

SAN BENITO LOCAL AGENCY FORMATION COMMISSION

MEETING AGENDA

May 9, 2019

Board of Supervisors Chambers
481 Fourth Street, Hollister CA

5:00 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. There are no minutes available due to the Special Meeting of April 25, 2019.

BOUNDARY CHANGE PROPOSALS – PUBLIC HEARING ITEM

5. LAFCO 529 – Nguyen Subdivision Annexation to County Service Area (CSA) No. 24: Involving the annexation of approximately 8.63 acres of property and a portion of the adjacent roadway into the County Service Area No. 24. The property is located on the east side of Rosebud Avenue and approximately 1,000 feet north of Santa Ana Road, involving Assessor's Parcel Number 019-180-045, and is proposed for a division into seven residential lots. The County Service Area annexation is proposed to provide the following services: road maintenance, street sweeping, street lighting, and drainage maintenance. The actions requested are to make an environmental determination regarding the adequacy of the County's Initial Study and to consider approval the annexation.

APPROVED BOUNDARY CHANGE PROPOSALS

6. LAFCO 526 – Chappell Road Annexation to the City of Hollister; status report on protest hearing conducted March 28, 2019

BUSINESS ITEMS - NON-HEARING ITEMS

7. Presentation on Agricultural Land Preservation and Mitigation: Involving a summary of the California Association of Local Agency Formation Commissions (CALAFCO) White Paper "State of the Art on Agricultural Preservation" along with a presentation by the San Benito Agricultural Land Trust.
8. Consideration of changing Commission meeting day and start time to 3:00 pm on the Third Wednesday of each month.

Commissioners: Caesar Flores, Chair ♦ Richard Bettencourt, Vice Chair ♦ Ignacio Velazquez ♦ Mark Medina ♦ Jim Gillio

Alternate Commissioners: Peter Hernandez ♦ Roberta Daniel ♦ Mary Vazquez Edge **Executive Officer:** Bill Nicholson

9. Update on CALAFCO tracked legislation and consider letter of opposition to AB 600 (Chu) which requires all cities, counties and certain special districts to develop accessibility plans if they have disadvantaged unincorporated communities identified in the General Plan Land Use Element, and for LAFCO to hold public hearings after adoption of the accessibility plans and if necessary, initiate changes or organization or service extensions to provide services to the identified communities. Also consider letter of support for AB 1822 (Commission on Local Government) involving the annual omnibus bill sponsored by CALAFCO with technical, non-substantive changes to the Cortese-Knox-Hertzberg Local Government Reorganization Act of 2000.

INFORMATIONAL

10. Commissioner Announcements and Requests for Future Agenda Items
11. Executive Officer oral status report on pending proposals
12. Adjourn to regular meeting at 5:00 pm on June 13, 2019, 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
2301 Technology Parkway
Hollister, CA 95023*



CERTIFICATE OF POSTING

Pursuant to Government Code § 59454.2(a) I, Janet Slibsager, Clerk of the Board of Supervisors, certify that the REGULAR MEETING AGENDA for the

SAN BENITO COUNTY LOCAL AGENCY FORMATION COMMISSION

Scheduled for May 9, 2019 was posted at the San Benito County Planning Department, 2301 Technology Parkway, Hollister, CA and at the San Benito County Administration Office, 481 Fourth Street, Hollister, CA on this 8th Day of March, 2019.

All locations freely accessible to the general public.

Janet Slibsager

Clerk of the Board of Supervisors

BOUNDARY CHANGE PROPOSALS – PUBLIC HEARING ITEM

5. LAFCO 529 – Nguyen Subdivision Annexation to County Service Area (CSA) No. 24: Involving the annexation of approximately 8.63 acres of property and apportion of the adjacent roadway into the County Service Area No. 24. The property is located on the east side of Rosebud Avenue and approximately 1,000 feet north of Santa Ana Road, involving Assessor's Parcel Number 019-180-045, and is proposed for a division into seven residential lots. The County Service Area annexation is proposed to provide the following services: road maintenance, street sweeping, street lighting, and drainage maintenance. The actions requested are to make an environmental determination regarding the adequacy of the County's Initial Study and to consider approval the annexation.



SAN BENITO LOCAL AGENCY FORMATION COMMISSION
EXECUTIVE OFFICER'S REPORT

May 9, 2019 (Agenda)
(Agenda Item 5)

LAFCO No. 529: Nguyen Subdivision Annexation to County Service Area No. 24

PROPONENT: San Benito County Board of Supervisors by resolution, landowner by petition

ACREAGE & LOCATION Approximately 8.63 acres located on the east side of Rosebud Avenue, approximately 1,000 feet north of Santa Ana Road; Hollister area

PURPOSE: Include this property within County Service Area (CSA) No. 24 to provide the following services: road maintenance, street sweeping, street lighting, and drainage maintenance through an assessment collected with the property tax bill

PROJECT EVALUATION

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

This annexation area contains an improved seven lot subdivision (TSM 16-99) with all lot and road pavement improvements installed. Before the Final Map can be recorded, the County required that the property be annexed into CSA #24 or a new CSA be formed in order to provide ongoing services to the residents and improvements in the subdivision in the future.

The County General Plan and zoning designates the site as Rural Residential (RR). The lot sizes are greater than the minim allowed by the zoning to accommodate on-site septic systems. However, the property will be connected to the potable water supply from the Sunnyslope County Water District and the property is already within the District boundary. The property is not within the City of Hollister Sphere of Influence which stops at Santa Ana Road.

Surrounding land uses include developed rural residential housing on all sides, with a recently recorded subdivision to the south for which an annexation into CSA #24 has recently been received.

2. Topography, Natural Features and Drainage Basins:

The annexation area and surrounding land is gently sloping to the west. There are no significant natural features that affect future development, and storm drainage will be connected to the existing system serving adjacent development.

3. Population:

There are no existing homes within the annexation area and no registered voters. Following recordation of the Final Map, development within the County will result in 7 single family homes.

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

In the "Proposal Justification Questionnaire for Annexation" completed by the County, the following services are proposed to be provided through annexation into CSA No. 24: street maintenance, street sweeping, street light maintenance, and storm drainage system maintenance. The County also indicates that several other services currently authorized in this CSA will not be provided to this annexation and are not being currently provided within the CSA: garbage collection and extended police and fire services ("extended" means provided at a higher level than to other areas of the County not within the CSA).

The County is currently investigating all their County Service Areas and the services authorized and those provided, and will come back to LAFCO in the future with possible applications to dissolve or consolidate CSAs, or to add or remove the services provided in each CSA. LAFCO Staff has been participating in the review of consultant studies, including an early draft Municipal Service Review (MSR) update as the current MSR is from 2007 and is outdated.

As the Nguyen Subdivision is a semi-rural development in the County, and it is already within the Sunnyslope County Water District, who has agreed to supply water to the development. Wastewater will be disposed of through on-site septic systems regulated by the County Environmental Health Division. There are no other LAFCO actions involving service to be provided to the new development beyond annexation into CSA No. 24.

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

The site is an 8.63 acre infill parcel, that does not produce an agricultural crop and is not prime agricultural land. The property is not under a Williamson Act contract.

6. Assessed Value, Tax Rates and Indebtedness:

The property, APN 019-180-045, is currently within Tax Rate Area 67-016. The assessed value is \$496,444 although the Tax Rate Area will change following the annexation and the value will change once the Final Map records. Annexation into the

CSA will not change the property tax rate, but will add an assessment currently set at \$258 per house.

The current CSA generates approximately \$8,000 annually and was budgeted at \$6,525.97 in the current fiscal year. Expenses through May 1st have been \$1,477.03. The County also maintains a cash account for Contingencies, which has a current balance of \$65,135. This contingency reserve is maintained in case of emergency expenses such as repairing a storm drain pipe or minor road repairs. However, the current yearly rate per housing unit is lower than required for long-term road maintenance costs such as repaving the road at some point in the future. This issue is currently being evaluated by the County on a CSA-wide basis.

7. Environmental Impact of the Proposal:

The County of San Benito, acting as lead agency for initial approval of the 7 lot subdivision prepared an Initial Study to evaluate the project. The Commission can rely on this environmental document when approving the annexation, and the Initial Study prepared by the County is attached to this Executive Officer's Report. As part of the project approval, the County adopted 4 mitigation measures to reduce impacts to a less than significant level in the areas of: Air Quality: dust control during construction; Geology and Soils: involving soils report and geotechnical evaluation; Hydrology and Water Quality: involving compliance with SWPPP requirements and installation of drainage improvements for a 100 year storm event; and Transportation/Traffic: completion of road improvements prior to recording the Final Map. None of these measures are under LAFCO's authority to adopt or administer, and most everything has been implemented as the map is almost ready to record.

8. Landowner and Subject Agency Consent:

Written consent to the annexation has been provided by the property owner and the Commission can waive the protest proceedings should the annexation be approved.

9. Boundaries, Lines of Assessment and Registered Voters:

The boundaries appear to be definite and certain and there are no conflicts with lines of assessment or ownership. The site is not contiguous to the CSA No. 24 boundary at the present time. CSA No. 24 was formed in 1987 to serve 27 lots along Kane Drive, the next street over to the west. When Rosbud Avenue was constructed along with the Gonzalez Subdivision, involving all lots along the west side of Rosebud Avenue, the County processed and LAFCO approved an annexation of the 14 lots (on 16 acres) into CSA No. 24. However, at the time in 2007, LAFCO did not record the annexation and therefore, it was never implemented and no assessments are collected by the County. The County Resource Management Agency will be working to resubmit this annexation

application to LAFCO since there was a 12 month period for the annexation to be recorded, which has long expired.

The map and legal description for the 8.63 acre annexation are being reviewed by the County Surveyor for sufficiency in filing with the State Board of Equalization.

The territory is uninhabited; namely, there are fewer than 12 registered voters. The landowner has consented to the annexation and there is no need to hold a protest hearing.

10. Environmental Justice and Affordable Housing

The site is not adjacent to a disadvantaged unincorporated community as the adjacent land located in the County contains large-lot residential lots. The subdivision will not involve any affordable housing, but will help the County meet its targets for "above moderate income" housing through the future construction of seven homes.

ALTERNATIVES FOR COMMISSION CONSIDERATION

Staff does not recommend any alternative boundary, as the adjacent land to the south has recently submitted an annexation application, and the County will have to work with owners of the adjacent parcels on the west side of Rosebud Avenue (Gonzales Subdivision), with 16 existing homes, to get an annexation application together. 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 upon the following findings, determinations and orders:

- A. Find that the Commission has reviewed and considered the Environmental Initial Study prepared by the County of San Benito as lead agency under CEQA for initial approval of the subdivision. There are no mitigation measures that are the responsibility of LAFCO to adopt or monitor as a responsible agency for approval of this annexation.
- B. Adopt this report and approve the proposal known as the "Nguyen Subdivision Annexation to the County Service Area No. 24."
- C. Waive the conducting authority (protest) proceedings and direct the staff to complete the proceedings without further notice, hearing or election.
- D. 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.

Respectfully submitted,



BILL NICHOLSON
Executive Officer
LAFCO of San Benito County

Attachments:

1. Area Map and Annexation Map
2. Proposal Justification Questionnaire - Annexation
3. Resolution No. 2019-18 of the San Benito County Board of Supervisors "Resolution of Application"
4. Draft LAFCO Resolution No. 525 Amending the Sunnyslope County Water District Sphere of Influence and Approving the Promontory at Ridgemark Annexation to the Sunnyslope County Water District
5. Notice of Intent to Adopt a Mitigated Negative Declaration and Initial Study




cc: Scott Lines, Administrative Services Manager San Benito County RMA
Megan Stevens, Office Assitant, San Benito County RMA
Son Nguyen, Nguyen –Tran Family Trust
Anne Hall, San Benito Engineering



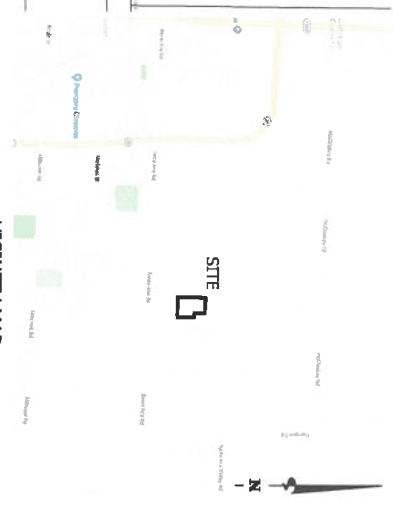
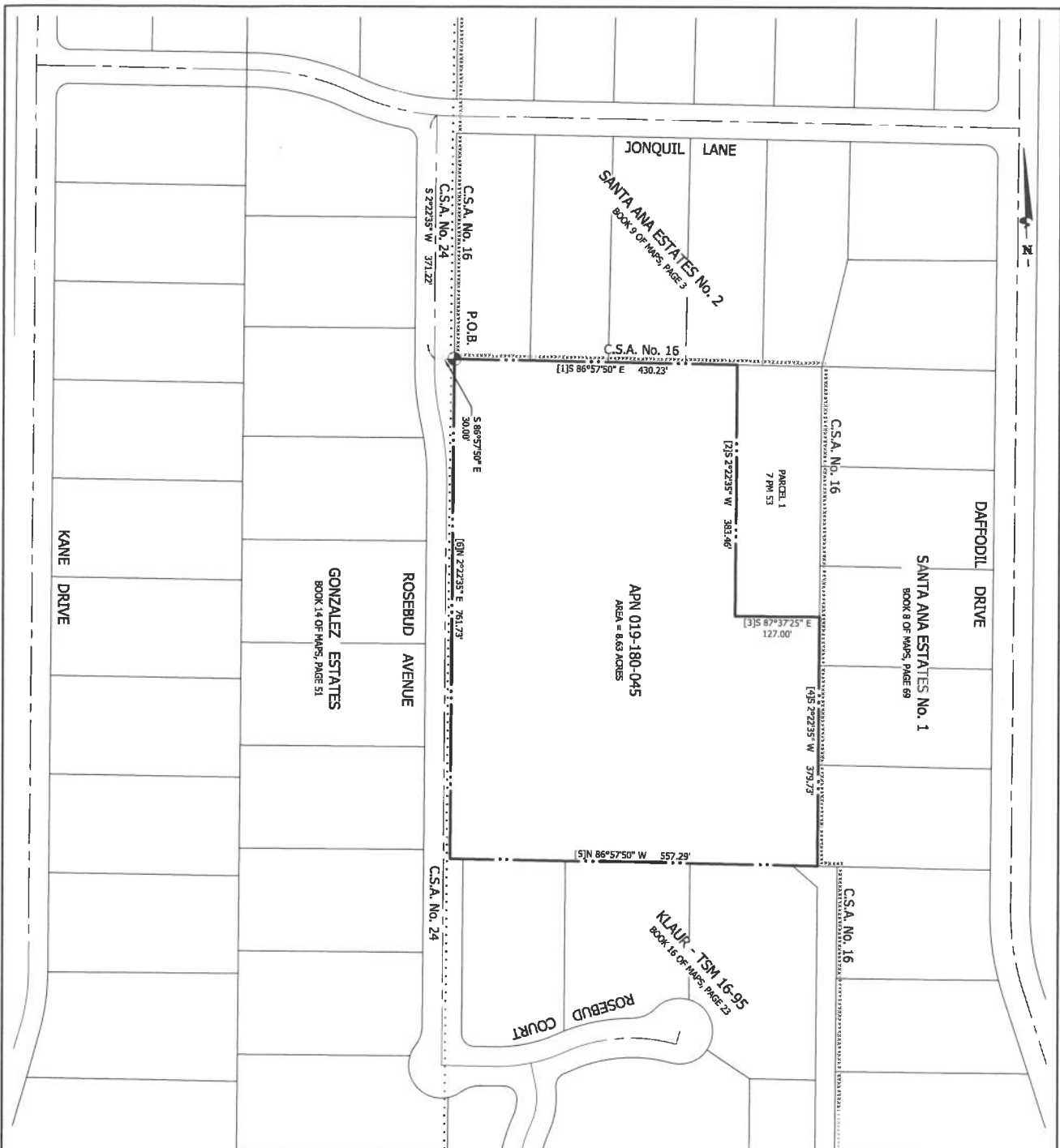
Vicinity Map



Legend

-  Hollister City Limit
-  CSA 24 - Santa Ana Acres
-  Nyugen Subdivision Proposed Annexation





- LEGEND:**
- DENOTES THE BOUNDARY OF PROPERTY TO BE ANNEXED
 - DENOTES EXISTING BOUNDARY C.S.A. 24
 - DENOTES EXISTING BOUNDARY C.S.A. 16
 - DENOTES EXISTING PROPERTY LINE
 - DENOTES EXISTING CENTERLINE

AREA TO BE ANNEXED = 8.63 ACRES

SURVEYOR:

KENNETH J. WEATHERLY
 P.L.S. 6994 - expires 9/30/2020

COUNTY SURVEYOR:

GEORGE MARCHENKO, L.S., INTERIM COUNTY SURVEYOR
 P.L.S. 6964 - expires 09/30/2019

NGUYEN SUBDIVISION
ANNEXATION
INTO CSA NO. 24
SANTA ANA ACRES
 IN THE UNINCORPORATED TERRITORY
 OF THE COUNTY OF SAN BENITO
 IN THE STATE OF CALIFORNIA
ALL OF PARCEL 2
 BOOK 7 OF PARCEL MAPS, PAGE 53
 JANUARY, 2019 SCALE: 1" = 100'
 SAN BENITO ENGINEERING & SURVEYING, INC.
 502 MONTEREY STREET
 HOLLISTER, CALIFORNIA 95023
 (831) 637 - 2763

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)
*Nguyen Subdivision
Annexation to CSA 24*
2. **Describe the acreage and general location; include street addresses if known:**
8.63 acres, 1512 Santa Ana Road
3. **List the Assessor's Parcels within the proposal area:** *019-180-045*
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 CSA #24 is proposed in compliance with Conditions of Approval for Tentative Subdivision Map 16-99 by annexing the subdivision into CSA 24 for certain public services*
5. **Land Use and Zoning - Present and Future**
 - A. **Describe the existing land uses** within the proposal area. Be specific. *Improved subdivision with no homes*
 - B. **Describe changes in land uses** that would result from or be facilitated by this proposed boundary change. *7 lot residential subdivision*
 - C. **Describe the existing zoning designations** within the proposal area. *According to Tentative Map, Zoning is Rural Residential*
 - D. **Describe any proposed change in zoning** for the proposal area. Do the existing and proposed uses conform with this zoning? *None. Future subdivision conform to Zoning use and density*
 - E. (For City Annexations) **Describe the rezoning** that will apply to the proposal area upon annexation. Do the proposed uses conform with this rezoning? *N/A*
 - F. **List all known entitlement applications** pending for the property (i.e., zone change, land division or other entitlements). *TSM 16-99 was approved Sep 21, 2016; waiting final map recordation*

ATTACHMENT 2

6. **Describe the area surrounding the proposal** *Single Family Residential*
7. **Conformity with Spheres of influence**
- A. **Is the proposal area within the sphere of influence of the annexing agency?**
N/A
- B. **If not, are you including a proposal to revise the sphere of influence?**
N/A
8. **Conformity with County and City General Plans**
- A. **Describe the existing County General Plan designation for the proposal area.**
Residential Rural (RR)
- B. **(For City Annexations) Describe the City general plan designation for the area.**
N/A
- C. **Do the proposed uses conform with these plans? If not, please explain.**
Yes
9. **Topography and Natural Features**
- A. **Describe the general topography of the proposal area and any significant natural features that may affect the proposal.**
Low slope (2-5%), native grasses
- B. **Describe the general topography of the area surrounding the proposal.**
Topography of surrounding parcels: *single family residential, low slope (2-5%)*
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*
- D. **Is the property Prime Agricultural Land as defined in G.C. Section §56064?** *No*
- E. **Is the proposal area within a Land Conservation (Williamson) Act contract?** *No*
- 1) **If “yes,” provide the contract number and date contract was executed.**
- 2) **If “yes”, has a notice of non-renewal be filed? If so, when?**
- 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.**
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. *N/A*

13. **Population**

A. Describe the number and type of existing dwelling units within the proposal area.
None

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

Single-family 7 Multi-family _____

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.
CSA 24 currently includes street light maintenance, street maintenance, drainage maintenance, extended police and fire services, and garbage disposal services. In addition to these services CSA 24 is providing street sweeping services even though it is not listed on LAFCO formation documents. Please see the answer to question 20 for more detail.

B. Describe the level and range of the proposed services.
This project adds 804 SY of asphalt, 415 SY of sidewalk, 104 sf of driveway approach, and 38 lf of 18" storm drain line to the county inventory

C. Indicate when the services can feasibly be provided to the proposal area.
Upon this approval. Infrastructure is already built.

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.
Infrastructure already built as a Condition of TSM 99-16

E. Identify how these services will be financed. Include both capital improvements and ongoing maintenance and operation.
Improvements were installed by current owner, ongoing maintenance will be paid by future home owners under their CSA assessments

F. Identify any alternatives for providing the services listed in Section (A) and how these alternatives would affect the cost and adequacy of services.
An HOA could be formed, however 2/3 of the road is already maintained in CSA 24, and this just adds the remainder.

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).

The County has hired a CSA Coordinator who works with the Auditor's Office to keep accounts in order, and coordinate with consultants and County Road Maintenance Staff to ensure services and maintenance are provided on a consistent level for all active CSAs. The County has also retained a consultant to study all CSAs with a look into methods to improve efficiency.

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. *Attached.*

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?**
San Benito County prepared the initial study – attached.
- B. **What type of environmental document has been prepared?**

None, Categorically Exempt -- Class ____

EIR _____ Negative Declaration _____ Mitigated ND X

Subsequent Use of Previous EIR _____ Identify the prior report. _____
- 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."**

19. Boundaries

- A. Why are these particular boundaries being used? Ideally, what other properties should be included in the proposal? *The boundary is the limits of the subdivision***
- B. If any landowners have included only part of the contiguous land under their ownership, explain why the additional property is not included. *N/A***

20. Final Comments

- A. Describe any conditions that should be included in LAFCO's approval.**
No conditions are needed, however the County is looking at all CSAs and will come back with proposals to remove some CSA services that are no longer being provided and add any new services that are being provided. Example: CSA 24 is no longer providing extending police and fire services, and garbage disposal but is providing street sweeping in addition to street light maintenance, street maintenance, street sweeping and drainage maintenance.
- B. Provide any other comments or justifications regarding the proposal.**
- 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.**

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.	Son Nguyen	3030 Hounds Estates Ct San Jose, CA 95135	<u>sonnguyengds@yahoo.com</u>
B.	Anne Hall	502 Monterey St Hollister, CA 95023	<u>ahall@sanbenitoeng.com</u>
C.			

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

<u>Name</u>	<u>Address</u>	<u>Email address</u>	<u>Phone</u>
Megan Stevens	2301 Technology Pkwy. Hollister, CA 95023	<u>mstevens@cosb.us</u>	831-637-8430

Signature _____

Date _____

TABLE A

Information regarding the areas surrounding the proposal area

	Existing Land Use	General Plan Designation	Zoning Designation
East	residential	Residential Rural	Rural Residential
West	residential	RR	RR
North	residential	RR	RR
South	residential	RR	RR

Other comments or notations:

RESOLUTION NO. 2019-18

**A RESOLUTION OF THE SAN BENITO COUNTY BOARD OF SUPERVISORS
INITIATING PROCEEDINGS FOR
THE ANNEXATION OF NGUYEN SUBDIVISION INTO EXISTING CSA NO. 24
("SANTA ANA ACRES")**

WHEREAS, the Board of Supervisors of the County of San Benito desires to initiate a proceeding for the annexation of a subdivision into a County Service Area as specified herein;

NOW, THEREFORE, the Board of Supervisors of the County of San Benito does hereby resolve and order as follows:

1. This proposal is made, and it is requested that proceedings be taken, pursuant to the Cortese-Knox-Hertzberg Local Government Reorganization Act of 2000 commencing with §56000 of the California Government Code and the County Service Area Law commencing with §25210 of the California Government Code; and,

2. This proposal is for the annexation of a new subdivision into County Service Area No. 24 (Santa Ana Acres); and,

3. The area proposed to be annexed into County Service Area No. 24 is shown on the map attached as Exhibit A, and described in the legal description set forth in Exhibit B. Exhibits "A" and "B" are incorporated herein by this reference ("Annexation Area").

4. The existing services provided for CSA No. 24 shall be extended to the Annexation Area: a) Maintenance of street lights b) Street maintenance c) Street sweeping d) Drainage maintenance

5. Previously authorized services in CSA No. 24 that are no longer being provided through the CSA will not be provided to the Annexation Area, as follows:

- a) Garbage disposal
- b) Extended Police protection
- c) Extended Fire protection

6. The assessment structure existing for CSA No. 24 for developed and undeveloped parcels shall otherwise be extended to the parcels in the Annexation Area.

7. Both the County and the current owner of the Annexation Area are in agreement that a County Service Area is an appropriate mechanism to provide

services to future homeowners within the Annexation Area, and to comply with the County requirement that new developments provide a structure and funding mechanism for the provision of maintenance of street lights, street maintenance, drainage maintenance, and street sweeping.

8. The San Benito County Board of Supervisors is hereby initiating annexation of the 8.63 acre Annexation Area into the existing CSA No. 24 ("Santa Ana Acres"), for consideration by LAFCO.

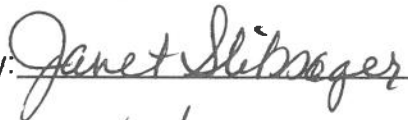
PASSED and ADOPTED by the San Benito County Board of Supervisors on this 5th day of March, 2019, by the following vote:

AYES:	Supervisor(s)	Medina, Botelho, Gillio, Hernandez, De La Cruz
NOES:	Supervisor(s)	none
ABSENT:	Supervisor(s)	none
ABSTAIN:	Supervisor(s)	none

By: 
Mark Medina, Chair

ATTEST:
Janet Slibsager, Clerk of the Board

APPROVED AS TO LEGAL FORM
G. Michael Ziman, County Counsel

By: 

By: 

Date: 3/5/19

Date: February 27, 2019

LAFCO No. 529

RESOLUTION OF THE SAN BENITO LOCAL AGENCY FORMATION COMMISSION
MAKING DETERMINATIONS AND APPROVING THE NGUYEN SUBDIVISION
ANNEXATION TO COUNTY SERVICE AREA NO. 24

WHEREAS, the Nguyen Subdivision Annexation to County Service Area No. 24 (LAFCO File No. 529) 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. of the Government Code); and

WHEREAS, the proposal seeks Commission approval to annex 8.63 acres into County Service Area (“CSA”) Number 24 and represents one parcel identified by the San Benito County Assessor as APN Numbers 019-180-045; and

WHEREAS, the Executive Officer has reviewed the proposal and prepared a report with recommendations; and

WHEREAS, the Commission heard and fully considered all the evidence presented at public hearings held on the proposal on May 9, 2019; 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 through publication in the Hollister Freelance Newspaper, and notice to neighboring landowners within 300 feet; 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 Initial Study and San Benito County’s determinations upon adoption of a Mitigated Negative Declaration, and applicable General Plan; and

WHEREAS, in accordance with applicable provisions of the California Environmental Quality Act (hereinafter “CEQA”), the Commission serves as responsible agency for the annexation and has determined that the application is a “project” subject to CEQA; and

WHEREAS, the Local Agency Formation Commission finds the applications to be in the best interests of the affected area and the 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 it has reviewed and considered the Initial Study prepared by San Benito County as lead agency under CEQA, and the Commission finds the document adequately addresses all environmental impacts of the subdivision development and annexation and no new significant impacts have been identified, and that there are no mitigation measures that are the responsibility of LAFCO to adopt or monitor as a result of action on this proposal. These environmental findings are based on the Commission's independent judgment and analysis, and the Commission agrees with the conclusions of the Mitigated Negative Declaration.

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

NGUYEN SUBDIVISION ANNEXATION TO COUNTY SERVICE AREA NO. 24

(4) Said territory is found to be uninhabited as there are no registered voters within the annexation area.

(5) The boundaries of the affected territory are found to be definite and certain as approved and set forth in the legal descriptions, with verification from the County Surveyor.

(6) All proceedings in connection with this proposal shall be conducted in compliance with the approved boundaries set forth in the attachments.

(7) The Commission has considered evidence in the record regarding the County's administration of CSA No. 24.

(8) Since the subject territory is uninhabited, the landowner has given 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.

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

(11) The proposal is APPROVED, and Staff is directed not to record the annexation until the following condition of approval has been satisfied:

(a) The maps and legal descriptions presented as Exhibit A and B are found by the County Surveyor to be acceptable.

I, Cesar Flores, Chairman of the Local Agency Formation Commission of San Benito County, California, do hereby certify that the foregoing resolution was duly and regularly adopted by said Commission at a regular meeting thereof held upon the 9th day of May, 2019, by the following vote:

AYES:

NOES:

ABSTAINS:

Dated: _____

Cesar Flores, Chair
San Benito Local Agency Formation Commission

ATTEST

Bill Nicholson, Executive Officer
San Benito Local Agency Formation Commission

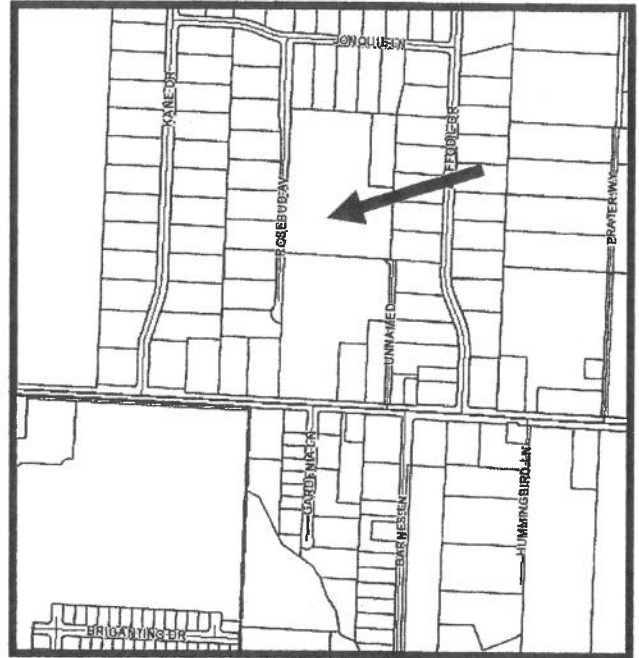
Notice of Intent to Adopt a Mitigated Negative Declaration and Notice of Public Hearing

TO: Interested Individuals
 San Benito County Clerk

FROM: San Benito County Resource Management Agency
 2301 Technology Parkway
 Hollister, CA 95023-2513

Contact Person: Michael Kelly, Associate Planner, (831) 637-5313
Project File No.: Tentative Subdivision Map (TSM) 16-99
Project Applicant: Son Nguyen
Project Location: 1512 Santa Ana Road, Hollister (Assessor's Parcel 019-18-0-045-0)

The applicant proposes to subdivide an 8.63-acre property in Rural Residential (RR) zoning into seven lots of 1.00 to 1.63 acres each, each intended for residential use, plus a 0.31-acre road dedication. The site would be graded with 650 cubic yards of cut material and 650 cubic yards of fill material to establish building surfaces and direct drainage to features including detention areas on each parcel. The grading would also result in additional street width along Rosebud Avenue with features reflecting County residential street standards. The project is proposed to connect to Sunnyslope County Water District water service, to septic systems for sewage disposal, and to PG&E electrical service.



The property currently contains one residence, few trees, and grasses, and the site is generally flat, as are its surroundings. The residence is accessible via a private driveway connecting to Santa Ana Road. Around the site to the north, the east, and the west are residential properties of approximately an acre each. To the south is a property of size and use similar to the subject property but without a current residence; a six-lot subdivision was approved in June 2015 on that site under Tentative Subdivision Map 16-95. Farther to the south is Santa Ana Road, a collector road with smaller properties with residences, day care, and a church. Along Santa Ana Road, a quarter-mile to the project site's southwest, is the site of the 155-residence Villages at Santa Ana Creek development, currently under construction within Hollister corporate boundaries at a density of approximately six dwellings per acre. The subject property is located a mile and a half east of Downtown Hollister and lies outside the City of Hollister sphere-of-influence boundary, which follows Santa Ana Road. The project site's greater neighborhood is accessible from the west and east only by Santa Ana Road, although the future local streets of the Villages development would allow alternate though more complex and meandering access.

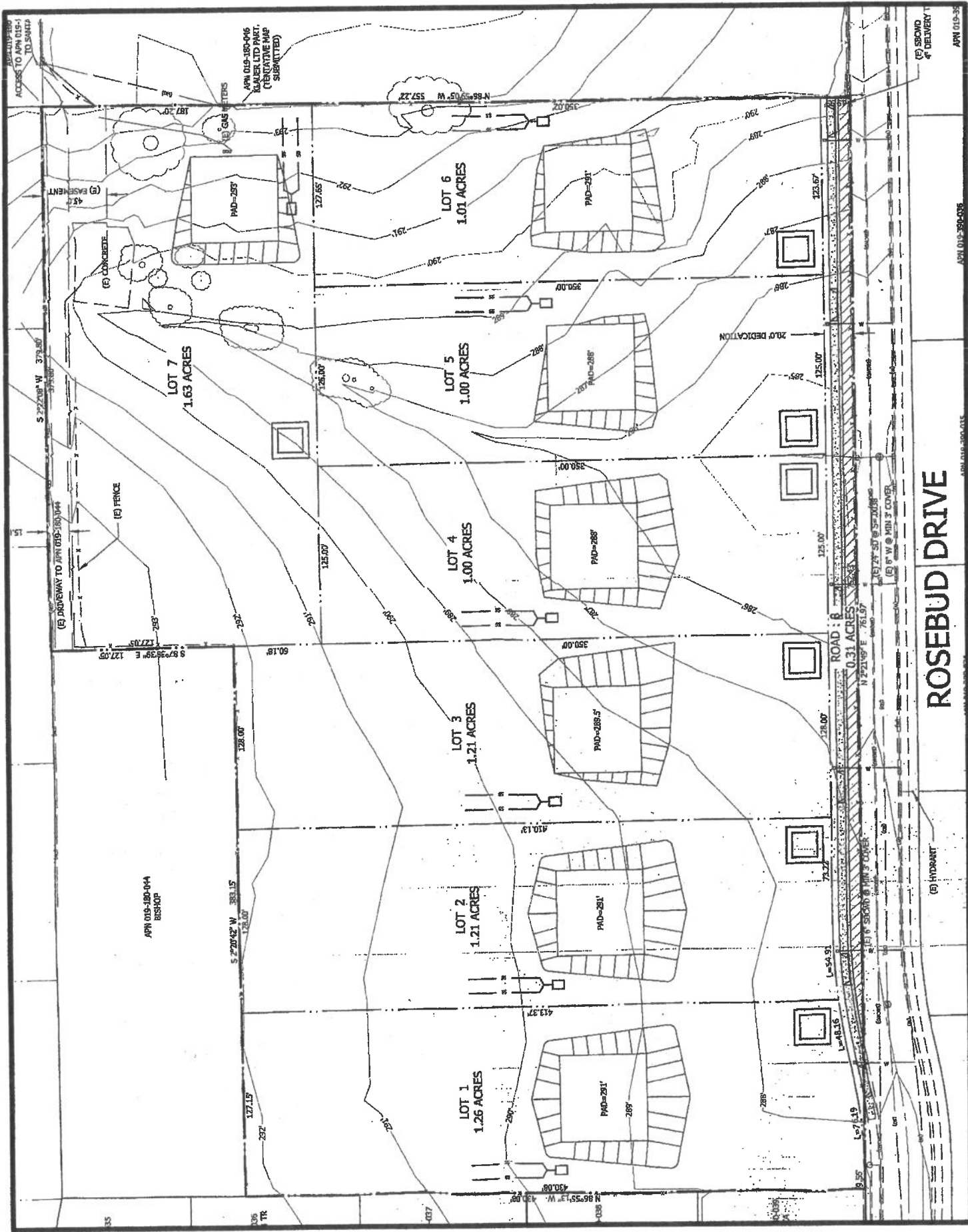
The property is presently subject to the General Plan Land Use Element designation of Residential Rural (RR), intended "to allow for large-lot rural residential homes within areas of the county that are generally unsuitable for productive agriculture because of existing small property sizes, multiple property owners, and proximity to other more intensive residential development." The property's current zoning is Rural Residential (also abbreviated RR), allowing one dwelling per acre where public water and sewer services are not both simultaneously available. The RR zone "is intended to provide areas of mixtures of housing and limited agricultural uses. The single-family dwelling is the primary use while agricultural uses are intended to be of secondary importance."

This is to advise that the San Benito County Resource Management Agency has prepared an Initial Study and intends to adopt a Mitigated Negative Declaration for this project, which finds that the project will not have a significant effect on the environment. The public review period in which comments will be accepted for the proposed Mitigated Negative Declaration begins **August 25, 2016**, and ends at 5 p.m. on **September 13, 2016**. The project's Initial Study, its proposed Mitigated Negative Declaration, and the documents referenced in the Initial Study and Mitigated Negative Declaration are available for review at the County Resource Management Agency at the above address. Comments may be addressed to the contact person noted above, and written comments are preferred. Please reference the project file number, TSM 16-99, in all communications. **NOTICE IS HEREBY GIVEN** that a **public hearing** for this project before the County Planning Commission is tentatively scheduled for **6 p.m., September 21, 2016** (or as soon thereafter as the matter may be heard), in the Board of Supervisors Chamber, County Administration Building, 481 4th Street, Hollister, California.

Michael Kelly
 Signature

Associate Planner
 Title

August 24, 2016
 Date



ROSEBUD DRIVE

APN 019-350-036
 APN 019-350-035



COUNTY OF SAN BENITO
RESOURCE MANAGEMENT AGENCY
PLANNING AND BUILDING INSPECTION SERVICES

2301 Technology Parkway
Hollister, CA 95023-2513
E-mail: sbcplan@cosb.us

Phone: (831) 637-5313
Fax: (831) 636-4176

SAN BENITO COUNTY
NOTICE OF PROPOSED MITIGATED NEGATIVE DECLARATION

TO: Responsible agencies, Trustee agencies, other County Departments, and interested parties
FROM: San Benito County Planning Department

This notice is to inform you that the San Benito County Planning Department has prepared an Initial Study and intends to recommend filing a Mitigated Negative Declaration for the project identified below. The public review period for the Initial Study is from **August 25 to September 13, 2016**. The document is available for review at the address listed below. Comments may be addressed to the contact person, **Michael Kelly**. Written comments are preferred. Please use the project file number in all communication.

1. **Project title and/or file number:** Tentative Subdivision Map (TSM) 16-99
2. **Lead agency name and address:** San Benito County Resource Management Agency
2301 Technology Parkway
Hollister, CA 95023-2513
3. **Contact person and phone number:** Michael Kelly, Associate Planner, (831) 637-5313
4. **Project location:** 1512 Santa Ana Road, Hollister (Assessor's Parcel 019-18-0-045-0)
5. **Project sponsor's name and address:** Son Nguyen
3030 Hounds Estates Court
San Jose, CA 95135-1358
6. **General Plan designation:** Residential Rural (RR)
7. **Zoning:** Rural Residential (RR)
8. **Description of project:** The applicant proposes to subdivide an 8.63-acre property in Rural Residential (RR) zoning into seven lots of 1.00 to 1.63 acres each, each intended for residential use, plus a 0.31-acre road dedication. The site would be graded with 650 cubic yards of cut material and 650 cubic yards of fill material to establish building surfaces and direct drainage to features including detention areas on each parcel. The grading would also result in additional street width along Rosebud Avenue with features reflecting County residential street standards. The project is proposed to connect to Sunnyslope County Water District water service, to septic systems for sewage disposal, and to PG&E electrical service.
9. **Surrounding land uses and setting:** The property currently contains one residence, few trees, and grasses, and the site is generally flat, as are its surroundings. The residence is accessible via a private driveway connecting to Santa Ana Road. Around the site to the north, the east, and the west are residential properties of approximately an acre each. To the south is a property of size and use similar to the subject property but without a current residence; a six-lot subdivision was approved in June 2015 on that site under Tentative Subdivision Map 16-95. Farther to the south is Santa Ana Road, a collector road with smaller properties with residences, day care, and a church. Along Santa Ana Road, a quarter-mile to the project site's southwest, is the site of the 155-residence Villages at Santa Ana Creek development, currently under construction within Hollister corporate boundaries at a density of approximately six dwellings per acre. The subject property is located a mile and a half east of Downtown Hollister and lies outside the City of Hollister sphere-of-influence boundary, which follows Santa Ana Road. The project site's greater neighborhood is accessible from the west and east only by Santa Ana Road, although the future local streets of the Villages development would allow alternate though more complex and meandering access.

Seismic zone: Not within an Alquist-Priolo Earthquake Zone [11e].
Fire hazard: Urban unzoned [11f].
Floodplain: Zone X [11g].
Archaeological sensitivity: Not sensitive [11h].
Habitat conservation area: Within the San Benito County Habitat Conservation fee area.
Landslide: Least susceptible [11c].
Soils: Antioch loam, 0 to 2 percent slopes (Grade 2); Antioch loam, 2 to 5 percent slopes (Grade 2) [3].

10. Planning and zoning: The property is presently subject to the General Plan Land Use Element designation of Residential Rural (RR), intended "to allow for large-lot rural residential homes within areas of the county that are generally unsuitable for productive agriculture because of existing small property sizes, multiple property owners, and proximity to other more intensive residential development" [1a]. The property's current zoning is Rural Residential (also abbreviated RR), allowing one dwelling per acre where public water and sewer services are not both simultaneously available. The RR zone "is intended to provide areas of mixtures of housing and limited agricultural uses. The single-family dwelling is the primary use while agricultural uses are intended to be of secondary importance" [2a].

11. Other public agencies whose approval is required (e.g., permits, financing approval, or participation agreement):
 County Resource Management Agency Public Works staff, Sunnyslope County Water District.

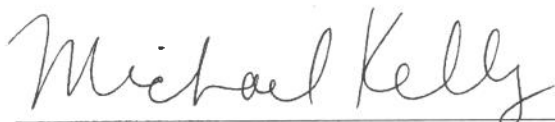
Environmental factors potentially affected: The environmental factors checked below would be potentially affected by this project, involving at least one impact that is a "Potentially Significant Impact" or "Less Than Significant With Mitigation," as indicated by the checklist on the following pages.

- | | | |
|--|---|--|
| <input type="checkbox"/> Aesthetics | <input type="checkbox"/> Agriculture and Forestry Resources | <input checked="" type="checkbox"/> Air Quality |
| <input type="checkbox"/> Biological Resources | <input type="checkbox"/> Cultural Resources | <input checked="" type="checkbox"/> Geology / Soils |
| <input type="checkbox"/> Greenhouse Gas Emissions | <input type="checkbox"/> Hazards & Hazardous Materials | <input checked="" type="checkbox"/> Hydrology / Water Quality |
| <input type="checkbox"/> Land Use / Planning | <input type="checkbox"/> Mineral Resources | <input type="checkbox"/> Noise |
| <input type="checkbox"/> Population / Housing | <input type="checkbox"/> Public Services | <input type="checkbox"/> Recreation |
| <input checked="" type="checkbox"/> Transportation / Traffic | <input checked="" type="checkbox"/> Utilities / Service Systems | <input checked="" type="checkbox"/> Mandatory Findings of Significance |

Determination.

On the basis of this initial evaluation:

- I find that the proposed project qualifies for an exemption to CEQA pursuant to Section 15061(b)(3).
- I find that the proposed project COULD NOT have a significant effect on the environment, and a NEGATIVE DECLARATION will be prepared.
- I find that although the proposed project could have a significant effect on the environment, there will not be a significant effect in this case because revisions in the project have been made by or agreed to by the project proponent. A MITIGATED NEGATIVE DECLARATION will be prepared.
- I find that the proposed project MAY have a significant effect on the environment, and an ENVIRONMENTAL IMPACT REPORT is required.
- I find that the proposed project MAY have a "potentially significant impact" or "potentially significant unless mitigated" impact on the environment, but at least one effect 1) has been adequately analyzed in an earlier document pursuant to applicable legal standards, and 2) has been addressed by mitigation measures based on the earlier analysis as described on attached sheets. An ENVIRONMENTAL IMPACT REPORT is required, but it must analyze only the effects that remain to be addressed.
- I find that although the proposed project could have a significant effect on the environment, because all potentially significant effects (a) have been analyzed adequately in an earlier EIR or NEGATIVE DECLARATION pursuant to applicable standards and (b) have been avoided or mitigated pursuant to that earlier EIR or NEGATIVE DECLARATION, including revisions or mitigation measures that are imposed upon the proposed project, nothing further is required.



 Signature



 Date

Michael Kelly, Associate Planner

 Printed Name

County Resource Mgmt. Agency

 Agency

Evaluation of environmental impacts:

- 1) A brief explanation is required for all answers except “No Impact” answers that are adequately supported by the information sources a lead agency cites in the parentheses following each question. A “No Impact” answer is adequately supported if the referenced information sources show that the impact simply does not apply to projects like the one involved (e.g., the project falls outside a fault rupture zone). A “No Impact” answer should be explained where it is based on project-specific factors as well as general standards (e.g., the project will not expose sensitive receptors to pollutants, based on a project-specific screening analysis).
- 2) All answers must take account of the whole action involved, including off site as well as on site, cumulative as well as project-level, indirect as well as direct, and construction as well as operational impacts.
- 3) Once the lead agency has determined that a particular physical impact may occur, then the checklist answers must indicate whether the impact is potentially significant, less than significant with mitigation, or less than significant. “Potentially Significant Impact” is appropriate if there is substantial evidence that an effect may be significant. If there are one or more “Potentially Significant Impact” entries when the determination is made, an EIR is required.
- 4) “Negative Declaration: Less Than Significant With Mitigation Incorporated” applies where the incorporation of mitigation measures has reduced an effect from “Potentially Significant Impact” to a “Less Than Significant Impact.” The lead agency must describe the mitigation measures, and briefly explain how they reduce the effect to a less than significant level (mitigation measures from “Earlier Analyses,” as described in (5) below, may be cross-referenced).
- 5) Earlier analyses may be used where, pursuant to the tiering, program EIR, or other CEQA process, an effect has been adequately analyzed in an earlier EIR or negative declaration. Section 15063(c)(3)(D). In this case, a brief discussion should identify the following:
 - a) Earlier Analysis Used. Identify and state where they are available for review.
 - b) Impacts Adequately Addressed. Identify which effects from the above checklist were within the scope of and adequately analyzed in an earlier document pursuant to applicable legal standards, and state whether such effects were addressed by mitigation measures based on the earlier analysis.
 - c) Mitigation Measures. For effects that are “Less than Significant with Mitigation Measures Incorporated,” describe the mitigation measures that were incorporated or refined from the earlier document and the extent to which they address site-specific conditions for the project.
- 6) Lead agencies are encouraged to incorporate into the checklist references to information sources for potential impacts (e.g., general plans, zoning ordinances). Reference to a previously prepared or outside document should, where appropriate, include a reference to the page or pages where the statement is substantiated.
- 7) Supporting Information Sources: A source list should be attached, and other sources used or individuals contacted should be cited in the discussion.
- 8) This is only a suggested form, and lead agencies are free to use different formats; however, lead agencies should normally address the questions from this checklist that are relevant to a project’s environmental effects in whatever format is selected.
- 9) The explanation of each issue should identify:
 - a) the significance criteria or threshold, if any, used to evaluate each question; and
 - b) the mitigation measure identified, if any, to reduce the impact to less than significance.

	Potentially Significant Impact	Less Than Significant With Mitigation	Less Than Significant Impact	No Impact
I. AESTHETICS – Would the project:				
a) Have a substantial adverse effect on a scenic vista?	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>
b) Substantially damage scenic resources, including, but not limited to, trees, rock outcroppings, and historic buildings within a state scenic highway?	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>
c) Substantially degrade the existing visual character or quality of the site and its surroundings?	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>
d) Create a new source of substantial light or glare which would adversely affect day or nighttime views in the area?	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>

Response:

- a) **No Impact** — *The County General Plan has not designated scenic vistas in or around the project site. Development on the subject property would neither impair view of scenic resources in the area nor lie prominently within an otherwise scenic vista.*

- b) **Less Than Significant Impact** — San Benito County has no designated State scenic highways [14]; while area highways such as State Route 156 are eligible for the designation, the project site is not located within view of any such highway. The County has locally designated certain highways as scenic [1f], but the project site is away from those, too. The site has no other specially designated scenic resources.
- c) **Less Than Significant Impact** — The project is mostly surrounded by development of an intensity similar to or greater than that of the proposed development. The result of development on this 8.63-acre site would closely resemble all surrounding properties except for the property to the south, currently similar to the subject property's current conditions in use and size, although that property has been approved for a tentative subdivision map depicting development much like that of the subject property. A quarter-mile to the southwest is City of Hollister-annexed property presently under development at urban density, substantially more intensive and visually prominent than the subject property's proposal. Current area residents and users of Santa Ana Road would see a scene at the subject property similar to that now typical of the immediate area.
- d) **Less Than Significant Impact** — The site is within Zone II as defined by County Development Lighting Regulations (Ordinance 748), intended to limit nighttime glare affecting the Fremont Peak observatory and Pinnacles National Monument. New lighting for residences will be required to comply with the ordinance to prevent excessive glare.

Potentially Significant Impact	Less Than Significant With Mitigation	Less Than Significant Impact	No Impact
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II. AGRICULTURE AND FORESTRY RESOURCES – In determining whether impacts to agricultural resources are significant environmental effects, lead agencies may refer to the California Agricultural Land Evaluation and Site Assessment Model (1997) prepared by the California Department of Conservation as an optional model to use in assessing impacts on agriculture and farmland. In determining whether impacts to forest resources, including timberland, are significant environmental effects, lead agencies may refer to information compiled by the California Department of Forestry and Fire Protection regarding the state's inventory of forest land, including the Forest and Range Assessment Project and the Forest Legacy Assessment project; and forest carbon measurement methodology provided in Forest Protocols adopted by the California Air Resources Board. Would the project:

- | | | | | |
|---|--------------------------|--------------------------|--------------------------|-------------------------------------|
| a) Convert Prime Farmland, Unique Farmland, or Farmland of Statewide Importance (Farmland), as shown on the maps prepared pursuant to the Farmland Mapping and Monitoring Program of the California Resources Agency, to non-agricultural use? | <input type="checkbox"/> | <input type="checkbox"/> | <input type="checkbox"/> | <input checked="" type="checkbox"/> |
| b) Conflict with existing zoning for agricultural use, or a Williamson Act contract? | <input type="checkbox"/> | <input type="checkbox"/> | <input type="checkbox"/> | <input checked="" type="checkbox"/> |
| c) Conflict with existing zoning for, or cause rezoning of, forest land (as defined in Public Resources Code section 12220(g)), timberland (as defined by Public Resources Code section 4526), or timberland zoned Timberland Production (as defined by Government Code section 51104 (g))? | <input type="checkbox"/> | <input type="checkbox"/> | <input type="checkbox"/> | <input checked="" type="checkbox"/> |
| d) Result in the loss of forest land or conversion of forest land to non-forest use? | <input type="checkbox"/> | <input type="checkbox"/> | <input type="checkbox"/> | <input checked="" type="checkbox"/> |
| e) Involve other changes in the existing environment which due to their location or nature, could result in conversion of farmland, to non-agricultural use or conversion of forest land to non-forest use? | <input type="checkbox"/> | <input type="checkbox"/> | <input type="checkbox"/> | <input checked="" type="checkbox"/> |

Response:

- a) **No Impact** — The site, although presently unbuilt, is identified as Urban and Built-Up Land as mapped in 2012 by the Farmland Mapping and Monitoring Program [11k] and does not contain Grade-1 soils [3]. While Grade-2 soils are present, the project site's agricultural viability is limited by the presence of development surrounding the site at an intensity similar to or greater than that of the proposed development, with the exception of the similarly-sized, mostly unbuilt property immediately to the north.
- b) **No Impact** — The property is not subject to a Williamson Act contract. Under County Code §25.09.040, agricultural use is secondary to residential use in the project site's zoning district, Rural Residential (RR) [2a].
- c,d) **No Impact** — The project site contains minimal tree cover and is not forested [5,6].
- e) **No Impact** — With construction on the subject property and on the 7.61-acre property to the south, currently subject to an approved tentative subdivision map, the vicinity would be built out as a residential neighborhood. The site is not directly connected to agricultural or forested lands and would not represent outward residential expansion into such lands. See also the discussion of item a.

Potentially Significant Impact	Less Than Significant With Mitigation	Less Than Significant Impact	No Impact
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III. AIR QUALITY –

Where available, the significance criteria established by the applicable air quality management or air pollution control district may be relied upon to make the following determinations. Would the project:

- | | | | | |
|---|--------------------------|-------------------------------------|--------------------------|-------------------------------------|
| a) Conflict with or obstruct implementation of the applicable air quality plan? | <input type="checkbox"/> | <input type="checkbox"/> | <input type="checkbox"/> | <input checked="" type="checkbox"/> |
| b) Violate any air quality standard or contribute substantially to an existing or projected air quality violation? | <input type="checkbox"/> | <input checked="" type="checkbox"/> | <input type="checkbox"/> | <input type="checkbox"/> |
| c) Result in a cumulatively considerable net increase of any criteria pollutant for which the project region is non-attainment under an applicable federal or state ambient air quality standard (including releasing emissions which exceed quantitative thresholds for ozone precursors)? | <input type="checkbox"/> | <input checked="" type="checkbox"/> | <input type="checkbox"/> | <input type="checkbox"/> |
| d) Expose sensitive receptors to substantial pollutant concentrations? | <input type="checkbox"/> | <input checked="" type="checkbox"/> | <input type="checkbox"/> | <input type="checkbox"/> |
| e) Create objectionable odors affecting a substantial number of people? | <input type="checkbox"/> | <input type="checkbox"/> | <input type="checkbox"/> | <input checked="" type="checkbox"/> |

Response:

- a) **No Impact** — The subject property sits within the North Central Coast Air Basin (NCCAB), overseen by the Monterey Bay Air Resources District (MBARD),¹ which serves San Benito, Santa Cruz, and Monterey Counties. MBARD prepared its Air Quality Management Plan (AQMP) in 2008 using forecasting of regional population, housing, and employment growth. The forecast took into account land uses illustrated in area jurisdictions' general plans at the time; that included the depiction of the subject property under the County's then-General Plan, with which the proposed project agrees. Hence, the AQMP accounts for and accommodates development such as this.
- b-d) **Less Than Significant With Mitigation** — The County recognizes air as a natural resource, strives to maintain air quality through proper land use planning, and, under General Plan Health and Safety Element Goal HS-5, seeks to "improve local and regional air quality to protect residents from the adverse effects of poor air quality." The goal is supported by several policies including the reduction of PM₁₀ emissions from construction. Under State standards, San Benito County has nonattainment status for ozone (O₃) and 10-micron particulate matter (PM₁₀) [8].
 The project's air quality impacts were analyzed using CalEEMod Version 2013.2.2. The below table shows the daily emission of MBARD criteria pollutants of concern modeled by CalEEMod. MBARD has established thresholds of significance, which define certain rates of pollutant emission that would constitute a significant impact; as shown in the below table, the modeled emissions would not exceed those thresholds. Still, PM₁₀ emissions could occur at substantial levels during grading activities, and dust control will prevent unhealthy concentrations of airborne pollutants during the earthmoving (Mitigation Measure 1).
 In addition, the site is located about a half-mile from Gabilan Hills Elementary School and Marguerite Maze Middle School [6], where children could be especially affected by pollutants emitted by construction. However, modeled emission levels below significance thresholds combined with dust control mitigation measures will result in an insignificant health impact.
- e) **No Impact** — No land use is proposed that is likely to generate substantially bothersome odors [7].

¹ Formerly known as the Monterey Bay Area Unified Air Pollution Control District (MBUAPCD).

Unmitigated Construction Impacts (pounds per day)²

	ROG	NO _x	CO	SO ₂	PM ₁₀	PM _{2.5}
	5.815	26.618125	19.484375	0.027375	2.72125	2.110625
Significance threshold ³	none	none	none	none	82	none
Threshold exceedance ⁴	no	no	no	no	no	no

Mitigated Construction Impacts (pounds per day)

	ROG	NO _x	CO	SO ₂	PM ₁₀	PM _{2.5}
	5.815	26.618125	19.484375	0.027375	2.188125	1.824375
Significance threshold	none	none	none	none	82	none
Threshold exceedance	no	no	no	no	no	no

Unmitigated Operational Impacts (pounds per day)⁵

	ROG	NO _x	CO	SO ₂	PM ₁₀	PM _{2.5}
Area	11.6014	0.1521	13.7786	5.1900 × 10 ⁻³	1.8573	1.8572
Energy	7.3000 × 10 ⁻³	0.0624	0.0265	4.0000 × 10 ⁻⁴	5.0400 × 10 ⁻³	5.0400 × 10 ⁻³
Mobile	0.5535	2.1365	8.6788	0.0112	0.6028	0.1803
Total	12.1622	2.351	22.4839	0.01679	2.46514	2.04254
Significance threshold	137	137	550	150	82	none
Threshold exceedance	no	no	no	no	no	no

Mitigated Operational Impacts (pounds per day)

	ROG	NO _x	CO	SO ₂	PM ₁₀	PM _{2.5}
Area	0.9008	6.7500 × 10 ⁻³	0.5823	3.0000 × 10 ⁻³	0.0116	0.0115
Energy	7.3000 × 10 ⁻³	0.0624	0.0265	4.0000 × 10 ⁻⁴	5.0400 × 10 ⁻³	5.0400 × 10 ⁻³
Mobile	0.5535	2.1365	8.6788	0.0112	0.6028	0.1803
Total	1.4616	2.20565	9.2876	0.01163	0.61944	0.19684
Significance threshold	137	137	550	150	82	none
Threshold exceedance	no	no	no	no	no	no

Mitigation Measure 1: The applicant shall observe the following requirements during such grading activities when applicable:

- a. All graded areas shall be watered at least twice daily. If dust is not adequately controlled, then a more frequent watering schedule shall be incorporated. Frequency shall be based on the type of operation, soil, and wind exposure.
- b. All grading activities during periods of high wind, over 15 mph, are prohibited.
- c. Chemical soil stabilizers shall be applied to inactive construction areas (disturbed lands within construction projects that are unused for at least four consecutive days).
- d. Nontoxic binders (e.g., latex acrylic copolymer) shall be applied to exposed areas after cut-and-fill operations.
- e. Haul trucks shall maintain at least two feet of freeboard.
- f. All trucks hauling dirt, sand, or loose materials shall be covered.
- g. Inactive storage piles shall be covered.
- h. Wheel washers shall be installed at the entrance to construction sites for all exiting trucks.
- i. Streets shall be swept if visible soil material is carried out from the construction site.
- j. A publicly visible sign shall be posted that includes the telephone number and person to contact regarding dust complaints. The phone number of the Monterey Bay Unified Air Pollution Control District shall be included on the sign to ensure compliance with Rule 402 (Nuisance).

² ROG—reactive organic gases, or volatile organic compounds; NO_x—nitrogen oxides; CO—carbon monoxide; SO₂—sulfur dioxide; PM₁₀—particulate matter of 10 or fewer microns in diameter; PM_{2.5}—particulate matter of 2.5 or fewer microns in diameter.

³ As adopted by the Monterey Bay Air Resources District (MBARD).

⁴ If the threshold is exceeded, a significant environmental impact occurs, and mitigation would be proposed.

⁵ The amount for each operational pollutant is chosen from the season in which emission is greater, as modeled by CalEEMod. All figures represent summer and winter emissions equally except that mobile SO₂ represents summer and all other mobile emissions represent winter.

Potentially Significant Impact	Less Than Significant With Mitigation	Less Than Significant Impact	No Impact
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IV. BIOLOGICAL RESOURCES – Would the project:

- | | | | | |
|---|--------------------------|--------------------------|-------------------------------------|--------------------------|
| a) Have a substantial adverse effect, either directly or through habitat modifications, on any species identified as a candidate, sensitive, or special status species in local or regional plans, policies, or regulations, by the California Department of Fish and Game or US Fish and Wildlife Service? | <input type="checkbox"/> | <input type="checkbox"/> | <input checked="" type="checkbox"/> | <input type="checkbox"/> |
| b) Have a substantial adverse effect on any riparian habitat or other sensitive natural community identified in local or regional plans, policies, regulations or by the California Department of Fish and Game or US Fish and Wildlife Service? | <input type="checkbox"/> | <input type="checkbox"/> | <input checked="" type="checkbox"/> | <input type="checkbox"/> |
| c) Have a substantial adverse effect on federally protected wetlands as defined by Section 404 of the Clean Water Act (including, but not limited to, marsh, vernal pool, coastal, etc.) through direct removal, filling, hydrological interruption, or other means? | <input type="checkbox"/> | <input type="checkbox"/> | <input checked="" type="checkbox"/> | <input type="checkbox"/> |
| d) Interfere substantially with the movement of any native resident or migratory fish or wildlife species or with established native resident or migratory wildlife corridors, or impede the use of native wildlife nursery sites? | <input type="checkbox"/> | <input type="checkbox"/> | <input checked="" type="checkbox"/> | <input type="checkbox"/> |
| e) Conflict with any local policies or ordinances protecting biological resources, such as a tree preservation policy or ordinance? | <input type="checkbox"/> | <input type="checkbox"/> | <input checked="" type="checkbox"/> | <input type="checkbox"/> |
| f) Conflict with the provisions of an adopted Habitat Conservation Plan, Natural Community Conservation Plan, or other approved local, regional, or state habitat conservation plan? | <input type="checkbox"/> | <input type="checkbox"/> | <input checked="" type="checkbox"/> | <input type="checkbox"/> |

Response:

- a,d) **Less Than Significant Impact** — *The General Plan Natural and Cultural Resources Element includes policies to protect wildlife communities and habitat areas [1f]. The site is located within the Hollister and Tres Pinos quadrangles as mapped by the United States Geological Survey. The two quadrangles, covering approximately 100 square miles, are known to contain habitat for the San Joaquin kit fox, California red-legged frog, California tiger salamander, bank swallow, and Townsend's big-eared bat [4]. In addition, the area surrounding the Lemmon Acres development and the nearby portion of Fairview Road, about a half-mile to the project site's east, has been the estimated location of occurrences [4] of the burrowing owl, California tiger salamander, and California red-legged frog, the latter two species recognized as threatened by the United States Fish and Wildlife Service.*
- However, the site is not mapped within a habitat footprint of species requiring special attention [11m(1-4)]. The proposed development would take place along Rosebud Avenue, an existing street with traffic from neighboring development, and less than a quarter-mile north of Santa Ana Road, the primary road connection for the area. Development of a similar nature mostly surrounds the project site [5,6] and lies between the project site and the nearest potential wetland habitat, presenting to wildlife a barrier between that habitat and the project site. The site contains no water features and very little tree cover that would encourage habitat for sensitive wildlife [5,6]. This project's development would bring further change to the area but would create a less-than-significant impact to wildlife and habitat as the project site is already diminished as a feasible site for natural wildlife habitat.*
- b,c) **Less Than Significant Impact** — *The site itself does not contain wetlands [15] or riparian habitat [6]. Within a quarter-mile to the west is the nearby tributary to Santa Ana Creek [11j], which contains riverine and freshwater forested/shrub wetland areas [15]. However, between these areas and the project site lie residential development and disturbed lands, including the project site's immediate neighbors [5,6], and direct paths between area habitat and the project site are unlikely to exist.*
- The property minimally slopes downward to the northwest at two percent [11j] and containing no channels that would directly and rapidly deposit runoff or contaminants into wetlands. See Section VI (Geology and Soil) and Section IX (Hydrology and Water Quality) for discussion on erosion and water quality. Section IX includes discussion of drainage, which has potential for negative off-site effects on the non-adjacent Santa Ana Creek tributary, and also of drainage improvements that would minimize excessive and polluted runoff and any resulting effects on the waterway, its wetland properties, and any habitat existing there [7]. Development proposed by this project would disturb the site but create an impact that is less than significant.*
- e,f) **Less Than Significant Impact** — *The site is located within the Habitat Conservation Plan (HCP) Preliminary Study Area, as defined by County Ordinance 541, and shall be subject to an HCP interim mitigation fee upon construction per this ordinance. While County Code includes the Woodland Conservation Ordinance, the area to be developed contains minimal tree cover.*

	Potentially Significant Impact	Less Than Significant With Mitigation	Less Than Significant Impact	No Impact
V. CULTURAL RESOURCES – Would the project:				
a) Cause a substantial adverse change in the significance of a historical resource as defined in §15064.5?	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>
b) Cause a substantial adverse change in the significance of an archaeological resource pursuant to §15064.5?	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>
c) Directly or indirectly destroy a unique paleontological resource or site or unique geologic feature?	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>
d) Disturb any human remains, including those interred outside of formal cemeteries?	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>

Response:

a-d) **Less Than Significant Impact** — The site does not contain historic resources [18] or known or probable archaeological resources [11h]. However, discovery of any archaeological resources or sites will require procedures in compliance with County Ordinance 610, which regards archeological finds.

	Potentially Significant Impact	Less Than Significant With Mitigation	Less Than Significant Impact	No Impact
VI. GEOLOGY AND SOIL – Would the project:				
a) Expose people or structures to potential substantial adverse effects, including the risk of loss, injury, or death involving:				
i) Rupture of a known earthquake fault, as delineated on the most recent Alquist-Priolo Earthquake Fault Zoning Map issued by the State Geologist for the area or based on other substantial evidence of a known fault? Refer to the Division of Mines and Geology Special Publication 42.	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
ii) Strong seismic ground shaking?	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
iii) Seismic-related ground failure, including liquefaction?	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>
iv) Landslides?	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>
b) Result in substantial soil erosion or the loss of topsoil?	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>
c) Be located on a geologic unit or soil that is unstable or that would become unstable as a result of the project, and potentially result in on- or off-site landslide, lateral spreading, subsidence, liquefaction or collapse?	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
d) Be located on expansive soil, as defined in Table 18-1-B of the uniform building Code (1994), creating substantial risks to life or property?	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
e) Have soils incapable of adequately supporting the use of septic tanks or alternative waste water disposal systems where sewers are not available for the disposal of waste water?	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>

Response:

- a)
- i,ii) **Less Than Significant With Mitigation** — The project site is not located within an Alquist-Priolo Earthquake Fault Zone, although a fault zone passes a mile and a half to the southwest [11e]. In general across the local area, strong shaking is likely [6], and the geotechnical investigation for this site notes seismic hazards and strong shaking as a primary geological risk in this location [21]. Compliance with Mitigation Measure 2, for improvements to comply with the recommendations of the geotechnical investigation [21], will allow such seismic issues to generate an impact that is less than significant as a result of design that responds to natural soil conditions.
 - iii) **Less Than Significant Impact** — The project's geotechnical investigation notes that conditions on the site, including a low water table and dense soils, are "such [that] the potential for liquefaction is considered low" [21].
 - iv) **No Impact** — The level subject property is not in a location susceptible to landsliding [6,11c].
- b) **Less Than Significant Impact** — Antioch loam of the types found on 0 to 2 percent slopes and 2 to 5 percent slopes covers all of the site and has an erosion risk of "slight" [3]. The project's geotechnical investigation does not cite erosion

as a notable hazard on the property [21]. Erosion will not likely be a problem for construction on the site, and the aforementioned mitigation of seismic hazards would result in structures designed in careful consideration of the site's soil conditions.

- c) **Less Than Significant With Mitigation** — As discussed in parts i and ii of item a, compliance with the recommendations of the project's geotechnical investigation [21] under Mitigation Measure 2 will allow the project to create an impact that is less than significant with regard to geological hazard and soil failure. This includes impacts resulting from the project itself, which would be minimized by adherence to the report's recommendations.
- d) **Less Than Significant With Mitigation** — The site's soil type of Antioch loam, as found on 0 to 2 and 2 to 5 percent slopes, generally has a "moderate" shrink-swell potential [3]. The project's geotechnical investigation of the project site remarks that "the clayey soils are considered to have low to moderate expansion potential" and notes potential moisture-induced soil volume change [21]. Compliance with Mitigation Measure 2, to follow the recommendations of the geotechnical investigation, will maintain these issues at a level that is less than significant.
- e) **Less Than Significant Impact** — The site's soil presents "severe" limits on the use of septic systems with "very slow" permeability [3]. The proposed activity will require the use of septic systems, which are governed by existing requirements administered by the County Division of Environmental Health in order to allow septic system use including that by the proposed project. See Section IX (Hydrology and Water Quality) for further discussion.

Mitigation Measure 2:

- a. The applicant shall submit engineered improvement plans for this project that comply with the recommendations of the geotechnical investigation with the file number SB11007, dated April 2016, prepared for this property by Haro, Kasunich & Associates, Inc., and on file at the San Benito County Resource Management Agency.
- b. Prior to recordation of the final subdivision map, a complete compilation of test reports along with a letter from the soils/geotechnical engineer attesting compliance with requirements and recommendations of the soil investigation report shall be submitted to County Resource Management Agency Public Works staff upon completion of site improvements.
- c. A note shall be placed on the final subdivision map to this effect.

Potentially Significant Impact	Less Than Significant With Mitigation	Less Than Significant Impact	No Impact
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VII. GREENHOUSE GAS EMISSIONS – Would the project:

- a) Generate greenhouse gas emissions, either directly or indirectly, that may have a significant impact on the environment? Potentially Significant Impact, Less Than Significant With Mitigation, Less Than Significant Impact, No Impact
- b) Conflict with any applicable plan, policy or regulation adopted for the purpose of reducing the emissions of greenhouse gases? Potentially Significant Impact, Less Than Significant With Mitigation, Less Than Significant Impact, No Impact

Response:

a,b) **Less Than Significant Impact** — Emissions of certain gases into the atmosphere are believed to have resulted in a warming trend across the globe, and human activity is believed to be an influence on this trend. Releases of greenhouse gases (GHG)—carbon dioxide (CO₂), methane (CH₄), nitrous oxide (N₂O), and water vapor, which occur naturally and prevent the escape of heat energy from the Earth's atmosphere—are thought to have been unnaturally increased by activities such as fossil-fuel consumption. The warming trend became especially pronounced in the 1990s, thought to be the warmest years in human history. Believed future impacts of climate change may include significant weather-pattern changes, decreased water availability, increased occurrence of wildfires, and resulting health effects.

In 2006, State Assembly Bill (AB) 32, the Global Warming Solutions Act of 2006, set a goal of reducing GHG emissions to 1990 levels by 2020. Subsequently, 2007's State Senate Bill (SB) 97 added greenhouse-gas emissions to the set of environmental issues requiring analysis under CEQA. In addition, the County General Plan Health and Safety Element contains Goal HS-5, to "improve local and regional air quality to protect residents from the adverse effects of poor air quality," and also contains policies supporting programs for greenhouse-gas reduction, although policy specifically addressing the proposed development is not included.

According to analysis of the project using CalEEMod Version 2013.2.2, the project would emit carbon-dioxide-equivalent substances, or GHG, in amounts shown in the table. No standard established for San Benito County and its air basin, managed by

	Greenhouse Gas Emissions (metric tons per year)	
	Unmitigated	Mitigated
Construction ⁶	7.87	7.87
Area	10.70	5.11
Energy	27.72	27.72
Mobile	149.34	149.34
Waste	7.21	7.21
Water	1.58	1.32
Total	204.41	198.57
Per person ⁷	5.68	5.52

⁶ Both figures are the quotient from amortizing 393.69 metric tons emitted by project construction across a 50-year life cycle.

⁷ These two figures represent the project's total resulting metric tons of greenhouse gas emissions per capita of the project site's potential 36 future residents (see Section XIII, Population and Housing, for discussion on this future population figure).

the Monterey Bay Air Resources District (MBARD), is available to indicate whether emissions could be considered significant. However, the San Luis Obispo County Air Pollution Control District (SLOCAPCD) uses detailed standards that can be used to analyze this project's emissions. Under SLOCAPCD standards, a project's GHG emissions can be considered a less-than-significant impact if the project is modeled to emit fewer than 1,150 metric tons per year of carbon dioxide equivalent annually. This takes into account both operational impacts (including area-, energy-, mobile-, waste-, and water-related sources) and construction impacts; because construction is a one-time activity, SLOCAPCD practices instruct that emissions be amortized, or spread, across a 50-year period and then added to operational impacts. The sum of these annual GHG emissions, as shown in the table, amounts to less than the aforementioned SLOCAPCD threshold. Therefore, the greenhouse-gas emissions of the proposed project can be considered less than significant under SLOCAPCD standards. The threshold set by SLOCAPCD can be reached by far larger projects, such as suburban developments of dozens or hundreds of residences [22,23] but would not be reached by projects of a much smaller scale like that of this proposal.

	Potentially Significant Impact	Less Than Significant With Mitigation	Less Than Significant Impact	No Impact
VIII. HAZARDS AND HAZARDOUS MATERIALS – Would the project:				
a) Create a significant hazard to the public or the environment through the routine transport, use, or disposal of hazardous materials?	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>
b) Create a significant hazard to the public or the accident conditions involving the release of hazardous materials into the environment?	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>
c) Emit hazardous emissions or handle hazardous or acutely hazardous materials, substances, or waste within one-quarter mile of an existing or proposed school?	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>
d) Be located on a site which is included on a list of hazardous materials sites compiled pursuant to Government Code Section 65962.5 and, as a result, would it create a significant hazard to the public or the environment?	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>
e) For a project located within an airport land use plan or, where such a plan has not been adopted, within two miles of a public airport or public use airport, would the project result in a safety hazard for people residing or working in the project area?	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>
f) For a project within the vicinity of a private airstrip, would the project result in a safety hazard for people residing or working in the project area?	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>
g) Impair implementation of or physically interfere with an adopted emergency response plan or emergency evacuation plan?	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>
h) Expose people or structures to a significant risk of loss, injury or death involving wildland fires, including where wildlands are adjacent to urbanized areas or where residences are intermixed with wildlands?	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>

Response:

- a-c) **No Impact** — The project proposes no use or transportation of hazardous materials [7]. Any future use of hazardous materials in this residential development is unlikely but will require permitting by the County Division of Environmental Health.
- d) **No Impact** — The site is not on a list of hazardous-materials sites [11].
- e,f) **Less Than Significant Impact** — The property is located approximately 2½ miles (as the crow flies) from Hollister Municipal Airport property. According to the Hollister Airport Land Use Compatibility Plan [19], the property is mostly within the Airport Influence Area and underneath a modeled arrival flight path but away from immediate traffic zones requiring special attention to safety by land development. The nearest private airstrip is also located approximately 2½ miles away and poses no risk to future residents [6].
- g) **Less Than Significant Impact** — The proposal would expand the neighborhood's existing residential use, which in itself would not present an added barrier to emergency response. Access to and from the site would be designed to current standards established with emergency response as a consideration. In addition, Chapter 11.01 of the San Benito County Code states that the County of San Benito Disaster Council is responsible for the development of the County of San Benito emergency plan, which provides for mobilization of the County's resources during times of major emergency within the County. The proposed project would not interfere with implementation of an adopted emergency response plan or emergency evacuation plan.
- h) **Less Than Significant Impact** — The site is close to City of Hollister limits and is designated "urban unzoned" for fire protection purposes [11]. Wildland fire risk is not a significant issue on the property, and the project site is close to

incorporated Hollister, benefiting from fast response times by fire-response personnel. Construction of all new structures will be required to perform measures in conformance with fire code.

	Potentially Significant Impact	Less Than Significant With Mitigation	Less Than Significant Impact	No Impact
IX. HYDROLOGY AND WATER QUALITY – Would the project:				
a) Violate any water quality standards or waste discharge requirements?	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>
b) Substantially deplete groundwater supplies or interfere substantially with groundwater recharge such that there would be a net deficit in aquifer volume or a lowering of the local groundwater table level (e.g., the production rate of pre-existing nearby wells would drop to a level which would not support existing land uses or planned uses for which permits have been granted)?	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>
c) Substantially alter the existing drainage pattern of the site or area, including through the alteration of the course of a stream or river, or substantially increase the rate or amount of surface runoff in a manner which would result in substantial erosion or siltation on- or off-site?	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
d) Substantially alter the existing drainage pattern of the site or area, including through the alteration of the course of a stream or river, or substantially increase the rate or amount of surface runoff in a manner which would result in flooding on- or off-site?	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
e) Create or contribute runoff water which would exceed the capacity of existing or planned stormwater drainage systems or provide substantial additional sources of polluted runoff?	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
f) Otherwise substantially degrade water quality?	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>
g) Place housing within a 100-year flood hazard area as mapped on a federal Flood Hazard Boundary or Flood Insurance Rate Map or other flood hazard delineation map?	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>
h) Place within a 100-year flood hazard area structures which would impede or redirect flood flows?	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>
i) Expose people or structures to a significant risk or loss, injury or death involving flooding, including flooding as a result of the failure of a levee or dam?	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>
j) Inundation by seiche, tsunami, or mudflow?	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>

Response:

- a) **Less Than Significant Impact** — The residential project proposes use of public water service through the Sunnyslope County Water District and septic systems on each proposed lot. Development of this type and scale is subject to existing public health requirements (including County Code Chapter 15.07, regarding sewage disposal) enforced by the County Division of Environmental Health in order to ensure that the proposed project does not contaminate groundwater and expose on- and off-site population and land uses to health hazards and pollution.
- b) **Less Than Significant Impact** — As described in item a, the project proposes to connect to the Sunnyslope County Water District water system and would incrementally increase demand on that public service. As described in items c–e, the proposed development would establish impervious surfaces but would direct runoff to on-site features allowing drainage to approximate natural flow.
- c–e) **Less Than Significant With Mitigation** — The project application proposes impervious surfaces including structures and pavement for road extension and driveways, which would divert drainage within the impervious area’s footprint. Construction activities would also have potential to affect drainage and also introduce impurities into runoff. County Code §23.31.001 et seq. defines “design standards for the construction of subdivisions, and commercial and other types of development.” The proposed residential project is subject to these standards, which addresses project engineering concerns including drainage. The project applicant would be required to submit improvement plans depicting control of additional runoff resulting from impervious surfaces. Mitigation Measure 3 addresses this, and compliance with the mitigation, the County Code standards, and the process therein would maintain impact at a level less than significant.
- f) **Less Than Significant Impact** — Activity proposed on the property would have potential to degrade water quality through runoff and sewage disposal. Items c through e describe proposed engineered drainage features that would control runoff, and item a refers to existing regulation addressing sewage disposal for the site.

g-j) **Less Than Significant Impact** — The property is not within a 100-year flood hazard area, and the project proposes no housing or other structures within a flood zone [11c]. The site is neither located downstream of a levee or dam holding a substantial volume of water or presenting substantial risk to the subject property [11j] nor located near a body of water that could experience a tsunami or seiche. The terrain of the site is generally flat, away from steeper slopes that could create mudflows; see Section VI (Geology and Soil) item b for discussion of a minimal hazard of erosion.

Mitigation Measure 3:

- a. As part of the submission of engineered improvement plans for this project, the applicant shall comply with County Drainage Standards and therefore shall provide storm drainage system capable of collecting and conveying runoff generated by the proposed project for a 100-year flood. The storm drain system shall provide for the protection of abutting and off-site properties that could be adversely affected by any increase in runoff attributed to the proposed subdivision. Included in this will be drainage calculations and full construction details for the proposed individual retention/detention ponds. All drainage improvements shall be installed or bonded for prior to recordation of the final subdivision map.
- b. Prior to start of grading/construction activities, a Stormwater Pollution Prevention Plan (SWPPP) prepared by a certified Qualified SWPPP Practitioner (QSP) or Qualified SWPPP Developer (QSD) shall be submitted to County Public Works Department. A QSD/QSP shall be retained for the duration of the construction and shall be responsible to coordinate and comply with requirements by the Regional Water Quality Control Board, to file a Notice of Intent (per Construction General Permit Order No. 2009-0009-DWQ as amended by 2010-0014 DWQ), and to monitor the project as to compliance with requirements until its completion.

Potentially Significant Impact	Less Than Significant With Mitigation	Less Than Significant Impact	No Impact
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X. LAND USE AND PLANNING – Would the project:

- | | | | | |
|---|--------------------------|--------------------------|-------------------------------------|-------------------------------------|
| a) Physically divide an established community? | <input type="checkbox"/> | <input type="checkbox"/> | <input type="checkbox"/> | <input checked="" type="checkbox"/> |
| b) Conflict with any applicable land use plan, policy, or regulation of an agency with jurisdiction over the project (including, but not limited to the general plan, specific plan, local coastal program, or zoning ordinance) adopted for the purpose of avoiding or mitigating an environmental effect? | <input type="checkbox"/> | <input type="checkbox"/> | <input checked="" type="checkbox"/> | <input type="checkbox"/> |
| c) Conflict with any applicable habitat conservation plan or natural community conservation plan? | <input type="checkbox"/> | <input type="checkbox"/> | <input checked="" type="checkbox"/> | <input type="checkbox"/> |

Response:

- a) **No Impact** — The project as proposed would extend the existing surrounding land uses onto the subject property. The project itself would further establish community and not construct a divide.
- b) **Less Than Significant Impact** — The site has been considered for residential use both by the County and by the City of Hollister. Since 2005, the City of Hollister under its general plan has mapped the project site for a future phase of growth and designated the property and its neighbors as Rural Residential. This designation envisions one dwelling per five acres, and the project would greatly exceed the City's density standard. However, the property is governed by the County and its General Plan land use designation also named Rural Residential but allowing one dwelling per single acre, and the project site is mostly surrounded by existing development already exceeding the City's density. In addition, the County General Plan was adopted with policies added or changed to mitigate environmental impacts resulting from the plan itself. This project, together with proposed environmental impact mitigation and existing regulation, does not deviate from those policies.
The project as proposed is reviewed in this document according to County General Plan policies and County Code provisions, the latter written to be consistent with the former and both designed to comply with regional, State, and federal regulations. Mitigations to maintain environmental impacts at insignificant levels are derived from these laws, and other impacts are found to be insignificant as a result of the laws' existing jurisdiction.
- c) **Less Than Significant Impact** — No habitat conservation plans, natural community conservation plans, or other approved local, regional, or state habitat conservation plans include the project site. Under County Ordinance 541, the site is located within the Habitat Conservation Plan preliminary study area and shall be subject to an interim mitigation fee per this ordinance. See Section IV (Biological Resources) for further discussion of habitat.

Potentially Significant Impact	Less Than Significant With Mitigation	Less Than Significant Impact	No Impact
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XI. MINERAL RESOURCES – Would the project:

- a) Result in the loss of availability of a known mineral resource that would be of value to the region and the residents of the state?
- b) Result in the loss of availability of a locally-important mineral resource recovery site delineated on a local general plan, specific plan, or other land use plan?

<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>
<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>

Response:

a,b) **No Impact** — *The project site is outside and away from areas identified as containing mineral resources [1h].*

Potentially Significant Impact	Less Than Significant With Mitigation	Less Than Significant Impact	No Impact
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XII. NOISE – Would the project result in:

- a) Exposure of persons to or generation of noise levels in excess of standards established in the local general plan or noise ordinance, or applicable standards of other agencies?
- b) Exposure of persons to or generation of excessive groundborne vibration or groundborne noise levels?
- c) A substantial permanent increase in ambient noise levels in the project vicinity above levels existing without the project?
- d) A substantial temporary or periodic increase in ambient noise levels in the project vicinity above levels existing without the project?
- e) For a project located within an airport land use plan or, where such a plan has not been adopted, within two miles of a public airport or public use airport, would the project expose people residing or working in the project area to excessive noise levels?
- f) For a project within the vicinity of a private airstrip, would the project expose people residing or working in the project area to excessive noise levels?

<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>
<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>
<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>
<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>
<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>
<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>

Response:

a-d) **Less Than Significant Impact** — *The General Plan Health and Safety Element addresses noise from aircraft, ground transportation, industry, and construction. Grading and construction activities will temporarily expose neighboring properties to increased noise, while noise levels will increase incrementally as a result of increased activity within the immediate vicinity. Noise levels from both temporary and long-term sources are governed by County Ordinance 667 §1(XV) (County Code §25.37.035) and Ordinance 872 (County Code Chapter 19.39), which limit impacts to a level less than significant; this includes noise resulting from construction, which will be limited by the ordinances to the hours of 7 a.m. to 7 p.m. except Sundays and federal holidays.*

e,f) **Less Than Significant Impact** — *The property is located two-and-a-half miles from both the Hollister Municipal Airport property and the nearest private airstrip. The project site is partially within the Airport Influence Area for the Hollister Municipal Airport [17], where real estate transactions are required to disclose the airport's proximity. In this area, air traffic would pass over the project site along predetermined flight paths [17] but would generally take place at an altitude high enough to create noise impacts to the property that are noticeable but not immediate [6].*

Potentially Significant Impact	Less Than Significant With Mitigation	Less Than Significant Impact	No Impact
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XIII. POPULATION AND HOUSING – Would the project:

- a) Induce substantial population growth in an area, either directly (for example, by proposing new homes and businesses) or indirectly (for example, through extension or roads or other infrastructure)?
- b) Displace substantial numbers of existing housing necessitating the construction of replacement housing elsewhere?

<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>
<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>

Potentially Significant Impact	Less Than Significant With Mitigation	Less Than Significant Impact	No Impact
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c) Displace substantial numbers of people, necessitating the construction of replacement housing elsewhere?

<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>
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Response:

a) **Less Than Significant Impact** — As estimated for the start of 2016, population of Sari Benito County is 56,648, and that of incorporated Hollister, almost adjacent to the project site, is 36,484 [19]. The proposed residential development, including both primary and accessory residences, could accommodate 36 people (at San Benito County's current owner-occupied household size of 3.17 persons for the primary residences plus the County Code maximum of two per accessory dwelling) [20].

The preparation of the County General Plan contemplated the location and density of future population and housing across the unincorporated area. The proposed residential lots do not vary from this plan and would not represent population growth beyond that already considered. The project would occur on property almost surrounded by sites already developed at a similar density and roughly 300 feet from an incorporated development at approximately seven dwelling units per acre in density. In addition, Sunnyslope County Water District lines currently run to the area, while City of Hollister sewer lines are already planned for extension to the vicinity as part of the nearby incorporated development. Conditions for population growth already exist in the area with insubstantial inducement from this project.

b,c) **No Impact** — The project, enabling the construction of new housing on currently vacant and historically agricultural land, would not require displacement of any existing housing and residents.

Potentially Significant Impact	Less Than Significant With Mitigation	Less Than Significant Impact	No Impact
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XIV. PUBLIC SERVICES --

a) Would the project result in substantial adverse physical impacts associated with the provision of new or physically altered governmental facilities, need for new or physically altered governmental facilities, the construction of which could cause significant environmental impacts, in order to maintain acceptable service ratios, response times or other performance objectives for any of the public services:

Fire protection?

<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>
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Police protection?

<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>
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Schools?

<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>
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Parks?

<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>
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Other public facilities?

<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>
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Response:

a) **Less Than Significant Impact** — Demand for these services, funded by the County as a whole, would rise incrementally as a result of possible population growth. Impact fees, e.g., for parks and schools, would help fund increased use of these services and will be a requirement of building permit issuance for the proposed development under County Code Chapter 5.01. County Code §23.15.008 requires that development contribute to parkland through dedication of land or an equivalent in-lieu fee.

Potentially Significant Impact	Less Than Significant With Mitigation	Less Than Significant Impact	No Impact
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XV. RECREATION --

a) Would the project increase the use of existing neighborhood and regional parks or other recreational facilities such that substantial physical deterioration of the facility would occur or be accelerated?

<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>
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b) Does the project include recreational facilities or require the construction or expansion of recreational facilities which might have an adverse physical effect on the environment?

<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>
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Response:

a,b) **Less Than Significant Impact** — The project does not include construction of recreational facilities, and use of parks in the area could slightly increase. Population increases in general will require eventual construction and expansion of

recreational facilities; Section XIV (Public Services) notes the parkland dedication requirements of County Code §23.15.008 and further discusses increased demands on public facilities.

	Potentially Significant Impact	Less Than Significant With Mitigation	Less Than Significant Impact	No Impact
XVI. TRANSPORTATION/TRAFFIC – Would the project:				
a) Conflict with an applicable plan, ordinance or policy establishing measures of effectiveness for the performance of the circulation system, taking into account all modes of transportation including mass transit and non-motorized travel and relevant components of the circulation system, including but not limited to intersections, streets, highways and freeways, pedestrian and bicycle paths, and mass transit?	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
b) Conflict with an applicable congestion management program, including, but not limited to level of service standards and travel demand measures, or other standards established by the county congestion management agency for designated roads or highways?	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
c) Result in a change in air traffic patterns, including either an increase in traffic levels or a change in location that results in substantial safety risks?	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>
d) Substantially increase hazards due to a design feature (e.g. sharp curves, or dangerous intersections) or incompatible uses (e.g., farm equipment)?	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>
e) Result in inadequate emergency access?	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>
f) Conflict with adopted policies, plans, or programs regarding public transit, bicycle, or pedestrian facilities, or otherwise decrease the performance of safety of such facilities?	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>

Response:

a,b) **Less Than Significant With Mitigation** — *The County General Plan’s Circulation Element Policy C-1.12 states that the “County shall endeavor to maintain a General Plan target goal of LOS D at all locations.” The Circulation Element’s policies and actions, as well as the County Subdivision Ordinance, require the developer to provide road dedication and construction in conjunction with the project.⁸ The County in its initial review of the project has determined the proposed road improvements would comply with County Subdivision Ordinance road standards and accordingly create conditions in the area to maintain an acceptable level of performance.*

The subject property has public street frontage along Rosebud Avenue. The frontage would be modified to conform the street to the standard design of a local residential street with through access.⁹ The street was first established for Tentative Subdivision Map 99-66, recorded in 2007, with Rosebud Avenue designed as a cul-de-sac with a turning bulb but constructed with a temporary direct connection to Santa Ana Road, sufficient only for secondary access by that subdivision’s residents and by emergency vehicles. In June 2015, Tentative Subdivision Map (TSM) 16-95 was approved for development immediately south of the subject property and included streets connecting Rosebud Avenue to Santa Ana Road in a manner consistent with standard design and maintaining street connectivity. In addition to providing sufficient access to the lots of TSM 16-95, those improvements would also enable sufficient access for lots proposed on the TSM 16-99 subject property. The lack of such improvements would require alternative features not proposed by the TSM 16-99 applicant, and Mitigation Measure 4 requires that TSM 16-99 be not recorded until the TSM 16-95 improvements are completed and accepted by the County.

With regard to the larger community, the project would result in 251,437 vehicle-miles traveled annually and 61 to 71 vehicle-miles traveled daily, according to estimates from CalEEMod Version 2013.2.2 modeling. These figures are uncertain in their assumption of single-family housing in a rural location and could be higher given the area’s population of commuters employed outside San Benito County or lower given the site’s proximity to incorporated Hollister. However, the result would likely be typical of such development in the unincorporated area close to Hollister. The County’s Transportation Impact Mitigation Fee (TIMF) considers typical and planned development patterns and address changes in area traffic conditions occurring through 2035 from development such as this. All residential construction is subject to this fee, collected upon building permit issuance and funding transportation improvements, in part to maintain the minimum level of service. As such, the project would not create a significant impact to circulation in the broader area beyond the subject property’s immediate neighborhood.

⁸ Road standards are defined in County Code §23.29.001, dedication requirements are defined by County Code §23.15.002, and improvement requirements defined in County Code Chapter 23.17.

⁹ Further described in County Code §23.29.001.

In addition, proposed Lot 7 and its northern neighboring lot would continue to be accessible via an existing private drive connecting directly to Santa Ana Road. The subdivision would bring no change, including no additional negative impact, to the neighborhood and its greater surroundings by proposing continued use of this drive for the two lots it now serves.

- c) **No Impact** — The project site, located 2½ miles from the Hollister Municipal Airport, sits partially within the Airport Influence Area under an arrival flight path [17]. The site's distance from the airport and the degree and type of the proposed construction would each present no interference with the operations of the airport.
- d,e) **No Impact** — The project's additional street right-of-way and physical street features are both proposed and required to comply with County Subdivision Ordinance road standards, including geometry and sight distance, developed in part to accommodate safety and emergency access.
- f) **Less Than Significant Impact** — The project application proposes to improve its frontage along Rosebud Avenue to County standards, which would include the construction of a sidewalk where none currently exists. The project area is not presently located within proximity to public transportation, and this would remain the same after the project, although the project and its design for street improvements would not further impede public transit activity. The street network of the project vicinity would maintain the same degree of connectivity as before the project.

Mitigation Measure 4: The final subdivision map resulting from Tentative Subdivision Map 16-99 shall occur at no time earlier than the completion and County acceptance of road improvements composed of extensions to Rosebud Avenue and Gardenia Lane as proposed for Assessor's Parcel 019-18-0-046-0 by Tentative Subdivision Map 16-95, a six-lot subdivision approved by the County on June 15, 2016.

	Potentially Significant Impact	Less Than Significant With Mitigation	Less Than Significant Impact	No Impact
XVII. UTILITIES AND SERVICE SYSTEMS – Would the project:				
a) Exceed wastewater treatment requirements of the applicable Regional Water Quality Control Board?	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>
b) Require or result in the construction of new water or wastewater treatment facilities or expansion of existing facilities, the construction of which could cause significant environmental effects?	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>
c) Require or result in the construction of new storm water drainage facilities or expansion of existing facilities, the construction of which could cause significant environmental effects?	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
d) Have sufficient water supplies available to serve the project from existing entitlements and resources, or are new or expanded entitlements needed?	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>
e) Result in determination by the wastewater treatment provider which serves or may serve the project that it has adequate capacity to serve the project's projected demand in addition to the provider's existing commitments?	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>
f) Be served by a landfill with sufficient permitted capacity to accommodate the project's solid waste disposal needs?	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>
g) Comply with federal, state, and local statutes and regulations related to solid waste?	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>

Response:

- a,b,e) **Less Than Significant Impact** — As also discussed in Section IX (Hydrology and Water Quality), the development as proposed would include septic systems on each proposed parcel to collect wastewater from each residence. Establishment and use of the system would be subject to existing public health requirements that are enforced by the County Division of Environmental Health to prevent groundwater contamination and health hazards affecting population and land use on and off the subject property.
- c) **Less Than Significant With Mitigation** — As more thoroughly described in Section IX (Hydrology and Water Quality), the submitted development plan includes detention ponds to collect excess stormwater runoff from impervious surfaces such as rooftops and pavement and allow the runoff to drain gradually. While water left standing in the ponds can serve as a breeding site for mosquitoes, proper design in accordance with Mitigation Measure 5 can minimize this breeding and the potential associated hazards.
- d) **Less Than Significant Impact** — The proposed residences are intended to connect to the Sunnyslope County Water District water system and would incrementally increase use of the system's supply. The district has acknowledged willingness and ability to provide water service to the proposed project.
- f,g) **Less Than Significant Impact** — The site will be served by the John Smith Landfill, the primary site for solid waste disposal for San Benito County. Solid waste disposal is governed by County Code Chapter 15.01, under which the

proposed use would be required to have its solid waste collected for disposal in the John Smith Landfill, which currently has sufficient capacity to accommodate the project.

Mitigation Measure 5: The applicant or subsequent property owner/developer shall employ measures to prevent the spread of vector-borne diseases. Prior to recordation of the final subdivision map and upon completion of the proposed detention pond's construction, the applicant or subsequent property owner shall schedule an inspection with the Office of the Agricultural Commissioner to verify the detention pond's use of vector control measures.

	Potentially Significant Impact	Less Than Significant With Mitigation	Less Than Significant Impact	No Impact
XVIII. MANDATORY FINDINGS OF SIGNIFICANCE –				
a) Does the project have the potential to degrade the quality of the environment, substantially reduce the habitat of a fish or wildlife species, cause a fish or wildlife population to drop below self-sustaining levels, threaten to eliminate a plant or animal community, reduce the number or restrict the range of a rare or endangered plant or animal or eliminate important examples of the major periods of California history or prehistory?	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
b) Does the project have impacts that are individually limited, but cumulatively considerable? ("Cumulatively considerable" means that the incremental effects of a project are considerable when viewed in connection with the effects of past projects, the effects of other current projects, and the effects of probable future projects)?	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
c) Does the project have environmental effects which will cause substantial adverse effects on human beings, either directly or indirectly?	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>

Response:

- a) *Less Than Significant With Mitigation* — Section II (Agriculture and Forestry Resources) notes no significant change to woodlands. Section III (Air Quality) describes potential effects on air and mitigation to reduce impacts to a level less than significant. Section IV (Biological Resources) finds impacts less than significant to native habitat conditions on and around the property. Section V (Cultural Resources) notes neither historic nor prehistoric resources on or near the property, though County Ordinance 610 sets requirements in case of an archaeological find. Section IX (Hydrology and Water Quality) identifies potential for on-site grading and new structures to degrade water quality but provides mitigation to reduce impacts to a level less than significant.
- b) *Less Than Significant With Mitigation* — Section XVI (Transportation/Traffic) notes that transportation to and from the project has potential for impacts that would be addressed by County Subdivision Ordinance and Transportation Impact Mitigation Fee (TIMF) requirements, and these programs have been established to address cumulative effects of local development in general. Air quality, greenhouse gas, and water quality effects could be counted as contributing to a cumulative effect with other projects, but pollution control measures combined with project design would keep the contribution less than significant. Population could rise from the project, but cumulative population-related effects are addressed by other topics' mitigations, such as those of air quality and transportation, in addition to existing programs and practices responding to population growth, such as impact fees. In addition, the County 2035 General Plan has been adopted, and its environmental impact report has been certified, in part to consider and give cohesive policy addressing cumulative effects of the various activities taking place in San Benito County on an ongoing basis.
- c) *Less Than Significant With Mitigation* — As discussed in Section III (Air Quality), emissions resulting from the project would not exceed MBUAPCD thresholds of significance, but construction activity could otherwise create health impacts that would become less than significant through mitigation. Section VI (Geology and Soil) discusses potential geological issues that can be mitigated by geotechnical engineering performed for this project. Section IX (Hydrology and Water Quality) discusses effects on water quality that mitigation would lessen. Section XVI (Transportation/Traffic) identifies an issue in providing sufficient access to the site from the area's main thoroughfare, Santa Ana Road, although mitigation brings this issue to a level less than significant. Section XVII (Utilities And Service Systems) identifies a hazard of vector-borne diseases that would be controlled through mitigation. Other effects on humans would either be insignificant or be unlikely to occur.

XIX. LIST OF REFERENCES

The numbers indicated in the checklist in parentheses refer to this numbered list:

1. San Benito 2035 County General Plan
 - a. Land Use Element
 - b. Economic Development Element
 - c. Housing Element
 - d. Circulation Element
 - e. Public Facilities and Services Element
 - f. Natural and Cultural Resources Element
 - g. Health and Safety Element
 - h. Administration Element
 - i. Background Report, November 2010
2. San Benito County Ordinances
 - a. Zoning Ordinance
 - b. Grading Ordinance
3. *Soil Survey for San Benito County*, 021-000-009, 1969, US Dept. of Agriculture, SCS.
4. Natural Diversity Data Base for San Benito County.
5. Field Inspection.
6. Staff Knowledge of Area.
7. Project File
8. *Air Quality Management Plan*, Monterey Bay Air Resources District.
9. *Water Quality Control Plan for the Central Coastal Basin*, California Regional Water Quality Control Board, Central Coast Region, September 1994.
10. *AMBAG Population Projections*, Association of Monterey Bay Area Governments
11. Maps
 - a. General Plan Land Use Map
 - b. Zoning Map, San Benito County
 - c. Landslide Hazard Identification Maps: Relative Susceptibility Map
 - d. Landslide Hazard Identification Maps: Landslide and Related Features Map
 - e. Alquist-Priolo Fault Hazard Maps, 1986
 - f. Fire Hazard Severity Zones in State Responsibility Areas
 - g. FEMA Flood Insurance Rate Map panels 06069C0185D and 06069C0205D, dated April 16, 2009
 - h. San Benito County Sensitivity Maps, Prehistoric Cultural Resources
 - i. Habitat Conservation Plan Impact Fee Map (County Ordinance 541)
 - j. U.S.G.S. 7½-minute quadrangles: Hollister and Tres Pinos
 - k. San Benito County Important Farmland 2012 Map, California Department of Conservation, Office of Land Conservation, Farmland Mapping and Monitoring Program, <<http://www.conservation.ca.gov/dlrp/fmmp/Pages/SanBenito.aspx>> July 29, 2016.
 - l. Envirostor, California Department of Toxic Substances Control <www.envirostor.dtsc.ca.gov/public>, July 29, 2016.
- m. U.S. Fish & Wildlife Service ECOS Environmental Conservation Online System
 - (1) Species Profile for California tiger Salamander (*Ambystoma californiense*), <http://crithab.fws.gov/tess_public/profile/speciesProfile.action?spcode=D01T> May 6, 2016.
 - (2) Species Profile for California red-legged frog (*Rana draytonii*), <http://crithab.fws.gov/tess_public/profile/speciesProfile?sid=2891> May 6, 2016.
 - (3) Species Profile for San Joaquin Kit fox (*Vulpes macrotis mutica*), <http://crithab.fws.gov/tess_public/profile/speciesProfile?sid=2873> May 6, 2016.
 - (4) Species Profile for Burrowing Owl (*Athene cunicularia*), <http://crithab.fws.gov/tess_public/profile/speciesProfile.action?spcode=B0NC> May 6, 2016.
12. *CEQA Air Quality Guidelines*, Monterey Bay Air Resources District
13. *Trip Generation* (3rd edition), Institute of Transportation Engineers
14. California Scenic Highway Mapping System, California Department of Transportation <http://www.dot.ca.gov/hq/LandArch/scenic_highways/>
15. Wetlands Geodatabase, U.S. Fish and Wildlife Service, Division of Habitat and Resource Conservation <<https://www.fws.gov/wetlands/Data/Mapper.html>>
16. Web Soil Survey, National Cooperative Soil Survey, Natural Resources Conservation Service <<http://websoilsurvey.nrcs.usda.gov/app/WebSoilSurvey.aspx>>
17. Hollister Municipal Airport Land Use Compatibility Plan, San Benito County Airport Land Use Commission, 2012.
18. San Benito County 1992 General Plan Environmental Resource and Constraints Inventory (adopted 1994).
19. *E-1 Cities, Counties, and the State Population Estimates with Annual Percent Change— January 1, 2015 and 2016*, California Department of Finance, May 2016, <http://www.dof.ca.gov/research/demographic/reports/estimates/e-1/documents/E-1_2016_InternetVersion.xls>.
20. 2010-2014 American Community Survey 5-Year Estimates Table B25010, United States Census Bureau.
21. *Geotechnical Investigation for Seven Lot Subdivision 1512 Santa Ana Road Hollister, California*, project number SB11007, Haro, Kasunich & Associates, Inc., April 2016.
22. Tentative Map Application No. 2013-5 Villages at Santa Ana Creek Initial Study and Mitigated Negative Declaration, City of Hollister, April 2014.
23. Del Webb at San Juan Oaks Specific Plan Draft Subsequent Environmental Impact Report, SCH# 2013101006, County of San Benito, June 2015.

XX. FIGURES

1. Vicinity Map
2. Site Plan

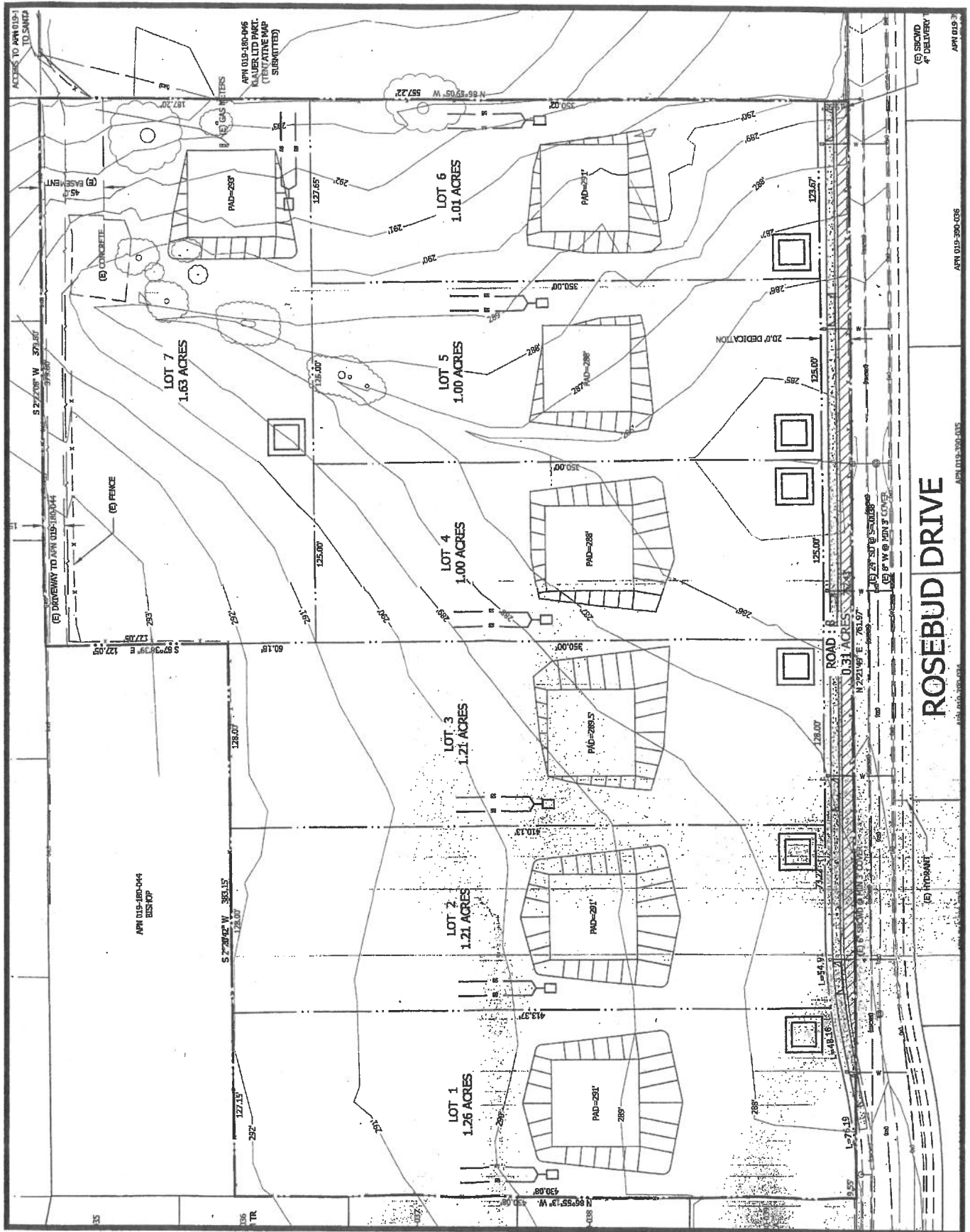


Figure 1. Site Plan



Figure 2. Vicinity Map

APPROVED BOUNDARY CHANGE PROPOSALS

6. LAFCO 526 Chappell Road Annexation to the City of Hollister; status report on protest hearing conducted on March 28, 2019.



May 9, 2019 (Agenda)

Local Agency Formation Commission
2301 Technology Parkway
Hollister CA 95023

**LAFCO 526 – Chappell Road Annexation to the City of Hollister
Results of Protect Hearing
(Agenda Item 6)**

Dear Members of the Commission:

RECOMMENDATION

It is recommended the Commission receive and file this report.

DISCUSSION

The Chappell Road Annexation to the City of Hollister was initiated by the City on October 10, 2018, and approved by the Commission on January 10, 2019.

Because the Commission did not receive written consent of all affected landowners it was necessary to notice and conduct a protest hearing following LAFCO's approval. The Commission has delegated to its staff the responsibility to conduct such protest hearings.

The staff conducted the required protest hearing on Thursday, March 28, 2019 in the Board of Supervisors chambers. No written protests were received at the hearing or prior to the hearing. Therefore, the annexation can proceed with recordation once the conditions of approval have been satisfied.

Please contact the LAFCO office if you have any questions.

Sincerely,

Bill Nicholson
Executive Officer

BUSINESS ITEMS – NON-HEARING ITEMS

- 7. Presentation on Agricultural Land Preservation and Mitigation: Involving a summary of the California Association of Local Agency Formation Commissions (CALAFCO) White Paper “State of the Art on Agricultural Preservation” along with a presentation by the San Benito Agricultural Land Trust.**
- 8. Consideration of changing Commission meeting day and start time to 3:00 p.m. on the third Wednesday of each month.**
- 9. Update on CALAFCO tracked legislation and consider letter of opposition to AB 600 (chu) which requires all cities, counties, and certain special districts to develop accessibility plans if they have disadvantaged unincorporated communities identified in the General Plan Land Use Element, and for LAFCO to hold public hearings after adoption of the accessibility plans and if necessary, initiate changes or organization or service extensions to provide services to the identified communities. Also consider letter of support for AB 1822 (Commission on Local Government) involving the annual omnibus bill sponsored by CALAFCO with technical, non-substantive changes to the Cortese-Knox-Hertzberg Local Government Reorganization Act of 2000.**




LOCAL AGENCY FORMATION COMMISSION
SAN BENITO COUNTY

2301 Technology Parkway
Hollister, CA 95023
Phone: (831) 637-5313

Date: May 9, 2019 (Agenda)

To: LAFCO Commissioners

From:  Bill Nicholson, Executive Officer

RE: Presentation on Agricultural Land Preservation and Mitigation: Involving a summary of the California Association of Local Agency Formation Commissions (CALAFCO) White Paper "State of the Art on Agricultural Preservation" along with a presentation by the San Benito Agricultural Land Trust
(Agenda Item 7)

On August 9, 2018, the Commission received a copy of the CALAFCO published a White Paper entitled "State of the Art on Agricultural Preservation." There was talk about getting a representative from the American Farmland Trust to give a presentation on agricultural preservation, but the regional contact left the position shortly after the report was produced. More recently, representatives of the local San Benito Farmland Trust contacted the Executive Officer about LAFCOs role in protecting agricultural and open space resources and requested making a presentation....

The White Paper was the result of a collaborative effort between CALAFCO and the American Farmland Trust (AFT), a national agricultural advocacy non-profit. The purpose of the white paper is to inform and inspire LAFCOs seeking to establish new or enhance existing policies that preserve agricultural land while simultaneously promoting orderly growth and development.

It contains several chapters which include a detail of the State Government Code requirements for protection of agricultural resources LAFCOs must consider in the review of proposals and establishment of spheres of influence. Recommendations for adopting a local policy base for agricultural resource protection includes a hierarchy of actions to either avoid or minimize impacts to agriculture, or to mitigate for the loss of important farmland when options to avoid conversion are not possible. The White Paper also provides a summary of the requirements under the California Environmental Quality Act (CEQA) and LAFCOs role in the environmental review process. It finishes with some "best practices" for consideration by local Commissions.

The Commission recently processed annexations to the City of Hollister and the Sunnyslope County Water District which contained a requirement for the developers to obtain a conservation easement on one acre of productive farmland for each acre that will be converted due to the impending development. The Commission had questions over how easements are obtained, and who holds the easements. Although the City of Hollister or San Benito County could hold the

easements, they are typically held by independent non-profit land trusts formed to monitor and hold easements into perpetuity (permanently),

For this reason, representatives from the San Benito Agricultural Land Trust will be present at the May 5th meeting to give an overview of their organization and discuss their agricultural conservation easement program in San Benito County. Dan Dungy, the President, along with several Board members will be present to give the presentation, and a one-page handout is attached to this Memo giving a little background of the organization.

Action Requested

This is presented as an informational item, and if the Commission wants to revisit the local LAFCO policies or consider an agricultural mitigation strategy, this can be scheduled for a future agenda.

Attachments:

1. San Benito Agricultural Land Trust Summary Sheet
2. CALAFCO White Paper: *State of the Art on Agricultural Preservation*

San Benito Agricultural



Support your local land trust!

SBALT is San Benito County's local land trust. We permanently preserve agriculture and open space through land purchases and conservation easement partnerships with landowners.



Agriculture is San Benito County's #1 industry. These lands contribute food, jobs, watershed health, flood protection, clean air, wildlife habitat, carbon sequestration, and an increasing number of opportunities for recreation and tourism.



Housing and transportation infrastructure is expanding at an increasing rate, threatening San Benito County's agricultural heritage and economy.



With your help we can increase our land conservation efforts. Join us in protecting and preserving our county's agriculture and open space beauty for today and for future generations.



website: www.sanbenitolandtrust.org

The Mission of the San Benito Agricultural Land Trust is to conserve regionally significant lands that sustain productive agriculture, preserve open space and maintain the rural character of the county.

SBALT Protected Lands:



Soap Lake – 1,113 acres: Located in the northernmost portion of San Benito County where the Pacheco Creek, the Tequisquita Slough, and Ortega

Creek converge. The property floods during periods of heavy rains making natural wetlands and habitat for many species. Grasslands with wooded areas, aid flood control for the Pajaro River basin.

Cook – 1,694 acres, Tres Pinos : Some of San Benito's best grazing land is preserved by our conservation easement. Protected in 1997, this property of gently rolling hills provides some of the best livestock grazing in San Benito County. This preserve also helps protect the vista of the hills southeast of Hollister for future generations while protecting the watershed.



Panoche – 3,173 acres :

A remote, oak-studded ranch located in south San Benito County near Panoche preserves grassland, oak woodland, small streams and springs. Protected in 2001, the working cattle ranch consists of high vistas and pristine natural areas, home to a diverse array of wildlife.

Rancho Larios – 521 acres: This acreage, consisting of beautiful foothill grazing land, is owned by SBALT. Donated to the land trust in 2004, the property hosts a working cattle ranch, provides an open space buffer around the community of Rancho Larios and is the headwaters for the Elkhorn Slough.



Silva and Brandenburg – 221 acres:

Located in the San Juan Valley, these farms were protected by our conservation easements in 2014. They are some of the richest agricultural land in the region, producing a variety of crops each year that contribute to the robust agricultural industry and the beauty of San Juan Valley.

email: info@sanbenitolandtrust.org

San Benito Agricultural Land Trust P.O. Box 1066, Tres Pinos, CA 95075
501(c)(3) EIN 770338085



CALAFCO WHITE PAPER

State of the Art on Agricultural Preservation

February 2018



A collaboration of American Farmland Trust and the California Association of Local Agency Formation Commissions



A Research Report of the
HELEN K. CAHILL CENTER FOR
FARMLAND CONSERVATION POLICY INNOVATION

CALAFCO WHITE PAPER

State of the Art on Agricultural Preservation

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Acknowledgments

This white paper was produced as a collaborative effort between CALAFCO and American Farmland Trust (AFT). Thank you to the contributors and reviewers for their invaluable depth of knowledge and expertise: Christine Crawford (Yolo LAFCo), David Fey (Fresno LAFCo), Elliot Mulberg (formerly Solano LAFCo), Neelima Palacherla (Santa Clara LAFCo). We also wish to thank the many people who reviewed and commented on the draft version of this paper. AFT would like to acknowledge and thank the Helen K. Cahill Center for Farmland Conservation Policy Innovation for supporting this white paper. The Cahill Center is the research arm of American Farmland Trust in California.

Contact

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Formation Commissions
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2001 N Street Suite 110
Sacramento, CA 95811
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www.farmland.org
sunger@farmland.org

Purpose and Objectives

The purpose of this white paper is to inform and inspire Local Agency Formation Commissions (LAFCo) that are seeking to establish or enhance policies that preserve agricultural land, while simultaneously promoting orderly growth and development. The California Association of Local Agency Formation Commissions (CALAFCO) invited American Farmland Trust (AFT) to work collaboratively on this white paper to exchange and share perspectives on their respective experiences in successful policy implementation and development. This paper explores the parameters of agricultural land preservation and provides guidance in the development of agricultural land preservation policies for individual LAFCos to consider.

This white paper discusses the importance of agriculture to our local communities and why the California Legislature has equipped LAFCos with the powers to curtail urban sprawl and discourage expansion onto the state's agricultural lands. The paper examines LAFCos' statutory role in preserving agricultural lands and presents opportunities for how LAFCos can incorporate the preservation of agricultural land into their local policies. Brief case studies are provided throughout to demonstrate how individual LAFCos have interpreted this responsibility locally through their own policies.

White Paper Objectives:

- 1) Provide an understanding of the economic, environmental, and cultural importance of agriculture to local communities and the state at large.
- 2) Explain the components of an effective and comprehensive LAFCo agricultural preservation policy, including the role of policies that encourage "Avoiding," "Minimizing," and "Mitigating" the loss of farmland.
- 3) Explain the role of the California Environmental Quality Act (CEQA)¹ in both annexation proposals that impact agriculture and in requirements for adopting agricultural preservation policies.
- 4) Explain the role of LAFCo in city and county planning processes and how to encourage continuous communication and collaborative planning and studies between public agencies.
- 5) Demonstrate the circumstances in which LAFCo may wish to consider an agricultural preservation policy.

A Unique Perspective from AFT

AFT believes in the importance of protecting farmland while supporting sustainable community growth. AFT promotes LAFCoS as key players in conserving agricultural land since most productive farmland is located around cities. Having actively promoted farmland conservation in California for nearly two decades, AFT offers insight on why it is important to preserve farmland and presents best practices.

A Unique Perspective from CALAFCO

The Legislature intends LAFCoS to be responsive to local challenges as well state priorities. An individual LAFCo's policies can lay out LAFCo's statutory mandate to balance the state interest in the preservation of open space and prime agricultural lands with the need for orderly development. LAFCoS have used their planning authority to anticipate and reduce or avoid the loss of agricultural land. Across the state, LAFCo experiences reflect the variance of practices on agricultural preservation between rural, suburban and urban counties.

Introduction

The Legislature created a LAFCo in each county in 1963 with the intent that they fulfill state policy to encourage orderly growth and development. These objectives were deemed essential to the social, fiscal, and economic well-being of the state. The Legislature recognized that the logical formation and determination of local agency boundaries was an important factor in promoting orderly development and in balancing that development with sometimes competing state interests of discouraging urban sprawl, preserving open-space and prime agricultural lands, and efficiently extending government services.

It was also the intent of the Legislature that each LAFCo "establish written policies and procedures and exercise its powers pursuant to statute [Cortese-Knox-Hertzberg Local Government Reorganization Act of 2000 (CKH Act)] in a manner consistent with those policies and procedures and in a manner that encourages and provides planned, well-ordered, efficient urban development patterns with appropriate consideration of preserving open-space and agricultural lands within those patterns." (Gov. Code §56300.) These written policies and procedures were required to be adopted by LAFCoS by January 1, 2002.

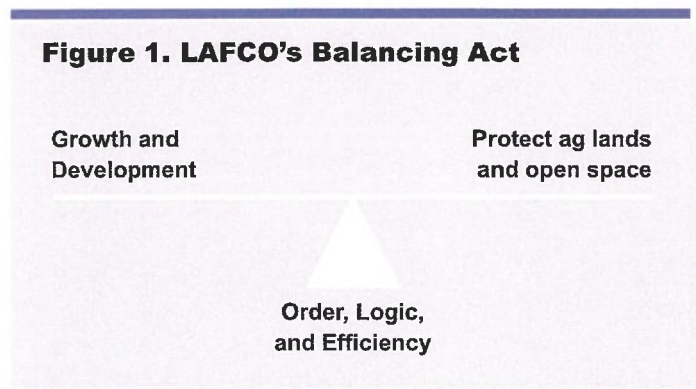
Since 1963, each LAFCo has overseen the growth of its cities and special districts through incorporations, annexations and, since 1973, the establishment of spheres of influence (which were only enforced beginning in 1985). At the time, converting lands once used for agricultural purposes to urban land uses was seen as a necessary part of accommodating the growth of California's cities. It was common for city and county leaders to see agricultural lands around cities as areas for future urbanization, with the assumption that this type of urban development would assure the economic health of the community and provide much needed housing.

Two years after the creation of LAFCoS, the state enacted California Land Conservation Act of 1965 (commonly referred to as the Williamson Act) to address the growing concern that the growth of California cities was coming at the expense of losing agricultural lands. The original purpose of

the Williamson Act was to counteract tax laws that often encouraged the conversion of agricultural land to urban uses (i.e., if you were being taxed at urban rates you might as well sell to urban developers). This act enabled local governments to enter into contracts with private landowners for the purpose of creating agricultural preserves that restrict specific parcels of land to agricultural or related open-space use in exchange for reduced property taxes. Over time, this approach has had mixed success. In an earlier regulatory era, when the subdivision of land far from a city and formation of special districts to provide municipal services was a common practice, creating agricultural preserves under Williamson Act contract was deemed necessary to limit development of those parcels. The likelihood that agricultural land could be converted to urban or rural development was high enough to justify the reduction in property tax revenue in exchange for limiting the land’s development potential.

Today, much of the land under Williamson Act contract in many counties is far from a city’s sphere of influence, where conversion of the most productive farmland most frequently occurs. Yet, the agricultural lands that are under pressure of being converted to non-agricultural uses are most often located on the urban fringe. Due to development speculation of these lands, they are less likely to be protected under a Williamson Act contract, making the role of LAFCo ever more important.

LAFCos were created to implement the state’s growth management and preservation goals. To achieve these objectives, LAFCos were given the sole authority to regulate the boundaries and service areas of cities and most special districts. Though they do not have local land use authority, LAFCos exercise their authority by denying, approving, or conditionally approving expansion proposals by cities and special districts. With this broad authority, each LAFCo uses its own discretion to act in a manner that encourages and provides planned, well-ordered, efficient urban development patterns with appropriate consideration of preserving open-space and agricultural lands within those patterns. Figure 1 depicts the balance that LAFCos are expected to achieve through their actions.



Varying Definitions of “Prime” Agricultural Lands

As discussed further below, preserving prime agricultural land is a key statutory mandate of LAFCo. To measure and understand the importance of California’s remaining prime agricultural land, this paper defines what constitutes prime agricultural land. This can be a challenge because federal, state, and local agencies, including LAFCos, all operate under different laws and requirements each setting out different definitions of prime farmland.

As defined by the United States Department of Agriculture, prime farmland is

Land that has the best combination of physical and chemical characteristics for producing food, feed, forage, fiber, and oilseed crops and is also available for these uses. It has the

soil quality, growing season, and moisture supply needed to produce economically sustained high yields of crops when treated and managed according to acceptable farming methods, including water management. In general, prime farmlands have an adequate and dependable water supply from precipitation or irrigation, a favorable temperature and growing season, acceptable acidity or alkalinity, acceptable salt and sodium content, and few or no rocks. They are permeable to water and air. Prime farmlands are not excessively erodible or saturated with water for a long period of time, and they either do not flood frequently or are protected from flooding.”²

AFT relies on the California Department of Conservation’s Farmland Mapping and Monitoring Program (FMMP) definition of prime farmland, which originated from the USDA definition. The FMMP was established by the State of California in 1982 to produce agricultural resource maps, based on soil quality and land use. The FMMP maps are updated every two years using aerial photographs, a computer-based mapping system, public review, and field reconnaissance. The FMMP definition of Prime Farmland is “land which has the best combination of physical and chemical characteristics for the production of crops. It has the soil quality, growing season, and moisture supply needed to produce sustained high yields of crops when treated and managed, including water management, according to current farming methods. Prime Farmland must have been used for the production of irrigated crops at some time during the two update cycles prior to the mapping date. It does not include publicly owned lands for which there is an adopted policy preventing agricultural use.”³ FMMP also maps farmland that is classified as less than prime, such as Unique Farmland, Farmland of Statewide Importance, Farmland of Local Importance (which is defined by local jurisdictions and accepted by FMMP), Urban and Built-up Land, and Other Land.

LAFcos operate according to their own definition,⁴ which identifies prime agricultural land as:

an area of land, whether a single parcel or contiguous parcels, that has not been developed for a use other than an agricultural use and that meets any of the following qualifications:

- (a) Land that qualifies, if irrigated, for rating as class I or class II in the USDA Natural Resources Conservation Service land use capability classification, whether or not land is actually irrigated, provided that irrigation is feasible.
- (b) Land that qualifies for rating 80 through 100 Storie Index Rating.
- (c) Land that supports livestock used for the production of food and fiber and that has an annual carrying capacity equivalent to at least one animal unit per acre as defined by the United States Department of Agriculture in the National Range and Pasture Handbook, Revision 1, December 2003.
- (d) Land planted with fruit or nut-bearing trees, vines, bushes, or crops that have a nonbearing period of less than five years and that will return during the commercial bearing period on an annual basis from the production of unprocessed agricultural plant production not less than four hundred dollars (\$400) per acre.
- (e) Land that has returned from the production of unprocessed agricultural plant products an annual gross value of not less than four hundred dollars (\$400) per acre for three of the previous five calendar years.

Land that would not qualify as Prime under USDA or FMMP definitions of Prime, may qualify as Prime under the LAFco definition; for example, Unique Farmland, and Farmland of Statewide

Importance, and grazing land can still meet the LAFCo definition of prime agricultural land. Although LAFCos monitor the conversion of Prime Farmland within their own jurisdictions, CALAFCO does not monitor that conversion statewide. Therefore, the following section utilizes the FMMP definition of Prime Farmland to illustrate the trends affecting farmland in California, which, from AFT's perspective, demonstrate the urgency of protecting what remains.

An AFT View: Why It Is Important to Preserve What We Have Left—What's at Risk?

California boasts some of the most productive farmland on the planet, as measured in terms of the ratio of agricultural inputs to outputs. This productivity is largely possible because of California's Mediterranean climate and fertile soils, which require fewer inputs and are less subject to unfavorable climate conditions and pest pressures. This is important for many reasons, including state and national food security, California's prospects for economic growth and competitiveness on the agricultural market, and the efficient utilization of scarce resources such as water.

For nearly four decades, AFT has monitored the conversion of agricultural lands to development, and estimates that nationally, we lose approximately an acre every minute. In California, where the state has been monitoring the conversion of farmland to urban development since the early 1980s, the average rate of loss is 40,000 acres per year. At this rate, California will lose an additional two million acres by 2050, most of which will be prime farmland.

Current Trends

Of California's approximately 100 million acres of land, 31 million acres or one-third, are used for agriculture. Of this agricultural land, 19 million acres are used for grazing land and 12 million acres are used to grow crops. That figure may seem significant, but only about 9 million acres of this cropland are considered to be prime, unique or of statewide importance (as defined by the California Department of Conservation's FMMP).⁵ This resource is diminishing and is likely to continue to do so, mostly due to conversion to urban development, but also from other causes. Considering that not all remaining farmland is ideal for agriculture due to current and future water stress, climate and temperature changes, and other constraints such as strong soil salinity, protecting what is left is paramount.

In the last 30 years, California has lost more than one million acres of farming and grazing land, and about half of that loss was prime farmland. Figure 2 below provides a snapshot from the California Department of Conservation of what has happened to farmland over that period.

Economic and Cultural Benefits

California is the leading agricultural producer in the United States. Its agricultural abundance includes more than 400 commodities. Over a third of the nation's vegetables and two-thirds of the nation's fruits and nuts are grown in California.⁶ California is the sole producer of an array of commodities consumed by people all over the world. Nearly all of the domestically grown grapes, pomegranates, olives, artichokes, and almonds are grown in California, and over three-quarters

of the nation's strawberries and lettuce come from the golden state.⁷ Ensuring the protection of the state's agricultural lands is essential to protecting California's agricultural economy, and supports numerous other social and environmental benefits to our communities.

Agriculture plays a significant role in many of the state's regions, fueling local economies, providing employment, and maintaining over a century of cultural heritage. In 2014, the farm gate value of the state's 76,400 farms and ranches was a record \$54 billion, double the size of any other state's agriculture industry. Of the \$54 billion, over \$21 billion was attributed to California's agricultural exports.⁸ Not only is California the country's largest agricultural producer, it is the largest exporter of agricultural products. Agricultural products are one of California's top five exports.⁹

Agriculture creates significant ripple effects (i.e. multipliers) throughout California's economy. Each dollar earned within agriculture fuels a more vigorous economy by stimulating additional activity in the form of jobs, labor income and value-added processes. Farm production is closely linked to many other industries: the production of farm inputs, the processing of food and beverages, the textile industry, transportation and financial services. According to the University of California Agricultural Issues Center, which is located at UC Davis and studies the multiplier effects of California farm industry and closely related processing industries, the combined sectors generated 6.7 percent of the state's private sector labor force (including part-time workers), 1.3 percent of the Gross State Product (GSP) and 6.1 percent of the state labor income in 2009. The Center calculated that during that year, a \$1 billion increase of the value added from agricultural production and processing results in a total of \$2.63 billion of GSP.¹⁰

Including multiplier effects, each job in agricultural production and processing in 2009 accounted for 2.2 jobs in the California economy as a whole, and each farming job generated 2.2 total jobs. Agricultural production and processing are especially significant to the economy of California's Central Valley where, including ripple effects, they generated 22 percent of the private sector employment and 20.1 percent of the private sector labor income in 2009. Excluding ripple effects, agriculture directly accounted for 10.2 percent of jobs and 9.2 percent of labor income that year.¹¹

When California loses productive agricultural lands, it loses the income and jobs associated with those lands. Despite the economic contribution to the state, agricultural lands are under pressure from a variety of forces that have the potential to significantly affect the food production capacity that contributes to the food security of the state, nation and world. Preserving farmland means preserving not only our food security but regional economic productivity, income levels, and jobs throughout the farming and food sectors.

Figure 2. Quick Facts on California Farmland, 1984–2012

Did you know, over the course of 30 years...

- Over 1.4 million acres of agricultural land in California were removed from farming uses (a rate of nearly one square mile every four days)
- Of converted land, 49 percent was prime farmland
- For every 5 acres leaving agricultural use, 4 acres converted to urban land

Source California Department of Conservation, Farmland Mapping and Monitoring Program Farmland Mapping and Monitoring Program, *California Farmland Conversion Summary 1984–2014 and California Farmland Conversion Report, 2015*

In California, agriculture is an important cultural identity to many communities, ranging from large-scale farming operations to small-scale family farms and geographically spanning many regions throughout the state, from coastal metropolitan regions to the heart of the San Joaquin Valley. The expanse of agricultural products that California farmers offer adds to the uniquely California cultural scenery, abundance of fresh food, and greatly contributes to quality of life.

Environmental Benefits

Although agricultural practices may sometimes have environmental downsides, agricultural use of land also contributes numerous benefits to the environment and communities. Agriculture is both vulnerable to climate change, and can help mitigate the impacts of climate change. Protecting agricultural lands will help communities reduce vehicle miles traveled (VMT) and greenhouse gas emission associated with vehicle travel by avoiding sprawl. Agricultural lands also have huge potential to sequester carbon. These two benefits make the preservation of these lands important strategies in meeting the long-term climate change goals under *California's 2017 Climate Change Scoping Plan*.¹² Additionally, their preservation is vital to maintaining groundwater recharge. The areas where our highest quality farmland is located are the areas that provide for the greatest groundwater recharge. Protecting agriculture keeps land porous and helps rebuild aquifers. One of the most important actions leaders and communities can take to address future water stresses is protecting the prime farmland that is best suited to replenishing groundwater supplies.

Accounting for Natural Resources Using a Multiple Benefit Approach

The Bay Area Greenprint is a new online mapping tool that reveals the multiple benefits of natural and agricultural lands across the region. It was designed to help integrate natural resource and agricultural lands data into policies and planning decisions that will influence the future of San Francisco Bay Area's vibrant environment, economy and regional character.

Intact ecosystems can provide important benefits for the human population in the Bay Area and throughout the state. The Bay Area Greenprint is an opportunity to aid planners from cities, counties, and LAFCos in understanding and conveying that protecting agricultural land, as a part of intact ecosystems, can provide important benefits for residents in the Bay Area. By conducting multi-benefit assessments (agricultural + habitat + biodiversity + recreation + groundwater + carbon sequestration), the Greenprint provides a more complete understanding of the costs and tradeoffs of developing the region's natural and working lands. It will also assist stakeholders in understanding and communicating both climate change threats and opportunities as well as the multiple values of the Bay Area landscape.

For more information, please visit the tool at www.bayareagreenprint.org

LAFCo's Mandate to Preserve Agricultural Lands

Cortese-Knox-Hertzberg Local Government Reorganization Act 2000 (CKH Act)

Among the purposes of a commission are discouraging urban sprawl, preserving open-space and prime agricultural lands, encouraging the efficient provision of government services, and encouraging the orderly formation and development of local agencies based upon local conditions and circumstances. (Gov. Code §56301, emphasis added.)

Preserving prime agricultural lands and open space is a key statutory mandate of LAFCos and the CKH Act provides direction to LAFCos on certain policies, priorities, and information that LAFCos should, and/or must consider when analyzing boundary change proposals that could potentially impact agricultural lands. The CKH Act includes policies specific to agricultural preservation, including:

- Development or use of land for other than open-space uses shall be guided away from existing prime agricultural lands in open-space use toward areas containing non-prime agricultural lands, unless the action would not promote the planned, orderly, efficient development of an area. (Gov. Code §56377(a).)
- Development of existing vacant or nonprime agricultural lands for urban uses within the existing jurisdiction of a local agency or within the sphere of influence of a local agency should be encouraged before any proposal is approved which would allow for or lead to the development of existing open-space lands for non-open-space uses which are outside of the existing jurisdiction of the local agency or outside of the existing sphere of influence of the local agency. (Gov. Code §56377(b).)
- Factors to be considered [by the Commission] in the review of a proposal shall include the effect of the proposal on maintaining the physical and economic integrity of agricultural lands, as defined by Section 56016. (Gov. Code § 56668(e).)

Approaches to LAFCo Agricultural Preservation Policies

Though the CKH Act provides some policies specific to agricultural preservation, these are baseline parameters and guidelines from which individual LAFCos can carry out their mandate. Ultimately, a LAFCo's broad powers will guide and influence annexation decisions and how a LAFCo will respond to the need to balance urban growth and preserving agriculture and open space.

To equip individual LAFCos with the ability to respond to local conditions and circumstances, the CKH Act calls for a LAFCo to:

... establish written policies and procedures and exercise its powers pursuant to this part in a manner consistent with those policies and procedures and that encourages and provides planned, well-ordered, efficient urban development patterns with appropriate consideration of preserving open-space and agricultural lands within those patterns. (Gov. Code §56300(a).)

Over the years, LAFCo's, on an individual basis, have adopted various local policies and procedures to assist them in their effort to preserve agricultural lands. These policies generally call for the avoidance, minimization, and mitigation of adverse impacts to agricultural lands.

Avoidance consists of anticipating and taking measures to avoid creating adverse impacts to agricultural lands from the outset, such as steering development away from agricultural lands to avoid their conversion to other uses. This most efficiently occurs at the time a city or county is updating its general plan and the issue can be viewed at a regional level and not based on an individual proposal.

Minimization consists of measures to reduce the duration, intensity, and significance of the conversion and/or the extent of adverse impacts to agricultural lands (including direct, indirect and cumulative impacts as appropriate) that cannot be completely avoided.

Mitigation consists of measurable preservation outcomes, resulting from actions applied to geographic areas typically not impacted by the proposed project, that compensate for a project's significant adverse impacts to agricultural lands that cannot be avoided and/or minimized.

Figure 3. Hierarchy for Agricultural Land Preservation Strategies



LAFCo's unique mandates to preserve prime agricultural lands and discourage urban sprawl, and the fact that agricultural lands are a finite and irreplaceable resource, make it essential to avoid adversely impacting agricultural lands in the first place.

Applying These Approaches

These three approaches form an agricultural preservation hierarchy that should, if followed sequentially—avoid, minimize, and then mitigate adverse impacts. These approaches and the recommended applications below may serve as a guide for LAFCoS to adopt an agricultural preservation policy, including criteria to guide LAFCo’s review of boundary change proposals, thereby possibly streamlining the evaluation of proposals. It may also serve as a guide for proactive participation and collaborative discussion during a city’s general plan update. Collaborative planning may help jurisdictions better understand and prepare for the requirements of LAFCo early in the planning process.

Avoidance is preferable because it is the best way to ensure that agricultural lands are not adversely impacted, whereas minimization and mitigation actions include, by definition, some level of residual impact to agricultural lands. Avoidance can also help LAFCoS address other important mandates, such as curbing urban sprawl and encouraging the efficient delivery of services by encouraging vacant and underutilized lands within urban areas to be developed before prime agricultural and agricultural land is annexed for non-agricultural purposes. Avoidance is also consistent with the growing recognition at the state level that future development should, when and where possible, be directed into infill areas located within existing urban footprints to limit the amount of transportation related greenhouse gases generated. LAFCoS can adopt specific policies and procedures that encourage cities to first utilize their existing vacant and underutilized lands within urban areas for development. What LAFCoS can do to **AVOID** conversion of agricultural lands:

- Consider removal of excessive amounts of land from city spheres of influence, (i.e. where SOI is much larger than what is needed over a long-range development horizon).
- Adopt policies that encourage cities to implement more efficient development patterns, adopt stable growth boundaries that exclude agricultural lands, promote infill first, and consider alternative locations within city limits in order to remove development pressure on agricultural lands.
- Encourage continuous communication and collaborative planning and studies between public agencies to ensure that consideration of avoidance begins as early as possible in a jurisdiction’s planning process.
- Participate in city general plan update processes to discourage the premature conversion of agricultural lands and to limit development pressure on agricultural lands.

Case Study: Reducing the Spheres of Influence

In 2007, the Kings County LAFCo reduced its spheres of influence through its Comprehensive City and Community District Municipal Service Review (MSR) and SOI Update. The LAFCo utilized the MSR requirement from the Cortese-Knox Hertzberg Local Government Reorganization Act of 2000 to coordinate future urban growth considerations in a more streamlined and accountable manner. In developing the MSRs, Kings LAFCo rewarded the good planning efforts of its four cities by reaffirming well planned areas with planned services, while areas within existing spheres of influence not currently planned for urban growth would require more extensive MSR updates. This approach allowed Kings LAFCo an opportunity to successfully remove almost 11,000 acres from future growth consideration where urban services were not planned and agriculture was the established use.

- Discourage extension of urban services outside city boundaries for new development.
- Request that the Lead Agency CEQA assessment includes analysis of alternatives that do not result in conversion of agricultural lands as defined in the CKH Act.
- Require that the jurisdiction demonstrate that infill or more efficient use of land is not possible *prior* to considering SOI expansion and/or annexation into agricultural lands.

Minimizing adverse impacts to agricultural lands should be considered and applied to the maximum extent practicable if all project alternatives have been considered and avoidance is truly not feasible. Minimization, by definition, means reducing the significance of the conversion and/or reducing the adverse impacts by making changes to a project. In other words, some impacts will be incurred, however, they will be less severe than if changes had not been implemented. Minimization measures must be carefully planned, implemented and monitored to assess and to ensure their long-term effectiveness.

What LAFcos can do to **MINIMIZE** conversion of agricultural lands:

- Encourage continuous communication and collaborative planning and studies between public agencies and LAFCo.
- During a city's general plan update process, encourage jurisdictions to adopt a long-term growth management strategy that provides for more efficient development.
- Encourage jurisdictions to adopt a "Plan for Agricultural Preservation."
- Encourage more efficient use of land to limit development of surrounding farmland. Require that the jurisdiction demonstrate that infill or more efficient use of land is not feasible *prior* to considering SOI expansion and/or annexation into agricultural lands.
- Encourage proposals to show that urban development will be contiguous with existing or proposed development; that a planned, orderly, and compact urban development pattern will result; and that leapfrog, non-contiguous urban development patterns will not occur.
- During a CEQA process, request that jurisdictions demonstrate how a proposal will affect the physical and economic integrity of impacted and surrounding agricultural lands.
- As part of a city's general plan process, encourage jurisdictions to map, analyze, and describe all agricultural lands within or adjacent to land proposed for annexation, including analysis of any multiple land-based values such as

Case Study: Greenbelts and Agreements

Ventura County has established greenbelts around its urban areas. Greenbelts are created through voluntary agreements between the Board of Supervisors and one or more City Councils regarding development of agricultural and/or open space areas beyond city limits. They protect open space and agricultural lands and reassure property owners located within these areas that lands will not be prematurely converted to uses that are incompatible with agriculture.

Cities commit to not annex any property within a greenbelt while the Board agrees to restrict development to uses consistent with existing zoning.

Ventura County LAFCo will not approve a sphere update if the territory is within one of the greenbelt areas unless all parties to the greenbelt agreement are willing to accept an amendment to the agreement.

The Ventura policies generally follow Gov. Code §56377.

agricultural, biodiversity, recreation, groundwater, and carbon sequestration, to identify areas of high natural resource value where development is best avoided.

- Encourage agreements among jurisdictions that outline conditions for expanding boundaries. Agreements can be recognized by LAFCo.
- Recommend project requirements to protect agricultural lands adjoining land covered in applications to LAFCo, both to prevent their premature conversion to non-agricultural uses and to minimize potential conflicts between proposed urban development and adjacent agricultural uses, such as:
 - Agricultural buffers. A buffer is typically an on-site strip of land along the perimeter of a development proposal. These provide a way to minimize conflict by creating spatial separation and other barriers such as walls and landscaping between agricultural operations and urban residents. Buffers may be established through city-county agreements and encouraged under locally adopted LAFCo policies.
 - Encourage the adoption of right-to-farm ordinances. These ordinances are developed to offset the perception that typical farming practices are a “nuisance” by 1) providing dispute resolution mechanisms for neighbors as an alternative to filing nuisance-type lawsuits against farming operations; and 2) notifying prospective buyers about the realities of living near farms before they purchase property.
 - Development of educational and informational programs to promote the continued viability of surrounding agricultural land.
 - Encourage the development of a real estate disclosure ordinance to fully inform all directly affected prospective property owners about the importance of maintaining productive agriculture in the area.

Mitigation of impacts to agricultural lands should be considered and applied to the maximum extent practicable if all project alternatives have been considered and avoidance is truly not feasible and if minimization measures have been applied, but adverse impacts remain significant. Mitigation measures must be carefully planned, implemented and monitored to assess and to ensure their long-term effectiveness. Regardless of the type of mitigation measures pursued, this path will inevitably lead to a net loss of agricultural land if it is converted. Some key agricultural mitigation principles to consider include:

- Is the proposed mitigation a fair exchange for the loss of the agricultural resource?
- Is the proposed mitigation designed, implemented and monitored to achieve

Case Study: Mitigation through Memorandums of Understanding/Agreement

Some LAFCos, including San Luis Obispo and Monterey, have entered into MOUs or MOAs with local land use jurisdictions. Such agreements enable the local jurisdictions to express their intent to jointly pursue orderly city-centered growth and agricultural preservation. In San Luis Obispo, the agreement is with San Luis Obispo County. In Monterey, LAFCo has developed agreements with the County and four of the five cities within the agriculturally rich Salinas Valley (Salinas, Soledad, Greenfield and Gonzales) to encourage development of MOAs and MOUs. Though on one occasion, Monterey LAFCo was a third party to the MOA (with Greenfield), the regular practice has been to encourage each city and the County to enter into the MOA/MOU.

clear, stated and measurable outcomes for agricultural preservation?

- Will the proposed mitigation result in a genuine positive change on the ground, which would not have occurred anyway?
- Will the proposed mitigation result in permanent protection of agricultural land, given that the loss of agricultural land is generally irreversible?

Examples of typical measures include:

- The acquisition and transfer of *ownership* of agricultural land to an agricultural conservation entity for permanent protection of the land.
- The acquisition and transfer of *agricultural conservation* easements to an agricultural conservation entity for permanent protection of the land.
- The payment of in-lieu fees to an agricultural conservation entity that are sufficient to fully fund the cost of acquisition and administration/management of agricultural lands or agricultural conservation easements for permanent protection.

Case Study: A Mitigation Menu

Contra Costa LAFCo recently adopted a policy that allows the applicant to choose from a menu of mitigation measures. Those measures can include a 1:1 policy whereby each acre lost is mitigated by an acre preserved for agricultural use. Other options can include fees in lieu of land, conservation easements, agricultural buffers, compliance with an approved habitat conservation plan, and participation in other development programs such as transfer or purchase of development credits. Under this policy, Contra Costa LAFCo will consider any reasonable proposal. If the applicant does not suggest a measure, the Commission has the option to impose one or deny the project.

CEQA and Agricultural Preservation

Working proactively with local agencies to avoid or minimize impacts to agricultural land in the first place is preferable to mitigation. Agricultural mitigation requirements (for example, protecting other off-site lands at a certain ratio) are beneficial, but do not prevent agricultural land from being converted.

However, as a last resort, CEQA can be a tool to help LAFCos leverage agricultural preservation in furtherance of LAFCos' state-mandated purpose. Even in the absence of locally adopted agricultural preservation policies, agencies are required to consider project impacts on agricultural resources. Therefore, LAFCos can still promote agricultural preservation even when the local political climate may not allow for strong local policies. CEQA does not require LAFCos to adopt local agricultural conservation or mitigation policies, but some LAFCos may find it useful to adopt clear and transparent expectations via a local policy.

Public Resources Code, Section 21002 states (emphasis added):

*The Legislature finds and declares that it is the policy of the state that public agencies should not approve projects as proposed if there are **feasible alternatives or feasible mitigation measures available which would***

Note

LAFCo can suggest, request, or require feasible mitigation measures, even in the absence of local agricultural preservation policies.

substantially lessen the significant environmental effects of such projects, and that the procedures required by this division are intended to assist public agencies in systematically identifying both the significant effects of proposed projects and the feasible alternatives or feasible mitigation measures which will avoid or substantially lessen such significant effects. The Legislature further finds and declares that in the event specific economic, social, or other conditions make infeasible such project alternatives or such mitigation measures, individual projects may be approved in spite of one or more significant effects thereof.

Pursuant to CEQA, public agencies shall not approve projects as proposed if there are feasible alternatives or feasible mitigation measures that would substantially lessen the significant environmental effects of the project.

LAFCo as a Responsible Agency

Typically, a LAFCo will review a CEQA document, such as an Environmental Impact Report (EIR) or Negative Declaration as a “responsible agency”. Under CEQA, the “lead agency” means the public agency which has the principal responsibility for carrying out or approving a project which may have a significant effect upon the environment.¹³ A responsible agency is any public agency, other than the lead agency, which has the responsibility for carrying out or approving the project.¹⁴ Normally, the lead agency is the agency with general governmental powers such as a city or a county. Agencies with limited powers such as LAFCos, or agencies providing a public service or utility service, tend to be a responsible agency. However, LAFCos may be the lead agency and typically serve in this role for certain projects such as approvals of sphere of influences or out-of-agency municipal service extensions.

In the role of responsible agency, LAFCos can apply some leverage because LAFCo approval is necessary to implement the project. As a responsible agency, LAFCo has an obligation to address environmental impacts within its jurisdiction. If a LAFCo has adopted local agricultural preservation policies such as required conservation ratios, buffering setbacks, etc., LAFCo can comfortably assert recommendations on a project while the lead agency is still processing the CEQA document because: (1) the lead agency, in desiring LAFCo approval, likely will be amendable to compliance with LAFCo requirements and policies; and (2) the project proponent presumably would prefer to make any project changes and/or revisions to the CEQA document in compliance with LAFCo policy up front rather than waiting until the matter is before the LAFCo, thereby optimizing the time spent securing approvals. However, a LAFCo does *not* have to have formally adopted local policies in order for LAFCo to recommend that the lead agency require a given mitigation measure such as a conservation easement to mitigate for conversion of agricultural lands. CEQA’s mandate requires the lead agency to implement feasible alternatives and mitigation measures whether or not a LAFCo has a locally adopted policy. Further, even if a lead agency or project proponent is not amenable to complying with LAFCo recommendations, if LAFCo believes that a project would have a significant impact to agricultural lands that the lead agency has not identified, the LAFCo, as a responsible agency, could require subsequent environmental review. In the context of that subsequent environmental review, a LAFCo could impose its own mitigation measures to protect agricultural lands if necessary to protect against a true threat to its resource.

Notice of Preparation (For EIRs only, not Negative Declarations)

If a LAFCo is a responsible agency on a project, it should respond in writing to the Notice of Preparation. The response should identify the significant environmental issues and reasonable alternatives and mitigation measures that the responsible agency will need to have explored in the draft EIR.¹⁵ This is LAFCo's opportunity to notify the lead agency of any relevant policies and potential concerns with a project that should be included in the EIR analysis. The LAFCo should be clear and forthright about project issues and LAFCo policies and requirements at the outset in the interest of providing the earliest possible notice to the interested parties. This will enhance the LAFCo's long-term credibility in the community and help keep political and other relationships in a positive state.

The intent is to avoid, minimize, and mitigate project impacts to agricultural land. Questions to consider during the NOP process include: Do options exist to minimize or avoid impacts to agricultural land? Should project alternatives be considered? What mitigation measures should be included?

Here are a few code sections to keep on hand. The following statutes can be cited to provide support when promoting LAFCo agricultural preservation goals:

- CKH Act, California Government Code, Section 56377: In reviewing and approving or disapproving proposals which could reasonably be expected to induce, facilitate, or lead to the conversion of existing open-space lands to uses other than open-space uses, the commission shall consider ... (a) Development or use of land for other than open-space uses shall be guided away from existing prime agricultural lands in open-space use toward areas containing nonprime agricultural lands, unless that action would not promote the planned, orderly, efficient development of an area.
- CEQA Guidelines, Title 14, California Code Regulations, Section 15041: The responsible agency may require changes in a project to lessen or avoid only the effects, either direct or indirect, of that part of the project which the agency will be called on to carry out or approve.
- CEQA Guidelines, Title 14, California Code Regulations, Section 15096(g)(2): When an EIR has been prepared for a project, the Responsible Agency shall not approve the project as proposed if the agency finds any feasible alternative or feasible mitigation measures within its powers that would substantially lessen or avoid any significant effect the project would have on the environment. With respect to a project which includes housing development, the Responsible Agency shall not reduce the proposed number of housing units as a mitigation measure if it determines that there is another feasible specific mitigation measure available that will provide a comparable level of mitigation.

Draft EIR or Negative Declaration

At the draft EIR or Negative Declaration stage of the process, a LAFCo may comment on the adequacy of the draft environmental document's analysis, mitigation measures and conclusions. The

A Note About Ag Mitigation Ratios

Conservation easements are effective and commonly used mitigation strategies. However, they do not make up for the loss of agricultural land and may not necessarily reduce the impact of agricultural land loss to a less than significant level.

lead agency is required to consult with LAFCo if it is a responsible agency. Among questions to think about during either draft EIR or Negative Declaration review: Are the analysis and stated impacts to agricultural land sound, reasonable and acceptable to LAFCo? Have all feasible project alternatives and mitigation measures been considered and required?

A LAFCo should ordinarily only make substantive comments regarding those activities involved in the project that are within LAFCo's scope of authority under the CKH Act, or aspects of the project required to be approved by LAFCo, and should be supported by specific documentation when possible. In a CEQA responsible agency role, LAFCos are required to advise the lead agency on environmental effects, and shall either submit to the lead agency complete and detailed performance objectives for mitigation measures addressing those effects or refer the lead agency to appropriate, readily available guidelines or reference documents concerning mitigation measures. If the responsible agency is not aware of mitigation measures that address identified effects, the responsible agency must so state.¹⁶

Examples of potential project alternatives to reduce impacts to agricultural lands include, among others: reduced footprint, clustered density, setbacks and buffers. Examples of feasible mitigation measures include: right to farm deed restrictions, setbacks and buffers, and conservation easements on a 1:1, 2:1 or 3:1 ratio.

Evaluation of and Response to Comments/Final EIR (For EIRs only, not Negative Declarations)

After the public comment period closes, the lead agency then evaluates and provides a written response to comments received. The written response by the lead agency must describe the disposition of the issues raised, detailing why any specific comments or suggestions were not accepted. There must be a good faith, reasoned analysis in the response. Unsupported conclusory statements will not suffice. The lead agency cannot simply make generalizations stating that requiring conservation easements is not economically feasible, for example. As a responsible agency, LAFCo should review the written response provided and determine if it adequately resolves the issues raised in its Draft EIR comment letter. If not, LAFCo should reiterate its remaining concerns via letter and/or orally at the public hearing to certify the EIR.

Approval of a Negative Declaration or EIR

When approving a project, the lead agency must find that either (1) the project as approved will not have a significant effect on the environment; or (2) the agency has eliminated or substantially lessened all significant effects where feasible, and determined that any remaining significant effects are found to be unavoidable. Therefore, even if the lead agency is adopting a Statement of Overriding Considerations, it does *not* relieve the agency from the requirement to adopt all feasible mitigation measures. In other words, an EIR Statement of Overriding Considerations is not a "free pass" to avoid mitigation. As a responsible agency, LAFCos should be involved in the CEQA process to ensure, as much as possible, the lead agency has implemented all feasible mitigation measures.

Mitigation Monitoring and Reporting Program

Although mitigation monitoring is the lead agency's responsibility (and LAFCos should ensure mitigation language is written to ensure the responsibility for monitoring and tracking clearly lies with the lead agency and the timing mechanism is clear), as a responsible agency it is good practice to keep tabs on local development timing to follow up and ensure any required mitigation actually occurs.

LAFCo as a Lead Agency

At times, LAFCos may act as the lead agency on a CEQA document. Examples include adoption of SOIs or approval of service extensions. However, often times LAFCos choose to not serve as the lead agency on a project where significant impacts may occur. For example, a LAFCo may choose not to enlarge a city's SOI until a development project has been proposed (and the land use authority as lead agency has conducted CEQA review instead) so that the LAFCo can process the SOI update concurrent with annexation. However, if a LAFCo finds itself as the lead agency on a project, the discussion above regarding lead agency requirements now would apply to LAFCo.

Caution Regarding Reliance on Habitat Conservation Plans as Agricultural Mitigation

Habitat Conservation Plans (HCPs) often permit developers to pay an in-lieu fee for the purchase of comparable habitat to mitigate for a development's impact to sensitive species. Generally, the priority under HCPs is to mitigate for special status species, not necessarily agricultural land. An HCP would not necessarily address loss of agricultural land as an agricultural resource itself, but would rather address the loss of agricultural land in terms of the associated impacts to special-status species and sensitive habitats. This is a generalization as there is no "one size fits all" answer whether an HCP can or should be used as a mitigation strategy to mitigate for project impacts to agricultural land. Thus, LAFCos cannot automatically assume that HCPs will provide adequate mitigation for the loss of agricultural lands and fact-specific analysis would be required.

If use of an HCP for mitigation is proposed by the lead agency, that HCP needs to be reviewed to determine how the fees will be used and if comparable, compensatory mitigation will be provided. In other words, question how the HCP will use the fee. Does the fee get used just to place the land into a conservation easement that prohibits future development or will it be used for habitat restoration that will eliminate agricultural uses (such as mitigation for wetland or vernal pool mitigation)? The second key question is how the fee relates to the impact. Does it result in an appropriate ratio that compensates for the lands to be developed or is the proposed conservation easement "stacked" with other easements? Many conservation easements used for raptor habitat, for example, will prohibit vineyards and orchards, thereby limiting a raptor's ability to hunt, thus placing constraints on agricultural productivity. If the lead agency cannot demonstrate that the HCP fee would fully mitigate for the loss of agricultural land, other mitigation options should be explored outside of the HCP.

Working with Cities and Counties

City and county planning processes directly influence whether local agriculture is sustainable and viable. LAFCo can play an important role early on in a jurisdiction's planning processes and can encourage continuous communication and collaborative planning between agencies.

In addition to adopting their own local LAFCo policies, LAFCos can help cities and counties adopt meaningful agricultural preservation policies in their general plans. By taking the initiative to engage and build relationships with cities and counties, LAFCo can influence local agencies in their planning processes and advocate for the protection of farmland and the farming economy. The Governor's Office of Planning and Research considers early consultation and collaboration between local agencies and LAFCo on annexations to be a best practice. This includes coordinating on CEQA review, general process and procedures, and fiscal issues.

By providing feedback throughout the general plan adoption process, LAFCos are able to coordinate with and encourage local agencies to adopt strong farmland protection policies in their general plans, specific plans, plans for development in unincorporated areas, and even within city limits. By engaging in a dialogue over plan development with cities and counties long before those agencies submit formal applications, LAFCo can help ensure that applications will be successful.

LAFCos can formalize this kind of proactive participation in local planning processes by tracking city and county agendas and planning cycles, anticipating when such jurisdictions will pursue plan updates or make amendments, and including general plan participation in LAFCo annual work plans. Formalizing this participation through the LAFCo annual work plan provides structure for ongoing engagement, and over time, normalizes the interaction so that cities and counties will come to expect LAFCo to be actively engaged.

Not only can LAFCos engage in early, informal discussions about what kinds of policies would be useful and compatible with LAFCo policies and mandates, but they can also submit formal comments as part of the public planning process. The executive officer can submit these formal comments on behalf of the commission.

To help local agencies assess the impacts of their plans on agricultural resources, LAFCos can draw information from many sources. The California Department of Conservation's Farmland Mapping and Monitoring Program can provide information about valuable farmland, including statistical trend data that can be used for analyzing impacts on agricultural resources. Storie index maps can help LAFCos understand the location of the best soils, so that urban growth can be directed away from those areas. LAFCos should also track the location of agricultural conservation easements, and properties under Williamson Act contracts. The county agricultural commissioner's office can help other local agencies understand local agriculture and how planning decisions will have an effect.

LAFCos can help cities make good decisions with regard to annexations, following the avoid-minimize-mitigate protocol mentioned earlier in this white paper. LAFCos have the power to review and approve annexations with or without amendment, wholly, partially, or conditionally, or disapprove proposed annexations, reorganizations, and incorporations, consistent with written policies, procedures, and guidelines adopted by the commission. By working with a city early on in

the process, LAFCo can provide ongoing guidance in the development of an annexation proposal, encouraging attributes that will lead to its success.

LAFCo can also influence county planning processes via the formation or expansion of special districts.

Best Practices for LAFCos

When considering an agricultural preservation policy, the following actions provide background operational context:

1. *An appropriately-scaled policy framework is necessary.*

A policy framework implements a goal, which ideally describes the end-state desired by a LAFCo. Each policy implemented over time, and as applicable, incrementally fulfills a LAFCo's goal. The end-state should reflect the LAFCo's values and by extension the values of the greater community of local agencies that it serves.

A policy adopted without a corresponding over-arching goal is less effective.

2. *The agricultural preservation policy must be consistent with the authority and limitations of a LAFCo.*

LAFCos have broad statutory authority to approve, approve with conditions, or deny proposals for a change of organization or reorganization initiated by a petition or by resolution of application.¹⁷ However, LAFCos shall not impose any conditions that would directly regulate land use density or intensity, property development, or subdivision requirements.¹⁸

3. *LAFCos should have commitment from the local agencies involved in the implementation of the policy.*

LAFCo policies should be developed in consultation with the affected local agencies and stakeholders in the county. Also, policies should be developed so that they work in coordination with the local agencies' approval process. Preferably, LAFCo policies are consistent and complementary with cities' general plans and the master plans of special districts under LAFCo's jurisdiction.

4. *The policy should be simple, uncomplicated, and easy for the local agency staff to administer and the public to understand.*

Over 78 percent of LAFCos are staffed with four or fewer employees.¹⁹ This means that most LAFCos have very limited resources with which to implement and monitor complicated policies, implementation or mitigation measures.

5. *The policy should include a programmatic incentive for proposal applicants to either agree with the effect of the policy or not protest implementation.*

Once adopted, the policy should influence how local agencies implement their growth plans.

6. *Importantly, local agencies, stakeholders and the public must know about and understand the agricultural preservation policy and its potential use. In other words, a public education program is essential.*

Community involvement in the development of the goal and its supporting policy is critical. Such input should be requested, synthesized, and reflected in the goal to represent the community's interest. LAFCo interests are best served when the community's understanding is clear about how that goal is achieved, how long it should take to reach, and how one or more policies is used to reach it.

7. *There should be flexibility in the specific details of how a given proposal can implement overarching policy goals.*

Individual LAFCo policies can lay out a LAFCo's statutory mandate to balance the state interest in the preservation of open space and prime agricultural lands against the need for orderly development. A policy can state that a proposal provide for planned, well-ordered, efficient urban development patterns with appropriate consideration of preserving open-space and agricultural lands within those patterns. But the policy does not have to prescribe a specific course of action that an applicant should take in order to be considered satisfactory in addressing this overarching policy goal. The policy places the onus on the applicant to explain or justify how the proposal balances the state interest in the preservation of open space and prime agricultural lands against the need for orderly development. The policy can be explicit in asserting a LAFCo's authority to deem incomplete and/or deny proposals that do not adequately put forth a rationale for a LAFCo to weigh against the policy goals.

Endnotes

1. California Public Resources Code, Section 21000 et seq.
2. SSM, USDA Handbook No. 18, October 1993. United States Department of Agriculture. Accessed on August 9, 2017: https://www.nrcs.usda.gov/wps/portal/nrcs/detail/null/?cid=nrcs143_014052.
3. California Department of Conservation Farmland Mapping and Monitoring Protection Program. Accessed January 15, 2018: http://www.conservation.ca.gov/dlrp/fmmp/Documents/soil_criteria.pdf.
4. California Government Code Section 56064.
5. California Department of Conservation, Farmland Mapping and Monitoring program (FMMP).
6. California Department of Food and Agriculture, 2015.
7. U.S. Census of Agriculture, *National Agricultural Statistics Service*, 2015.
8. California Department of Food and Agriculture, 2015.
9. U.S. Census Bureau, 2016.
10. *The Measure of California Agriculture*, 2012 update. University of California Agricultural Issues Center. Accessed on December 13, 2017: <http://aic.ucdavis.edu/publications/moca/MOCAbrochure2013.pdf>.
11. Ibid.
12. California Air Resources Board. *California's 2017 Climate Change Scoping Plan*. Accessed on December 15, 2017: <https://www.arb.ca.gov/cc/scopingplan/scopingplan.htm>.
13. California Public Resources Code, Section 21067.
14. California Public Resources Code, Section 21069.
15. CEQA Guidelines Section 15082 (b).
16. CEQA Guidelines Section 15086 (c) and (d).
17. California Government Code Section 56375 (a)(1): The commission shall have the powers and duties to review and approve with or without amendment, wholly, partially, or conditionally, or disapprove proposals for changes of organization or reorganization, consistent with written policies, procedures, and guidelines adopted by the commission.
California Government Code Section 56021: "Change of organization" means any of the following:
 - (a) A city incorporation.
 - (b) A district formation.
 - (c) An annexation to a city.
 - (d) An annexation to a district.
 - (e) A detachment from a city.
 - (f) A detachment from a district.
 - (g) A disincorporation of a city.
 - (h) A district dissolution.
 - (i) A consolidation of cities.
 - (j) A consolidation of special districts.
 - (k) A merger of a city and a district.
 - (l) Establishment of a subsidiary district.
 - (m) The exercise of new or different functions or classes of services, or divestiture of the power to provide particular functions or classes of services, within all or part of the jurisdictional boundaries of a special district.
18. California Government Code Section 56375 (a)(6).
19. CALAFCO survey, CaLAFCO.org, 2015.

LOCAL AGENCY FORMATION COMMISSION

SAN BENITO COUNTY

2301 Technology Parkway

Hollister, CA 95023

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

May 9, 2019 (Agenda)

Local Agency Formation Commission
2301 Technology Parkway
Hollister, CA 95203

RE: Consideration of Changing Meeting Time for Commission Meetings from 5:00 PM to 3:00 PM, For Regular Meetings, and Change the Regular Meeting Day from the Second Thursday to the Third Thursday of the Month
(Agenda Item 8)

Dear Members of the Commission:

RECOMMENDATION

It is recommended the Commission make a decision whether to change the time of day for the regular Commission meeting and to change the meeting day and week, and give direction to staff to produce a new meeting calendar.

DISCUSSION

At the Special April 25, 2019, Commission meeting, Commissioner Jim Gillio, suggested that the Commission meetings should be held the same week as the Council of Governments meeting for ease of reserving adequate time for the meetings. Since the Council of Governments meets at 3:00 pm, the Commission discussed the possibility of moving the meeting day to Wednesday instead of Thursday. Because the County Planning Commission meets on the Third Wednesday at 6:00 pm, the Commissioners discussed moving the meeting time back to 3:00 pm which was the starting time prior to January 2019.

However, there is one important consideration for the next Commission meeting. As specified in Government Code section 56381(a) the final budget must be adopted prior to June 15th of each year, following a noticed public hearing. Keeping on the current meeting schedule, the final budget was to be scheduled for the Commission's June 13, 2019 public hearing. Should the Commission move the meeting from the second to the third week of the month in June, we will not meet this June 15th deadline. Perhaps the Commission could consider implementing a change to the week the meeting is held until the July 2019 meeting.

With these considerations in mind, it is up to the Commission's discretion whether to change the meeting time, and to select a time that is most convenient for the majority of Commissioners.

If Commissioners have any procedural or logistical questions, please feel free to contact me prior to the meeting.

Commissioners: Cesar Flores, Chair ♦ Richard Bettencourt, Vice Chair ♦ Ignacio Velazquez ♦ Mark Medina ♦ Jim Gillio

Alternate Commissioners: Peter Hernandez ♦ Roberta Daniel ♦ Mary Vazquez Edge **Executive Officer:** Bill Nicholson

Consideration of Change in Meeting Time
March 8, 2018
Agenda Item 5
Page 2

Sincerely,

A handwritten signature in cursive script that reads "Bill Nicholson".

Bill Nicholson,
Executive Officer

LOCAL AGENCY FORMATION COMMISSION

SAN BENITO COUNTY

2301 Technology Parkway

Hollister, CA 95023

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

MEMO

DATE: May 9, 2019 (Agenda)

TO: LAFCO Commissioners

FROM: Bill Nicholson, Executive Officer *Bh*

RE: Update on CALAFCO (California Association of Local Agency Formation Commissions) tracked legislation and consider letter of opposition to AB 600 (Chu) and letter of support on AB 1822 (Committee on Local Government) (Agenda Item 9)

In order to set priorities for the Executive Director, Pamela Miller, and the Legislative Committee regarding what type of legislation to monitor and promote, the CALAFCO Board of Directors adopted the following Legislative Priorities for 2019:

Primary Issues:

- Authority of LAFCO
- Agriculture and Open Space Protection
- Water Availability
- Viability of Local Services

Issues of Interest:

- Housing
- Transportation
- Flood Control
- Adequate Municipal Services in Inhabited Territory

The current legislation being tracked by CALFCO given these legislative priorities is summarized in the attached "CALAFCO Daily Legislative Report." The highest priority bills are under the heading "1" which includes the bills from Page 1 to Page 5 of the attached report, while Priority "2" bills are on Pages 6 and 7, and Priority 3 bills are listed on Pages 8 and 9.

As a member on the Legislative Committee, I will be prepared to give a brief summary of key legislation (the Priority 1 bills) the Legislative Committee has been tracking, and highlights from the Legislative Committee meeting scheduled on May 3, 2019.

As a reminder, the Commission already approved letters of support for two Assembly Bills this legislative session:

- AB 1253 (Rivas) proposing one-time grant funding of \$1.5 million over 5 years for local LAFCO studies on governmental efficiency. It also proposes reimbursement to LAFCOs for costs to process dissolutions required under AB448 (11 County Service Area dissolutions of in San Benito County).

Commissioners: Cesar Flores, Chair □ Richard Bettencourt, Vice Chair □ Ignacio Velazquez □ Mark Medina □ Jim Gillio

Alternate Commissioners: Peter Hernandez □ Roberta Daniel □ Mary Vazquez Edge **Executive Officer:** Bill Nicholson

- AB 213 (Reyes) restoring Vehicle License Fee funds to inhabited city annexations previously shifted away through ERAF transfers by the State.

At this time, CALAFCO has requested local Commissions send a letter of opposition to AB 600 (Chu) which has some significant requirements impacting local governments and LAFCOs. CALAFCO is also requesting letters of support for AB 1822 (Committee on Local Government) for the annual omnibus bill sponsored by CALAFCO which makes technical, non-substantive changes to the law governing LAFCO. One additional request for support letters involves AB 818 which helps support city incorporations. However, this bill is not germane to San Benito LAFCO, and Staff is not recommending the Commission to take a position on this bill. Here is a summary of the two bills for which letters of opposition and support are requested, with copies of the full letters attached to this Memo:

- **AB 600 (Chu)** requires all cities, counties and certain special districts to develop accessibility plans if they have disadvantaged unincorporated communities identified in the General Plan Land Use Element and for LAFCO to hold public hearings after adoption of the accessibility plans and if necessary, initiate changes of organization or service extensions to provide services to the identified communities. However, the bill as written confuses annexations to special districts with cities, takes away LAFCO discretion by mandating Commission approvals or conditional approval, has a lack of clarity over what is included in an accessibility plan and includes unfunded mandates that will require a large commitment of time (such as LAFCO holding hearings on individual accessibility plans within two years of their completion).
- **AB 1822 (Committee on Local Government)** involves the annual omnibus bill sponsored by CALAFCO with non-controversial changes to the Cortese-Knox-Hertzberg Local Government Reorganization Act of 2000 contained in the Government Code, which clarifies and simplify various terms and provisions in the Act. CALAFCO works cooperative with other local government partners and the special districts to ensure there are no controversial items included in the omnibus bill.

Recommended Action

Approve a letter of opposition on AB 600 (Chu) and a letter of support for AB 1822 (Committee on Local Government), direct the Chair to sign the letters and forward to the sponsors and the Assembly Local Government Committee. If the Commission has interest in any legislation, direction can be given to send a position letter, and a copy can be forwarded to the CALAFO Legislative Committee for coordination.

Enclosures:

1. CALAFCO Daily Legislative Report (Current Bills and Priority Ranking) as of April 29, 2019
2. Letter of Opposition to AB 600 (Chu)
3. Letter of Support for AB 1822 (Committee on Local Government)

CALAFCO Daily Legislative Report as of Monday, April 29, 2019

1

AB 508 (Chu D) Drinking water: consolidation and extension of service: domestic wells.

Current Text: Amended: 4/11/2019 [html](#) [pdf](#)

Introduced: 2/13/2019

Last Amended: 4/11/2019

Status: 4/29/2019-Action From APPR.: Read second time.Re-referred to APPR..

Desk	Policy	Fiscal	Floor	Desk	Policy	Fiscal	Floor	Conf. Conc.	Enrolled	Vetoed	Chaptered
1st House				2nd House							

Calendar:

4/29/2019 #47 ASSEMBLY SECOND READING FILE -- ASSEMBLY BILLS

Summary:

The California Safe Drinking Water Act requires the State Water Resources Control Board, before ordering consolidation or extension of service, to, among other things, make a finding that consolidation of the receiving water system and subsumed water system or extension of service to the subsumed water system is appropriate and technically and economically feasible. This bill would modify the provision that authorizes consolidation or extension of service if a disadvantaged community is reliant on a domestic well described above to instead authorize consolidation or extension of service if a disadvantaged community, in whole or in part, is reliant on domestic wells that consistently fail to provide an adequate supply of safe drinking water.

Position: Watch

Subject: Disadvantaged Communities, Water

CALAFCO Comments: This bill allows the SWRCB to order an extension of service in the case a disadvantaged community has at least one residence that are reliant on a domestic well that fails to provide safe drinking water. It allows members of the disadvantaged community to petition the SWRCB to initiate the process. It allows the owner of the property to opt out of the extension. The bill also places limitations on fees, charges and terms and conditions imposed as a result of the extension of service. Finally, the extension of service does not require annexation in the cases where that would be appropriate.

AB 600 (Chu D) Local government: organization: disadvantaged unincorporated communities.

Current Text: Amended: 4/11/2019 [html](#) [pdf](#)

Introduced: 2/14/2019

Last Amended: 4/11/2019

Status: 4/29/2019-Action From APPR.: Read second time.Re-referred to APPR..

Desk	Policy	Fiscal	Floor	Desk	Policy	Fiscal	Floor	Conf. Conc.	Enrolled	Vetoed	Chaptered
1st House				2nd House							

Calendar:

4/29/2019 #48 ASSEMBLY SECOND READING FILE -- ASSEMBLY BILLS

Summary:

The Planning and Zoning Law requires a city or county, on or before the due date for the next adoption of its housing element, to review and update the land use element of its general plan based on available data, including, but not limited to, the data and analysis of unincorporated island, fringe, or legacy communities inside or near its boundaries, as provided. That law requires the updated land use element to include, among other things, an analysis of water, wastewater, stormwater drainage, and structural fire protection needs or deficiencies for each identified community. This bill would define the term "needs or deficiencies" for these purposes to mean both deficient services and lack of services, as specified.

Attachments:

[CALAFCO Oppose Letter REV April 19, 2019](#)

[LAFCo Oppose letter template REVISED](#)

[CALAFCO Oppose Letter April 16, 2019](#)

[LAFCo Oppose letter template](#)

Position: Oppose

Subject: Disadvantaged Communities, Water

Subject: Disadvantaged Communities, LAFCo Administration, Municipal Services, Special District Consolidations

CALAFCO Comments: This is a CALAFCO sponsored bill following up on the recommendation of the Little Hoover Commission report of 2017 for the Legislature to provide LAFCos one-time grant funding for in-depth studies of potential reorganization of local service providers. Last year, the Governor vetoed AB 2258 - this is the same bill. The Strategic Growth Council (SGC) will administer the grant program. Grant funds will be used specifically for conducting special studies to identify and support opportunities to create greater efficiencies in the provision of municipal services; to potentially initiate actions based on those studies that remove or reduce local costs thus incentivizing local agencies to work with the LAFCo in developing and implementing reorganization plans; and the dissolution of inactive districts (pursuant to SB 448, Wieckowski, 2017). The grant program would sunset on July 31, 2024.

The bill also changes the protest threshold for LAFCo initiated actions, solely for the purposes of actions funded pursuant to this new section. It allows LAFCo to order the dissolution of a district (outside of the ones identified by the SCO) pursuant to Section 11221 of the Elections code, which is a tiered approach based on registered voters in the affected territory (from 30% down to 10% depending).

The focus is on service providers serving disadvantaged communities. The bill also requires LAFCo pay back grant funds in their entirety if the study is not completed within two years and requires the SGC to give preference to LAFCos whose decisions have been aligned with the goals of sustainable communities strategies.

The fiscal request is \$1.5 million over 5 years. CALAFCO is attempting to get this in the May revise budget so there is no General Fund appropriation (the reason Gov. Brown vetoed the bill).

AB 1389 (Eggman D) Special districts: change of organization: mitigation of revenue loss.

Current Text: Introduced: 2/22/2019 [html](#) [pdf](#)

Introduced: 2/22/2019

Status: 3/14/2019-Referred to Com. on L. GOV.

Desk	Policy	Fiscal	Floor	Desk	Policy	Fiscal	Floor	Conf. Conc.	Enrolled	Vetoed	Chaptured
1st House				2nd House							

Summary:

Would authorize the commission to propose, as part of the review and approval of a proposal for the establishment of new or different functions or class of services, or the divestiture of the power to provide particular functions or class of services, within all or part of the jurisdictional boundaries of a special district, that the special district, to mitigate any loss of property taxes, franchise fees, and other revenues to any other affected local agency, provide payments to the affected local agency from the revenue derived from the proposed exercise of new or different functions or classes of service.

Position: Watch

Subject: CKH General Procedures

CALAFCO Comments: This bill allows LAFCo, when approving a proposal for new or different functions or class of service for a special district, to propose the district provide payments to any affected local agency for taxes, fees or any other revenue that may have been lost as a result of the new service being provided.

AB 1751 (Chiu D) Water and sewer system corporations: consolidation of service.

Current Text: Amended: 3/21/2019 [html](#) [pdf](#)

Introduced: 2/22/2019

Last Amended: 3/21/2019

Status: 4/24/2019-VOTE: Do pass as amended and be re-referred to the Committee on [Appropriations]

Desk	Policy	Fiscal	Floor	Desk	Policy	Fiscal	Floor	Conf. Conc.	Enrolled	Vetoed	Chaptured
1st House				2nd House							

Summary:

Current law authorizes the State Water Resources Control Board to order consolidation of public water systems where a public water system or state small water system serving a disadvantaged community consistently fails to provide an adequate supply of safe drinking water, as provided. This bill, the Consolidation for Safe Drinking Water Act of 2019, would authorize a water or sewer system corporation to file an application and obtain approval from the commission through an

protest level, if the district wants to substantially expand services outside the zone. This is unrelated to 56133. CALAFCO will retain a Watch position.

SB 414 (Caballero D) Small System Water Authority Act of 2019.

Current Text: Amended: 4/4/2019 [html](#) [pdf](#)

Introduced: 2/20/2019

Last Amended: 4/4/2019

Status: 4/22/2019-April 22 hearing: Placed on APPR. suspense file.

Desk	Policy	Fiscal	Floor	Desk	Policy	Fiscal	Floor	Conf. Conc.	Enrolled	Vetoed	Chaptured
1st House				2nd House							

Summary:

Would create the Small System Water Authority Act of 2019 and state legislative findings and declarations relating to authorizing the creation of small system water authorities that will have powers to absorb, improve, and competently operate noncompliant public water systems. The bill, no later than March 1, 2020, would require the state board to provide written notice to cure to all public agencies, private water companies, or mutual water companies that operate a public water system that has either less than 3,000 service connections or that serves less than 10,000 people, and are not in compliance, for the period from July 1, 2018, through December 31, 2019, with one or more state or federal primary drinking water standard maximum contaminant levels, as specified.

Position: Watch

Subject: Water

CALAFCO Comments: This bill is very similar to AB 2050 (Caballero) from 2018. Several changes have been made. This bill is sponsored by Eastern Municipal Water District and the CA Municipal Utilities Assoc. The intent is to give the State Water Resources Control Board (SWRCB) authority to mandate the dissolution of existing drinking water systems (public, mutual and private) and authorize the formation of a new public water authority. The focus is on non contiguous systems. The SWRCB already has the authority to mandate consolidation of these systems, this will add the authority to mandate dissolution and formation of a new public agency.

LAFCo will be responsible for dissolving any state mandated public agency dissolution, and the formation of the new water authority. The SWRCB's appointed Administrator will act as the applicant on behalf of the state. LAFCo will have ability to approve with modifications the application, and the new agency will have to report to the LAFCo annually for the first 3 years.

SB 646 (Morrell R) Local agency utility services: extension of utility services.

Current Text: Amended: 4/11/2019 [html](#) [pdf](#)

Introduced: 2/22/2019

Last Amended: 4/11/2019

Status: 4/18/2019-Set for hearing May 1.

Desk	Policy	Fiscal	Floor	Desk	Policy	Fiscal	Floor	Conf. Conc.	Enrolled	Vetoed	Chaptured
1st House				2nd House							

Calendar:

5/1/2019 9:30 a.m. - Room 112 SENATE GOVERNANCE AND FINANCE, MCGUIRE, Chair

Summary:

The Mitigation Fee Act, among other things, requires fees for water or sewer connections, or capacity charges imposed by a local agency to not exceed the estimated reasonable cost of providing the service for which the fee or charge is imposed, unless a question regarding the amount of the fee or charge imposed in excess of the reasonable cost of providing the service or materials is submitted to and approved by 2/3 of the electors voting on the issue. This bill would state that a fee or charge for the extension of water or sewer service may not be utilized for facilities or services other than those for which the fee or charge is imposed.

Position: Neutral

Subject: CKH General Procedures

CALAFCO Comments: UPDATE AS OF THE 4/11/19 AMENDMENTS: These amendments address all of our concerns and the bill now only addresses fees.

This bill does 3 things. (1) Seeks to add a provision to 56133 that requires LAFCo to approve an extension of service regardless of whether a future annexation is anticipated or not. It further requires the service provider to extend the provision of service to a property owner regardless of a whether there is a pending annexation or pre-annexation agreement. The newly proposed subsection directly contradicts subsection (b). (2) Changes the definition of "fee" by requiring the

Calendar:

5/1/2019 1:30 p.m. - State Capitol, Room 447 ASSEMBLY LOCAL GOVERNMENT, AGUIAR-CURRY, Chair

Summary:

Current law provides for the establishment and operations of various water districts. This bill would specifically authorize a water district, as defined, to enter into a contract with a Native American tribe to receive water deliveries from an infrastructure project on tribal lands.

Position: Watch

Subject: Municipal Services, Water

CALAFCO Comments: This bill amends the water code to allow a Native American tribe to sell/deliver water to a water district (as defined in the water code section 20200).

SB 379 (Committee on Governance and Finance) Validations.

Current Text: Introduced: 2/20/2019 [html](#) [pdf](#)

Introduced: 2/20/2019

Status: 4/4/2019-Read third time. Urgency clause adopted. Passed. (Ayes 36. Noes 0.) Ordered to the Assembly. In Assembly. Read first time. Held at Desk.

Desk	Policy	Fiscal	Floor	Desk	Policy	Fiscal	Floor	Conf. Conc.	Enrolled	Vetoed	Chaptered
1st House				2nd House							

Summary:

This bill would enact the First Validating Act of 2019, which would validate the organization, boundaries, acts, proceedings, and bonds of the state and counties, cities, and specified districts, agencies, and entities.

Attachments:

[CALAFCO Support March 2019](#)

Position: Support

Subject: LAFCo Administration

CALAFCO Comments: This is one of three annual validating acts.

SB 380 (Committee on Governance and Finance) Validations.

Current Text: Introduced: 2/20/2019 [html](#) [pdf](#)

Introduced: 2/20/2019

Status: 4/4/2019-Read third time. Urgency clause adopted. Passed. (Ayes 36. Noes 0.) Ordered to the Assembly. In Assembly. Read first time. Held at Desk.

Desk	Policy	Fiscal	Floor	Desk	Policy	Fiscal	Floor	Conf. Conc.	Enrolled	Vetoed	Chaptered
1st House				2nd House							

Summary:

This bill would enact the Second Validating Act of 2019, which would validate the organization, boundaries, acts, proceedings, and bonds of the state and counties, cities, and specified districts, agencies, and entities.

Attachments:

[CALAFCO Support March 2019](#)

Position: Support

Subject: LAFCo Administration

CALAFCO Comments: This is one of three annual validating acts.

SB 381 (Committee on Governance and Finance) Validations.

Current Text: Introduced: 2/20/2019 [html](#) [pdf](#)

Introduced: 2/20/2019

Status: 4/4/2019-Read third time. Passed. (Ayes 36. Noes 0.) Ordered to the Assembly. In Assembly. Read first time. Held at Desk.

Desk	Policy	Fiscal	Floor	Desk	Policy	Fiscal	Floor	Conf. Conc.	Enrolled	Vetoed	Chaptered
1st House				2nd House							

Summary:

This bill would enact the Third Validating Act of 2019, which would validate the organization, boundaries, acts, proceedings, and bonds of the state and counties, cities, and specified districts, agencies, and entities.

Attachments:

[CALAFCO Support March 2019](#)

Attachments:

[CALAFCO Oppose unless amended letter April 2019](#)

Position: Oppose unless amended

CALAFCO Comments: This is a special act district formation. The bill takes what is currently a JPA and transforms it into a special district. The bill specifically addresses annexations and detachments and dissolution processes that do not include LAFCo. Also of concern is the lack of specificity in the process for adding new board members when a territory is annexed.

SB 654 (Moorlach R) Local government: planning.

Current Text: Introduced: 2/22/2019 [html](#) [pdf](#)

Introduced: 2/22/2019

Status: 3/14/2019-Referred to Com. on RLS.

Desk	Policy	Fiscal	Floor	Desk	Policy	Fiscal	Floor	Conf. Conc.	Enrolled	Vetoed	Chaptered
1st House				2nd House							

Summary:

Current law, the Cortese-Knox-Hertzberg Local Government Reorganization Act of 2000, makes certain findings and declarations relating to local government organizations, including, among other things, the encouragement of orderly growth and development, and the logical formation and modification of the boundaries of local agencies, as specified. This bill would make nonsubstantive changes to these findings and declarations.

Position: Watch

CALAFCO Comments: This is a spot bill. The author indicates he has no plans to use this for LAFCo law.

SB 780 (Committee on Governance and Finance) Local Government Omnibus Act of 2019.

Current Text: Amended: 4/11/2019 [html](#) [pdf](#)

Introduced: 2/28/2019

Last Amended: 4/11/2019

Status: 4/25/2019-From committee: Do pass and re-refer to Com. on APPR. with recommendation: To consent calendar. (Ayes 7. Noes 0.) (April 24). Re-referred to Com. on APPR.

Desk	Policy	Fiscal	Floor	Desk	Policy	Fiscal	Floor	Conf. Conc.	Enrolled	Vetoed	Chaptered
1st House				2nd House							

Summary:

Current law requires the governing body of a public agency, within 70 days after the commencement of the agency's legal existence, to file with the Secretary of State, on a form prescribed by the secretary, and also with the county clerk of each county in which the public agency maintains an office, a specified statement of facts about the agency. Current law requires this information to be updated within 10 days of a change in it. Current law requires the Secretary of State and each county clerk to establish and maintain an indexed Roster of Public Agencies that contains this information. This bill would instead require the Secretary of State and each county clerk to establish and maintain an indexed Registry of Public Agencies containing the above-described information.

Position: Watch

CALAFCO Comments: This is the Senate Governance & Finance Committee's annual Omnibus bill.

Total Measures: 20

Total Tracking Forms: 20

4/29/2019 5:14:09 PM

LOCAL AGENCY FORMATION COMMISSION

SAN BENITO COUNTY

2301 Technology Parkway

Hollister, CA 95023

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

May 9, 2019

The Honorable Kansen Chu
California State Assembly
State Capital Room 3126
Sacramento, CA 95814

Subject: Oppose AB 600 (as amended April 11, 2019)

Dear Assembly Member Chu:

The San Benito Local Agency Formation Commission (LAFCo) joins the California Association of Local Agency Formation Commissions (CALAFCO) to oppose your bill AB 600. LAFCOs are aware of and concerned about the disparity of local public services, especially for residents and properties located within disadvantaged unincorporated communities (DUCs). All Californians deserve adequate and safe drinking water and wastewater facilities. We support your efforts to address these problems, which persist in many counties, however AB 600 in its current version does not represent a collective stakeholder dialogue with reasonable and systemic solutions to the problem.

Annexations concerns. Changes proposed to Government Code Section 56375 pose several problems. First, the proposed changes in §56375(a)(8)(A) and (B) seem to confuse the annexation of territory into an incorporated city and the annexation of territory into a special district. When the Legislature created LAFCOs in 1963, one of LAFCOs' primary missions was and still is to ensure orderly growth and development. This is done in a variety of ways including the authority to adopt spheres of influence for local agencies and approve annexations. To ensure orderly growth, when the LAFCo approves a service extension outside the jurisdictional boundary but within the sphere of influence, they do so in anticipation of a later change of organization (annexation), pursuant to §56133(b). Changes to §56375(a)(8)(A) add the exclusion of annexation into a qualified special district.

Further, changes to §56375(a) (8) (B) create an inconsistent exception for protest proceedings which takes away rights that have been long-established in governmental reorganizations in California. The residents of the DUC are afforded the right to file protests for boundary changes but other residents living within a larger annexation boundary that are not part of the DUC would lose their right to protest.

Removes LAFCo discretion. When considering a change of organization pursuant to §56133, LAFCo has the discretion to consider the unique local circumstances and conditions that exist. This is an important and basic construct within the legislatively stated purpose of LAFCOs. This bill removes that discretion and authority through proposed changes to §56375(a)(9), §56425(k)(1) and (2), and §56425 (1).

Lack of clarity. The bill proposes changes to §56301 by adding "considerations of equity" as an additional basis upon which LAFCOs fulfill their purposes. Yet the bill does not define "considerations of equity", which leads to a wide open interpretation. Each LAFCo will create their own local policies related to "considerations of equity".

Commissioners: Cesar Flores, Chair ♦ Richard Bettencourt, Vice Chair ♦ Ignacio Velazquez ♦ Mark Medina ♦ Jim Gillio

Alternate Commissioners: Peter Hernandez ♦ Roberta Daniel ♦ Mary Vazquez Edge **Executive Officer:** Bill Nicholson

The Honorable Kansen Chu
California State Assembly
May 9, 2019
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Accessibility plans. The bill requires LAFCo, within five years of the approval of an accessibility plan (pursuant to §56440), to hold a noticed public hearing for the purposes of reviewing the status of every DUC that is subject to an accessibility plan. This has the potential of being a vast number of public hearings and comprehensive reviews without the necessary resources to execute such a requirement.

Additionally, the bill requires LAFCo to initiate a change of organization, reorganization or service extension should the commission determine the needs of the DUC remain unaddressed. LAFCo-initiated actions are costly to the LAFCo (as there is no funding source to support the action) and like all other changes of organization or reorganization, are subject to protest proceedings. Further, a service extension without annexation would not be a likely LAFCo-initiated action.

The required contents of the accessibility plan are confusing. First, §56440(a)(5)(A) states: “Any actions and alternatives necessary to be taken by the commission, if any, to enable the entity determined pursuant to paragraph (2) to provide services to the affected territory.” How is a county, city or special district best positioned and informed to prescribe to the LAFCo commission what actions the LAFCo should be taking?

Second, §56440(a)(6)(B) requires the commission to approve or approve with conditions the accessibility plan. Once again there is a divestiture in LAFCo authority. Further, we fail to see LAFCos’ authority to enforce any conditions that may be applied to the accessibility plan.

Third, §56440(a)(2) requires the commission to determine which entity is best positioned to provide adequate water or wastewater services to the affected territory. Without a thorough study of surrounding service providers, this may be difficult to determine.

One size does not fit all. We are concerned that the bill has unintended consequences in the ability to provide necessary services to an existing DUC. For example, if it is reasonable to extend services to a particular DUC but not to others, this bill prevents the extension of services to the area that can reasonably be serviced. The same is true for those areas currently contained within a city’s sphere, where it may make better sense to have another service provider providing the service. These changes are complicated by the fact the bill interchangeably uses the term “disadvantaged community” and “disadvantaged unincorporated community”.

Creates a significant unfunded mandate to LAFCo and local agencies. The studies, analysis, preparation of recommendations regarding underserved disadvantaged communities and public hearings on all accessibility plans and potential subsequent actions initiated by LAFCo that would be required, all impose unfunded mandates on counties, cities, qualified special districts and LAFCos. By law LAFCo is forced to pass their costs on to cities, counties – and in 30 counties – special districts which fund the commissions.

San Benito LAFCO is a part-time function with a budget of approximately \$140,000. Our time is oriented to processing applications for boundary changes and preparing municipal service reviews as already mandated by the State. There is no current budget or staff capacity to review and hold hearings on the accessibility plans prepared by the cities and special districts within the County.

The Honorable Kansen Chu
California State Assembly
May 9, 2019
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We support workable and sustainable policy solutions to the disparities in service delivery to disadvantaged communities. However a major obstacle remains the infrastructure and operational funding for these services. We believe that addressing the needs of disadvantaged communities through the planning process and finding tools to support the infrastructure deficiencies and implementation actions remain a very important part of the solution.

For all of the reasons noted above, the San Benito LAFCo is opposed to AB 600. Please contact me should you have any questions.

Yours sincerely,

Cesar Flores
LAFCO Chair

cc: Members, Assembly Local Government Committee
Jimmy MacDonald, Consultant, Assembly Local Government Committee
William Weber, Consultant, Assembly Republican Caucus
Pamela Miller, Executive Director, CALAFCO

LOCAL AGENCY FORMATION COMMISSION

SAN BENITO COUNTY

2301 Technology Parkway

Hollister, CA 95023

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

May 9, 2019

Honorable Cecilia Aguiar-Curry, Chair
Assembly Local Government Committee
California State Assembly
State Capitol, Room 5144
Sacramento, CA 95814

RE: SUPPORT of AB 1822: Local Government Committee Omnibus Bill (as amended April 8, 2019)

Dear Chair Aguiar-Curry:

The San Benito Local Agency Formation Commission (LAFCo) is pleased to support the Assembly Local Government Committee Bill AB 1822 (amended April 8, 2019) which makes technical, non-substantive changes to the Cortese-Knox-Hertzberg Local Government Reorganization Act of 2000 (the Act).

This annual bill includes technical changes to the Act which governs the work of LAFCOs. These changes are necessary as Commissions implement the Act and small inconsistencies are found or clarifications are needed to make the law as unambiguous as possible. AB 1822 currently makes minor technical corrections to language used in the Act. The San Benito LAFCo is grateful to your Committee, staff and CALAFCO, all of whom worked diligently on this language to ensure there are no substantive changes while creating a significant increase in the clarity of the Act for all stakeholders.

This legislation helps insure the Cortese-Knox-Hertzberg Act remains a vital and practical law that is consistently applied around the state. We appreciate your Committee's authorship and support of this bill, and your support of the mission of LAFCOs.

Yours sincerely,

Cesar Flores
LAFCO Chair

cc: Members, Assembly Local Government Committee
Jimmy MacDonald, Consultant, Assembly Local Government Committee
William Weber, Consultant, Assembly Republican Caucus
Pamela Miller, Executive Director, CALAFCO

Commissioners: Cesar Flores, Chair ♦ Richard Bettencourt, Vice Chair ♦ Ignacio Velazquez ♦ Mark Medina ♦ Jim Gillio

Alternate Commissioners: Peter Hernandez ♦ Roberta Daniel ♦ Mary Vazquez Edge **Executive Officer:** Bill Nicholson

INFORMATIONAL

10. Commissioner Announcements and Requests for Future Agenda Items.

11. Executive Officer Oral Status Report on Pending Proposals.

12. Adjourn to regular meeting at 5:00 p.m. on June 13, 2019, unless meeting time is changed based on Commission action or cancelled by Chair.

