

SAN BENITO LOCAL AGENCY FORMATION COMMISSION

REGULAR MEETING AGENDA

Wednesday, April 15, 2020 – 3:00 P.M.

Board of Supervisors Chambers
481 Fourth Street, Hollister CA

THE ATTENDANCE AT THE MEETING IS CLOSED TO THE PUBLIC PER EXECUTIVE ORDER N-29-30. The public may join meeting by Zoom: <https://zoom.us/join> per instructions below:

1. Call to Order and Roll Call
2. Recitation of the Pledge of Allegiance
3. Approve Affidavit of Posting Agenda

TEMPORARY PROCEDURES FOR LAFCO COMMISSION MEETING:

Pursuant to California Governor Gavin Newsom's Executive Order N-29-20 issued on March 17, 2020, relating to the convening of public meetings in response to the COVID-19 pandemic. Attendance at LAFCO meetings is closed to the public. Additionally, members of the Boards and Commissions are allowed to attend the meeting via teleconference and to participate in the meeting to the same extent as if they were present.

Members of the public are encouraged to participate in Board meetings in the following ways:

ZOOM INSTRUCTIONS FOR REMOTE PARTICIPANTS:

Three ways to attend zoom meetings: over the phone, on a web browser, or through the Zoom App. Each meeting will have a meeting ID, which is a unique number associated with an instant or scheduled meeting.

1. Over the phone (Audio Only): (669) 900-6833 or (408) 638-0968.
2. Open the Web-browser: <https://zoom.us/join>
3. Smart Device Application:

*Apple App store: <https://apps.apple.com/us/app/id739431937>

*Android App store:

<https://play.google.com/store/apps/details?id=us.zoom.videomeetings>

Zoom Audio Only (phone)

If you are calling in as audio-only, please dial (669) 900-6833 or (408) 638-0968.

1. It will ask you to enter the Meeting ID #739431937, followed by the “#” key, which can be found at the top page of the agenda. The meeting agenda can be found at <http://cosb.us/>
2. It will then ask for a Participant ID, press the “#” key to continue.

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

Alternate Commissioners: Peter Hernandez ♦ Elia Salinas ♦ Roland Resendez **Executive Officer:** Bill Nicholson

3. Once you enter the zoom meeting, you will automatically be placed on mute.
Zoom On Web-browser or Zoom app on Tablet or Smartphone
If joining through web-browser launch: <https://zoom.us/join> or launch the Zoom app on your Tablet or Smartphone
 1. Select “JOIN A MEETING”
 2. The participant will be prompted to enter Meeting ID #7394319 and name to join the meeting. Which can be found at the top page of the agenda. The meeting agenda can be found at <http://cosb.us/>
 3. Participant can launch audio through their computer or set it up through the phone.

PUBLIC COMMENT

4. **Public Comment:** select the “Participants Tab” and click “Raise hand” icon, the zoom facilitator will unmute you when your turn arises.

CONSENT AGENDA

5. Approval of minutes: February 19, 2020

BUSINESS ITEMS – PUBLIC HEARING ITEM

6. Approval of the Proposed 2020-21 Budget

BUSINESS ITEMS – NON-HEARING ITEMS

7. Consideration of Exemption from LAFCO Review Under Government Code Section 56133(e)(1) for the Culler/Bray housing subdivision project located on the west end of Mojave Way and Fulton Way, and west of Southside Road for the connection to sewer service from the City of Hollister (LAFCO File No. 534).
8. Consider changing the day and/or start time of the regular Commission meetings.

INFORMATIONAL

9. Commissioner Announcements and Requests for Future Agenda Items
10. Executive Officer oral status report on pending proposals
11. Adjourn to next regular meeting on May 20, 2020, unless meeting time is changed based on Commission action or cancelled by the 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 April 15, 2020 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 9th Day of April, 2020.

All locations freely accessible to the general public.

A handwritten signature in cursive script that reads "Janet Slibsager".

Janet Slibsager

Clerk of the Board of Supervisors

CONSENT AGENDA

5. Approval of minutes: February 19, 2020 meeting.



**SAN BENITO LOCAL AGENCY FORMATION
COMMISSION
MINUTES OF MEETING**

February 19, 2020
Board of Supervisors Chambers - Hollister, CA

CALL TO ORDER

1. Chair Cesar Flores called the meeting to order at 3:00 p.m. Those present were Executive Officer Bill Nicholson and Commissioners: Richard Bettencourt, Jim Gillio, Cesar Flores, Mark Medina, and Ignacio Velazquez. Also present were Barbara Thompson, LAFCO Counsel, and Janet Slibsager, Recording Secretary.
2. Commissioner Medina led the Pledge of Allegiance.
3. **APPROVE AFFIDAVIT OF POSTING AGENDA**
Commissioner Gillio made a motion to accept the Affidavit of Posting, Commissioner Bettencourt seconded.

Ayes: Bettencourt, Gillio, Velazquez, Medina, and Flores
Noes: None
Abstain: None
Absent: None

PUBLIC COMMENT

4. **Public Comment Period:** There was no one from the public who wished to speak.

SELECTION OF OFFICER

5. **Open nominations and conduct elections for Commission Chair for 2020 Calendar Year**

Commissioner Gillio nominated Commissioner Medina for Chair.

Commissioner Gillio made a motion to approve Commissioner Medina as Chair, Commissioner Bettencourt seconded.

Ayes: Bettencourt, Gillio, Velazquez, Medina, and Flores
Noes: None
Abstain: None

Absent: None

6. Open nominations and conduct elections for Commission Vice-Chair for 2020 Calendar Year

Commissioner Bettencourt made a motion to approve Commissioner Velazquez as Vice-Chair, Commissioner Flores seconded the motion.

Ayes: Bettencourt, Gillio, Velazquez, Medina, and Flores

Noes: None

Abstain: None

Absent: None

CONSENT AGENDA

7. Approval of minutes: November 20, 2019.

Commissioner Gillio made a motion to approve the minutes of November 20, 2019, Commissioner Velazquez seconded.

Ayes: Bettencourt, Velazquez, Medina, Gillio, and Flores

Noes: None

Abstain: None

Absent: None

BUSINESS ITEMS- NON-HEARING ITEMS

8. Selection of Regular and Alternate Public Member positions on the Commission for four year terms extending to March 1, 2024

Executive Officer Bill Nicolson provided information about the three applicants for regular and alternate positions and that the commission can ask questions from the candidates.

Richard Bettencourt spoke that he would like to continue to sit on the LAFCO Commission and knows the County well. He does his homework and has time because he is retired. He feels he has done his best so far on the Commission.

Trevin Barber spoke that he would like to protect the beauty of the County. He has lived here for one year and would love to support the commission by volunteering his skills to the community. He has been in Economic

Development for over 9 years and would like to help bring jobs to the County.

Commissioner Gillio made a motion to appoint Commissioner Bettencourt as a Regular Public Member, Commissioner Medina seconded.

Ayes: Gillio, Medina, and Flores
Noes: Velazquez
Abstain: None
Absent: None

Commissioner Gillio made a motion to appoint Ella Salinas as an Alternate Public Member, Commissioner Flores seconded.

Ayes: Bettencourt, Gillio, Medina, and Flores
Noes: Velazquez
Abstain: None
Absent: None

9. Discussion of upcoming Budget Process and Work Program for Fiscal Year 2020-21

Executive Officer Bill Nicholson provided a presentation on processing applications. The current Fiscal Year Budget is at \$141,497. The LAFCO responsibilities are known as Cortese-Knox-Hertzberg Local Government Reorganization Act of 2000 where it issues the responsibilities that LAFCO has. A handout was given out of the roster of San Juan Bautista LAFCO, the City, and Special District Sphere of Influence (SOI) and Municipal Service Review (MSR) adoption dates. Mr. Nicholson went on discussing the responsibilities of LAFCO.

Commissioner Gillio would like to work on a MSR with Vineyard Estates to do a 218 and is working with Barbara Thompson. He would like LAFCO to help out with RMA on this.

Commissioner Bettencourt said that the Pachecho Pass Water District is inactive and would like to know if it is dissolved.

Mr. Nicholson said it was not dissolved; in 2007 there was no budget or information so the recommendation was to dissolve them. It is an active district and they have a new Board. He recommends that a MSR could be done for them.

Commissioner Velazquez said that there are districts that have budgets that are not being used. His question is could the money be used for a study before LAFCO pays for it.

Mr. Nicholson said you cannot take money from other districts budgets or accounts.

Discussion was continued about districts and their budgets, and MSR's with the Commissioners and Mr. Nicholson.

Commissioner Bettencourt would like to know if the MSR is included in the budget of \$147,497.

Mr. Nicholson said it was around \$8,000 and the County funded the MSR directly. He recommends a cleanup of CSA's with LAFCO's help.

Commissioner Gillio said if anyone is interested in looking into the story of the Stevia District, a troubled district where LAFCO and the Los Angeles Board of Supervisors took over the district.

Mr. Nicholson stated he has been working on LAFCO for the past four years and his contract is a set dollar amount with no increases and he will be proposing a contract modification for the upcoming fiscal year.

Commissioner Velazquez asked if that would be included in the budget proposal.

Mr. Nicholson said yes and would be starting every July 1.

10. Update and clarification on previous LAFCO Commission direction for the Executive Officer to initiate a Sphere of Influence Amendment for the City of Hollister in the Southside Road Area (Action taken at the January 11, 2018 Commission Meeting)

Executive Officer Bill Nicholson provided information on sewer water service that needs to be approved by LAFCO. Two years ago the Commission gave recommendation to start a sphere of influence amendment

and LAFCO did not pursue. There is now a project starting in the Sunnyslope area and is bringing it back to see how the Commission feels about it.

Commissioner Velazquez said that this item brought a lot of controversy. The City is working on the General Plan update and will need to work on that first before moving forward with this item.

Commissioner Gillio asked the Mayor of Hollister if he sees that area extending this sphere.

Commissioner Velazquez responded for the City that the answer is not clear and there are many issues in the area because of the roads and the growth in that area. It is an estimate of 150 million to fix the roads and as of now his answer would be no.

Commissioner Medina asked about the price of 150 million.

Commissioner Velazquez responded 80 million for Union Road from Airline Road to Highway 156 and 60 million from Airline Road to Sunset Road to Fairview Road. The numbers were ran through COG and stated there is no funding for this.

Commissioner Bettencourt explained to the Commission why he voted on the item two years ago.

Commissioner Medina opened up to Public Comment. No one wished to speak.

Commissioner Gillio said it is reasonable to wait for the City to work on the Master Plan and reexamine at this time next year, consensus is to wait.

INFORMATIONAL

11. Review of Response Letter from the San Benito County Budget Officer to the San Benito LAFCO request dated November 20, 2019 that the County of San Benito assume responsibility for payment of “Retirement–Medical Insurance” for a former Executive Officer who was a County employee

Executive Officer Bill Nicholson provided information and directed the chair to send the letter to the County Administration Office to take over the payment. County budget officer Stewart Patri responded to the letter that the County employee was 100 percent LAFCO employee and the benefits were standard under the agreement with the Union. The conclusion of the letter is the ex-County employee qualified for those benefits and she retired through the County so the County would pay for retirement benefits, and is a burden for LAFCO.

12. Commissioner Announcements and Requests for Future Agenda Items

Commissioner Medina would like to talk about the change of meeting time.

13. Executive Officer Update on the FY 2019-20 Legislation proposed or monitored by the California Association of Local Agency Formation Commissions(CALAFCO)

Executive Officer Bill Nicholson spoke about the Board and cleaning up protest provisions. He had a discussion about new bills that will be passed.

14. Executive Officer oral status report on pending proposals

Executive Officer Bill Nicholson responded that there is not much pending proposals at this time. He recommends that this is a good time to work on MSR work.

Commissioner Bettencourt thanked Mr. Nicholson for his work with LAFCO.

ADJOURNMENT

15. Upon a motion by Commissioner Flores, and seconded by Commissioner Gillio, adjourned meeting at 4:12 p.m.

Final Minutes Approved by the Commission
on _____

By: _____
Mark Medina, Chairman

BUSINESS ITEMS- PUBLIC HEARING ITEM

6. Approval of the Proposed 2020-21 Budget



April 15, 2020 (Agenda)

Local Agency Formation Commission
2301 Technology Parkway
Hollister CA 95023

Proposed LAFCO Budget for FY 2020-21
(Agenda Item 6)

Dear Members of the Commission:

RECOMMENDATION

It is recommended the Commission:

1. Review the Proposed Budget for Fiscal Year 2020-21, accept all public testimony and approve the Proposed Budget with any desired modifications.
2. Direct the staff to distribute the Proposed Budget to cities, special districts and the County as required by Government Code Section 56381.
3. Return to the Commission with a Final Budget for consideration at the June 17, 2020 regular Commission meeting, scheduled at 3:00 pm, unless the meeting time is changed based on action later at today's Commission meeting.

DISCUSSION

Attached to this Report is a summary of the Proposed Budget for Fiscal Year 2020-2021 "Explanation of Accounts" which also identifies the appropriations and expenditures experienced through March 31st in the current 2019-20 Fiscal Year. As a short summary, as of the end of March, the Commission had expended \$56,107 of the full year's budget of \$141,497 (representing 40%). The next Fiscal Year budget is proposed to increase slightly to a total of \$146,727.

As detailed in the Explanation of Accounts attachment, current fiscal year expenditures are well below budgeted amounts in several accounts: costs for services and supplies, which are lower due to the level of application activity; the \$20,000 contingences account has had no withdrawals; the Board Clerk support function as LAFCO Clerk for two quarters of the fiscal year in the amount of \$2,239 have not been paid; and County Counsel has yet to submit billing for the first three quarters of the fiscal year. A copy of

the “Budget Performance Report” for the 7/1/19 to 4/7/20 time period is attached to this Executive Officer's Report which highlights expenditures and revenues by account number.

Revenue from application fees totaled \$2,040.00 in the first three quarters (reflecting one annexation and one out of agency boundary service request). Non-application revenue for LAFCO operations comes from mandatory contributions from the County and the Cities of Hollister and San Juan Bautista. The City of Hollister has several pending annexation projects that may be submitted this fiscal year increasing the application revenue total.

Summary of the Budget Process

LAFCO is an independent commission established by the legislature to carry out specific duties. It is responsible for adopting its own budget to fulfill the purposes described in the Cortese/Knox/Hertzberg Local Government Reorganization Act of 2000. The law does not require approval of the budget by the County, the cities or any other local agencies beyond LAFCO itself.

Government Code Section 56381(a) governs the preparation of the LAFCO budget. It reads as follows:

The commission shall adopt annually, following noticed public hearings, a proposed budget by May 1 and final budget by June 15.

At a minimum, the proposed and final budget shall be equal to the budget adopted for the previous fiscal year unless the commission finds that reduced staffing or program costs will nevertheless allow the commission to fulfill the purposes and programs of this chapter.

The commission shall transmit its proposed and final budgets to the board of supervisors, to each city, and to each independent special district.

Proposed Budget Increase

There are several recommended changes in the Proposed Budget from the current fiscal year that, in total, would increase requested appropriations by a total of \$5,230. The Board Clerk's Office has been providing clerk functions to the Commission, but has received no reimbursement. The California Association of Local Agency Formation Commissions (CALAFCO) dues are being increased by \$754 reflecting a Statewide increase to resolve a structural deficit in this educational and LAFCO support agencies budget, as was approved by a majority of LAFCOs at the October 2019 Business Meeting.

Consultant (Executive Officer) support costs in Account No. 619.222 are proposed to increase in the estimated amount of \$1,732.00 to reflect a cost of living increase based on the Consumer Price Index (CPI). A contract modification will be presented at final budget to include a requested annual adjustment when the CPI increases. The one special Municipal Service Review (MSR) update to be partially funded by LAFCO is a staff support role in the County's efforts to work with consultants retained by the County to update the MSR for County Service Areas (CSAs). As identified in the current year's budget, the CSAs are in need of support by LAFCO, including the possible dissolution or consolidation of various CSAs to more efficiently provide the typical services of road maintenance, street sweeping, stormwater disposal, and street lighting. The Commission will also remember that 11 CSAs were dissolved at the March 2019 Commission meeting that were on the State Controller's List of "inactive" special districts. By far the largest increase is from the County's Cost Allocation Plan which bills LAFCO and other agencies for County support costs such as Auditor, Administration and building use.

To partially offset these increases, reductions in the total amount of \$4,427 are proposed in several accounts where expenditures have been lower than anticipated on a year over year basis.

The Commission may wish to make further modifications to this Proposed Budget based on a review the attached Proposed Budget "Explanation of Accounts" and comments by the Commission or public at the scheduled public hearing.

However, the Commission should be aware that appropriations which are not expended during one fiscal year become part of the Available Fund Balance to finance the following fiscal year budget, and reduce the amount requested to be paid by the County and Cities. The Auditor's Office computes any fund balance at the end of the fiscal year.

Revenues

Contributions from the County and cities represent the great majority of LAFCO revenue. At the Proposed Budget Hearing, the Executive Officer will provide an update as to what these jurisdictions have paid in the prior fiscal year. Application fee revenue amounted to \$2,040.00 in the first three quarters, which is historically very low. There are several pending annexations that will boost this revenue by the end of the Fiscal Year.

REQUESTED ACTION

In consideration of this information, it is recommended the Commission adopt the Proposed Budget and direct the Executive Officer to distribute it to local agencies as required by Government Code Section 56381(a), incorporating any amendments desired

Local Agency Formation Commission
Proposed Budget for FY 2020-2021
April 15, 2020 (Agenda)
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by the Commission. The Commission should also set a public hearing on the Final Budget for the regularly scheduled Commission meeting on June 17, 2020 or at the June meeting date that is decided upon later on today's agenda.

Sincerely,



Bill Nicholson
Executive Officer

Enclosures:

1. Proposed Budget for FY 2019-20 "Statement of Accounts"
2. Detail General Ledger Report – Date Range 07/01/19-04/30/20 (Printed on 4/7/20)

SAN BENITO LOCAL AGENCY FORMATION COMMISSION

Proposed Budget for Fiscal Year 2020-21

Explanation of Accounts

Object Code No.	<u>Description</u>	FY 2019-20 <u>Adopted</u>	As of <u>3/31/20</u>	FY 2020-21 <u>Proposed</u>	<u>Change</u>
619.166	CALAFCO Membership	1,075	1,075	1,829	754
	Membership dues reflect special increase this year for all LAFCOs.				
619.172	Service & Supplies: Postage	1,000	201	1,000	0
	Maintain account based on historic application activity.				
619.174	Service & Supplies: Office Supplies & Copies	2,000	61	2,000	0
	Maintain account based on historic application activity & use of County copying rate.				
619.180	Services & Supplies: Legal Notice	750	337	750	0
	Keeping account the same based on anticipated advertising costs.				
619.194	Training - Registration	1,000	1,382	1,500	500
619.196	Travel - Lodging	1,520	480	1,520	0
	Executive Officer and Commissioner attendance at CALAFCO Conference – Monterey in October 2020 and Staff Workshop in April 2021. Increase registration cost for Counsel attendance.				
619.198	Training & Education - Meals	300	96	300	0
	Corresponding meal reimbursement for conference attendance reduced.				
619.200	Travel – Mileage	2,000	68	1,000	(1,000)
	For attending conferences and special meetings, reduced based on historic usage.				
619.210	Legal Counsel Services	10,000	0	10,000	0
	Legal services are provided by County Counsel and Outside Counsel; not billed yet.				
619.222	LAFCO Consultant Services	69,300	34,965	71,032	1,732
	Executive Officer services at 35 hours/mo. approved in FY 2017-18. Propose 50 hours (\$7,000) for support for MSR for County Service Areas (CSAs) carried over from the 2019-20 Fiscal Year. Also propose annual CPI increase (est. 2.5%).				
619.226	Prof. Services: Public Works (Map/Legal review)	4,000	0	2,000	(2,000)

San Benito Local Agency Formation Commission
Proposed Budget for Fiscal Year 2020-21
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Object Code No.	Description	FY 2020-21 Adopted	As of 3/31/20	FY 2020-21 Proposed	Change
619.252	County GIS Contribution	1,796	0	1,796	0
	The Commission participates in the County GIS Program. The amount is provided by the County as the LAFCO share of annual Basic Maintenance Expense.				
619.101	Cost Allocation Plan	7,329	8,595	15,000	7,671
	County overhead for Auditor/Administration and related functions – increase based on FY 2019-20 expenses.				
TBD	Board Clerk Support	9,427	2,232	7,000	(2,427)
	Reimbursement for Board Clerk as LAFCO Clerk – reduce based on expected hours.				
645.704	Retire – Medical Insurance	10,000	6,615	10,000	0
	Medical insurance costs for former Executive Officer – OPEB responsibility.				
999.999	Contingency Reserve	20,000	0	20,000	0
	Contingency Reserve – remain at \$20,000 for emergencies/unanticipated costs. Funds only spent with prior Commission authorization.				
	Totals	141,497	56,107	146,727	5,230

Detail General Ledger Report

G/L Date Range 07/01/19 - 04/30/20
 Include Sub Ledger Detail
 Exclude Accounts with No Activity

G/L Date	Journal Number	Journal Type	Sub Ledger	Description/Project	Source	Reference	Debit Amount	Credit Amount	Actual Balance
Services and Supplies Membership Dues									
08/20/2019	626.95.7280.1000.619.166	JE	AP	A/P Invoice Entry	Accounts Payable		1,075.00		\$0.00
	2020-00000662				Invoice Date 07/01/2019	Payment Type Check	Payment Number 36804	Balance To Date:	1,075.00
	Invoice Number 2019-35		Vendor CALAFCO	Description 19/20 YEARLY MEMBERSHIP				Amount 1,075.00	Distribution Amount 1,075.00
							Total	\$1,075.00	\$1,075.00
Services and Supplies Membership Dues Totals									
G/L Account Number	626.95.7280.1000.619.172			Account Services and Supplies Membership Dues			\$1,075.00	\$0.00	\$1,075.00
10/03/2019	2020-00001450	JE	AP	A/P Invoice Entry	Accounts Payable		55.00	Balance To Date:	\$0.00
	Vendor U.S. POSTMASTER		Description USPS STAMPS		Invoice Date 10/03/2019	Payment Type Check	Payment Number 38512	Amount 165.00	Distribution Amount 55.00
							Total	\$165.00	\$55.00
							Total	\$165.00	\$55.00
Services and Supplies Postage and Delivery									
G/L Account Number	626.95.7280.1000.619.180			Account Services and Supplies Postage and Delivery			\$55.00	\$0.00	\$55.00
07/30/2019	2020-00000385	JE	AP	A/P Invoice Entry	Accounts Payable		128.00	Balance To Date:	\$0.00
	Vendor NEW SV MEDIA, INC.		Description LAFCO 530- NSV 1930S 07-26-2019		Invoice Date 07/18/2019	Payment Type Check	Payment Number 36173	Amount 128.00	Distribution Amount 128.00
							Total	\$128.00	\$128.00
							Total	\$128.00	\$128.00
Services and Supplies Public and Legal Notices									
G/L Account Number	626.95.7280.1000.619.194			Account Services and Supplies Public and Legal Notices			\$88.25	\$0.00	\$88.25
09/04/2019	2020-00000936	JE	AP	A/P Invoice Entry	Accounts Payable		88.25	Balance To Date:	\$0.00
	Vendor NEW SV MEDIA, INC.		Description LAFCO 531- NSV 1935S 08-30-2019		Invoice Date 08/23/2019	Payment Type Check	Payment Number 37457	Amount 88.25	Distribution Amount 88.25
							Total	\$88.25	\$88.25
							Total	\$88.25	\$88.25
Services and Supplies Public and Legal Notices Totals									
G/L Account Number	626.95.7280.1000.619.194			Account Services and Supplies Public and Legal Notices			\$336.75	\$0.00	\$336.75
10/09/2019	2020-00001439	JE	AP	A/P Invoice Entry	Accounts Payable		553.28	Balance To Date:	\$0.00
	Vendor U.S. BANK CORPORATE PAYMENT SYSTEM		Description CalCard billing 8/23/19 - 9/22/19		Invoice Date 10/09/2019	Payment Type Check	Payment Number 38446	Amount 9,196.64	Distribution Amount 553.28
	(1) U.S. BANK CORPORATE PAYMENT SYSTEM		Description JIM GILLIO - 2019 CALAFCO ANNUAL CONFERENCE IN SACRAMENTO ON WED		Invoice Date 09/20/2019	Payment Type Check	Payment Number 38446	Amount 553.28	Distribution Amount 553.28
							Total	\$9,749.92	\$553.28
							Total	\$9,749.92	\$553.28
Services and Supplies Training									
G/L Account Number	626.95.7280.1000.619.194			Account Services and Supplies Training			\$553.28	\$0.00	\$553.28
10/09/2019	2020-00001439	JE	AP	A/P Invoice Entry	Accounts Payable		553.28	Balance To Date:	\$0.00
	Vendor U.S. BANK CORPORATE PAYMENT SYSTEM		Description CalCard billing 8/23/19 - 9/22/19		Invoice Date 10/09/2019	Payment Type Check	Payment Number 38446	Amount 9,196.64	Distribution Amount 553.28
	(1) U.S. BANK CORPORATE PAYMENT SYSTEM		Description JIM GILLIO - 2019 CALAFCO ANNUAL CONFERENCE IN SACRAMENTO ON WED		Invoice Date 09/20/2019	Payment Type Check	Payment Number 38446	Amount 553.28	Distribution Amount 553.28
							Total	\$9,749.92	\$553.28
							Total	\$9,749.92	\$553.28

Detail General Ledger Report

G/L Date Range 07/01/19 - 04/30/20
 Include Sub Ledger Detail
 Exclude Accounts with No Activity

G/L Date	Journal Number	Journal Type	Sub Ledger	Description/Project	Source	Reference	Debit Amount	Credit Amount	Actual Balance
09/30/2019	626.95.7280.1000.619.222	JE	AP	A/P Invoice Entry	Accounts Payable		3,640.00	Balance To Date:	\$0.00
	2020-00001256				Invoice Date 09/09/2019	Payment Type Check			3,640.00
	Vendor WILLIAM R. NICHOLSON							Amount 3,640.00	
	2019-7							Distribution Amount 3,640.00	3,640.00
							Total	\$3,640.00	\$3,640.00
10/03/2019	2020-00001423	JE	AP	A/P Invoice Entry	Accounts Payable		8,295.00		11,935.00
	Vendor WILLIAM R. NICHOLSON				Invoice Date 10/02/2019	Payment Type Check		Amount 8,295.00	
	2019-8							Distribution Amount 8,295.00	8,295.00
							Total	\$8,295.00	\$8,295.00
10/22/2019	2020-00001594	JE	AP	A/P Invoice Entry	Accounts Payable		2,590.00		14,525.00
	Vendor WILLIAM R. NICHOLSON				Invoice Date 10/22/2019	Payment Type Check		Amount 2,590.00	
	2019-9							Distribution Amount 2,590.00	2,590.00
							Total	\$2,590.00	\$2,590.00
12/09/2019	2020-00002446	JE	AP	A/P Invoice Entry	Accounts Payable		3,675.00		18,200.00
	Vendor WILLIAM R. NICHOLSON				Invoice Date 12/09/2019	Payment Type Check		Amount 3,675.00	
	2019-10							Distribution Amount 3,675.00	3,675.00
							Total	\$3,675.00	\$3,675.00
12/18/2019	2020-00002668	JE	AP	A/P Invoice Entry	Accounts Payable		4,305.00		22,505.00
	Vendor WILLIAM R. NICHOLSON				Invoice Date 12/17/2019	Payment Type Check		Amount 4,305.00	
	2019-11							Distribution Amount 4,305.00	4,305.00
							Total	\$4,305.00	\$4,305.00
02/04/2020	2020-00003355	JE	AP	A/P Invoice Entry	Accounts Payable		2,345.00		24,850.00
	Vendor WILLIAM R. NICHOLSON				Invoice Date 01/28/2020	Payment Type Check		Amount 2,345.00	
	2019-12							Distribution Amount 2,345.00	2,345.00
							Total	\$2,345.00	\$2,345.00
02/24/2020	2020-00003729	JE	AP	A/P Invoice Entry	Accounts Payable		4,270.00		29,120.00
	Vendor WILLIAM R. NICHOLSON				Invoice Date 02/06/2020	Payment Type EFT		Amount 4,270.00	
	2020-1							Distribution Amount 4,270.00	4,270.00
							Total	\$4,270.00	\$4,270.00
03/24/2020	2020-00003973	JE	AP	A/P Invoice Entry	Accounts Payable		5,845.00		34,965.00
	Vendor WILLIAM R. NICHOLSON				Invoice Date 03/16/2020	Payment Type EFT		Amount 5,845.00	
	2020-2							Distribution Amount 5,845.00	5,845.00
							Total	\$5,845.00	\$5,845.00

Detail General Ledger Report

G/L Date Range 07/01/19 - 04/30/20
 Include Sub Ledger Detail
 Exclude Accounts with No Activity

G/L Date	Journal	Journal Type	Sub Ledger	Description/Project	Account	Source	Reference	Debit Amount	Credit Amount	Actual Balance
Services and Supplies Other Consultants Totals G/L Account Number 626.95.7280.1000.645.704 Other Charges Retiree Medical Insurance 07/13/2019 JE AP A/P Invoice Entry										
	Invoice Number	Vendor	Description	Invoice Date	Payment Type	Payment Number	Amount	Distribution Amount		
2020-00000200	BUSINESSOLVER.COM, INC	2165 - EIA PPO PT*	07/13/2019	EFT	3546	624,890.00	735.00	735.00	\$0.00	\$34,965.00
									Balance To Date:	\$0.00
									Total	\$624,890.00
Accounts Payable 08/10/2019 JE AP A/P Invoice Entry										
	Invoice Number	Vendor	Description	Invoice Date	Payment Type	Payment Number	Amount	Distribution Amount		
2020-00000439	BUSINESSOLVER.COM, INC	2165 - EIA PPO PT*	08/10/2019	EFT	3711	623,437.00	735.00	735.00	623,437.00	735.00
									Total	\$623,437.00
Accounts Payable 09/21/2019 JE AP A/P Invoice Entry										
	Invoice Number	Vendor	Description	Invoice Date	Payment Type	Payment Number	Amount	Distribution Amount		
2020-00000816	BUSINESSOLVER.COM, INC	2393 - Medical PT Adj. (BS)*	09/21/2019	EFT	4010	631,315.00	735.00	735.00	631,315.00	735.00
									Total	\$631,315.00
Accounts Payable 10/19/2019 JE AP A/P Invoice Entry										
	Invoice Number	Vendor	Description	Invoice Date	Payment Type	Payment Number	Amount	Distribution Amount		
2020-00001107	BUSINESSOLVER.COM, INC	2165 - EIA PPO PT*	10/19/2019	EFT	4174	627,852.00	735.00	735.00	627,852.00	735.00
									Total	\$627,852.00
Accounts Payable 11/16/2019 JE AP A/P Invoice Entry										
	Invoice Number	Vendor	Description	Invoice Date	Payment Type	Payment Number	Amount	Distribution Amount		
2020-00001381	BUSINESSOLVER.COM, INC	2165 - EIA PPO PT*	11/16/2019	EFT	4343	614,710.00	735.00	735.00	614,710.00	735.00
									Total	\$614,710.00
Accounts Payable 12/14/2019 JE AP A/P Invoice Entry										
	Invoice Number	Vendor	Description	Invoice Date	Payment Type	Payment Number	Amount	Distribution Amount		
2020-00001692	BUSINESSOLVER.COM, INC	2165 - EIA PPO PT*	12/14/2019	EFT	4493	662,706.00	735.00	735.00	662,706.00	735.00
									Total	\$662,706.00
Accounts Payable 01/11/2020 JE AP A/P Invoice Entry										
	Invoice Number	Vendor	Description	Invoice Date	Payment Type	Payment Number	Amount	Distribution Amount		
2020-00001941	BUSINESSOLVER.COM, INC	2165 - EIA PPO PT*	01/11/2020	EFT	4522	640,057.00	735.00	735.00	640,057.00	735.00
									Total	\$640,057.00

Detail General Ledger Report

G/L Date Range 07/01/19 - 04/30/20
 Include Sub Ledger Detail
 Exclude Accounts with No Activity

G/L Date	Journal Number	Journal Type	Sub Ledger	Description/Project	Source	Reference	Debit Amount	Credit Amount	Actual Balance
02/22/2020	626.95.7286.1000.645.704	JE	AP	Other Charges Retiree Medical Insurance	Accounts Payable		735.00		\$0.00
	2020-00003668			A/P Invoice Entry	Invoice Date 02/22/2020	Payment Type EFT		Balance To Date:	5,880.00
					Payment Number 4826			Amount 640,643.00	
							Total	Amount 640,643.00	Distribution Amount 735.00
									\$735.00
03/21/2020	2020-00003992	JE	AP	A/P Invoice Entry	Accounts Payable		735.00		6,615.00
					Invoice Date 03/21/2020	Payment Type EFT		Balance To Date:	
					Payment Number 4866			Amount 662,669.00	Distribution Amount 735.00
							Total	Amount 662,669.00	\$735.00
09/30/2019	626.95.7286.1000.649.101	JE	GL	Other Charges Cost Plan	Account Other Charges Retiree Medical Insurance Totals		\$6,615.00	\$0.00	\$6,615.00
	2020-00001868			Q1 Cost Plan Allocation	General Ledger		4,297.50	Balance To Date:	\$0.00
				Q2 Cost Plan Allocation	General Ledger		4,297.50	Amount 4,297.50	
12/31/2019	2020-00001875	JE	GL	Q2 Cost Plan Allocation	Account Other Charges Cost Plan Totals		4,297.50		8,595.00
					Program/Section/Activity Administration Totals			Amount 8,595.00	\$8,595.00
					Division LAFCO Totals			Amount 52,195.03	\$0.00
					Department Trust and Agency Totals			Amount 52,195.03	\$0.00
					Fund LAFCO Totals			Amount 52,195.03	\$0.00
					Grand Totals			Amount 52,195.03	\$0.00

BUSINESS ITEMS – NON- HEARING ITEMS

7. Consideration of Exemption from LAFCO Review Under Government Code Section 56133(e)(1) for the Culler/Bray housing subdivision project located on the west end of Mojave Way and Fulton Way, and west of Southside Road for the connection to sewer service from the City of Hollister (LAFCO File No. 534).

8. Consider changing the day and/or start time of the regular Commission meetings.



April 15, 2020 (Agenda)

Local Agency Formation Commission
2301 Technology Parkway
Hollister, CA 95203

**Consideration of Exemption from Government Code 56133(e)(1) for the
Culler/Bray Subdivision
LAFCO Application No. 534
(Agenda Item 7)**

Dear Members of the Commission:

SUMMARY OF REQUEST

The applicants representative, Anne Hall, P.E. with San Benito Engineering has requested the Commission take one of two actions in order to determine the extension of sewer service from the City of Hollister to their 10 lot subdivision qualifies for exemption from LAFCO approval under Government Code section 56133(e)(1):

Option A: Requests the Commission find the property was already included in the previous exemption granted by the Commission in 2017 for the adjacent "Sunnyside Estates Subdivision" proposed by John Brigantino.

Option B: Requests the Commission find the subdivision qualifies for an exemption on its own merits based on similar determinations as were found for the Sunnyside Estates Subdivision.

If the Commission agrees there is adequate evidence to support either Option A or B, then the Commission can take action to direct the Commission Chair to sign a letter to Ron Culler and James Bray, and to the City of Hollister verifying that the subdivision's connection to the City's sewer system is exempt from LAFCO approval. If the Commission can't support either option, the applicant should be directed to work with the City of Hollister to have their property included within the City's desired sphere of influence as part of the pending General Plan update effort. If the property were within the sphere boundary, the Commission could authorize an extension in anticipation of a future annexation in compliance with Government Code section 56133(b).

DISCUSSION

This Executive Officer's Report involves consideration of a sewer extension from the City of Hollister for the Culler/Bray Subdivision, a 10-lot housing project with one

additional lot for a well site to be dedicated to the Sunnyslope County Water District. The project is located at the west end of two streets recently constructed within the Sunnyside Estates Subdivision – Fulton Way and Mojave Way - which connect the property to Southside Road where a City of Hollister sewer main is located. The property is within the unincorporated County area and is outside the City's sphere of influence where future annexation is contemplated.

LAFCO review of service extensions outside a city or special district boundary is required under Government Code section 56133(a). When the area to be served is outside the jurisdiction's sphere of influence an extension is limited to instances where it is documented there is an existing or impending threat to the public health or safety as specified under subsection 56133(c). A "threat" typically exists where a well has gone dry for an existing home or farm labor camp, or there is a failing septic system. This project proposes new development on a vacant site; there is no existing residence or development with a failing septic system.

However, the Government Code also contains several exemptions from the requirement for LAFCO review and approval. On July 13, 2017, the Commission made a finding that the neighboring "Sunnyside Estates" Subdivision connection to the City's sewer line qualified for such an exemption under the following subsection that reads:

*56133(e) This section [56133(a)] does not apply to any of the following:
(1) Two or more public agencies where the public service to be provided is an alternative to, or substitute for, public services already being provided by an existing public service provider and where the level of service to be provided is consistent with the level of service contemplated by the existing service provider.*

Based on the letter of request and attachments submitted by Anne Hall, P.E. on behalf of the property owners, the primary request of the Commission - referred to as "Option A" - is for the Commission to find that the Culler/Bray Subdivision property was identified in exhibits and sewer commitments at the time of the Commission's action in July 2017, and therefore, no new analysis or determinations need to be made by the Commission. These considerations are listed in Ms. Hall's letter to the Commission dated March 25, 2020, which are summarized here. The next section of the Report will provide the determinations for consideration of a separate exemption for the Culler/Bray Subdivision – "Option B" – should the Commission not find there is enough evidence to support Option A.

"OPTION A" ANALYSIS:

Anne Hall's March 25, 2020, letter makes five points and provides attachments in support of Option A. The letter presents a summary of documents that "either directly or indirectly include the Culler/Bray property" and indicate that the project is tied to and was planned for in consideration of the Sunnyside Estates Subdivision from the beginning. The five points, and references to corresponding attachments, are presented below along with LAFCO Staff's response in *italics* after each point. Anne Hall's letter is presented as **Attachment 1**. The letter also indicates some background statements that indicate that the Culler/Bray subdivision was initiated back in 2016 with the intention that it would be linked to the Sunnyside Estates Subdivision through road access and infrastructure and that it only represents 5% of the development within the adjacent Sunnyside Estates development.

1. Hollister City Council Resolution No. 2015-179 included Assessor's Parcel No. 020-280-022 which was the original parcel where the Culler/Bray subdivision is currently located. The boundary was changed during processing as the result of a lot line adjustment with the neighboring Bray property for a well parcel to be dedicated to the Sunnyslope County Water District. The Sunnyside Estates Tentative Subdivision Map and the original APN map are attached (**Attachments 2 and 3**, respectively) to show the original property boundary the City Council committed to serving, and City Resolution No. 2015-179 is presented as **Attachment 4**.

Staff Response: The City Council Resolution does include the original Assessor's Parcel Number (APN) for what was the Campisi property at the time. City Staff currently agrees that the City Council's action did include a commitment to provide sewer serve to this two-acre property now owned by Culler/Bray. However, LAFCO Staff disagrees that the LAFCO Commission's 2017 action included this property, which is what is being requested under "Option 1" because the application did not reference that the Culler/Bray property was being included, the property owners never contacted LAFCO about the process or submitted written or verbal testimony in support of the application, nor was it expressly included in the LAFCO decision.

2. The Culler/Bray property was identified in figures in the "Notice of Preparation" for the Sunnyside Estates EIR, and Appendix M: "Wallace Group sewer utility capacity and design study" (both presented in **Attachment 5**). Even though the subject Culler/Bray property is not specifically mentioned, the list of APNs didn't include the property, and the

EIR project description lists a project of 204 lots, the sewer study in Appendix M to the EIR did include capacity for a total of 213 lots that would include the Culler/Bray project.

Staff Response: The reliance on maps in portions of the Sunnyside Estates EIR to conclude the Culler/Bray project had been considered in the earlier LAFCO approval is not supported by the fact that the County required a separate Initial Study to comply with CEQA, a separate Tentative Subdivision Map, and a subsequent Zone Change application for processing the Culler/Bray subdivision. And even if the project was included in the EIR, that fact is not dispositive as to whether or not it was included in the LAFCO action. Final action for approval by the County occurred in October 2019 over two years after LAFCO's action in July 2017.

3. The Sewer Feasibility Report prepared for the Sunnyslope County Water District identified a lift station location that could serve the Culler/Bray property. This conceptual study entitled "Sunnyslope County Water District Sewer Feasibility Report for Sunnyside Estates" dated February 2017, (see **Attachment 6**) was prepared by Matthew Kelley, P.E. only identified the need for 200 connections but it demonstrated the District had the capacity to serve the Sunnyside Estates subdivision and an additional 800 homes, which would accommodate the small Culler/Bray property.

Staff Response: As Ms. Hall clarifies, this sewer feasibility report was not intended to actually design the sewer connection to the Sunnyslope County Water District (SSCWD) sewer plant, it was prepared to help support the legal requirement for the exemption that the City of Hollister sewer service was a substitute for "...public services already being provided by an existing public service provider and where the level of service provided is equal to the level of service provided is consistent with the level contemplated by the existing provider." This study did serve the function the SSCWD intended, and it was the basis for the Commission to exempt the sewer connection for the Brigantino project from LAFCO approval – and this same exemption is being requested under "Option 2" if the Commission doesn't conclude there is sufficient evidence to support "Option 1."

4. The City's Justification of Proposal Questionnaire submitted to LAFCO did include the Culler/Bray property in its reference to both the new and old APN numbers, in its attached exhibit map and references to the EIR, and the Vesting Tentative Map (VTM) that identifies the Culler/Bray property.

*Staff Response: When the City submitted the out of agency service extension application to LAFCO it was oriented to the "Sunnyside Estates" subdivision also referred to as the "Brigantino" subdivision. The Justification of Proposal application referenced the APN numbers for the Brigantino subdivision in Item 2 (see **Attachment 7**) and it also listed the "Former" parcel numbers that included a portion of former APN 020-280-022. The "Former" APN numbers were highlighted to match the APN numbers in the City Council Resolution because they had been changed as a result of the lot line adjustment that reduced the former APN 020-280-022 from 11.5 acres down to 9.5 acres.*

POSSIBLE COMMISSION ACTION TO SUPPORT OPTION A:

If the Commission can conclude there is enough evidence to support the finding that the Commission's action on July 13, 2017 included the Culler/Bray subdivision property in their exemption, then the Commission can support Option A by the following motion:

The Commission finds that there is sufficient evidence to support the determination that the Culler/Bray subdivision property (APN 020-280-054) was included in the Commission's action exempting the Sunnyside Estates Subdivision on July 13, 2017, in compliance with Government Code section 56133(e)(1), based on the evidence presented in the letter, and six attachments, dated March 27, 2020 from Anne Hall, P.E. The LAFCO Chair is directed to send a letter notifying the City and property owners that the project is exempt from LAFCO review,

"OPTION B" ANALYSIS:

The second option requested by the applicants is for the Commission to make the same determinations as were made for the previous Sunnyside Estates Subdivision. Anne Hall, P.E. has provided a separate set of attachments to support this action by the Commission, as follows:

- A new Proposal Justification Questionnaire for the Culler/Bray Subdivision property that is based on similar responses as in Attachment 7 for the "Sunnyside Estates" Questionnaire (**Attachment 8**)
- The Board of Supervisor's Transmittal for the Culler/Bray Subdivision dated 10/8/19, and Planning Commission Resolution tentatively approving

the Vesting Tentative Map with conditions of approval and CEQA findings (**Attachment 9**)

- A Sewer Feasibility Report, dated March 2020, prepared by Anne Hall, P.E. detailing the Sunnyslope County Water District sewer capacity and potential connection, as an alternative to sewer service from the City of Hollister, as a means to justify the finding of exemption under section 56133(e)(1) which is also referenced in Point number 3 above in Anne Hall's letter (**Attachment 10**)
- Letter from Sunnyslope County Water District dated 3/27/2020, noting sewer service to the project was contemplated by the District, but they decline to serve the property and direct the applicant to the City of Hollister sewer system (**Attachment 11**)

After searching through LAFCO files and the history of jurisdictional boundary actions in the Hollister area, the evidence suggests that there is no alternate service provider to the City of Hollister. The primary evidence is based on the "Hollister Urban Area Water and Wastewater Master Plan" document establishing the "Hollister Urban Area" prepared in partnership with the San Benito County Water District. The City and District entered into a Memorandum of Understanding with the Sunnyslope County Water District and the County to implement this Master Plan that identified the wastewater (sewer) service area for the Sunnyslope County Water District as only the Ridgemark Community and several adjacent parcels (see **Attachment 12**). Other territory within and around the City was to be provided sewer in the new upgraded City wastewater treatment plant.

Another document which makes using this exemption difficult is LAFCO File No. 485 when LAFCO approved the Sunnyslope County Water District annexation of 206 acres in the Southside Road area in July 2014. The district's application clearly indicated the only service to be provided to property in this 206 acre area would be water service for domestic purposes and fire suppression. Wastewater treatment service was not proposed – consistent with the Hollister Urban Area Master Plan.

As an alternative for the Commission's consideration, it would be easier for LAFCO to support approval of a sewer extension for new development outside the City limits when the property is within the City's sphere of influence. Under Government Code section 56133(b), such service extensions may be approved by the Commission for new development "in anticipation of a future boundary change" which typically means a future annexation. However, as the Commission directed at the February 19, 2020 meeting, the City should be determining where they would like their sphere of influence to be extended as part of the recently initiated General Plan update process. The Commission unanimously voted to check back with the City on the progress of their

General Plan update in a year (February 2021). In the mean time the Southside Road area remains outside the City's General Plan and sphere of influence boundaries.

However, based on past Commission action for the "Sunnyslope Estates" Subdivision (Brigantino) and the adjacent "Bennett Ranch" subdivision across Southside Road to the east, the Commission may be able to support approval of an exemption based upon the documentation provided by Anne Hall, P.E. in Attachments 8 through 11 to this Report.

POSSIBLE COMMISSION ACTION TO SUPPORT OPTION B:

If the Commission can conclude there is enough evidence to support the finding that the Culler/Bray subdivision qualifies for an exemption from Commission review under Government Code section 56133(e)(1) then the Commission can support Option B by the following motion:

Motion:

The Commission finds that there is sufficient evidence, based on the five Determinations presented on Pages 8 through 11, to make the finding the Culler/Bray Subdivision is exempt from LAFCO to support the determination that the Culler/Bray subdivision property (APN 020-280-054). The LAFCO Chair is directed to send a letter notifying the City and property owners that the project is exempt from LAFCO review.

Finding:

The Commission finds that the extension of sewer service from the City of Hollister to the Culler/Bray Subdivision, as requested by Anne Hall, P.E. on behalf of the property owners, is exempt from LAFCO review and approval in accordance with section 56133(e)(1) of the Government Code based on the evidence presented in Attachments 8 through 11 and the following determinations listed in the Executive Officer's Report dated April 15, 2020.

Determinations:

1. The exemption from LAFCO review under section 56133(e)(1) is satisfied based on the fact that there are two agencies, the City of Hollister and the Sunnyslope County Water District, and the public sewer service to be provided by the City of Hollister is an alternative to, or substitute for, public services already being provided by the Sunnyslope County Water District, an existing public service provider, as the property is located within the Sunnyslope County Water District, who will be providing potable water service to the property.

2. The sewer service from the City of Hollister is an alternative to the Sunnyslope County Water District based on the study commissioned for the District entitled: "Sunnyslope County Water District Sewer Feasibility Report for the Culler/Bray Subdivision" dated March 2020, which was prepared by Anne Hall, P.E.
3. The exemption from LAFCO review under section 56133(e)(1) is further satisfied based on the fact that "Sunnyslope County Water District Sewer Feasibility Report for Sunnyside Estates" prepared by Matthew Kelley, P.E., indicated that the current Sunnyslope County Water District treatment plant has excess capacity for approximately 800 additional customers before reaching capacity, and the Culler/Bray Subdivision only requires 10 connections, thereby satisfying the Government Code section 56133(e)(1) because the level of service to be provided is consistent with the level of service contemplated by the existing service provider.
4. Further evidence of the District's plan for providing sewer service to the property is contained in the letter from the District's Associate Engineer, Rob Hillebrecht, P.E., dated March 27, 2020, to Ron Culler, where he indicated the District sewage treatment plant had capacity for the subdivision, and that the District has contemplated providing sewer service to the subdivision, but that the current circumstances warrant connection to the City of Hollister as a more practical service provider.
5. Further evidence that the City of Hollister sewer service is an alternative to receiving service from the Sunnyslope County Water District is contained in City Council Resolution 2015-179 authorizing City sanitary sewer service to the subject property when it was identified as Assessor's Parcel Number 020-280-022.

RECOMMENDATION

If the Commission can determine there is sufficient evidence to support "Option A" then the Commission should make a motion and adopt the finding presented on Page 5 of the Executive Officer's Report. Alternatively, if the Commission can determine there is sufficient evidence to support "Option B" as presented in this Report, the Commission should make the motion to adopt the finding and make the 5 determinations presented on Pages 7 and 8 of the Executive Officer's Report.

However, should the Commission not be able to make the finding under either Option A or B, then the Commission should deny Application No. 534. In this instance, the property owners should be directed to work with the City of Hollister to include the

Executive Officer's Report
Consideration of Exemption for Culler/Bray Subdivision
Agenda Item 7
April 15, 2020 (Agenda)
Page 9

property within the sphere of influence as part of the pending General Plan update effort, and return to LAFCO with an application for a sewer extension under Government Code section 56133(b) as summarized on Page 6 of this Executive Officer's Report.

Sincerely,

Bill Nicholson
Executive Officer

ATTACHMENTS:

- Attachment 1. Anne Hall's letter to the Commission dated 3/27/2020
- Attachment 2. The Sunnyside Estates Tentative Subdivision Map
- Attachment 3. Original and updated Assessor's Parcel Number Maps
- Attachment 4. City of Hollister Resolution No. 2015-179
- Attachment 5. Excerpts from the Sunnyside Estates EIR NOP, and Appendix M: "Wallace Group sewer utility capacity and design study"
- Attachment 6. Sunnyslope County Water District Sewer Feasibility Report for Sunnyside Estates" prepared by Matthew Kelley, P.E.
- Attachment 7. Proposal Justification Questionnaire for the Brigantino subdivision
- Attachment 8. Proposal Justification Questionnaire for the Culler/Bray Subdivision
- Attachment 9. Board of Supervisor's Transmittal for the Culler/Bray Subdivision and Planning Commission Resolution tentatively approving the Vesting Tentative Map
- Attachment 10. Sewer Feasibility Report, dated March 2020, prepared by Anne Hall, P.E.
- Attachment 11. Letter from Sunnyslope County Water District dated 3/27/2020
- Attachment 12. Map of Wastewater Service Area for Hollister Urban Area Master Plan

cc: Ray Culler, Co-Property Owner
James Bray, Co-Property Owner
Brett Miller, Interim City Manager, City of Hollister
Danny Hillstock, P.E. City Engineer
Anne Hall, P.E. San Benito Engineering
Harry Mavrogenes, Director, San Benito County RMA
Barbara Thompson, LAFCO Counsel



SAN BENITO ENGINEERING & SURVEYING, INC.

California Certified Small Business #1760475

Anne E. Hall, R.C.E. 55611 Kenneth J. Weatherly, P.L.S. 6875

March 25, 2020

Local Agency Formation Commission
2301 Technology Parkway
Hollister, CA 95023

Re: Culler/Bray Subdivision sewer service

Dear Members of the Commission,

I am writing as a representative of Ron Culler and Jim Bray, the owners of the property located behind the Sunnyside Estates subdivision (Brigantino). The proposed Culler/Bray subdivision (10 lots) has always been tied to, and dependent on, the Sunnyside Estates project (ultimately 201 lots). I am writing today because I feel that sewer service for this subdivision was included, both directly and indirectly, under your "Exemption of LAFCO Review Under Government Code 5133(e)(1) for the Sunnyslope (sic) Subdivision Housing Project on Southside Road" approved on July 13, 2017. I request you review my reasons, and find the Culler/Bray subdivision covered under that exemption, and not subject to further review and approval for out-of-district sewer service.

The package provided to the Board for the consideration of the exemption referenced several documents in support of the exemption finding:

- City of Hollister Resolution 2015-179 (will-serve for sewer)
- The Environmental Impact Report (EIR) for the Sunnyside Estates project
- A Sunnyslope County Water District Sewer Feasibility Report for Sunnyside Estates by Matthew Kelly

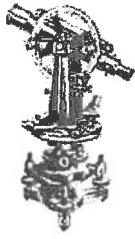
In addition, the consideration was based on:

- Proposal Justification Application by the City of Hollister

These documents, either directly or indirectly, include the Culler/Bray property. For background, the proposed Culler/Bray subdivision is only accessible from the Sunnyside Estates subdivision, and is less than 5% the size of the Sunnyside subdivision. The Culler/Bray subdivision completes the road connectivity of Fulton Way and Mojave Way. The Culler/Bray application was submitted in 2016, with the full intention of following the Sunnyside Estates subdivision EIR, and this was understood by Planning Staff at that time. The Sunnyside Estates Vesting Tentative Map (VTM) states on the face of the map that "the proposed sanitary lift station to be sized to accommodate the project and the

502 MONTEREY STREET HOLLISTER, CA 95023
phone (831) 637-2763 fax (831) 854-9581
info@sanbenitoeng.com
sanbenitoengineering.com

ATTACHMENT 1



SAN BENITO ENGINEERING & SURVEYING, INC.

California Certified Small Business #1760475

Anne E. Hall, R.C.E. 55611 Kenneth J. Weatherly, P.L.S. 6875

Culler/Bray property APN 020-280-054 in the developed state up to 10 lots." The engineer for Sunnyside Estates (currently under construction) has included the 10 lots in his lift station design. Sunnyside Estates has made every effort throughout the process to treat this as an extension of their subdivision.

- 1) The first document listed above is the City of Hollister Resolution 2015-179. The resolution agrees to provide out-of-district sewer service to APNs 020-280-022, 020-280-041, 020-028-043 and 020-320-007. During the course of the Brigantino project, there was a lot line adjustment with the Culler/Bray property to better locate the SSCWD well site. Because of the lot line adjustment, the property that Culler Bray now owns and plans to develop was actually included in the will serve resolution by the City of Hollister – it is physically located on what was a portion of APN 020-280-022 (see attached maps). Therefore, the City will serve resolution includes the part of the Culler/Bray property to be developed.
- 2) The second document referenced is the EIR for the Sunnyside Estates project. The EIR references the newer APNs (020-280-041, 020-280-043, 020-028-055 and 020-320-007) but all the maps used as reference throughout the EIR use the layout of the older APNs. Additionally, the sewer analysis (Appendix M Utilities and Service Systems Sunnyside Estates Sewer Analysis (Wallace Group, December, 2014)) includes the additional homes of the Culler/Bray subdivision. The EIR project description describes 204 residential lots. Appendix M analyzes 213 residential units, including the Culler/Bray lots as required by the VTM. Therefore, the EIR includes the Culler/Bray subdivision both directly and indirectly.
- 3) The third document reference was the SSCWD Sewer Feasibility report. Although the City of Hollister had agreed to provide service, the Feasibility Report was required to fulfill the LAFCO provision that "...*public services already* being provided by an existing public service provider and where the level of service to be provided is consistent with the level of service contemplated by the *existing provider*...". Sunnyslope offered to provide Sunnyside Estates subdivision with sewer service based on the Feasibility Study, which contemplated 200 homes. Although this number does not include the Culler/Bray subdivision, the location of the lift station proposed in the Feasibility study was placed such that it could accommodate the Culler/Bray homes. The study states that SSCWD could treat these homes and 800 more, and capacity was not an issue.
- 4) Finally, the consideration was requested with the Proposal Justification Application by the City of Hollister. This application referenced both the new and old APN numbers, the VTM, the EIR and attached the Wallace Sewer Analysis, which included the Culler/Bray homes. The exhibit map attached also includes the Culler/Bray property. Therefore, the City of Hollister LAFCO application includes the Culler/Bray property to be developed.

502 MONTEREY STREET HOLLISTER, CA 95023
phone (831) 637-2763 fax (831) 854-9581
info@sanbenitoeng.com
sanbenitoengineering.com



SAN BENITO ENGINEERING & SURVEYING, INC.

California Certified Small Business #1760475

Anne E. Hall, R.C.E. 55611 Kenneth J. Weatherly, P.L.S. 6875

Three of the four documents used to initiate and support the Exemption issued for Sunnyside Estates directly included the Culler/Bray subdivision. I therefore believe that even though it was not explicitly mentioned, the Culler/Bray subdivision was included under the previous Exemption, and no further ministerial approvals are required for the Culler/Bray subdivision to receive sewer service from the City of Hollister. I request the LAFCO Board consider this letter and make a statement on this issue.

A handwritten signature in black ink, appearing to read 'Anne E. Hall', with a long horizontal flourish extending to the right.

Anne E. Hall
RCE 55611

Attachments:

1. Sunnyside Estates VTM
2. APN maps
3. City of Hollister Resolution 2015-179
4. Excerpts from the Sunnyside Estates EIR, including Appendix M
5. Sewer Feasibility Report
6. Proposal Justification Application by the City of Hollister

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info@sanbenitoeng.com
sanbenitoengineering.com



VESTING TENTATIVE MAP SHEET 2
SUNNYSIDE ESTATES
SITE PLAN

DATE: 12/15/2015
 DRAWN: JLR
 CHECKED: JLR
 DATE: 12/15/2015

PROJECT: 2015-0003
 SHEET: 2 OF 5

KELLEY ENGINEERING & SURVEYING
 400 PARK CENTER DRIVE, SUITE #4
 HOLLISTER, CA 95023
 PHONE: 408.925.5177 FAX: 408.925.5187

PRELIMINARY
 NOT VALID FOR CONSTRUCTION

ATTACHMENT 2

REVISED BY	
1-22-00	BA
3-14-01	JC
8-9-05	JC
3-20-07	SD
4-4-12	SD
2/8/13	SD

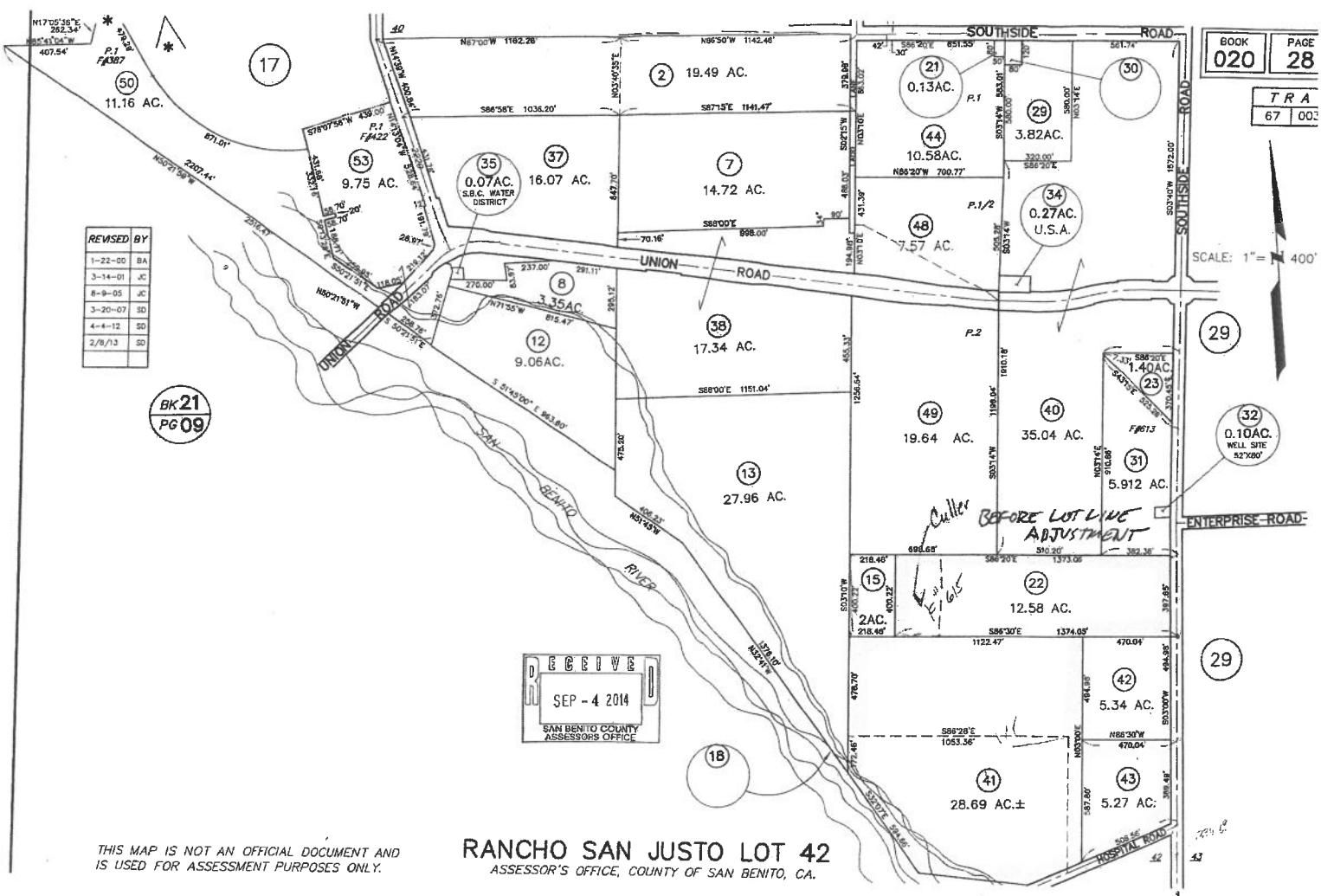
BK 21
PG 09

RECEIVED
SEP - 4 2014
SAN BENITO COUNTY
ASSESSOR'S OFFICE

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

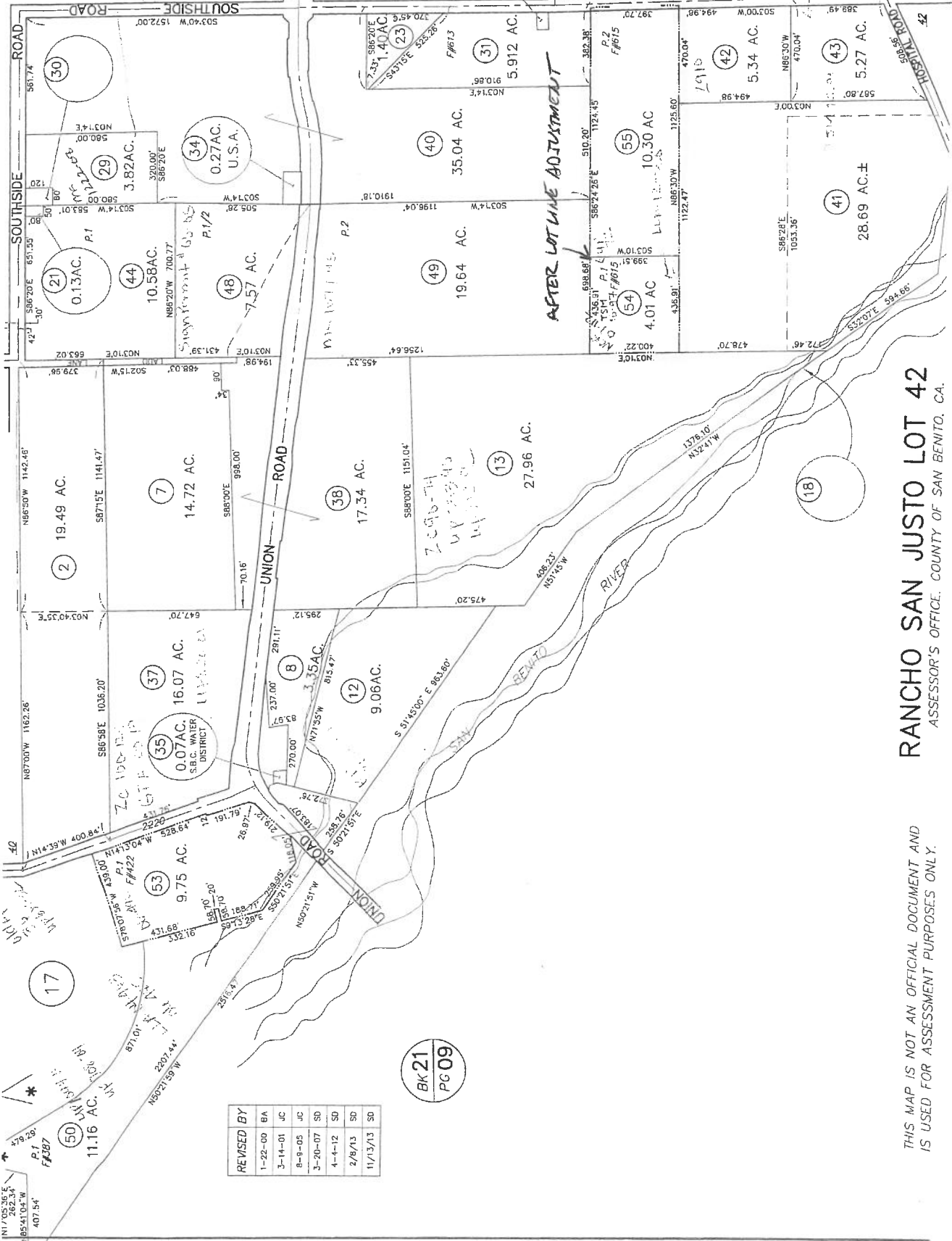
RANCHO SAN JUSTO LOT 42
ASSESSOR'S OFFICE, COUNTY OF SAN BENITO, CA.

ATTACHMENT 3



Expired
 11/13/14
 11/13/14

SCALE: 1" = 400'



REVISED BY	DATE
BA	1-22-00
JC	3-14-01
JC	8-9-05
SD	3-20-07
SD	4-4-12
SD	2/8/13
SD	11/13/13

BK 21
 PG 09

RANCHO SAN JUSTO LOT 42
 ASSESSOR'S OFFICE, COUNTY OF SAN BENITO, CA.

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

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

RESOLUTION NO. 2015-179

A RESOLUTION OF THE CITY COUNCIL OF THE CITY OF HOLLISTER AUTHORIZING THE CITY TO PROVIDE SEWER SERVICE OUTSIDE OF ITS JURISDICTIONAL BOUNDARIES AND OUTSIDE THE SPHERE OF INFLUENCE AND WITHIN THE URBAN SERVICE AREA WATER AND WASTEWATER MASTER PLAN TO THE PROPERTY LOCATED NORTH OF HOSPITAL ROAD, WEST OF ENTERPRISE ROAD AND SOUTHSIDE ROAD. APNs 020-280-041, 020-280-043, 020-280-022, AND 020-320-007, AND DIRECTING STAFF TO APPLY TO THE LOCAL AGENCY FORMATION COMMISSION (LAFCo) FOR SERVICES

WHEREAS, the property located at north of Hospital Road, west of Enterprise Rd and Southside Road, further identified as San Benito County Assessor's Parcel Numbers 020-280-041, 020-280-043, 020-280-022, and 020-320-007 located within the unincorporated area of San Benito County but outside the City of Hollister Sphere of Influence and within the Urban Service Area; and

WHEREAS, the project applicant John Brigantino is requesting outside jurisdictional sewer service from the City of Hollister for the property located west of Enterprise Rd and Southside Road, further identified as San Benito County Assessor's Parcel Numbers 020-280-041, 020-280-043, 020-280-022, and 020-320-007; and

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

WHEREAS, the Sunnyslope County Water District subsequently became a party to the Memorandum of Understanding; and

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

NOW THEREFORE BE IT RESOLVED, that the city shall provide sewer service outside of its jurisdictional boundaries and outside the sphere of influence and within the urban service area to the property located north of Hospital Road, west of Enterprise Rd and Southside Road, further identified as San Benito County Assessor's Parcel Numbers 020-280-041, 020-280-043, 020-280-022, and 020-320-007 upon LAFCO approval and be it further resolved that staff is directed by the City Council of the City of Hollister to submit an application to the Local Agency Formation Commission of San Benito County for said services.

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

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

NOES: Mayor Velazquez.

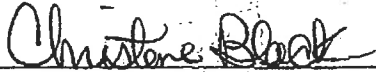
ABSTAINED: None.

ABSENT: None.



Ignacio Velazquez, Mayor

ATTEST:



Christine Black, Interim City Clerk

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

APPROVED AS TO FORM:

L+G LLP, Attorneys at Law



Bradley Sullivan, City Attorney

NOTICE OF PREPARATION
OF AN ENVIRONMENTAL IMPACT REPORT

TO: State Clearinghouse, Responsible Agencies, Trustee Agencies, Organizations and Interested Parties

FROM: County of San Benito, 2301 Technology Parkway, Hollister, CA 95023

PROJECT NAME: Sunnyside Estates

This Notice of Preparation (NOP) has been prepared to notify agencies and interested parties that San Benito County will serve as the Lead Agency, consistent with Section 15021 of the California Environmental Quality Act (CEQA) Guidelines, in preparing a project-level Environmental Impact Report (EIR) for the proposed Sunnyside Estates project (the "proposed project"). The County is requesting your comments on the scope and content of the EIR. The EIR will address the potential physical environmental effects of the proposed project for each of the environmental topics outlined in the CEQA Guidelines, Appendix G. The EIR will also address the cumulative impacts resulting from other approved, planned or pending projects. This approach may allow potential tiering of certain issues evaluated in this project EIR for future developments in the project's vicinity, in accordance with Section 15152 of the CEQA Guidelines. San Benito County is soliciting the views of interested persons and agencies as to the scope and content of the environmental information to be studied in the EIR. In accordance with Section 15082 of the CEQA Guidelines, this Notice of Preparation (NOP) is being sent to the Office of Planning and Research, Responsible Agencies, Trustee Agencies, and other interested parties. Responsible Agencies are those public agencies, besides San Benito County, that also have a role in approving or carrying out the proposed project. Agencies are requested to review the proposed project description provided in this NOP and provide comments on environmental issues related to the statutory responsibilities of the agency. If you are a member of the public, an authorized representative of a Responsible Agency, or a Trustee Agency, a transportation planning agency, agency with transportation facilities that may be affected, or a Federal agency involved in approving or funding the proposed project, San Benito County encourages you to express the views of your agency as to the scope and content of the environmental information that is relevant to your agency's statutory responsibilities in connection with the proposed project. Your agency will need to use the EIR if it will consider a permit or other approval for the proposed project. In responding, please also provide the name, address, telephone number and e-mail address of the contact person for your agency.

Scoping comments on the EIR should focus on discussing possible impacts of the proposed project on the physical environment, ways in which potential adverse effects might be minimized, and alternatives to the proposed project in light of the EIR's purpose to provide useful and accurate information about such factors.

PROJECT LOCATION/ADDRESS: The approximately 47-acre project site is located in unincorporated San Benito County at the northwest corner of Southside Road and Hospital Road. The project site is located approximately one-half mile south of the City of Hollister, one-half mile west of State Route (SR) 25, and 2.25 miles south of SR 156.

Existing land uses surrounding the project site include residences to the south, and rural agricultural

land to the west, north, and east. The project area includes the following Assessor's Parcel Numbers: 020-280-055, 020-280-041, 020-280-043, and 020-320-007.

The current General Plan and Zone District designation for the project site is Agricultural Productive (AP).

PROJECT DESCRIPTION: The proposed Sunnyside Estates project is located on approximately 47 acres of farmland at the northwest corner of Southside Road and Hospital Road. Approximately 34 acres of the site are currently used for the production of hay. The remaining 13 acres of the site consist of a walnut orchard. Prior to 2006, orchard agricultural uses were present on-site. The site topography gently slopes from Southside Road and Hospital Road toward the San Benito River.

The applicant is requesting a General Plan Amendment, Zone Change, and Major Subdivision to subdivide the property into 204 residential lots, which would range between 5,000 square feet (sf) to 13,824 sf, with the average lot being 5,800 sf. The proposed density would be 4.60 dwelling units per acre. The proposed General Plan Land Use and Zoning Designations would be Rural/Urban (R/URB) and Single-Family, Residential (R1), respectively. The proposed project would also construct associated infrastructure and approximately five acres of open space. On-site infrastructure would include internal roads, drainage infrastructure, wet and dry utilities, and right-of-way dedication on frontage roads for future widening. Approximately 11 acres would be dedicated to streets. An on-site detention basin is proposed to manage stormwater.

PUBLIC SCOPING MEETING: Pursuant to the public participation goals of CEQA, San Benito County, in its role as Lead Agency, will hold a public scoping meeting to allow an opportunity for the public and representatives of the public agencies to provide input on the scope of the EIR. The scoping meeting is scheduled for September 18, 2014 at 6:00 pm, at the Board of Supervisors Chambers in the County Administration Building, 481 4th Street, Hollister, California. All members of the public are welcome to attend this meeting.

ENVIRONMENTAL FACTORS POTENTIALLY AFFECTED: The County has not completed an Initial Study for the project, but has determined the general scope of work for the EIR analysis and has contracted with a consultant to prepare the EIR. The potential environmental effects of the project and/or the issues the EIR will address include:

Aesthetics, Agricultural Resources, Air Quality, Biological Resources, Cultural Resources, Geology and Soils, Greenhouse Gas Emissions, Hazards and Hazardous Materials, Hydrology and Water Quality, Land Use and Planning, Noise, Public Services, Transportation and Circulation, and Utilities and Service Systems. Impacts to Forestry, Mineral Resources, Population and Housing, and Recreation were presumed to be less than significant, based on the information provided to date. Therefore, the EIR will contain a statement briefly indicating the reasons that impacts to Forestry, Mineral Resources, Population and Housing, and Recreation were considered less than significant in accordance with CEQA *Guidelines* Section 15128. If significant impacts are identified for any of these issues, a detailed analysis will be included as part of the EIR.

REQUIRED PERMITS AND APPROVALS: The project would need the following discretionary approvals from San Benito County: a General Plan Amendment to the land use map, a Zone Change to the zoning map, and approval of a subdivision map in accordance with the Subdivision Map Act, and grading and building permits. The project also may require approvals from other local, State, and Federal



Olberding Environmental, Inc.
 3170 Crow Canyon Place, Suite 260
 San Ramon, California 94583
 Phone: (925) 866-2111

Figure 3
USGS Quadrangle Map of the Southside Road
Property
 Hollister Quadrangle
 San Benito County, California

This document is not intended for detail design work.



Appendix M

*Utilities and Service Systems Sunnyside
Estates Sewer Analysis
(Wallace Group,
December 2014)*

December 2, 2014



Subject: Sunnyside Estates Sewer Analysis

Dear Mr. Rubcic, PE,

The City of Hollister requested Wallace Group to analyze the impacts that the proposed Sunnyside Estates development would have on the City's sewer collection system. Sunnyside Estates is a proposed 213 unit residential subdivision located outside City limits on the corner of Enterprise Road and Southside Road. The wastewater flow from this development is proposed to be pumped from an on-site effluent lift station to the City's Southside Lift Station (LS) located on Southside Road, just south of Enterprise Road.

The Subdivision's engineer, Kelley Engineering & Surveying, submitted Sheet 4 Utility Plan of the Vesting Tentative Map, dated September 2014 along with the sewer demand estimate dated October 2014. The following are comments pertaining to these two documents:

Sewer Demand Estimate

Wallace Group reviewed the sewer demand estimate. The following data was provided:

Q average = 290 gpd/DU
213 Dwelling Units
Peaking Factor = 2.5

$$Q = 290 \times 213 \times 2.5 = 154,425 \text{ gpd Peak Flow}$$

Wallace Group compared this flow estimate against the flow demands presented in the adopted Sewer Master Plan, dated August 2010, prepared by Wallace Group. The following represent the flows and peaking factors identified in the Sewer Master Plan:

Q average = 50 gpd/person
Density = 3.4 persons per household
Peaking Factor = 3.34

$$Q = 50 \times 3.4 \times 3.34 \times 213 = 123,114 \text{ gpd Peak Flow}$$

The wastewater flows calculated by Kelley Engineering are more conservative than the Sewer Master Plan and are acceptable.

Vesting Tentative Map Sewer Main Layout

The Vesting Tentative Map proposes to serve the entire development with 8-inch sewer mains at a minimum of 0.35% slope. The sewer main material is not identified on the Vesting Tentative Map. The Developer should install PVC per City standards. The 8-inch sewer mains are acceptable to serve the development as shown on the Vesting Tentative Map.

CIVIL AND
TRANSPORTATION
ENGINEERING

CONSTRUCTION
MANAGEMENT

LANDSCAPE
ARCHITECTURE

MECHANICAL
ENGINEERING

PLANNING

PUBLIC WORKS
ADMINISTRATION

SURVEYING /
GIS SOLUTIONS

WATER RESOURCES

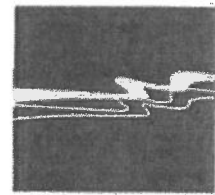


WALLACE GROUP
A California Corporation

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SAN LUIS OBISPO
CALIFORNIA 93401

T 805 544-4011
F 805 544-4294

www.wallacegroup.us



The engineer is proposing to install a lift station within the development to pump to the existing 8-inch sewer main in Southside Road. The following are comments regarding the proposed lift station:

- The engineer shows the lift station in the road of the intersection of Street 5 and Street 6. The lift station should not be located in the road. We recommend that the lift station is located outside of the street Right-of-Way on a dedicated parcel or easement.
- The engineer did not provide any details on the proposed lift station in terms of wet well size, pump capacity, etc. At the time of final design the lift station details should be reviewed for adequacy.
- The sewer main on Southside Road was not analyzed as part of the Sewer Master Plan. The sewer main on Southside Road is an 8-inch sewer main with a 0.51% slope per the Vesting Tentative Map. The current peak hour flow in this sewer main is 95 gpm per the Sewer Master Plan, resulting in a d/D of 0.29 under peak hour flow conditions.
- All wastewater from the proposed Sunnyside Estates development will come from the proposed LS. The flow from the proposed LS is unknown at this time. The maximum allowable flow rate for the 8-inch sewer main in Southside Road is 252 gpm. This would result in a d/D of 0.5, which is the maximum for an 8-inch sewer main per City standards. Therefore, the maximum flow from the proposed lift station should be designed to be no greater than 157 gpm (252 gpm – 95 gpm = 157 gpm). If it is designed to be greater than 157 gpm, the 8-inch sewer main in Southside Road should be upsized to meet the proposed flows. The existing sewer main capacity in Southside Road should be required to be re-checked by the Developer once the lift station information is available.

Southside Lift Station

Sunnyside Estates is proposing to flow to the existing Southside LS. The Southside LS was evaluated in the Sewer Master Plan under existing conditions, but was not evaluated for any future development. Near Term Project No. 7 was identified in the Sewer Master Plan, which recommended installing a blower and odor scrubber adjacent to the wet well and installing security fencing. The City is in the process of completing this capital improvement project. In addition, the Sewer Master Plan noted that the wet well capacity was marginal under existing conditions due to an inadequately sized wet well.

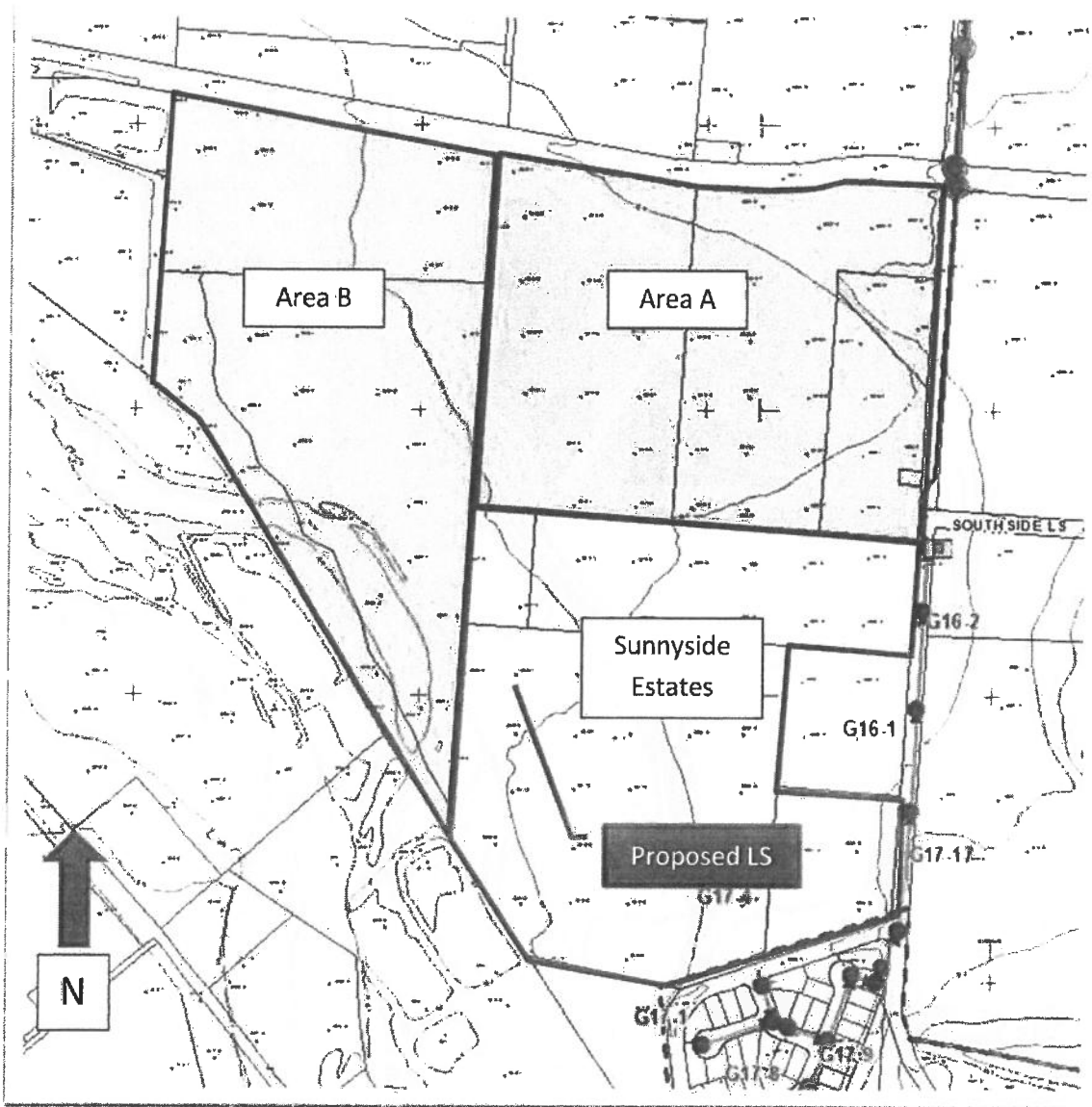
Wallace Group evaluated the Southside LS with the anticipated future flows from Sunnyside Estates. It was determined that the LS pumps are capable of meeting a flow of 252 gpm with no pump upgrades required. If flows are higher than 252 gpm, it is recommended that the lift station pump capacity be verified to confirm the lift station has adequate pumping capacity. The response time at 252 gpm is only 8 minutes. This response time is inadequate for City operators to respond to an emergency. **We recommend that a permanent on-site generator and automatic transfer switch be installed at the lift station prior to connection of Sunnyside Estates, to ensure that under power outage conditions, the lift station will still operate.**



Since the flow from the lift station is not increasing, no downstream upgrades are required to be completed prior to the development coming on-line.

Evaluation of a Regional Sunnyside Estates Lift Station

The City requested that Wallace Group evaluate the elevations of the surrounding land (Area A and Area B below) to determine the feasibility of sending additional wastewater from future developments to the Sunnyside Estates Lift Station to eliminate the potential for additional "pocket" lift stations.





Based on the Vesting Tentative Map, the invert in the manhole prior to the proposed lift station is 308.13 feet with a ground elevation of 321.76 feet. The elevations in general slope east to west with fairly flat to minimal slope in the north to south direction. Because, the slopes from north to south are minimal they will be the driving factor in determining if wastewater flows from the furthest northwest corner of Areas A or B are capable of flowing by gravity to the proposed Sunnyside LS.

Note: the elevations identified on the Vesting Tentative Map are approximately 8.5 feet higher than the 2-foot contour elevation data Wallace Group was provided as part of the Sewer Master Plan Study. It appears that the datum used for the Vesting Tentative Map is different and therefore elevations were adjusted to compensate for the difference in datums.

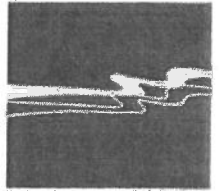
Area A: The ground elevation at the northwest corner of the Area A is 315.4 feet. With the adjustment of 8.5 feet, the comparative ground elevation to the Vesting Tentative Map is 323.95 feet. This point is approximately 1,800 feet away from the proposed lift station. With a minimum slope of 0.35%, the fall to the lift station is 6.3 feet. Therefore, working from the lift station's lowest invert of 308.13 feet, the invert at the northwest corner of Area A would be at a minimum 314.43 feet. The ground elevation of 323.95 feet provides ample cover over the sewer. Therefore, it appears that there is suitable fall from the northwest corner of Area A to meet an invert elevation of 308.13 feet at the lift station. It should be noted that the current design of the sewer mains shown on the Vesting Tentative Map on Street 2, Street 1, and Street 5 would need to be adjusted to accommodate a lower sewer coming from the north. The current design calls for invert elevations around 320 feet, which would be too high to intercept wastewater from the north. Otherwise, a lower, parallel gravity main could convey flow from Area A to the proposed lift station.

The number of homes that would be constructed within Area A is unknown. Since the area of land is similar to Sunnyside Estates, it is assumed that a reasonable flow estimate from Area A is the same as Sunnyside Estates or peak flow of 154,000 gpd (107 gpm). If a regional lift station is desired, then the wet well and pumping capacity for the proposed Sunnyside LS should accommodate these future flows. It is estimated that the pumped flow out of the lift station would be greater than 157 gpm and therefore, the sewer main in Southside Road will need to be upsized as well. This will need to be verified by the developer.

In addition, it should be noted that with the additional development from Area A, the Southside LS wet well capacity may be insufficient depending on the pump selection for the Sunnyside LS. If the total flow to the Southside LS remains less than 157 gpm then the previous recommendation for the installation of an on-site permanent generator will remain. However, if the proposed lift station flow results in flows greater than 157 gpm, which is likely, then the Southside LS will need to be upgraded with a larger wet well and a permanent generator may not be needed.

Area B: The ground contours in Area B fall approximately 20 feet from east to west with the adjusted high elevation being 324.5 feet to an adjusted low elevation of 303.8 feet. The northwest corner elevation of Area B has an adjusted ground elevation of

Mr. Rubcic, PE
City of Hollister
Re: Sunnyside Estates
December 2, 2014
Page 5 of 5



WALLACE GROUP®

308.73 feet, which is the same elevation as the invert of the Sunnyside Estates LS. This corner is approximately 3,000 feet from the LS. With a minimal slope of 0.35% and 4 foot cover, the Sunnyside LS lowest invert would be approximately 294 feet (308.73 feet - 4 feet - 10.5 feet = ~294 feet). This is 14 feet lower than the current invert. If the lift station bottom elevation is designed to be 10 feet from the lowest invert, the lift station would be approximately 37 feet deep. Based on existing contours, it may be feasible to flow approximately 20% of Area B to the Sunnyside Estates LS by gravity. It is not recommended to construct a lift station 37 feet deep, therefore, it is not recommended to send the majority of the wastewater flow from Area B to the Sunnyside Estates LS.

Sincerely,

WALLACE GROUP

A handwritten signature in black ink, appearing to read "Kari Wagner".

Kari Wagner, PE
Senior Civil Engineer



SUNNYSLOPE COUNTY WATER DISTRICT
SEWER FEASIBILITY REPORT
FOR
SUNNYSIDE ESTATES

JOB No. 14003

FEBRUARY 2017



Matthew J. Kelley
2/22/2017

KELLEY
ENGINEERING & SURVEYING
400 PARK CENTER DRIVE, SUITE 4, HOLLISTER, CA 95023
OFFICE: (831) 636-1104 FAX (831) 636-1837

KELLEY
ENGINEERING & SURVEYING
400 PARK CENTER DRIVE, SUITE #4, HOLLISTER, CA 95023-2546
OFFICE: (831) 636-1104 FAX (831) 636-1837

Sunnyside Estates Sewer Feasibility Report

Site Description

Sunnyside Estates is a single family residential neighborhood consisting of 200 lots averaging 5000 S.F. in size. The property is located north of Hospital Road, west of Southside Road and east of the San Benito River. Sewer service is proposed to each lot and directed to a lift station located on-site.

Infrastructure

Each lot is served by a 4" sewer lateral that drain to an 8" main located in the street serving the lot. The 8" mains drain by gravity to a central lift station located on-site.

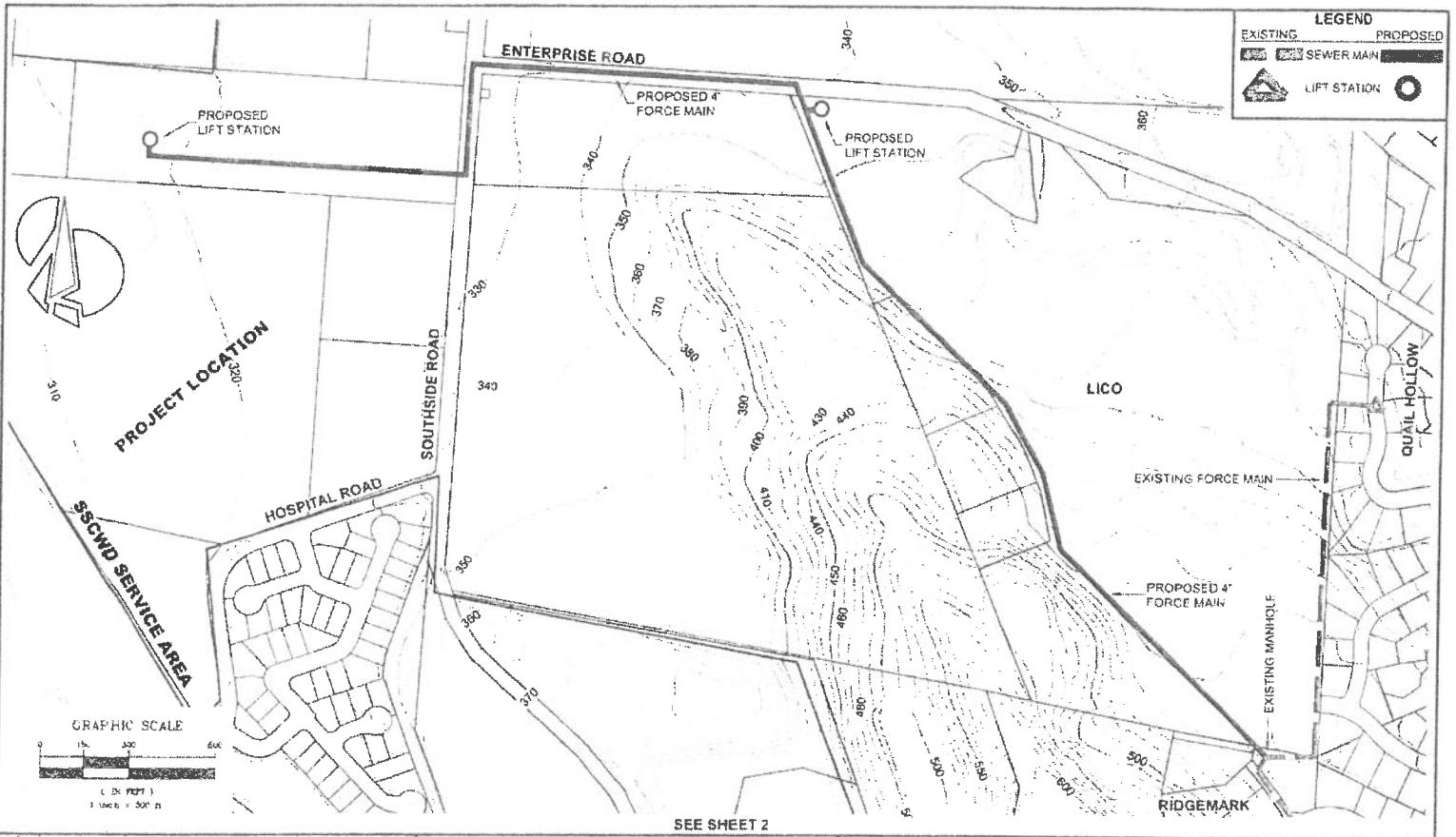
The on-site lift station is proposed to pump the effluent through a 4" force main to a proposed SSCWD lift station located on Enterprise Road approximately 1100 feet east of the intersection of Enterprise Road and Southside Road. The Sunnyslope County Water District operates a lift station located in Oak Canyon Court of the Quail Hollow development. This lift station has a manhole located near George's Drive close to where it intersects with Donald Drive in the Ridgemark development. The proposed SSCWD lift station will pump the effluent to this manhole. From this point effluent is lifted to a high point in George's Drive then flows by gravity to an existing lift station in Mark's Drive. The Mark's Drive lift station pumps the effluent to the treatment plant operated by the Sunnyslope County Water District.

Capacity

The Sunnyslope County Water District currently served 1220 customers. Their treatment plant experiences an average daily demand of 165,000 gallons of effluent per day. Their peak demand is 190,000 gallons per day. The treatment plant is designed to treat up to 350,000 gallons per day. Sunnyside estates is estimates to increase this demand by 27,000 gallons per day on average and a peak demand of 31,200 gallons per day.

Conclusion

Sunnyslope County Water District has the capacity to serve this project and approximately 800 additional customers before reaching the capacity of their treatment plant. The proposed infrastructure is feasible and has the potential to serve other neighboring developments.



BY

PRELIMINARY

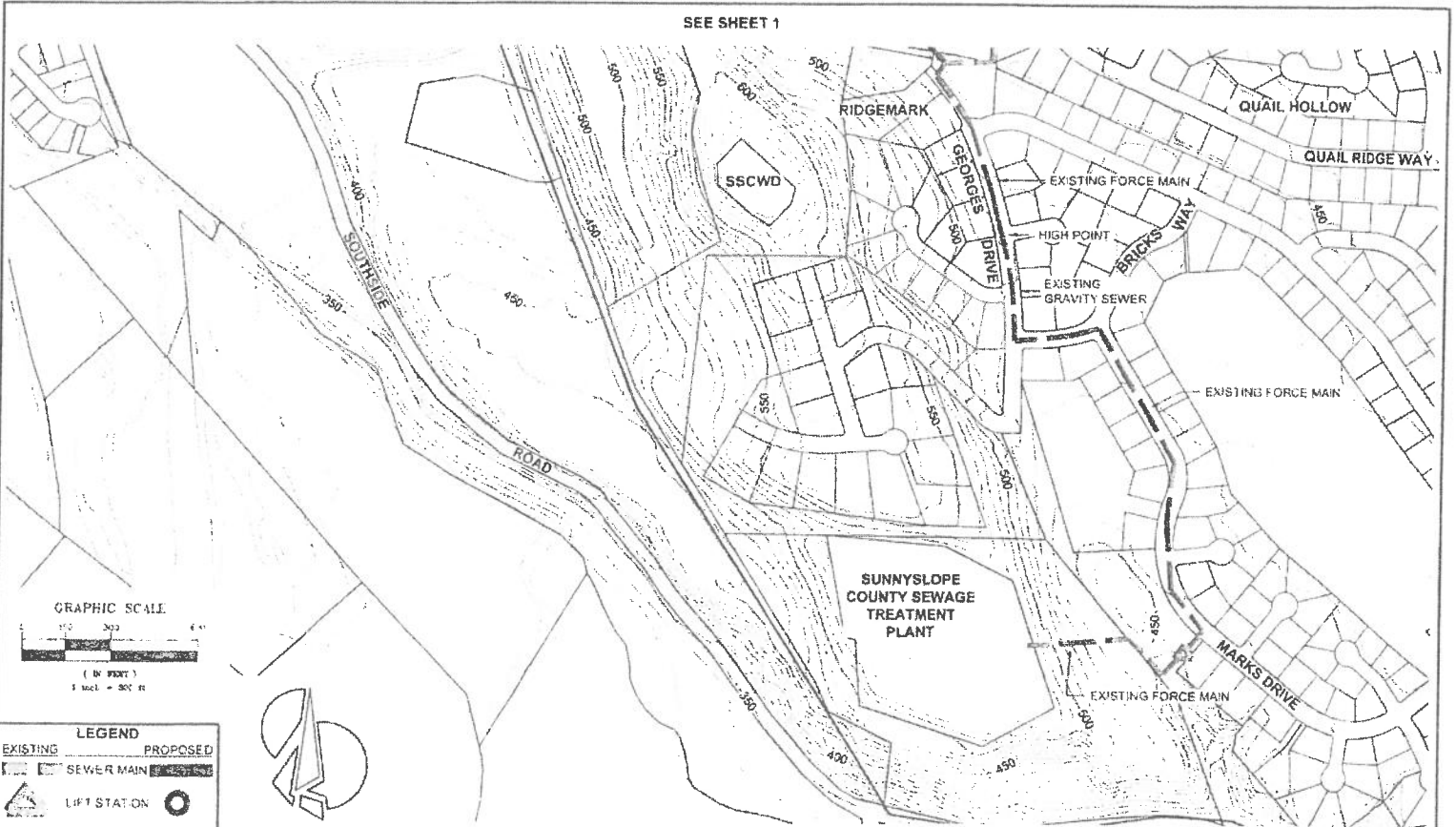
I, _____, a duly Licensed Professional Engineer, do hereby certify that this is a preliminary plan and is not to be used for any other purpose without my written consent.

KELLEY
ENGINEERING & SURVEYING
 400 PARK CENTER DRIVE, SUITE 214, HOLLESTER, CA 94023
 OFFICE (831) 636-1104 FAX (831) 636-1837

SUNNYSIDE ESTATES
SSCWD SEWER SERVICE FEASIBILITY
SAN BENITO COUNTY, CA

Job No.	141008
Issue No.	1/2008
Date	1/23/08
Scale	AS SHOWN
Sheet	1 of 2

SEE SHEET 1



GRAPHIC SCALE



LEGEND

EXISTING	PROPOSED



BY **PRELIMINARY**
 It is hereby certified that the above is a true and correct copy of the original as shown to me by the Professional Engineer whose name is on the above.

KELLEY
ENGINEERING & SURVEYING
 400 PARK CENTER DRIVE, SUITE #4, HOLLISTER, CA 95023
 OFFICE (831) 636-1104 FAX (831) 636-1637

SUNNYSIDE ESTATES
SSCWD SEWER SERVICE FEASIBILITY
SAN BENITO COUNTY, CA

Sheet No.	14501
Project No.	14501
Scale	1" = 300'
Date	Feb 27, 17
Sheet	2
of	2

SAN BENITO LOCAL AGENCY FORMATION COMMISSION

Proposal Justification Questionnaire for Out-of Agency Service Agreement (Attach additional sheets as necessary)

1. Name of City or District:

City of Hollister

2. Location/Address/size of property:

Sunnyside Estates is Approx 44 acres located in the County of San Benito at the intersection of Hospital Rd/Southside Rd.

3. APN: 020-280-041, 020-280-043, 020-280-055, 020-320-007

Note: APN 020-028-055 was previously APN 020-280-022

Complete all relevant questions

4. Is the property within the agency's sphere of influence? Yes No

The property is in the city sewer service area.

The property is not in the City Sphere of influence.

5. What are the existing uses of the site? Be specific.

Vacant land. Hay farmed. One residence.

6. If a change in use is proposed, provide a description of the change.

A Vesting Tentative Map for 200 SFD homes is in process with San Benito County.

7. What types of services are to be provided under contract?

Sewer Service as required for the proposed Sunnyside Estates project.

8. Discuss the justification for the service agreement. Is this an emergency health and safety situation?

This is not an emergency health and safety situation. The property is being re-zoned from Agricultural Productive to Residential. Public sewer service is immediately adjacent to the site and the property is within the City's service area.

9. Why is annexation not possible at this time?

Sunnyside Estates is located in San Benito County, outside the City's sphere of influence. Development is planned to occur in the County.

10. Is annexation of the territory anticipated in the future? Yes No

If yes, when? If no, why not?

Sunnyside Estates has not been identified as an area to be annexed to the City.

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

- A. Describe needed improvements including distance for connections.

The City's sewer main is immediately adjacent to the property in Southside Road.

- B. What are the costs of improvements and other start up costs?

Improvements will include sewer mains located within the project streets, connection to the sewer main in Southside Road and a pump station located within the subdivision. Estimated construction costs will be provided at the time of design.

- C. How is financing to occur, both capital costs and ongoing operations?

Sewer improvements to be developer-installed and dedicated to City. The City is to maintain and operate the sewer system.

12. What environmental review has been conducted for the project? If exempt, please provide a copy of the agency's Notice of Exemption.

An EIR is in process. As part of the EIR, a Sewer Capacity analysis was prepared by the City's consultant (Wallace) indicating that there is sufficient plant and transmission capacity for the proposed project.

13. Provide a vicinity map showing the site, city or district boundary and sphere line.

The Sphere of Influence and Hollister Service Area are shown on the attached Sunnyside Estates VTM's vicinity map.

14. Provide a map showing existing and proposed infrastructure as relevant to this agreement.

The utility plan of the attached VTM shows the existing and proposed infrastructure.

15. Attach a copy of the proposed services agreement and any staff reports or supporting documentation related to this application.

See attached Wallace Sewer Capacity Report dated December 2, 2014.

16. Final Comments

- A. Provide any other comments or justifications regarding the request.
- B. Enclose all pertinent staff reports and supporting documentation.

17. Notices and Staff Reports

List up to three persons to receive copies of a notice of hearing and staff report.

Name and agency

Address

A. John Brigantino 1161 Santa Ana Rd. Hollister Ca. 95023
john@sanbenitorealty.net

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

C. Abraham Prado, City of Hollister Development Services Department, 375 Fifth Street, Hollister, CA 95023
abraham.prado@hollister.ca.gov

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

Name and agency

Address


Email address

Phone

Abraham Prado,
Development Svcs.
City of Hollister

375 5th St.
Hollister, CA 95023

abraham.prado@hollister.ca.gov 831-636-4360

Signature 

Date 9/23/2015

SAN BENITO LOCAL AGENCY FORMATION COMMISSION

Proposal Justification Questionnaire for Out-of Agency Service Agreement

(Attach additional sheets as necessary)

1. Name of City or District:

City of Hollister

2. Location/Address/size of property:

The Culler/Bray property is a 4.01 acre parcel located in the County of San Benito at the end of Fulton Way and Mojave Way.

3. APN: 020-280-054

Complete all relevant questions

4. Is the property within the agency's sphere of influence? Yes No

The property is in the city sewer service area.

The property is not in the City Sphere of influence.

5. What are the existing uses of the site? Be specific.

Vacant land.

6. If a change in use is proposed, provide a description of the change.

A Tentative Map for 10 SF homes was approved by San Benito County in Aug, 2019.

7. What types of services are to be provided under contract?

Sewer Service as required for the project.

8. Discuss the justification for the service agreement. Is this an emergency health and safety situation?

This is not an emergency health and safety situation. The property is being re-zoned from Agricultural Productive to Residential. Public sewer service is immediately adjacent to the site and the property is within the City's service area.

9. Why is annexation not possible at this time?

Culler/Bray is located in San Benito County, outside the City's sphere of influence. Development is planned to occur in the County.

10. Is annexation of the territory anticipated in the future? Yes No

If yes, when? If no, why not?

Culler/Bray has not been identified as an area to be annexed to the City.

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

- A. Describe needed improvements including distance for connections.

The City's sewer main is immediately adjacent to the property in Sunnyside Estates.

- B. What are the costs of improvements and other start up costs?

Improvements will include sewer mains located within the project streets, connection to the sewer main in Fulton Way and Mojave Way.

Estimated construction costs will be provided at the time of design.

- C. How is financing to occur, both capital costs and ongoing operations?

Sewer improvements to be developer-installed and dedicated to City. The City is to maintain and operate the sewer system.

12. What environmental review has been conducted for the project? If exempt, please provide a copy of the agency's Notice of Exemption.

As part of the EIR for Sunnyside Estates, a Sewer Capacity analysis was prepared by the City's consultant (Wallace) which included the Culler/Bray homes, indicating that there is sufficient plant and transmission capacity for the proposed project.

13. Provide a vicinity map showing the site, city or district boundary and sphere line.

The Sphere of Influence and Hollister Service Area are shown on the attached Sunnyside Estates VTM's vicinity map.

14. Provide a map showing existing and proposed infrastructure as relevant to this agreement.

The utility plan of the attached VTM shows the existing and proposed infrastructure.

15. Attach a copy of the proposed services agreement and any staff reports or supporting documentation related to this application.

See attached Wallace Sewer Capacity Report dated December 2, 2014.

16. Final Comments

- A. Provide any other comments or justifications regarding the request.
- B. Enclose all pertinent staff reports and supporting documentation.

17. Notices and Staff Reports

List up to three persons to receive copies of a notice of hearing and staff report.

<u>Name and agency</u>	<u>Address</u>
A. Ron Culler rculler@hotmail.com	106 Louise Cir Hollister Ca. 95023
B. Jim Bray adiparadise@gmail.com	9025 Ludi's Lane Hollister, CA 95023
C. Anne Hall, San Benito Engineering ahall@sanbenitoeng.com	502 Monterey St, Hollister, CA 95023

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

<u>Name and agency</u>	<u>Address</u>	<u>Email address</u>	<u>Phone</u>
Anne Hall	502 Monterey St. Hollister, CA 95023	ahall@sanbenitoeng.com	831-637-2763

Signature



Date

3/26/2020



**SAN BENITO COUNTY
AGENDA ITEM
TRANSMITTAL FORM**

Mark Medina
District No. 1

Anthony Botelho
District No. 2

Peter Hernandez
District No. 3

Jim Gillio
District No. 4
Vice-Chair

Jaime De La Cruz
District No. 5
Chair

Item Number: 14.

MEETING DATE: 10/8/2019

DEPARTMENT: RESOURCE MANAGEMENT AGENCY

DEPT HEAD/DIRECTOR: Harry Mavrogenes

AGENDA ITEM PREPARER: Michael Kelly

SBC DEPT FILE NUMBER: 790

SUBJECT:

RESOURCE MANAGEMENT AGENCY - H. MAVROGENES

Conduct a public hearing to consider the Planning Commission recommendation and the adoption of an ordinance to amend the zoning map for Assessor's Parcel 020-280-054, a four-acre parcel located one-quarter-mile west of the Southside Rd.–Enterprise Rd. intersection, near Hollister, unincorporated San Benito County, from Agricultural Productive (AP) to Single-family Residential (R1).

SBC FILE NUMBER: 790

ORDINANCE NO: 997

AGENDA SECTION:

PUBLIC HEARING - Top

BACKGROUND/SUMMARY:

On August 21, 2019, the County Planning Commission adopted PC Resolution 2019-17 to approve Tentative Subdivision Map (TSM) 16-97, an 11-lot subdivision including 10 residential lots and one additional lot for public utility purposes. A condition of this map approval was the rezoning of the four-acre parcel from Agricultural Productive (AP) to Single-family Residential (R1). A draft ordinance, which includes a finding of consistency with the County General Plan, is attached that would enact this rezoning.

The subject property, just west of Southside Road–Enterprise Road intersection, is adjacent to an existing area of R1 zoning, now actively under construction for the 200-lot Sunnyside Estates subdivision (TSM 14-91). TSM 16-97 as approved by the Planning Commission would function as an extension of Sunnyside Estates, with the currently constructed Mojave Way and Fulton Way to continue onto the TSM 16-97 site and 10 residential lots similar to those of Sunnyside Estates to be located along these two streets.

Further information on the approved TSM 16-97 can be found in the attached August 21 staff report to the Planning Commission and the attached initial study adopted by the Planning Commission.

BUDGETED:

SBC BUDGET LINE ITEM NUMBER:

CURRENT FY COST:

ATTACHMENT 9

STAFF RECOMMENDATION:

- 1) Review the attached materials, hold a public hearing, and hear any proponents and opponents of the proposed project.
- 2) Make a motion to: Accept the introduction, waive first reading and adopt the attached ordinance, which includes findings regarding adherence to the California Environmental Quality Act (CEQA) and consistency with the County General Plan, to enact the Single-family Residential (R1) zoning on the subject property as recommended by Planning Commission Resolution 2019-17.

ADDITIONAL PERSONNEL:

BOARD ACTION RESULTS:

Approved Ordinance No. 997 per staff recommendation (3/2 vote, Supervisor De La Cruz and Hernandez voted no)

ATTACHMENTS:

Description	Upload Date	Type
<u>Planning Commission Resolution 2019-17, adopted August 21, 2019</u>	9/24/2019	Resolution
<u>Staff Report to the Planning Commission, August 21, 2019</u>	9/24/2019	Staff Report
<u>TSM 16-97 Initial Study/Negative Declaration, adopted by the Planning Commission August 21, 2019</u>	9/24/2019	Backup Material
<u>Zoning Map Amendment Ordinance</u>	9/30/2019	Ordinance
<u>Public Hearing Notice</u>	10/4/2019	Backup Material

BEFORE THE PLANNING COMMISSION OF THE COUNTY OF SAN BENITO

A RESOLUTION OF THE SAN BENITO COUNTY PLANNING) **Resolution No. 2019-_____**
COMMISSION CONDITIONALLY APPROVING TENTATIVE)
SUBDIVISION MAP (TSM) 16-97 AND RECOMMENDING TO)
THE BOARD OF SUPERVISORS ENACTMENT OF A ZONING)
MAP AMENDMENT FOR SINGLE-FAMILY RESIDENTIAL (R1))
ZONING.)

WHEREAS, the subject parcel is located at the western ends of Fulton Way and Mojave Way, one quarter-mile west of the Southside Rd.–Enterprise Rd. intersection, near Hollister in unincorporated San Benito County, California (Assessor’s Parcel 020-280-054) and is four acres in area; and

WHEREAS, James Bray on behalf of the property owners Bray Family Trust and Culler Living Trust has filed an application for a tentative subdivision map to separate the property into 10 residential lots and one additional lot for utility purposes, together with a rezoning action to permit the changed land use; and

WHEREAS, the tentative subdivision map would be permissible provided the County Board of Supervisors approve and enact a zoning map amendment designating the project site as Single-family Residential (R1) zoning; and

WHEREAS, the subject property currently has a General Plan Land Use Element designation of Residential Mixed (RM) and a zoning designation of Agricultural Productive (AP); and

WHEREAS, the subject property was recognized as a legal parcel under the State Subdivision Map Act with a 1958 transfer by deed found in County Official Records Book 239 Page 530 and then shaped into its current dimensions following review and approval of Lot Line Adjustment 12-550 under the authority of the San Benito County Planning Director; and

WHEREAS, the Planning Commission of the County of San Benito reviewed the zone change and tentative subdivision map at its regularly scheduled meeting held on August 21, 2019, and reviewed all written and oral information presented to them by County staff and the public at the public hearing; and

WHEREAS, the Planning Commission finds the layout and intensity of the tentative subdivision map consistent with the Residential Mixed (RM) land use designation currently in effect for the property under the General Plan Land Use Element; and

WHEREAS, the Planning Commission finds a zoning map amendment to change the project site’s zoning from Agricultural Productive (AP) to Single-family Residential (R1) consistent with the Residential Mixed (RM) land use designation currently in effect for the property under the General Plan Land Use Element; and

WHEREAS, proposed use of the property would use physical infrastructure currently available and already established to the project site property edge, including public roads and water and sewer lines; and

WHEREAS, the County prepared an initial study/negative declaration (IS/ND) for the project consistent with the requirements of the California Environmental Quality Act (CEQA); and

WHEREAS, the County circulated the IS/ND for public comment from July 26 through August 16, 2019; and

WHEREAS, the IS/ND was presented to the Planning Commission, which reviewed and considered the information contained in the IS/ND prior to making its recommendation on the project; and

WHEREAS, the IS/ND reflects the County of San Benito's independent judgment and analysis; and

WHEREAS, at the conclusion of the public testimony, the Planning Commission closed the public hearing, deliberated, and considered the merits of the proposal,

NOW THEREFORE BE IT RESOLVED that, based on the evidence in the record, the Planning Commission of the County of San Benito hereby finds as follows:

California Environmental Quality Act (CEQA) Findings:

Finding 1: The initial study for TSM 16-97 has been prepared in compliance with the provisions of the California Environmental Quality Act, the State CEQA Guidelines and the San Benito County Implementing Procedures for the California Environmental Quality Act.

Evidence: All provisions including both State and County environmental guidelines and policies for the preparation of an initial study have been followed. The environmental documents in the preparation of the initial study are filed in the project record located at the San Benito County Resource Management Agency in file number TSM 16-97.

Finding 2: The Planning Commission has considered the negative declaration together with all comments received from the public review process.

Evidence: An initial study/negative declaration IS/ND was prepared and circulated publicly to receive comments from members of the public and other public agencies. The IS/ND document, the staff report, and verbal testimony were presented to the Planning Commission in preparation for, and during, the August 21, 2019, Planning Commission meeting.

Finding 3: The negative declaration reflects the independent judgment of the Planning Commission.

Evidence: Planning staff researched and composed the IS/ND and circulated the resulting document to the public, in addition to preparing the staff report. The IS/ND and the staff report were both reviewed by the Planning Commission. Based upon their review of the project information, the Planning Commission's decision reflects their independent evaluation and judgment of the project.

Finding 4: The Planning Commission has found that there is no substantial evidence that the proposed project will have a significant effect on the environment.

Evidence: The Planning Commission considered all the evidence, both written and oral, presented at the public hearing prior to adoption of the negative declaration. The Planning Commission determined that, based on this evidence, the project as proposed with the conditions of approval included in the staff report would maintain impact at a level less than significant.

Zone Change Findings:

Finding 1: The approval of the zone petition will serve the public necessity, convenience and general welfare and is good zoning practice.

Evidence: The rezoning would continue the current neighboring pattern of single-family-residential land use in terms of permitted and conditional uses and building intensity. The result of the zone change would be reflective of previous nearby residential developments containing similar housing types on similar lot types.

Finding 2: This zone change is consistent with the general plan and any applicable special plan.

Evidence: The zone change implements for this specific parcel the intent of the Residential Mixed (RM) designation under the County 2035 General Plan by establishing zoning that would allow the land use envisioned in the General Plan. The proposal for the zone change occurs as part of a project that includes features that policies of the General Plan expect of new development. No further special plan, such as a specific plan, is in effect in this location.

Subdivision Findings:

Finding 1: The proposed map is consistent with the General Plan or any applicable specific plan.

Evidence: Following the Board of Supervisors' approval of the zone change petition, the subdivision, with required conditions of approval, will comply with General Plan policies regarding land use under the Residential Mixed (RM) designation. The proposed residential development on the property would be consistent with the RM designation in its layout and intensity. The conditional approval of the tentative map will not be effective unless and until the Board of Supervisors approves the rezoning of the property to Single-family Residential (R1), a zoning district compatible with the General Plan RM designation. No specific plan is in effect on this property.

Finding 2: The design or improvements of the proposed subdivision is consistent with the General Plan or any applicable specific plan.

Evidence: The project is consistent with the General Plan in terms of use and density. The proposed project would provide adequate access, connections to water service, septic systems, and other infrastructure in a manner compliant with General Plan policies, and the proposal is similar to development on the site's east and south edges. Planning and Public Works staff of the County Resource Management Agency have analyzed the proposed subdivision and determined that the subdivision's design and improvements are consistent with General Plan policies and Subdivision Ordinance design standards provided compliance with conditions of approval. No specific plan affects the subject property.

Finding 3: The site is physically suitable for the type of development.

Evidence: The site is overall lacking in physical hazards and sensitivity that would be in conflict with the proposed intensity of residential use. Physical access is readily available via public streets directly abutting the subject property in two locations.

Finding 4: The site is physically suitable for the density of development.

Evidence: As earlier mentioned, the site does not present physical hazards or sensitivity that the proposed density would exacerbate. Water use and wastewater disposal would not depend on the immediate site's physical qualities, such as soil characteristics and distance from septic systems, as the development proposes public water and sewer service. The project overall complies with the maximum density defined for the site by the General Plan and Zoning Ordinance.

Finding 5: The design of the subdivision or the proposed improvements is not likely to cause substantial environmental damage or substantially and avoidably injure fish or wildlife or their habitat.

Evidence: The project's initial study/negative declaration (IS/ND) for the project identified no resulting environmental impact that would be so significant as to be unavoidable or to require mitigation. The site is not mapped or otherwise identified as exceptional habitat for fish or wildlife.

Finding 6: The design of the subdivision or the type of improvements is not likely to cause serious public health problems.

Evidence: The appropriate County departments analyzed the project for potential serious public health problems. Evidence from this review does not suggest that the proposed project or improvements could cause serious problems for public health, provided compliance with conditions of approval relevant to

public health concerns. Any future development on the project site will be subject to additional review as part of building permit issuance. The site is not located close to natural hazards, does not sit near incompatible land uses, and would be served by public water and sewer services.

Finding 7: The design of the subdivision or the type of improvements will not conflict with easements, acquired by the public at large, for access through or use of, property within the proposed subdivision.

Evidence: Any easements for public access or use have been identified on the tentative map and shall be maintained.

Finding 8: Subject to §66474.4 of the Government Code, the land is not subject to a contract entered into pursuant to the California Land Conservation Act of 1965.

Evidence: The property is neither currently subject to nor eligible for a Land Conservation Act (Williamson Act) contract, and the Government Code §66474.4 criteria requiring denial of a tentative subdivision map are not relevant.

Finding 9: Subject to §66474.6 of the Government Code, the discharge of waste from the proposed subdivision into an existing community sewer system would not result in violation of existing requirements prescribed by the Central Coast Regional Water Quality Control Board pursuant to Division 7 of the Water Code.

Evidence: The project proposes use of the City of Hollister sewer main along Southside Road and the connecting lines within the neighboring Sunnyside Estates development. The project's IS/ND notes that the March 2018 City of Hollister Sanitary Sewer System Master Plan Update found functioning of the Southside Road main to be adequate, and the Sunnyside Estates environmental impact report described that development's sewer infrastructure to be sufficient for both that project and the current proposal. The IS/ND states that the developer "will be expected as a condition of approval to demonstrate proper access to the sewer system and confirm adequate capacity in the system to serve this development"; this condition is included.

Finding 10: The design and location of each lot in the subdivision, and the subdivision as a whole, are consistent with any applicable regulations adopted by the State Board of Forestry and Fire Protection pursuant to Public Resources Code §4290 and §4291 (per Government Code §66474.02(a)(1)).

Evidence: The County Fire Department, its staff composed of City of Hollister Fire Department personnel under contract with the County, has reviewed the proposed subdivision design and has made recommendations accordingly.

Finding 11: Structural fire protection and suppression services will be available for the subdivision through CAL FIRE and/or the San Benito County Fire Department (per Government Code §66474.02(a)(2)).

Evidence: The subject property is located within a local responsibility area designated "non-wildland/non-urban." Structural fire protection and other related emergency services are provided by the City of Hollister Fire Department, serving in the unincorporated areas as the County Fire Department. Its closest fire station is Hollister Fire Station 2, less than one mile to the northeast, with another station in Downtown Hollister and a CAL FIRE facility at Hollister's eastern edge. CAL FIRE, or the California Department of Forestry and Fire Protection, generally gives response for wildfire suppression, with additional County Fire Department aid when needed, although the project IS/ND finds wildfire hazard to be not a significant risk on this project site.

Finding 12: Ingress and egress for the subdivision meet the regulations regarding road standards for fire equipment access adopted pursuant to Public Resources Code §4290 and any applicable local ordinance.

Evidence: *Qualified personnel from responsible agencies have reviewed the proposed subdivision including its proposed ingress/egress improvements and have determined the design to be sufficient for fire safety, provided adherence to the recommended conditions of project approval.*

BE IT FURTHER RESOLVED by the Planning Commission of the County of San Benito that, based on the foregoing findings and considerations and based on the evidence in the record, the Planning Commission hereby recommends that the Board of Supervisors adopt the proposed ordinance attached hereto as Exhibit "A," to amend the zoning map for the subject property from Agricultural Productive (AP) to Single-family Residential (R1); and

BE IT FURTHER RESOLVED by the Planning Commission of the County of San Benito that, based on the foregoing findings and evidence in the record, the Planning Commission hereby approves the tentative subdivision map on the condition that the Board of Supervisors adopt the aforementioned zoning map amendment ordinance and also subject to the following conditions of approval:

Conditions of Approval:

Planning:

- 1. Indemnification:** APPLICANT shall defend, indemnify, and hold San Benito County, its agents, officers, and/or employees (hereinafter "COUNTY") free and harmless from any and all suits, fees, claims, demands, causes of action, proceedings (hereinafter collectively referred to as "Legal Action"), costs, losses, damages, liabilities and expenses (including, but not limited to, an award of attorneys' fees, expert witness fees, and court costs) incurred by COUNTY arising (directly or indirectly) or resulting from the review, processing, consideration, or approval of APPLICANT'S Project or action taken by COUNTY thereon, including Legal Actions based on the negligence of COUNTY. APPLICANT will reimburse COUNTY for any damages, costs, or fees awarded pursuant to any settlement, default judgment, or other judgment taken against the County, whether the result of Applicant's decision not to defend Legal Action or otherwise. COUNTY retains its discretion to direct counsel regarding whether to defend, settle, appeal, or take other action regarding any Legal Action. APPLICANT shall defend COUNTY'S actions with competent legal counsel of APPLICANT's choice without charge to COUNTY, subject to COUNTY approval, which shall not be unreasonably withheld. Nothing contained in the foregoing, however, shall be construed to limit the discretion of COUNTY, in the interest of the public welfare, to settle, defend, or appeal, or to decline settlement or to terminate or forego defense or appeal of a Legal Action. Furthermore, in no event shall COUNTY have any obligation or liability to APPLICANT in connection with COUNTY'S defense or prosecution of litigation related to the Project (including, but not limited to, the outcome thereof) or in the event COUNTY elects not to prosecute a case or defend litigation brought against it. If either COUNTY or APPLICANT determines in good faith that common counsel presents a bona fide conflict of interest, then COUNTY may employ separate counsel to represent or defend the COUNTY, and APPLICANT shall pay the reasonable attorneys' fees and costs of such counsel within thirty (30) days of receiving an itemized billing statement or statements. [Planning]
- 2. Successors in Interest:** The conditions of approval are binding on all successors in interest of Applicant, whether succession is by agreement, operation of law, or other means, including but not limited to all future owners utilizing this use permit. [Planning]

- 3. Agreement with All Conditions of Approval:** Prior to or upon approval by the Planning Commission, Applicant shall sign the statement below certifying that Applicant is in agreement with all conditions of approval. [Planning]

I certify that I understand and agree to comply with all Conditions of Approval imposed by the Planning Commission, or Board of Supervisors as applicable, on this Permit.

Applicant Signature: _____

Date: _____

- 4. Conformity with Plan:** The development and use of the site shall conform substantially to the proposed tentative subdivision map and Conditions of Approval as approved by the Planning Commission. Any increase, change, or modification in the nature or intensity of the land use on the site shall be subject to further Planning Commission review and approval. [Planning]
- 5. Recordation:** The applicant shall submit a subdivision map to the County for review and the subdivision map, when approved by the County Resource Management Agency, shall be recorded with the County Recorder. The tentative subdivision map shall expire two (2) years after the Planning Commission approval date, unless extended as provided by the Subdivision Map Act and the County Subdivision Ordinance. Failure to record a final subdivision map within the period of approval or a period of extension shall terminate all subdivision proceedings. [Public Works, Planning]
- 6. Compliance Documentation:** Prior to recordation of the final subdivision map, the applicant shall submit a summary response in writing to these conditions of approval documenting compliance with each condition, including dates of compliance and referencing documents or other evidence of compliance. [Planning]
- 7. Assessment:** Prior to recordation of the final subdivision map, the applicant shall pay applicable security for taxes and special assessments as required by Sections 66492, 66493, and 66494 of the Subdivision Map Act; this includes pre-payment of taxes for the current year the final subdivision map is recorded. [Planning, Assessor]
- 8. Easements:** The final subdivision map shall show all easements for access, utilities, and drainage. [Public Works, Planning]
- 9. Notice of Determination (California Department of Fish and Wildlife Fees):** The applicant/developer/owner shall file a Notice of Determination, provided by the County Resource Management Agency, with the County Clerk within five (5) days of approval of the tentative subdivision map. The State Department of Fish and Wildlife fee (\$2,354.75 as of January 1, 2019, per Fish and Game Code §711.4(d) plus \$50 County Clerk processing fee) shall be submitted with the filing. A copy of the filed notice shall be submitted to the County Resource Management Agency. Should the Notice not be filed and the fee not paid within five (5) days, the application is subject to action described in Public Resource Code §21167 and the project is not operative, vested, or final until the Notice is filed and the fee is paid (Public Resources Code §21089(b)). [Planning, California Department of Fish and Wildlife]
- 10. Parkland Dedication:** Prior to final subdivision map approval, and pursuant to County Code §23.15.008 (Dedication of Parkland), the subdivider shall be required to dedicate land, pay a fee in

lieu thereof or a combination of both, at the option of the County, for park and recreational purposes. [Planning, Public Works]

11. **Habitat Conservation Plan Impact Fees:** In accordance with County Ordinance 541, which sets fees for the habitat conservation plan financing and kit fox protection measures, the applicant shall provide to the County Resource Management Agency, prior to recordation of the final subdivision map, a habitat conservation plan interim mitigation fee payment of \$150.00 for each lot under one acre in area, for a total of \$1,500 for the ten residential lots, each smaller than one acre. [Planning]
12. **Cultural Resources:** A note shall be placed on the project improvement plan to state that that any property owner who, at any time in the preparation for or process of excavation or otherwise disturbing the ground, discovers any human remains of any age, or any significant archaeological artifact or other evidence of an archeological site shall
 - a. cease and desist from further excavation and disturbances within two hundred feet of the discovery or in any nearby area reasonably suspected to overlie adjacent remains;
 - b. arrange for staking completely around the area of discovery by visible stakes no more than ten feet apart, forming a circle having a radius of no less than one hundred feet from the point of discovery, provided that such staking need not take place on adjoining property unless the owner of the adjoining property authorizes such staking and that said staking not include flags or other devices which may attract vandals;
 - c. notify the County Sheriff-Coroner and County Resource Management Agency of the discovery if human and/or questionable remains have been discovered; and
 - d. grant, subject to due legal process, to all duly authorized representatives of the Coroner and the Resource Management Agency permission to enter onto the property and to take all actions consistent with Chapter 19.05 of San Benito County Code, with State Health and Human Safety Code §7050.5, and with State Government Code Title 3 Division 2 Part 3 Chapter 10 (§27460 *et seq.*). [Planning]
13. **Water Treatment:** Use of on-site regenerating water softeners shall be prohibited, while off-site regeneration softening systems may be used subject to the approval of the San Benito County Water District. A note to this effect shall be placed on the final subdivision map. [Planning]
14. **Exterior Lighting:** All exterior lighting for new development shall be unobtrusive, harmonious with the local area, and constructed or located so that only the intended area is illuminated and off-site glare is fully controlled. All fixtures shall comply with County Ordinance 748 (along with the requirements of Zone II regulations set within Ordinance 748). [Planning]
15. **Construction Hours:** As required by County Ordinance 667, construction shall be limited to the hours of 7 a.m. to 7 p.m., Monday through Saturday. No construction activities shall be allowed on Sundays and holidays. [Planning]
16. **City of Hollister Sewer Connection:** Prior to recordation of the final subdivision map, the applicant shall demonstrate proof of proper access to the City of Hollister sewer system and confirm adequate capacity in the City system to serve this development. Upon demonstrating proof of written contractual agreements for this service (that will also clarify financial obligations of concerned parties), the project shall be required to design and install improvements appropriate to the needs of those providers to provide service to this project. [Planning]
17. **Agricultural Preservation:**
 - a. Prior to issuance of the first permit for ground disturbing activity, the subdivider shall provide that for every one acre of Prime Farmland on the site that is permanently converted to non-agricultural use as a result of Project development, one acre of land of comparable agricultural productivity shall be preserved in perpetuity. Said preservation shall be satisfied by the applicant through:

- Granting a perpetual conservation easement(s), deed restriction(s), or other farmland conservation mechanism(s) to the County or qualifying entity which has been approved by the County, such as the San Benito County Agricultural Trust, for the purpose of permanently preserving agricultural land. The required easement(s) area or deed restriction(s) shall therefore total a minimum of four acres of Prime Farmland. The land covered by said off-site easement(s) or deed restriction(s) shall be located in San Benito County; or
 - Making an in-lieu payment to a qualifying entity which has been approved by the County, such as the San Benito County Agricultural Trust, to be applied toward the future purchase of a minimum of four acres of Prime Farmland in San Benito County, together with an endowment amount as may be required. The payment amount shall be determined by the qualifying entity or a licensed appraiser; or
 - Making an in-lieu payment to a qualifying entity which has been approved by the County, such as the San Benito County Agricultural Trust, to be applied toward a future perpetual conservation easement, deed restriction, or other farmland conservation mechanism to preserve a minimum of four acres of Prime Farmland in San Benito County. The amount of the payment shall be equal to 110% of the amount determined by the qualifying entity or a licensed appraiser; or
 - Any combination of the above.
- b. Prior to issuance of the first permit for ground disturbing activity for the Project, the subdivider shall provide evidence of the recorded easement(s) or deed restriction(s) or evidence of payment to the County Resource Management Agency or qualifying entity, such as the San Benito County Agricultural Trust, for approval to demonstrate compliance with this condition of approval.

18. Particulate Emissions Control:

- a. The applicant shall observe the following Best Management Practices requirements during grading activities:
- 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.
 - All grading activities during periods of high wind, over 15 mph, are prohibited.
 - Chemical soil stabilizers shall be applied to inactive construction areas (disturbed lands within construction projects that are unused for at least four consecutive days).
 - Nontoxic binders (e.g., latex acrylic copolymer) shall be applied to exposed areas after cut-and-fill operations.
 - Haul trucks shall maintain at least two feet of freeboard.
 - All trucks hauling dirt, sand, or loose materials shall be covered.
 - Inactive storage piles shall be covered.
 - Wheel washers shall be installed at the entrance to construction sites for all exiting trucks.
 - Streets shall be swept if visible soil material is carried out from the construction site.
 - 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 Air Resources District shall be included on the sign to ensure compliance with Rule 402 (Nuisance). [Monterey Bay Air Resources District, Planning]

b. A note shall be placed on the subdivision map that "No permanently installed wood-burning devices shall be allowed in new construction within this subdivision." [Planning, per General Plan Policy HS-5.13]

19. **Preconstruction Meeting:** Prior to the commencement of any grading or construction activities, a preconstruction meeting shall be held on the site. The meeting shall include representatives of each of the selected contractors, any consultant who will conduct required monitoring, the owner/applicant, Resource Management Agency Planning staff and any other appropriate County departments. The purpose of the meeting is to review the conditions of approval that are applicable to the grading and construction of the approved development. [Planning]

20. **Staff Review Invoices:** Within 60 days of approval of the tentative subdivision map, the applicant shall pay all remaining invoices for reimbursement of County staff time related to the review of the tentative subdivision map. [Planning]

21. **Zone Change:** The tentative subdivision map shall not be operative or in effect unless and until the San Benito County Board of Supervisors approves the zone change petition associated with this project. Should the Board of Supervisors deny the zone change petition, conditional approval of the tentative map shall be automatically nullified and voided by the Board of Supervisor's denial. In the event the Board of Supervisors makes changes to the proposed zone change petition, the tentative subdivision map shall return to the Planning Commission for further review and approval of any changes to conditions of approval, consistent with the Board of Supervisors' revisions to the zone change petition. [Planning]

Public Works:

22. **Enterprise Drainage Basin Benefit Area:** The proposed project being within the Enterprise Drainage Basin, the applicant shall contribute, prior to the recordation of the final subdivision map, to the existing mapped Enterprise Drainage Basin Benefit Area in a per-lot amount representing a fair share per County Board of Supervisors Resolution 99-53, and per Hollister Partners contract approved on August 12, 2003, by the Board of Supervisors. [Public Works]

23. **Improvement Plan:** Prior to recording of the final subdivision map, the applicant shall be required to submit an Improvement Plan prepared by a licensed Engineer to County Resource Management Agency Public Works staff for review and approval.

a. Prior to the recordation of the final subdivision map or before release of alternate Bond, one set of "As Built" Improvement Plans on a suitable reproducible media shall be prepared by the applicant's engineer and delivered to the Public Works Department, in accordance with County Code §23.31.002(K)(1). [Public Works]

24. Drainage:

a. In compliance with County Code § 23.17.003(B), 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 construction details for the proposed retention/detention pond or any other alternate drainage system. All drainage improvements shall be installed or bonded for prior to recordation of the Final Map.

b. Prior to start of grading and/or construction activities, a Storm Water Pollution Prevention Plan (SWPPP) prepared by a certified QSD/QSP (Qualified SWPPP Developer/Qualified SWPPP Practitioner) 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 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. [Public Works]

25. **Community Facilities District:** Prior to recordation of final subdivision map, this development shall be required to annex into the Community Facilities District No. 2018-1 (Residential Services) and Future Annexation Area, created per Resolution 2018-55. [Public Works]
26. **Road Dedication:** Prior to recordation of the final subdivision map, the applicant shall make the following irrevocable offers of dedication in accordance with County Code §23.15.002, Chapter 23.29, and §23.31.023:
 - a. Full 60-foot right-of-way along the southern frontage of lots 4, 5, and 6 and western frontage of lots 3 and 4.
 - b. 40-foot right-of-way dedication of the northern frontage of lots 1, 2, and 3.
 - c. Dedication of road shall consider and provide required curve radius at the corners of intersections (provide the required curve radius at corner of lot 7) and shall accommodate the ADA ramp per City of Hollister standards, also used by the County. [Public Works]
27. **Roadway Improvements:** Prior to recordation of the final subdivision map, the applicant shall bond for or make the following roadway improvements per County Code Chapter 23.17:
 - a. Full 40-foot curb-to-curb paved surface on 42-foot roadbed with standard curb, gutter and detached sidewalk along the southern frontage of proposed lots 4, 5, and 6 and the western frontage of lots 3 and 4.
 - b. 30-foot partial paved surface with standard curb, gutter and detached sidewalk on one side (property side) along the northern frontage of lots 1, 2, and 3. [Public Works]
28. **Soil Report:** In accordance with County Code §23.31.023, as part of the submission of Improvement Plan for this project, a design-level geotechnical engineering investigations report shall be submitted for review by Public Works Department, and the same (once reviewed and accepted) shall be the basis of the design of improvements. Prior to recordation of the final subdivision map, a complete compilation of test reports along with a letter from Soils Engineer attesting compliance with requirements and recommendations shall be submitted to Public Works Department upon completion of site improvements. A note shall be placed on the final subdivision map referencing the aforementioned report for future reference by potential property owners. [Public Works]
29. **Utilities:**
 - a. As part of submission of Improvement Plan for this project, applicant shall include utility plans and have them approved by each corresponding utility companies when applicable, which includes but not necessarily limited to sanitary sewer, water, gas, electric, telephone, and cablevision, and shall furnish copies said approved plans to Public Works Department for concurrence. Said plans shall be part of the final or approved Improvement Plan.
 - b. All proposed utilities within the subdivision and along peripheral streets shall be placed underground except those facilities exempted by Public Utilities Commission regulations, per County Code §23.17.003(F). All necessary utilities shall be installed or bonded for prior to recordation of the Final Map. [Public Works]
30. **Encroachment Permit:** Pursuant to §19.27.004 of the County Code, the applicant shall obtain a Public Works Encroachment Permit for any work being performed within the County Right-of-Way or any road offered for dedication to the County prior to commencement of any improvements associated with this project. [Public Works]
31. **Improvements Warranty Security:** In accordance with County Code §23.17.009(C)(4), the applicant shall provide warranty security in an amount not less than 10% of the estimated cost of

construction of the improvements to guarantee the improvements against any defective work or labor done or defective materials used in the construction or installation of the improvements throughout the warranty period which shall be the period of one year following completion and acceptance of the improvements. [Public Works]

Fire:

32. **Fire Code:** The project shall meet the standards set forth in the latest adopted editions of the California Fire Code, California Building Code, San Benito County Ordinances 822 and 823, Public Resources Codes 4290 and 4291 and all other related codes as they apply to a project of this type and size.

Division of Environmental Health:

33. **Hazardous Materials:** If any hazardous materials are to be stored on the site of the proposed project, a Hazardous Materials Business Plan shall be completed and submitted to the County Division of Environmental Health. [Environmental Health]

Sunnyslope County Water District:

34. **Water Service Agreement:** Prior to issuance of the first building permit within this subdivision, the applicant shall enter into a water service agreement with the Sunnyslope County Water District to specify terms and conditions for water service. [Sunnyslope County Water District]
35. **Well Site:** Prior to issuance of the first building permit within this subdivision, Lot 11, currently used as a Sunnyslope County Water District (SSCWD) exclusive easement for a test well, shall be transferred by grant deed to the SSCWD as a future water well site. [Sunnyslope County Water District]

PASSED AND ADOPTED BY THE PLANNING COMMISSION OF THE COUNTY OF SAN BENITO THIS 21ST DAY OF AUGUST 2019 BY THE FOLLOWING VOTE:

AYES:

NOES:

ABSENT:

ABSTAIN:

Robert Rodriguez, Chair
San Benito County Planning Commission

ATTEST:

Taven M. Kinison Brown, Principal Planner
Resource Management Agency San Benito County

SUNNYSLOPE COUNTY WATER DISTRICT
SEWER FEASIBILITY REPORT
FOR
CULLER/BRAY SUBDIVISION

March, 2020



San Benito Engineering & Surveying, Inc

502 MONTEREY STREET HOLLISTER, CA 95023

phone (831) 637-2763 fax (831) 854-9581

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SAN BENITO ENGINEERING & SURVEYING, INC.

California Certified Small Business #1760475

Anne E. Hall, R.C.E. 55611 Kenneth J. Weatherly, P.L.S. 6875

Culler/Bray Subdivision Sewer Feasibility Report

Site Description

Culler/Bray is a single-family residential neighborhood consisting of 10 lots averaging 6,400 S.F. in size. The property is located north of Hospital Road, west of Southside Road and east of the San Benito River, behind Sunnyside Estates. Sewer service is proposed to each lot and directed to a lift station located on site.

Infrastructure

Each lot is served by a 4" sewer lateral that drain to an 8" main located in the street serving the lot. The 8" mains drain by gravity to a central lift station located on-site.

The on-site lift station is proposed to pump the effluent through a 4" force main to a proposed SSCWD lift station located on Enterprise Road approximately 1100 feet east of the intersection of Enterprise Road and Southside Road. The Sunnyslope County Water District operates a lift station located in Oak Canyon Court of the Quail Hollow development. This lift station has a manhole located near George's Drive close to where it intersects with Donald Drive in the Ridgemark development. The proposed SSCWD lift station will pump the effluent to this manhole. From this point effluent is lifted to a high point in George's Drive then flows by gravity to an existing lift station in Mark's Drive. The Mark's Drive lift station pumps the effluent to the treatment plant operated by the Sunnyslope County Water District.

Capacity

The Sunnyslope County Water District currently served 1420 customers. Their treatment plant experiences an average daily demand of 191,700 gallons of effluent per day. Their peak demand is 221,520 gallons per day. The treatment plant is designed to treat up to 350,000 gallons per day. Culler/Bray is estimates to increase this demand by 1,350 gallons per day on average and a peak demand of 1,560 gallons per day.

Conclusion

Sunnyslope County Water District has the capacity to serve this project and approximately 800 additional customers before reaching the capacity of their treatment plant. The proposed infrastructure is feasible and has the potential to serve other neighboring developments.

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Sunnyslope County Water District

3570 Airline Highway
Hollister, California 95023-9702

Phone (831) 637-4670
Fax (831) 637-1399

March 27, 2020

Ron Culler

RE: Sanitary Sewer Service for APN 020-280-054 Bray/Culler Development

Mr. Culler,

The proposed Bray/Culler Development Project (APN 020-280-054) lies within the boundary of Sunnyslope County Water District (SSCWD) and the District currently provides sewer service to 1,231 customers within the general area of this Subdivision. SSCWD has contemplated providing sewer service to the Bray/Culler Subdivision but due to specific circumstances of this development SSCWD finds that the City of Hollister is a more practical service provider for the development as proposed. Thus SSCWD intends to enact Section 5133(e)(1) of the Cortese-Knox-Hertzberg Local Government Reorganization Act of 2001 for the City of Hollister to provide sewer service to this development.

Therefore, SSCWD declines your request for sewer service at this time and requests that you pursue that service through the City of Hollister.

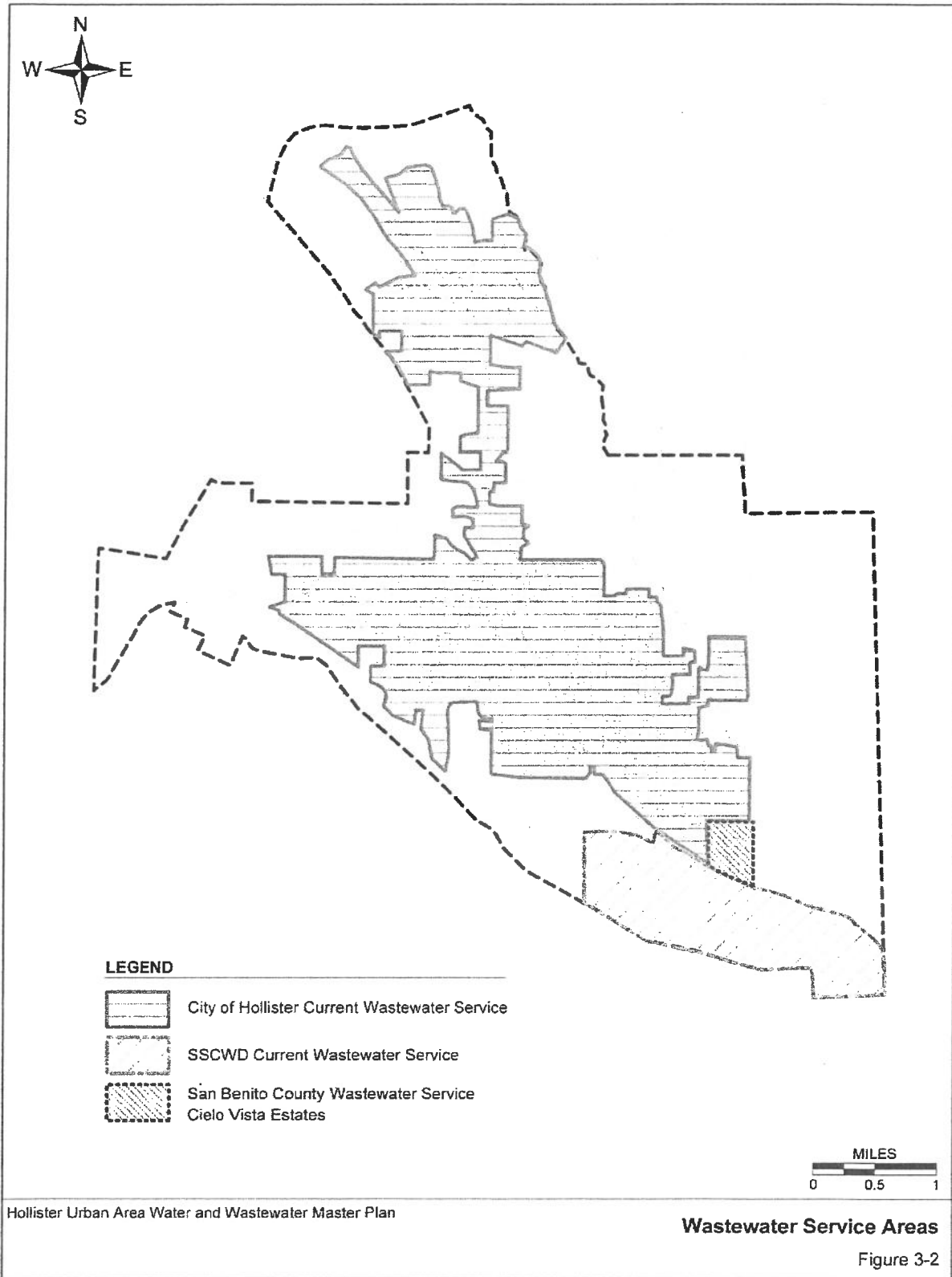
Please contact me should you have any questions, or need any additional information.

Sincerely,



Rob Hillebrecht, P.E.
Associate Engineer

ATTACHMENT 11



LOCAL AGENCY FORMATION COMMISSION
SAN BENITO COUNTY

2301 Technology Parkway
Hollister, CA 95023
Phone: (831) 637-5313 Fax: (805) 647-7647

April 15, 2020 (Agenda)

Local Agency Formation Commission
2301 Technology Parkway
Hollister, CA 95203

RE: Consideration of Changing Meeting Time for Commission Meetings from 3:00 PM on the Third Wednesday of the Month to a New Day and/or Time
(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 regular June 13, 2019, Commission meeting, Commissioner the Commission voted to change the meeting day and time from the second Thursday of the month at 5:00 pm to the third Wednesday of the month at 3:00 pm. At the last Commission meeting on February 19, 2020, the Commission agreed to consider changing the meeting time again, and placing this topic as an item on the next agenda.

Consideration for retaining the same meeting day on Wednesday of the third week of the month, but moving the meeting to the evening is not possible due to the County Planning Commission meeting. Moving the meeting to the third Thursday of the month would conflict with the Council of Governments (COG) meeting, and also conflicts with the Executive Officer's LAFCO meeting in Merced.

Another option would be to go back to meetings on the second Thursday of the month in the afternoon or evening, or the second Wednesday of the month, prior to the Parks and Recreation Commission which meets at 5:30 pm. In addition, both the first week and fourth week of the month have no current conflicts for afternoon or evening meetings on Wednesdays or Thursdays.

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.

Sincerely,

Bill Nicholson,
Executive Officer

INFORMATIONAL

9. Commissioner Announcements and Requests for Future Agenda Items

10. Executive Officer oral status report on pending proposals

11. Adjourn to next regular meeting on May 20, 2020, unless meeting time is changed based on Commission action or cancelled by the Chair.

