

SAN BENITO LOCAL AGENCY FORMATION COMMISSION
EXECUTIVE OFFICER'S REPORT

January 22, 2015 (Agenda)

LAFCO No. 492: De La Pena Annexation to City of Hollister

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

ACREAGE & LOCATION Approximately 5.4 acres south of North Chappell Road and including East Highway 25 Bypass, east of San Felipe Road.; Hollister area

PURPOSE: To provide municipal services and controls for the potential development of retail, office park and service-oriented businesses.

PROJECT INFORMATION

Project Information

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

The site is vacant and is located within the City Sphere of Influence.

The County General Plan and zoning designates the area as RR (Rural Residential).

The City General Plan and rezoning designate the site North Gateway (NG) which will permit retail commercial, office park and service-oriented business uses.

Surrounding land uses are residential to the west, residential and a Caltrans yard to the north and vacant to the south and east.

3. Topography, Natural Features and Drainage Basins:

The site and surrounding areas are generally level.

4. Population:

There are no homes within the proposal area and none are anticipated.

5. 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 attached and made a part of this report.

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.

- A. Find the proposal to be categorically exempt.
- B. Adopt this report and approve the proposal known as De La Pena Annexation to the City of Hollister, subject to the condition 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 written 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 proceeding.
- E. Direct the staff not to record the annexation until the map and legal description are found by the County Surveyor to be acceptable.

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.

BOB BRAITMAN
Executive Officer
LOCAL AGENCY FORMATION COMMISSION

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RECOMMENDED ACTION:

Approve OPTION 1.



BOB BRAITMAN
Executive Officer
LOCAL AGENCY FORMATION COMMISSION

Notice of Exemption**FILED**
IN SAN BENITO COUNTY

NOV 03 2014

To: (X) County Clerk
County of SAN BENITOJOE PAUL GONZALEZ, COUNTY CLERK
BY KRISTINA TEDESCO
DEPUTY CLERKFrom: (Public Agency) CITY OF HOLLISTERDEVELOPMENT SERVICES DEPARTMENT

(Address)

375 FIFTH STREET, HOLLISTER, CA 95023Project Title: Pre-zone Application No. 2014-3Project Location – Specific: Between N. Chappell Road and Highway 25 Bypass, east of San Felipe Road.Description of Project: Pre-zone approval for the annexation of 3.33 acres of land in the North Gateway (NG) district. The pre-zone and annexation includes 1.8 acres of the existing Highway 25 Hollister Bypass right-of-way adjacent to the south located in the unincorporated area of the County. The project is for pre-zoning for annexation only. The site is currently vacant and no development is proposed at this time.Name of Public Agency Approving Project: City of Hollister City Council on August 4, 2014Name of Person or Agency Carrying Out Project: Jim and Nancy De La Pena

Exempt Status: (check one)

- ☐ Ministerial (Sec. 21080(b)(1); 15268);
☐ Declared Emergency (Sec. 21080(b)(3); 15269(a));
☐ Emergency Project (Sec. 21080(b)(4); 15269(b)(c));
☒ Categorical Exemption. State type and number: Sections 15332, Class 32
☐ Statutory Exemptions. State code number: _____

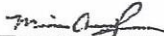
Reasons why project is exempt: Infill Projects

Lead Agency

Contact Person: Abraham Prado Area Code/Telephone/Extension: (831) 636-4360

If filed by applicant:

1. Attach certified document of exemption finding:
2. Has a notice of exemption been filed by the public agency approving the project? () Yes () No

Signature:  Date: November 3, 2014 Title: Associate Planner

- ☒ Signed by Lead Agency
☐ Signed by Applicant

Date received for filing at OPR:

Revised October 1989

Plan for Providing Services Within the Affected Territory as per Government Code Section 56653

Police Service

Police Service to the affected area upon annexation will be provided by the Hollister Police Department upon annexation. The affected area is contiguous with the current City limits (current service area). The annexation will extend the boundary of police service currently in effect. Upon annexation and development, the project will include roadways that would affect traffic enforcement/collision investigation responsibilities, and an incremental increase in staffing levels and capital equipment due to the increase in population. The increase in police service will be financed by the imposition of a Mello-Roos Community Facilities public safety tax. The increase in capital equipment will be financed through the imposition of police impact fees collected at the time of building permit issuance or prior to occupancy of the site. The annexation of the area will not create the need for any police related structures or improvements.

Fire Service

Fire service to the affected area will be provided by the Hollister Fire Department upon annexation. The Fire Department provides this service throughout the city and adjoining County areas, via a mutual aid agreement, based on staffing levels set by the City Council. The Fire Department houses its personnel at its stations located at the northwest corner of Fifth and Sally Streets. The proposed annexation is contiguous to the current City limits (current service area), and will extend the boundary of fire service currently in effect. The area is within the five minute first response of the city Fire Station 1. Upon annexation and development, the project will require an incremental increase in staffing levels and capital equipment due to the increase in population. The increase in fire service will be financed by the imposition of a Mello-Roos Community Facilities public safety tax. The increase in capital equipment will be financed through the imposition of fire impact fees collected at the time of building permit issuance or prior to occupancy of the site. The annexation of the area will not create the need for any fire related structures or improvements.

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 populous 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 minor 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 service). The incremental increase in services for Building, Planning and Engineering will be financed through permit fees.

Sewer Service

No residential structures currently occupy the site. Development of the site after annexation will require City of Hollister sewer service. The City of Hollister currently provides sewer service to and with the Hollister Domestic Wastewater Treatment Plant (DWTP), which serves within the city limits and portions of unincorporated San Benito County. No specific development is proposed at this time, so no specific sewer service demand is calculated.

Sewage or wastewater flows are transported to the treatment plant via a series of transmission lines. The project would be served by an existing 10" sanitary sewer line in Chappell Road which currently runs along the annexation areas' full frontage. This sanitary sewer line flows under gravity to the GLP Lift Station. Per the City of Hollister Sanitary Sewer Collection System Master Plan adopted in August, 2010, the entire property is included in the study area. To offset the use of the capacity for the transmission lines, any development will be assessed an impact fee at the time of building permit issuance. A sewer treatment impact fee will also be assessed to provide funding for additional capacity at the sewer plant.

Domestic Water Service

Once annexed, the property will be within the City of Hollister's service area. All plans for water service will need to be approved by the City of Hollister's Engineering Department. No specific development is proposed at this time, so no increased water demand is specifically calculated. An existing 8" water main is located in Chappell Road along the full frontage. Commercial water use varies greatly; as such an 8" water main will provide sufficient water. Should future plans warrant, water demand for the property will be re-calculated. A developer will be required to fund the installation of the water lines to all 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 the Santa Ana Creek. This property is within the San Benito River drainage area. In accordance with the Low Impact Development requirements of the City of Hollister Grading and Best Management Practices Control Ordinance (Ord. #1053) more water will be retained on site than in traditional development methods, but some will still be sent to the city storm system. The system will be accessed through the existing 24" storm drain line in San Felipe Rd, 500 LF east and 122 LF to the south of the property. This storm drain connects to the 30" storm drain in Highway 25 Hollister Bypass leading to an outfall at the Santa Ana Creek. In the event that the property to the north, east and/or west is developed in the future, gravity flow through those developments can be reconsidered at that time. A developer will be required to fund the installation of the storm drain system to all City of Hollister standards.

Parks and Recreation

Annexation of the property in its current state will not require any additional park facilities or recreational programs. Development of projects generally requires an increase in park facilities to serve the new residents. The degree to which an increase in park facilities will be required will be determined at the time of review of the development application. The City of Hollister requires residential projects either dedicate land and/or pay park-in-lieu impact fees for the incremental need to expand park facilities. At the time of review of the development application, the projects financial contribution for park lands or facilities will be determined.

The City of Hollister generally funds a number of recreation programs to serve the needs of residents. These programs are funded at a level of 75 percent by user's fees. The remaining costs are funded by the City of Hollister General Fund. The City will enter into an annexation agreement with the owner of the property to ensure that 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 the City residents. The City, private developers or a combination of both, fund roadways. The property frontage is on North Chappell Rd. Upon development, it will require the widening improvement of the property frontage to City of Hollister standards. The development proponent will be required to fund these improvements. The development may also require, on an incremental basis, the need for expanded roadway facilities in the City and the County. To offset these incremental costs, any development will be assessed a traffic impact fee at the time of final occupancy for a building permit.

Street and Utility Maintenance

Annexation of the property in its current state will not require an increase in the funding for the street or utility maintenance. Development of the site will require maintenance of city streets, landscaping and utility facilities that will serve the site, as well as streets and utility systems within the development. The area street maintenance is funded by the City of Hollister state-collected taxes. City utility systems are currently funded by City user fees, however as part of any development agreement, the property will be required to annex to a new lighting and landscaping district for the maintenance of lighting, landscaping and utility services that will serve the site.

- 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.
-

LAFCO No. 492

RESOLUTION OF THE SAN BENITO LOCAL AGENCY FORMATION COMMISSION
MAKING DETERMINATIONS AND APPROVING THE DE LA PENA 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 City of Hollister as lead agency has found the proposal to be categorically exempt from CEQA (Class 32 – Infill Development Projects).
- (2) The subject proposal is assigned the distinctive short-form designation:
DE LA PENA 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) Staff is directed not to record the annexation until the map and legal description are found by the County Surveyor to be acceptable.

This resolution was adopted on January 22, 2015 and is effective on the date signed by the Chair.

AYES:

NOES:

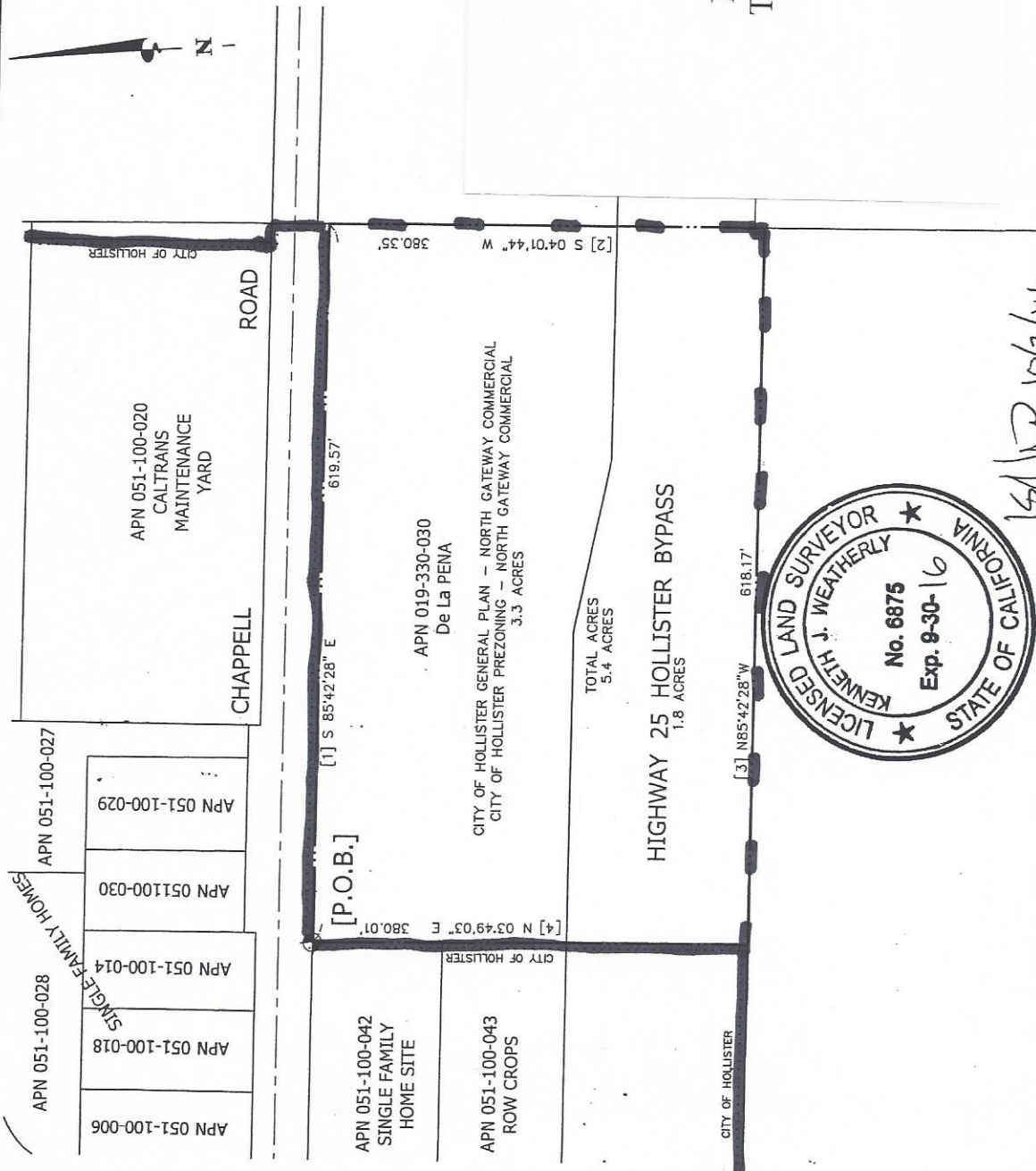
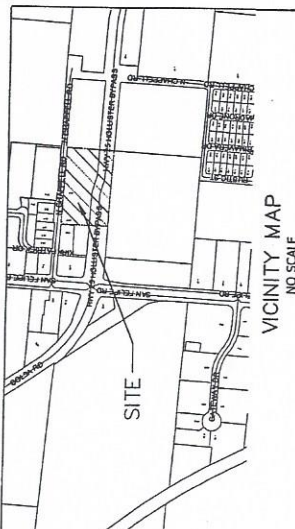
ABSTAINS:

Dated: _____

Chair
San Benito Local Agency Formation Commission

ATTEST

Bob Braitman, Executive Officer
San Benito Local Agency Formation Commission



DE LA PENA ANNEXATION TO THE CITY OF HOLLISTER



154120 10/24/14

SAN BENITO ENGINEERING & SURVEYING, INC. 502 Monterey Street Hollister, California 95023 (831) 837-2783 FAX (831) 837-8836 E-MAIL sbes@engine.com		SAN BENITO COUNTY, CALIFORNIA PORTION OF HOMESTEAD LOT 14 OF THE SAN JUSTO RANCHO DE LA PENA ANNEXATION TO THE CITY OF HOLLISTER HORIZONTAL SCALE 1" = 60'		
[P.O.B.] APN 051-100-028 SINGLE-FAMILY HOMES APN 051-100-018 APN 051-100-014 APN 051-100-030 APN 051-100-029	APN 051-100-020 CALTRANS MAINTENANCE YARD	CITY OF HOLLISTER DE LA PENA	DATE REVISIONS NO.	APPROVED KENNETH J. WEATHERLY - PLS. 6875 REG. EXP. DATE: 09 October 2016 at 12:00 PM DRAWN: JCS/MS/WHY