to one new residence located at 880 El Toro Drive, located on a 33,000 square foot parcel on the west side of El Toro Drive and approximately 500 feet south of Hillcrest Road in the Hollister Area, and to make an environmental determination.

PUBLIC HEARING

6. None

BOUNDARY CHANGE PROPOSALS

7. None

INFORMATIONAL

8. None

CLOSED SESSION

None

Adjournment

Adjourn to regular meeting at 6:00 PM on January 12, 2017 unless cancelled by Chair or a special meeting is called

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

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: 11/10/2016

DEPARTMENT:

DEPT HEAD/DIRECTOR: Same

AGENDA ITEM PREPARER: Bill Nicholson

SBC DEPT FILE NUMBER:

SUBJECT:

None

AGENDA SECTION:

CONSENT AGENDA

BACKGROUND/SUMMARY:

BUDGETED:

SBC BUDGET LINE ITEM NUMBER:

CURRENT FY COST:

STAFF RECOMMENDATION:

ADDITIONAL PERSONNEL:



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: 5.

MEETING DATE: 11/10/2016

DEPARTMENT:

DEPT HEAD/DIRECTOR: Same

AGENDA ITEM PREPARER: Bill Nicholson

SBC DEPT FILE NUMBER: 519

SUBJECT:

LAFCO 519 - City of Hollister Out of Agency Service extension to Brent Sabbatini: To provide City wastewater connection to one new residence located at 880 El Toro Drive, located on a 33,000 square foot parcel on the west side of El Toro Drive and approximately 500 feet south of Hillcrest Road in the Hollister Area, and to make an environmental determination.

AGENDA SECTION:

BUSINESS ITEMS

BACKGROUND/SUMMARY:

Connection to an existing sewer line at the rear of the parcel is desired rather than installing a septic system. Property receives water from the Sunnyslope Water District.

BUDGETED:

No

SBC BUDGET LINE ITEM NUMBER:

N/A

CURRENT FY COST:

N/A

STAFF RECOMMENDATION:

Approve

ADDITIONAL PERSONNEL: No

ATTACHMENTS:

Description	Upload Date	Type
Executive Officer Report	11/3/2016	Cover Memo
Area Map	11/3/2016	Cover Memo
Island Map	11/3/2016	Cover Memo
Site Map	11/3/2016	Cover Memo
Justificatin of Proposal	11/3/2016	Cover Memo
City Resolution of Application # 2016-163	11/3/2016	Cover Memo

SAN BENITO LOCAL AGENCY FORMATION COMMISSION
EXECUTIVE OFFICER'S REPORT

OUT-OF-AGENCY SERVICE AGREEMENT

November 10, 2016 (Agenda)

LAFCO 519: City of Hollister – Brent Sabbatini

LOCATION: 880 El Toro Drive, consisting of a 33,000 square foot parcel located on the west side of El Toro Drive, and approximately 500 feet south of Hillcrest Road; Hollister area and within the City's Sphere of Influence.

PURPOSE: Allow the City of Hollister to serve wastewater to a new home being constructed on this property located within a larger unincorporated island surrounded by the City.

RECOMMENDATION Authorize the City to provide wastewater service to this property in the unincorporated County.

ANALYSIS:

Project Information

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

The affected parcel (APN 020-130-028) contains one single family home currently under construction. The 33,000 square foot parcel is a "flag lot" with a long narrow driveway connecting to El Toro Drive. The property owner desires to connect the new home to the City sewer line running along the back side (west side) of the parcel rather than install a septic system. Water is supplied by the Sunnyslope Water District.

The City of Hollister has designated the property Low Density Residential, and it is adjacent to the current city limits on the west. However, the parcel is part of a large unincorporated island area extending north and south of Hillcrest Road and including El Toro Drive, El Cerro Drive and Bonnie View Road. To the west of the property and larger island area is the Veterans Memorial Park.

The County land use designation is "Residential Mixed" which is primarily residential in character but can allow some commercial uses in areas with full urban services. The property is Zoned R-1. While annexation is possible, there are 32 parcels with access to El Toro Drive, and over 100 parcels total located within the larger island area. Annexing individual parcels is not very efficient and does not lead to a logical service area boundary. However, the City is requiring the property owner to enter into an "Agreement Affecting Real Property and Covenant to Annex" where the landowner gives up their right to

protest a future annexation application in return for receiving city sewer service. Through this agreement, the City will be in a better position to pursue annexation of the island area in the future when they are ready to initiate the proposal.

2. Topography, Natural Features and Drainage Basins:

The property and surrounding area is generally level. There are no significant natural boundaries affecting the proposal, with the exception of the large Veterans Memorial Park located adjacent to the west of the property.

3. Population:

There is one single-family home on the site currently nearing completion of construction. There are no current occupants of the home.

4. Environmental Impact of the Proposal

The wastewater connection is statutorily exempt from CEQA under Section 15301- "Existing Facilities" because the existing city facilities are adjacent to the property along the west side of the parcel. The project has no growth inducing impacts as the existing utility line already extends past the property and the land use involves residential housing in an existing residential area.

5: Environmental Justice

There is no environmental justice issue from providing City sewer service to the new house on the property. In compliance with the Government Code (see next section of the report) the City of Hollister is providing a sewer connection in anticipation of a future annexation of this parcel and the larger island area at an unspecified future date.

LAFCO Approval is Required

In addition to regulating changes in local government boundaries LAFCO regulates the extension of local services outside agency boundaries in accordance with Government Code §56133(a) .

Government Code §56133(b) states: "The commission may authorize a city or district to provide new or extended services by contract or agreement outside of its jurisdictional boundaries, but within its sphere of influence in anticipation of a future change of organization [annexation]." only if it first requests and receives written approval from the commission."

In this instance, the City is working with the landowner to enter an agreement where the landowner waives the right to protest future annexation of the property in return for receiving the city wastewater service. While the City has provided a draft of this agreement for review, it has not been entered into by the property owner. Therefore, a recommended condition of approval is presented that the City is not permitted to provide the water and wastewater connection to the property until it has entered the waiver of protest or "consent to annex" agreement.

ALTERNATIVES FOR COMMISSION ACTION

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

Option 1 APPROVE the request to provide wastewater service outside the Hollister City limits.

- A. Find the approval to be categorically exempt from CEQA (Section 15301).
- B. Adopt this report and approve the proposal, to be known as the City of Hollister Out-of-Agency Service Agreement – Brent Sabbatini, allowing the City to provide wastewater outside of its boundaries to APN 020-130-026.
- C. The approval by the Commission is subject to the condition of approval that that the City is not permitted to provide the wastewater connection to the property until it has entered the waiver of protest or "consent to annex" agreement.

Option 2 DENY the request.

Option 3 CONTINUE the item to obtain additional information.

RECOMMENDED ACTION:

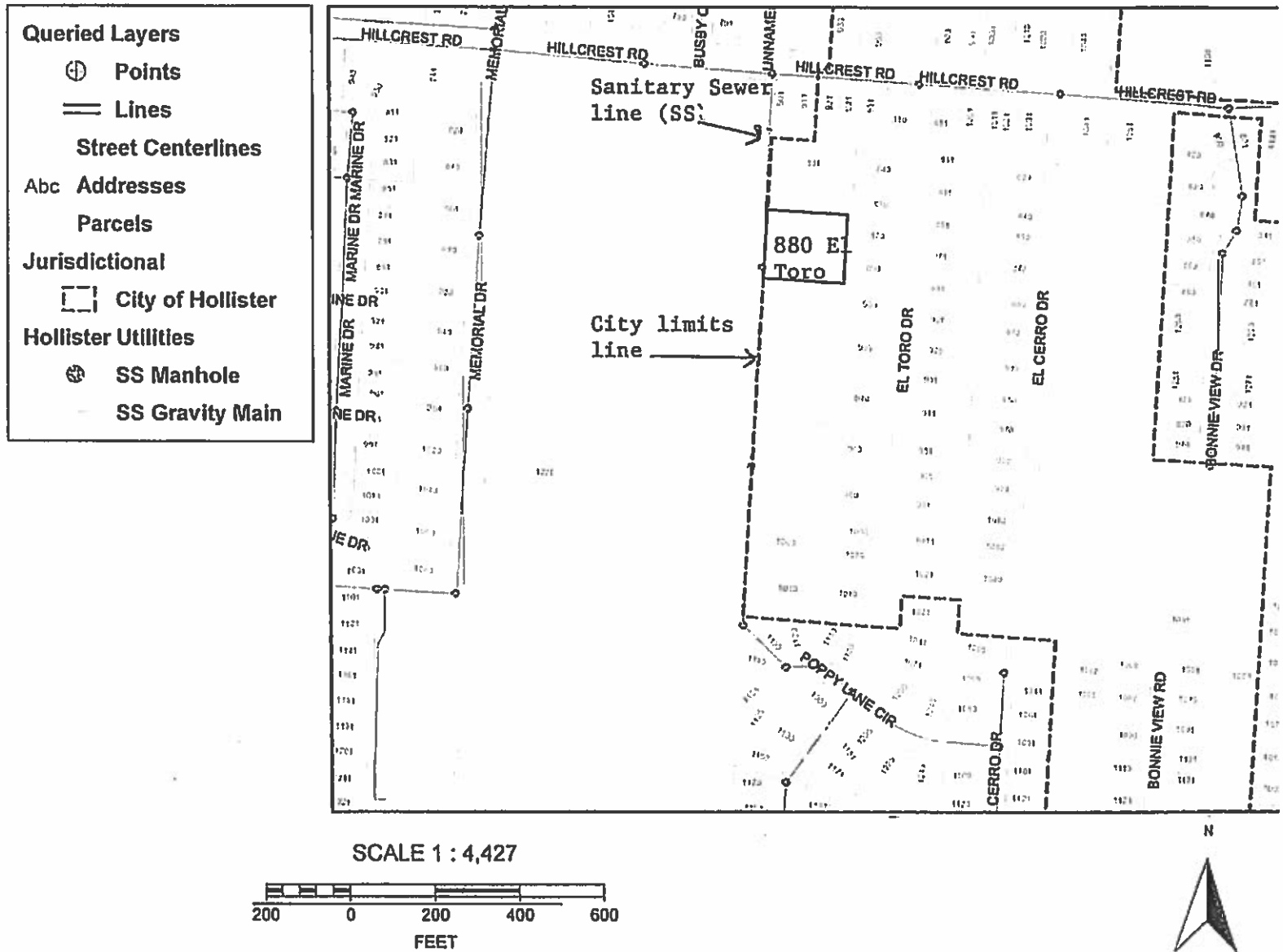
Approve **Option 1.**

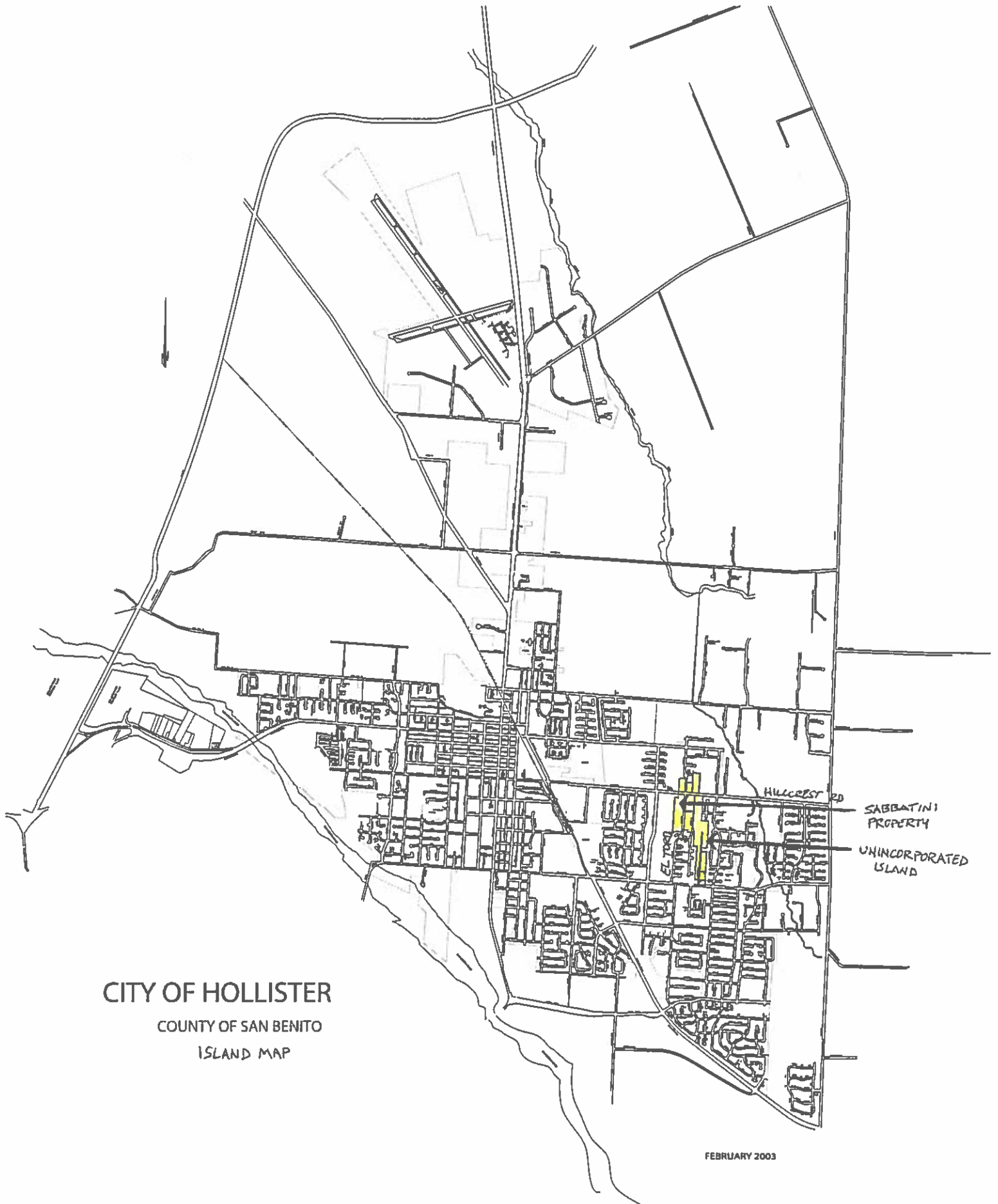


Bill Nicholson
Executive Officer

LOCAL AGENCY FORMATION COMMISSION

Exhibit E, 880 El Toro Drive, illustrating sewer main and city limit line





CITY OF HOLLISTER
COUNTY OF SAN BENITO
ISLAND MAP

FEBRUARY 2003

Hollister, CA. 95023

SWEET INDEX[illegible]

VICINITY MAP



This is a detailed architectural floor plan of a large, multi-winged building complex. The plan shows numerous rooms, corridors, and courtyards. Key features include a large central hall, several smaller offices or meeting rooms, and a prominent entrance area. The drawing is oriented with North at the top, indicated by a compass rose. The plan is labeled with various dimensions and room numbers, such as '100' and '101'.

AREA CALCULATIONS

PLAN RESIDENCE FIRST FLOOR PLAN	2,078 SQ.FT.
COVERED AREA	248 SQ.FT.
GARAGE	778 SQ.FT.
SUBSTANT RESIDENCE FIRST FLOOR PLAN	1,144 SQ.FT.
COVERED AREA	146 SQ.FT.
TOTAL RESIDENCE	3,707 SQ.FT.
FIRST FLOOR PLAN	

CONSULTANTS

DOERS
SUBBATH RESIDENCE
73 SOUTH STREET
HOLLISTER, CA 95033
(415) 881-0721

734551

LEE JACOB ARCHITECTURE
220 W. MARCH LANE
STOCKTON, CA 95207
(209) 957-8254
ATTN: DAVE JACOB
d.jacob@leejacob.com

Notes

DOCTESTES
465 ETH ST.
FRODOSTO, CA 95354
(209) 579-5000
ATTN: LINDA MURPHY
lindamurphy@doctests.com

REFERENCES

MAILED MAIL & ASSOC.
835 K STREET, SUITE A
PO BOX 100, CA 95354
(916) 521-8786
ATTN: MAILED MAIL
ENTERED BY MAIL

TRIPS AGREEMENT

STOCKTON TRUSS
4408 E. FRONT ST.
STOCKTON, CA 95215
(209) 464-7350

FILE SECOND FRO
COFFEY FIVE PROTECTION
106 AVIATION WAY
HAYESVILLE, CA 95716
(833) 774-1376
ATTN: KEVIN COFFEY
coffey@fivepro.com

COVER SHEET

LEE · JAGOE
ARCHITECTURE
INCORPORATED

LEE · JAGOE
ARCHITECTURE
INCORPORATED

**SABBATINI
PLUMBING**

73 SOUTH STREET
HOLMISTON, CALIFORNIA 92343
TEL: 927-1111

**SABBATINI
RESIDENCE**

PARCEL # 020-130-028
Hobbs, California

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COVER SHEET

CLUBS	BY/VS
SEMI-FINALS	BY/VS
FINAL	BY/VS

5

SAN BENITO LOCAL AGENCY FORMATION COMMISSION

Proposal Justification Questionnaire for Out-of Agency Service Agreement

(Attach additional sheets as necessary)

1. Name of City or District City of Hollister
2. Location/Address/size of property: *Unincorporated area south of Hillcrest Rd, 880 El Toro Dr., Hollister, CA / 33,000 sq. ft. lot*
3. Assessor Parcel number: *020-130-028*

Complete all relevant questions

4. Is the property within the agency's sphere of influence? Yes ☒ No ☐
5. What are the existing uses of the site? Be specific. *The site currently has one newly built single family residence on it.*
6. If a change in use is proposed, provide a description of the change. *No change in use is proposed.*
7. What types of services are to be provided under contract? *Sanitary sewer.*
8. Discuss the justification for the service agreement. Is this an emergency health and safety situation? *The City is the agency designated to provide sewer service to this property, as provided in the Hollister Urban Area Urban Water and Wastewater Master Plan and Coordinated Water Supply and Treatment Plan approved by the San Benito Water District, Sunnyslope County Water District and City of Hollister in 2011. The property owner would prefer to connect to the city's sanitary sewer main located to the west of his property instead of installing a new septic system.*
9. Why is annexation not possible at this time? *This property is an island of land in county residential development that the city currently serves with utilities but has not expressed an interest in annexing.*
10. Is annexation of the territory anticipated in the future? ☐ Yes ☒ No
Not at this time.
If yes, when? If no, why not? *This property is an island of land in county residential development and the city has not expressed an interest in annexing. The applicant is willing to sign and not protest any future annexation of the property into the City of Hollister.*

11. Describe in detail how services will be extended to the property:

- A. Describe needed improvements including distance for connections. *City of Hollister sewer lines are currently installed along the west property line. This property would require a connection in the COH sewer line at the west property line and remaining improvements would be on the private property.*
- B. What are the costs of improvements and other start up costs? *The cost of work in the existing public right-of-way to install a lateral is estimated at \$7,500.*
- C. How is financing to occur, both capital costs and ongoing operations? *The capital costs of construction will be financed by the property owner. The ongoing operations will be paid through payment of the ordinary utility service fees.*

12. What environmental review has been conducted for the project? If exempt, please provide a copy of the agency's Notice of Exemption. *The extension of sewer service to the property was studied in the Program Environmental Impact Report for the Hollister Urban Area Urban Water and Wastewater Master Plan and Coordinated Water Supply and Treatment Plan ("HUAUWWWMP") certified by the San Benito Water District Board on January 11, 2011.*

13. Provide a vicinity map showing the site, city or district boundary and sphere line. *Please see attached Exhibit "A."*

14. Provide a map showing existing and proposed infrastructure as relevant to this agreement. *Please see attached Exhibit "A."*

15. Attach a copy of the proposed services agreement and any staff reports or supporting documentation related to this application. *See attached Exhibit "B."*

16. Final Comments

- A. Provide any other comments or justifications regarding the request. *The HUAUWWWMP, approved and adopted in 2011 by the San Benito County Water District, Sunnyslope County Water District, and the City of Hollister provided for the property to be served by the City of Hollister sanitary sewer system.*
- B. Enclose all pertinent staff reports and supporting documentation. *See attached Exhibit "B."*

17. 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>
A.	David Rubcic, City of Hollister	375 Fifth St. Hollister, CA 95023
B.	Brent Sabbatini	73 South Street Hollister, CA 95023
C.	Abraham Prado	375 Fifth Street Hollister, CA 95023

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

<u>Name and agency</u>	<u>Address</u>	<u>Email address</u>	<u>Phone</u>
Abraham Prado, City of Hollister Office: 339 Fifth St., Hollister, CA 95023 Mail: 375 Fifth St., Hollister, CA 95023 Email: abraham.prado@hollister.ca.gov Phone: (831) 636-4360			

Signature 

Date 10/18/2016

RESOLUTION NO. 2016- 163

A RESOLUTION OF THE CITY COUNCIL AUTHORIZING THE CITY TO PROVIDE SEWER SERVICE OUTSIDE OF ITS JURISDICTIONAL BOUNDARIES AND WITHIN THE SPHERE OF INFLUENCE AND WITHIN THE URBAN SERVICE AREA WATER AND WASTEWATER MASTER PLAN TO THE PROPERTY LOCATED AT 880 EL TORO DRIVE, APN 020-130-028, AND DIRECTING STAFF TO APPLY TO THE LOCAL AGENCY FORMATION COMMISSION (LAFCo) FOR SERVICES

WHEREAS, the property located at 880 El Toro Drive, further identified as San Benito County Assessor's Parcel Number 020-130-028 is located within the unincorporated area of San Benito County, within the City of Hollister Sphere of Influence and within the Urban Service Area; and

WHEREAS, the project applicant Brent Sabbatini is requesting outside jurisdictional sewer service from the City of Hollister for the property located at 880 El Toro Drive, further identified as San Benito County Assessor's Parcel Number 020-130-028; and

WHEREAS, the City of Hollister, San Benito County, and the San Benito County Water District entered into a Memorandum of Understanding to complete the Hollister Urban Area Water and Wastewater Master Plan on December 13, 2004; and

WHEREAS, the City of Hollister at its October 3, 2011 meeting adopted Resolution No. 2011-129 accepting the Program Environmental Impact Report for the Hollister Urban Area Water and Wastewater Master Plan and Coordinated Water Supply and Treatment Plan.

NOW THEREFORE BE IT RESOLVED, that the city shall provide water and sewer service outside of its jurisdictional boundaries and within the sphere of influence and within the urban service area to the property located at 880 El Toro Drive, further identified as San Benito County Assessor's Parcel Number 020-130-028 upon LAFCO approval and be it further resolved that staff is directed by the City Council of the City of Hollister to submit an application to the Local Agency Formation Commission of San Benito County for said services.

PASSED AND ADOPTED, by the City Council of the City of Hollister at a regular meeting held this 17th day of October, 2016, by the following vote:

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

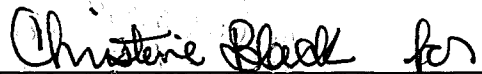
NOES: None.

ABSENT: None.




Ignacio Velazquez, Mayor

ATTEST:



Thomas A. Graves, MMC, City Clerk

APPROVED AS TO FORM:
L+G LLP, Attorneys at Law



Bradley Sullivan, City Attorney



SAN BENITO COUNTY AGENDA ITEM TRANSMITTAL FORM

BOARD OF SUPERVISORS

MARGIE BARRIOS
District One

ANTHONY BOTELHO
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JAIME DE LA CRUZ
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Item Number: 6.

MEETING DATE: 11/10/2016

DEPARTMENT:

DEPT HEAD/DIRECTOR: Same

AGENDA ITEM PREPARER: Bill Nicholson

SBC DEPT FILE NUMBER:

SUBJECT:

None

AGENDA SECTION:

PUBLIC HEARING

BACKGROUND/SUMMARY:

BUDGETED:

SBC BUDGET LINE ITEM NUMBER:

CURRENT FY COST:

STAFF RECOMMENDATION:

ADDITIONAL PERSONNEL:



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: 7.

MEETING DATE: 11/10/2016

DEPARTMENT:

DEPT HEAD/DIRECTOR: Same

AGENDA ITEM PREPARER: Bill Nicholson

SBC DEPT FILE NUMBER:

SUBJECT:

None

AGENDA SECTION:

BOUNDARY CHANGE PROPOSALS

BACKGROUND/SUMMARY:

BUDGETED:

SBC BUDGET LINE ITEM NUMBER:

CURRENT FY COST:

STAFF RECOMMENDATION:

ADDITIONAL PERSONNEL:



SAN BENITO COUNTY AGENDA ITEM TRANSMITTAL FORM

BOARD OF SUPERVISORS

MARGIE BARRIOS
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District Two

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District Three

JERRY MUENZER
District Four

JAIME DE LA CRUZ
District Five

Item Number:

MEETING DATE: 11/10/2016

DEPARTMENT:

DEPT HEAD/DIRECTOR: Same

AGENDA ITEM PREPARER: Bill Nicholson

SBC DEPT FILE NUMBER:

SUBJECT:

None

AGENDA SECTION:

CLOSED SESSION

BACKGROUND/SUMMARY:

BUDGETED:

SBC BUDGET LINE ITEM NUMBER:

CURRENT FY COST:

STAFF RECOMMENDATION:

ADDITIONAL PERSONNEL:



SAN BENITO COUNTY AGENDA ITEM TRANSMITTAL FORM

BOARD OF SUPERVISORS

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District Five

Item Number:

MEETING DATE: 11/10/2016

DEPARTMENT:

DEPT HEAD/DIRECTOR: Same

AGENDA ITEM PREPARER: Bill Nicholson

SBC DEPT FILE NUMBER:

SUBJECT:

Adjourn to regular meeting at 6:00 PM on January 12, 2017 unless cancelled by Chair or a special meeting is called

AGENDA SECTION:

Adjournment

BACKGROUND/SUMMARY:

BUDGETED:

SBC BUDGET LINE ITEM NUMBER:

CURRENT FY COST:

STAFF RECOMMENDATION:

STAFF RECOMMENDATION:

ADDITIONAL PERSONNEL:



SAN BENITO COUNTY AGENDA ITEM TRANSMITTAL FORM

BOARD OF SUPERVISORS

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Item Number:

MEETING DATE: 11/10/2016

DEPARTMENT:

DEPT HEAD/DIRECTOR: Same

AGENDA ITEM PREPARER: Bill Nicholson

SBC DEPT FILE NUMBER:

SUBJECT:

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.

AGENDA SECTION:

Disclosure of Campaign Contributions

BACKGROUND/SUMMARY:

BUDGETED:

SBC BUDGET LINE ITEM NUMBER:

CURRENT FY COST:

STAFF RECOMMENDATION:

ADDITIONAL PERSONNEL:



SAN BENITO COUNTY AGENDA ITEM TRANSMITTAL FORM

BOARD OF SUPERVISORS

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District Five

Item Number:

MEETING DATE: 11/10/2016

DEPARTMENT:

DEPT HEAD/DIRECTOR: Same

AGENDA ITEM PREPARER: Bill Nicholson

SBC DEPT FILE NUMBER:

SUBJECT:

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

AGENDA SECTION:

Disability Accommodations

BACKGROUND/SUMMARY:

BUDGETED:

SBC BUDGET LINE ITEM NUMBER:

CURRENT FY COST:

STAFF RECOMMENDATION:

ADDITIONAL PERSONNEL: