

# SAN BENITO LOCAL AGENCY FORMATION COMMISSION

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## REGULAR MEETING AGENDA

Thursday, June 10, 2021 – 6:00 P.M.

Board of Supervisors Chambers  
481 Fourth Street, Hollister CA

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, members of the Commission are allowed to attend the meeting via teleconference and to participate in the meeting to the same extent as if they were present.

THIS MEETING WILL BE OPEN TO THE PUBLIC UNDER THE FOLLOWING CONDITIONS: All Attendees must comply with the State of California’s face covering requirements, if you are exempt from the state face covering guidance you will be required to wear a face shield which will be provided to attend the Board meeting; all Attendees must follow physical distancing (6 feet) requirements; all Attendees must comply with any other rules of procedure/instructions announced by the Board of Supervisors and/or County Staff; due to Physical Distancing Requirements Audience Seating is limited for the Public, will be on a first-come first serve basis, except any members of recognized press entities shall be given priority.

The meeting can also be accessed by the public in the following methods: Through Zoom (<https://zoom.us/join>) per the instruction stated below, and other methods as described further below with the following ID and Password:

Webinar ID: 956 9525 1469  
Webinar Password: 854400

### Participating by Zoom:

Three ways to attend Zoom meetings: on a web browser, through the Zoom App, or over the phone. Each webinar will have a webinar ID and password, which is a unique number associated with an instant or scheduled meeting (found at the top of this text). The chat feature is disabled for all participants. Additionally, the video function is not available to the public.

Zoom regularly provides new versions of the Zoom desktop client and Zoom mobile app to release new security features and fix bugs. To ensure you can join the meeting and participate through public comment, please launch the web address to download the Zoom application: <https://zoom.us/support/download>. Furthermore, we recommend upgrading to the latest version of Zoom once it is available. Please visit <https://support.zoom.us/hc/en-us/articles/201362233-Upgrade-update-to-the-latest-version> to ensure you have the newest Zoom update.

#### Zoom on Web-browser:

- a. If joining through web-browser, launch the address <https://zoom.us/join> or open the direct link listed below: <https://zoom.us> or launch the Zoom app on your Tablet or Smartphone.
- b. Select “JOIN A MEETING”
- c. The participant will be prompted to enter Webinar ID and Password listed above and name to join the meeting. The meeting agenda can be found at <https://www.cosb.us/>
- d. The participant can launch audio through their computer or set it up through the phone.
- e. Public Comment: Select the “Participants Tab” and click “Raise hand” icon, and the Zoom facilitator will unmute you when your turn arrives.

#### Zoom Audio Only (phone):

- a. If you are calling in as audio-only, please dial US: +1 669 900 6833 or +1 408 638 0968
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- c. It will then ask for a Participant ID, press the “#” key (pound key) to continue.
- d. Once you enter the Zoom meeting, you will automatically be placed on mute.
- e. Public Comment: If you are using a phone, please press “\*9” (star-nine) to raise your hand, and the Zoom facilitator will unmute you when your turn arrives.

#### Written Comments & Email Public Comment

Members of the public may submit comments via email by 5:00 PM on the Wednesday prior to the meeting to the LAFCO Clerk at [Jfrechette@cosb.us](mailto:Jfrechette@cosb.us).

#### Public Comment Guidelines

- a. The Commission welcomes your comments.
- b. If participating on Zoom, once you are selected you will hear that you have been unmuted: At this time, please state your first name, last name, and county you reside in for the record.
- c. Each individual speaker will be limited to a presentation total of three (3) minutes, or such other time as may be designed by the Chair.
- d. Please keep your comments, brief, to the point, and do not repeat prior testimony, so that as many people as possible can be heard. Your cooperation is appreciated.

If you have any questions, please contact the LAFCO Clerk at (831) 636-4000, Ext. 13 or email [JFrechette@cosb.us](mailto:JFrechette@cosb.us)

1. Call to Order and Roll Call
2. Recitation of the Pledge of Allegiance
3. Approve Affidavit of Posting Agenda
4. Public Comment Period - This is an opportunity for members of the public to speak on items that are not on the agenda

#### CONSENT AGENDA

5. Approval of minutes: May 13, 2021

### SELECTION OF OFFICERS

6. Open nominations and conduct election for Chair for balance of calendar year 2021
7. Open nominations and conduct election for Vice-Chair for balance of calendar year 2021 (if necessary, should the current Vice-Chair be elected to the Chair position)

### BUSINESS ITEMS – PUBLIC HEARING ITEM

8. LAFCO 538 – Woodle Annexation to the City of Hollister: Involving the annexation of approximately 9.1 acres of property into the City for future residential development. The property is located on the north side of Buena Vista Road and 275 feet west of Westside Road (Assessor's Parcel Number 019-120-005). The actions requested are to make an environmental determination regarding the adequacy of the City's Environmental Initial Study, and to consider approval of the annexation.

### BUSINESS ITEMS – GENERAL BUSINESS, NON-HEARING ITEMS

9. LAFCO 539 - City of San Juan Bautista Out of Agency Service extension to the Dassel Subdivision: To provide City water connections, and possible future wastewater connections to five lots in the Dassel Tentative Map approved by San Benito County (Tract No. 356). The subdivision involves five one-acre lots and one 25.5 acre lot located on the south side of Mission Vineyard Road, approximately one-quarter mile east of San Juan Canyon Road within the San Juan Bautista Sphere of Influence. The actions requested are to make an environmental determination regarding the adequacy of the County's Environmental Initial Study and consider approval of the water and potential future sewer service extensions from the City.
10. Consideration of submitting letter of support and recommendation regarding the San Benito Agricultural Land Trust (SBALT) application for national accreditation from the Land Trust Accreditation Commission. The Land Trust Accreditation Commission, an independent program of the Land Trust Alliance, conducts an extensive review of each applicant's policies and programs.

### INFORMATIONAL

11. Commissioner Announcements and Requests for Future Agenda Items Executive Officer oral status report on pending proposals.
12. Executive Officer Report on LAFCO Counsel Compensation requested at the May 13, 2021 Meeting.
13. Executive Officer oral status report on pending proposals.
14. Adjourn to next regular meeting on July 8, 2021, unless cancelled by Commission 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 a 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 Clerk's Office at least three (3) days prior to the meeting by telephone at 831/636-4000, Ext. 13 or by email at [Jfrechette@cosb.us](mailto:Jfrechette@cosb.us).

*LOCAL AGENCY FORMATION COMMISSION  
2301 Technology Parkway  
Hollister, CA 95023*



**CERTIFICATE OF POSTING**

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

**SAN BENITO COUNTY LOCAL AGENCY FORMATION COMMISSION**

Scheduled for June 10, 2021, was posted at the San Benito County Resource Management Agency, 2301 Technology Parkway, Hollister, CA and at the San Benito County Administration Office, 481 Fourth Street, Hollister, CA on this 4th day of June 2021.

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Jennifer Frechette  
Clerk of the Board

# CONSENT AGENDA

5. Approval of minutes: May 13, 2021 meeting.



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

May 13, 2021

Board of Supervisors Chambers - Hollister, CA

**CALL TO ORDER**

1. Chair Mark Medina called the meeting to order at 6:00 p.m. Those present were Executive Officer Bill Nicholson and Commissioners: Cesar Flores, Mark Medina, Richard Bettencourt, Bob Tiffany, and Ignacio Velazquez. Also present were Reed Gallogly, LAFCO Counsel, and Jennifer Frechette, Recording Secretary.
2. Commissioner Bettencourt led the Pledge of Allegiance.
3. **APPROVE AFFIDAVIT OF POSTING AGENDA**

*Commissioner Bettencourt made a motion to accept the Affidavit of Posting, Commissioner Tiffany seconded. (5/0 vote)*

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

**PUBLIC COMMENT**

4. **Public Comment Period:** None.

**CONSENT AGENDA**

5. **Approval of minutes: April 8, 2021**

*Commissioner Tiffany made a motion to approve the minutes of April 8, 2021, Commissioner Bettencourt seconded.*

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

**BUSINESS ITEMS- PUBLIC HEARING ITEMS**

6. **LAFCO 537 - Rosati Annexation to the City of Hollister: Involving the annexation of approximately 24.44 acres to the City for future residential development. The property is located on the south side of Santa Ana Road, the north side of Meridian Street and east of the Maze Middle School and Gavilan Elementary School (Assessor's Parcel Number 019-310-002). into County Service Area No. 53. The project involves an approved 24 lot residential subdivision for affordable housing. The actions requested are to make an environmental determination regarding the adequacy of the City's Environmental Initial Study, and to consider approval of the annexation.**

Executive Officer Bill Nicholson provided background information on the Rosati Annexation. Mr. Nicholson explained the project will extend Memorial Drive and will improve access to the schools like Gavilan Hills Elementary School. He also stated that there were not going to be as many homes as was previously listed in the environmental impact report. There could be about 200 units. Mr. Nicholson explained that the current site is open land, is not prime farmland, and is in a mixed planning zone. The City of Hollister will provide sewer and roads and Sunnyslope County Water District will provide the water. There is no mitigation under LAFCO's jurisdiction. Mr. Nicholson recommended that the commission approve the annexation with no conditions of approval.

Commissioner Medina stated for the record that the commission is not approving the project they are only allowing the annexation into the City.

Executive Officer Bill Nicholson affirmed that the approval of LAFCO is only the annexation of the project to the City.

Commissioner Bettencourt asked if the next step is to go to the City Planning Commission to figure out how many houses are going to be built, what streets will be where, etc.

Executive Officer Bill Nicholson affirmed Commissioner Bettencourt's question and stated the developer would have to go to the City Planning Commission regarding the subdivision plans.

Commissioner Bettencourt stated he wanted the public to understand that and also Ignacio.



Commissioner Tiffany stated that because there will be smaller lots there will be more affordable homes and it is a plus.

Commissioner Flores had no comments or questions.

Commissioner Bettencourt wanted to make sure that the public understood that even if the project is approved today, it still needs to go to the City Planning Commission for design of the project.

Commissioner Velazquez stated the only issue he had is as he as stated before he would like for the City's General Plan to be in place before annexing any other projects. That is why he is not in favor of annexation at this time.

Commissioner Medina asked Commissioner Velazquez if his thoughts were the same with the Christopher project.

Commissioner Velazquez stated that the Christopher project is not residential. He explained there are residential issues that we are having with too many homes being built, the roads, school impacts, you name it.

Public Comment: Al Arosco stated his concerns about the annexation since he lives nearby. Simoney Arosco stated her issues with the current congestion in the area and bringing in more congestion. Candice (no last name stated) agreed with her neighbors Al and Simoney Arosco. Victor Gomez represented the property owners and project developer and gave a brief background of the project.

Commissioner Bettencourt asked Victor Gomez if the city limit was down Santa Ana Rd and asked if they still have to go back to City Planning Commission because he wanted to make sure that the people who were calling in can go to the planning commission meetings.

Victor Gomez answered that everything on the northside of Santa Ana Rd. is in San Benito County. Mr. Gomez also stated that the concerned people can call him at 831-245-6446 at Pinnacle Strategy.

*Commissioner Bettencourt made a motion to approve the Rosati Annexation to the City of Hollister, seconded by Commissioner Tiffany.*

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

**7. Approval of the Final Fiscal Year 2021-22 LAFCO Budget.**

Executive Officer Bill Nicholson provided background information on the Final 2021-22 LAFCO Budget. No comments were received from the Cities or special districts. The proposed budget for LAFCO will be \$149,579.00 which was about \$2,000.00 lower than the current fiscal year. Mr. Nicholson was able to get a cost allocation plan from the County of San Benito which details the cost of administration for LAFCO from the county. The Auditors Office assigns a budget to each entity for their administration and legal counsel costs. Mr. Nicholson provided a paper copy of the Cost Allocation Plan and gave a quick review of the information.

Executive Officer Bill Nicholson proposed that the final budget be adjusted to include the Cost Allocation Plan amount of almost \$12,000.00.

Commissioner Velasquez stated it seemed like a large increase and asked for a little clarification on the Allocation Plan amount and at least a billing rate that LAFCO is getting billed.

Mr. Nicholson explained that he could not give more clarification at this time but he had asked auditing for a separate billing from County Counsel for their time billed. A report will be given next month with more details.

Commissioner Bettencourt asked if this was an audit from the County or through LAFCO and if the county would pay about \$6,000.00 and the City of Hollister and San Juan Bautista will also pay a part of it.

Mr. Nicholson explained that this was not an actual audit but the state has to approve and review this. The only other revenue received by LAFCO is from application fees. Then the two cities and the county would pay their portion.

Commissioner Flores had no comment.

Commissioner Tiffany asked Commissioner Velasquez if he would approve the budget today and just wanted a report of the information requested at the next meeting.

Commissioner Velasquez affirmed he was alright with that.

Public Comment: Jackie Morselow asked that the volume be raised because she could not hear the person giving the report.

*Commissioner Tiffany made a motion to approve the Final Fiscal Year 2021-22 LAFCO Budget with the adjustment of approximately \$12,000.00, seconded by Commissioner Bettencourt.*

*Ayes: Medina, Bettencourt, Flores, Tiffany, Velazquez  
Noes: None  
Abstain: None  
Absent: None*

- 8. Consider letter of support for the City of San Juan Bautista in securing \$1 Million in Federal funding as part of the cost for regionalizing the City's water system. The City is coordinating with the San Benito County Water District to acquire treated water from the San Felipe Reservoir and connect a new trunk line to the City, and the resulting wastewater generated by the City would be transported for treatment and reuse to the City of Hollister wastewater treatment plant located adjacent to Highway 156 approximately six miles away. This request was submitted by the City Manager, Don Reynolds.**

Executive Officer Bill Nicholson gave background information regarding the letter submitted by San Juan Bautista City Manager Don Reynolds for federal funding for connection to the City of Hollister's water system. The City of San Juan Bautista would be getting water from the San Benito County Water District and dispose the wastewater through the City of Hollister Regional Treatment plant. Mr. Reynolds asks for support from different entities to secure funding. LAFCO can support them going for funding because the utility efforts are regional among agencies who already provide the same services, so LAFCO approval is not required.

Commissioner Flores stated this would be a good solution because our wastewater has a high salt content and is killing nature in the river so this would be a good solution.

Commissioner Velasquez supports San Juan Bautista and their efforts.

Commissioner Bettencourt wanted to make it clear The City of Hollister was not a regional district its just a regional sewer system and asked if in the future Tres Pinos or Sunnyslope Water District could later hook up to the city's sewer.

Mr. Nicholson confirmed this statement, the sewer is from the City of Hollister itself not from a district.

Commissioner Velasquez stated that sewer would only be provided to the incorporated cities and annexations could be a part of it.

Commissioner Tiffany stated it was great that the two cities are working together, and he would like to see more of this moving forward.

*Commissioner Tiffany made a motion to approve the letter of support for the City of San Juan Bautista in securing \$1 Million in Federal funding as part of the cost for regionalizing the City's water system, seconded by Commissioner Bettencourt.*

*Ayes: Medina, Bettencourt, Flores, Tiffany, Velazquez*

*Noes: None*

*Abstain: None*

*Absent: None*

**9. Update on Legislation proposed by or monitored by the California Association of Local Agency Formation Commissions (CALAFCO)**

Executive Officer Bill Nicholson provided background information on legislation that has been proposed by LAFCO, but many of them have been tabled. Most of the bills are to keep local LAFCOs in the mix and not have the state come down to the local level to make changes. The Omnibus bill that was discussed and supported at the last meeting has had more measures added to it to clean up the protest provisions.

**10. Consideration of opening up the Commission meetings to the public in relation to the COVID-19 Pandemic protocols.**

Executive Officer Bill Nicholson explained that the legal notice for the LAFCO meeting included the language for closed meetings before the protocol changed for open meetings from the Board of Supervisors.

Commissioners Medina, Bettencourt, and Tiffany stated they would like to have the meetings open to the public.

Commissioner Velazquez stated most things will be open by middle of next month.

Commissioner Medina asked Commissioner Velazquez if he would be present in person at the next meeting.

Commissioner Velazquez said he would be back in person once the rules from the state are relaxed.

Commissioner Flores stated he will be in the meeting in person and agreed to have meetings open to the public.

**INFORMATIONAL**

**11. Commissioner Announcements and Requests for Future Agenda Items  
Executive Officer oral status report on pending proposals**

Commissioners Velasquez, Flores, Tiffany, Medina, and Bettencourt had no announcements or requests for future agenda items.

**12. Executive Officer oral status report on pending proposals.**

Executive Officer Bill Nicholson gave information for the next meeting regarding the Woodle annexation off of Buena Vista Rd. Another application pending is the Intravia project off of Los Altos. Mr. Nicholson shared maps of the Intravia and Woodle annexations. He explained that islands or peninsulas are created at times through annexations because some properties are annexed around areas that continue to be part of the county and not the city.

It is most appropriate to discuss annexation boundaries early on, before there is a proposal that has been submitted to LAFCO or approved by the city. Mr. Nicholson has often been able to speak with the developer and the city before an application has been submitted.

Commissioner Medina asked Executive Officer Bill Nicholson if he would be talking to the people around the Los Altos area to see if they want to come in and would it take a lot of time to complete this.

Executive Officer Bill Nicholson stated he would inform them of the pros and cons and yes it would take time because there is a 21-day notice for hearing for the next meeting. He would prefer that city staff would bring up projects to him before the applications are processed so that he can begin to look into them.

Commissioner Medina agreed that Mr. Nicholson should be proactive and catch things early on.

Commissioner Bettencourt asked if this process should be in the general plan of the city and maybe also in the county general plan to help prevent islands.

Executive Officer Bill Nicholson stated he gave comments to the City Planner for the City's general plan update regarding having a policy to coordinate with LAFCO early on and bring in LAFCO from the beginning.

Commissioner Tiffany agreed with the earlier planning and including LAFCO.

Commissioner Flores had no comment.

Commissioner Velazquez stated he was against the Woodle project annexation because this is how problems like islands happen.

Commissioner Medina argued that the Woodle project has not been approved for annexation by LAFCO.

Mr. Nicholson clarified that the Woodle project will be coming up at the next meeting and has not been approved by LAFCO.

Commissioner Medina stated he would wish to go forward with the publication of the Woodle annexation as submitted.

Commissioner Flores stated he would go with the majority vote.

Commissioner Medina stated Commissioners Flores, Tiffany, Bettencourt and himself are in favor of putting this project legal notice in the paper.

Commissioner Velazquez was against. The Woodle projects legal notice will be put into the paper advertising the June 10<sup>th</sup> meeting.

**ADJOURNMENT**

**13. Upon a motion by Commissioner Flores, and seconded by Commissioner Bettencourt, adjourned meeting at 7:20 p.m.**

Final Minutes Approved by the Commission  
on \_\_\_\_\_

By: \_\_\_\_\_  
Chairman

# **SELECTION OF OFFICERS**

**6. Open nominations and conduct election for Chair for balance of calendar year 2021**

**7. Open nominations and conduct election for Vice-Chair for balance of calendar year 2021 (if necessary, should the current Vice-Chair be election to the Chair position)**





## **BUSINESS ITEMS- PUBLIC HEARING ITEM**

**8. LAFCO 538 – Woodle Annexation to the City of Hollister: Involving the annexation of approximately 9.1 acres of property into the City for future residential development. The property is located on the north side of Buena Vista Road and 275 feet west of Westside Road (Assessor's Parcel Number 019-120-005). The actions requested are to make an environmental determination regarding the adequacy of the City's Environmental Initial Study, and to consider approval of the annexation.**



SAN BENITO LOCAL AGENCY FORMATION COMMISSION  
EXECUTIVE OFFICER'S REPORT  
(Agenda Item 8)

June 10, 2021 (Agenda)

- LAFCO No. 538: Woodle Annexation to City of Hollister
- PROPONENT: City Council of the City of Hollister, by resolution
- ACREAGE & LOCATION: Approximately 9.1 acres located on the north side of Buena Vista Road and 275 feet west of Westside Road (APN: 019-120-005)
- PURPOSE: To provide municipal services for future residential development in a density range of 8 to 12 dwellings per acre. No tentative subdivision map has been submitted for processing with the City.

In order to approve the annexation, the actions required are to make an environmental determination regarding the adequacy of the City's Mitigated Negative Declaration, and approve the annexation based on determinations in this report, and authorize LAFCO staff to complete the proceedings without further notice, hearing or election.

PROJECT INFORMATION

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

The annexation area consists of fallow land with a variety of livestock, one residence, a commercial shop building and storage sheds. The County General Plan designation is Residential Mixed (RM), and the zoning is Agricultural Productive (AP). The City General Plan designates the site as Medium Density Residential. The City rezoned the property as Medium Density Residential Performance Overlay Zoning District (R3-M/PZ) on December 2, 2019, through Ordinance No. 1185. The area is located within the City's Sphere of Influence and with the current City limits located across Buena Vista Road to the south. The property is also bordered by Westside Road on the north, a rural County road. Following annexation, any new development would be subject to the City's zoning and development standards which would permit both small lot single family and multiple family residential units at a density between 8 and 12 units per acre. While no subdivision map has been submitted to the City, the site could accommodate between 73 and 109 maximum dwelling units.

Surrounding land uses in the County are orchards and rural residences to the east, orchards and an agricultural processing facility to the west, row crops to the north and Calaveras Park and Calaveras Elementary School across Buena Vista Road to the south within the City limits.

2. Topography, Natural Features and Flood Plains:

The site and surrounding areas are generally level with no significant natural features or creeks. The site is not within the 100 year floodplain. The City will require a stormwater management plan and improvements as part of future subdivision plans which is identified as Mitigation Measure HYD-2 in the Environmental Initial Study/Mitigated Negative Declaration adopted by the City.

3. Population:

There is only one dwelling within the annexation area and therefore the territory is considered "uninhabited" under the LAFCO definition (less than 12 registered voters). Following annexation, development within the City will result in the construction of a maximum of 109 dwellings based on the City's response to Question 13.B. in the "Proposal Justification Questionnaire for Annexations"). Assuming an average of 3.42 occupants per unit (reflecting the housing and population estimates identified by the California Department of Finance) future development of the site will result in a maximum population increase of 373 people.

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

The City Plan for Providing Services, as required under Government Code section 56653, has been included in response to Item Number 14 in the "Proposal Justification Questionnaire for Annexations, Detachments and Reorganizations" and a related letter from the Interim City Engineer dated April 15, 2021, responding to questions 15 and 16, both of which are attached to this Executive Officer's Report in Attachment No. 2. The City Engineer's letter indicates the site is included within the City's Long Term Wastewater Management Program and there is adequate capacity in the treatment plant (currently permitted to treat up to 2.69 million gallons of wastewater per day). Water would be provided to the future development by the City, and adequate capacity for the future development of the property was identified in the Environmental Initial Study in evaluation factor 19, with no mitigation required. For other services, the City's responses are that the City has adopted impact fees and connection fees to cover the costs of providing services and that new development of the site will not lead to a demand for additional personnel. Sewer and water infrastructure is located adjacent to the property in Buena Vista Road. Costs for all improvements will be identified at the tentative subdivision map stage.

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

The annexation area consists of land classified as "Grazing" by the State Department of Conservation's Farmland Mapping and Monitoring Program. This is considered non-prime farmland. While the City General Plan identifies the site as Prime Farmland, the lack of active farming on the property over the years has been reflected in the Grazing classification under the State's mapping program, and this mapping program is required to be used for the CEQA analysis. Therefore, no mitigation was identified as necessary.

However, development of the site into a maximum of 109 residences could lead to complaints and conflicts with adjacent agricultural uses on properties north of Buena Vista Road. The annexation represents a narrow 300 foot wide parcel extending as a peninsula surrounded by property planned for urban development in the City's Genral Plan and designated a priority annexation area, but which is currently zoned Agricultural Productive by San Beito County. There is no available mitigation to address this potential conflict.

6. Assessed Value, Tax Rates and Indebtedness:

The annexation area is within Tax Rate Area 067-003. The current assessed value is \$835,500. The basic property tax rate will not be affected by this annexation, although property values will increase following development of the property within the city. Upon annexation, the territory will not be liable for any existing or authorized assessments or debt according to the City. The recently negotiated property tax sharing agreement between the City of Hollister and San Benito County calls for an equal 50/50 splitting of the County's share of the property tax between the City and County following annexation.

7. Environmental Impact of the Proposal:

The City of Hollister, acting as Lead Agency under CEQA, prepared an Initial Study/Mitigated Negative Declaration to evaluate the impacts from the project. The Initial Study document is available on the San Benito LAFCO website as part of the meeting documents for the June 10, 2021 public hearing for this item, and the link will be emailed to all LAFCO Commissioners along with the link to the meeting packet.

The City determined that most areas of potential impact in the Environmental Checklist would have a less than significant impact. Mitigation measures were adopted for the topic areas of: Air Quality for construction activities and grading; Biological Resources related to the protection of California Tiger Salamanders, burrowing owls, nesting bats, and other protected bird species including raptors; Cultural Resources for potential historic structures, buried human remains and archeological resources; Geology and Soils by

requiring a soils report and identification of engineering solutions for identified soil problems, a geologic report for fault and groundshaking hazards, and an erosion control plan; Greenhouse Gas Emissions identifying on and off-site measures to reduce emissions; Hazards and Hazardous Materials requiring a Phase I Environmental Site Assessment; Hydrology and Water Quality requiring a separator to capture trash prior to entering overflow or bio-retention drainage facilities and a drainage plan; Noise involving noise reduction measures during construction; Regarding traffic impacts, the impact is considered less than significant based on the collection of the adopted Council of San Benito County Governments impact fee (\$18,031 per dwelling at the time of preparation of the Initial Study in March 2019), and contribution to improvements at the San Felipe Road/San Benito Street and North Street/Santa Ana Road intersections to address cumulative traffic impacts. While not required as mitigation measures, the Initial Study goes into detail of future regional road access issues for development north of Buena Vista Road including installing collector roads on other parcels which would be tied in to the project site, or allowance of a right in-right out access road. Possible connections to adjacent parcels to the east and west as an alternate access point. There was no identification of impacts to Westside Road which would remain a County road following annexation except along the 300 foot length of the project boundary.

However, in response to a referral from LAFCO Staff, the County Resource Management Agency provided a comment letter to the Commission which identified potential project impacts to Westside Road should the future subdivision provide access to this County road. (Letter from Deems Katada P.E., Interim County Engineer dated June 2, 2021 is attached as Attachment 3.) The County would prefer the full length of Westside Road be included in the annexation extending from the property frontage east to the connection with Buena Vista Road to avoid any road maintenance issues. As an alternative if annexation of the full road is not possible at this time, then the County wants a road maintenance agreement with the City of Hollister or the developer prior to approval of the proposed subdivision if the project will access Westside Road for vehicle traffic or emergency access. The County also will require the developer to obtain an encroachment permit for any work performed with the County right-of-way prior to commencement of any improvements. This has been made a recommended condition of approval.

In terms of the Initial Study conclusion and mitigation measures, none of the identified mitigation measures are under LAFCO's authority to adopt or administer. LAFCO can rely on this Initial Study for its role as a "Responsible Agency" under CEQA for action on the annexation.

8. Alternatives:

Based on the identification of circulation issues in the Initial Study referenced in Determination 7 above, and Staff has identified a potential City/County circulation and

road maintenance issue with the annexation boundary including the portion of Westside Road fronting the 300 foot wide parcel, but with the balance of this rural road currently serving agricultural related traffic. If the future subdivision includes direct access onto Westside Road, resulting City generated traffic will travel on Westside Road, and Staff has contacted County Resource Management Agency staff for input on this project, and any requested solutions will be presented at the Commission meeting.

Staff has identified an alternative boundary which would expand the annexation area to the east by approximately 8 acres, to include the three adjacent parcels and the full 40 foot right-of-way of Westside Road between the project site and Buena Vista Road. The parcels involved in the expanded boundary include Assessor's Parcel Numbers 019-120-022, 019-120-034 and 019-120-035. This boundary alternative is presented in Attachment 2. This alternative propose would help address the access issues identified in the Initial Study referenced in Determination 7 above, and the issues raised in the County Engineer's letter (Attachment 3 to this report). However, as stated in the Initial Study, road access and circulation issues will be addressed at the tentative map stage for the Woodle Annexation and the design of road access to Westside Road or its possible prohibition of access has not been determined at this time.

9. Public Notice and Subject Agency Consent:

Notice of the Public Hearing was published in the Hollister Freelance on May 21<sup>st</sup>, and was sent to all landowners within 300 feet of the project boundary. The City Council, through adoption of Resolution of Application No. 2021-43 submitted this annexation request reflecting support of the annexation.

10. Boundaries, Lines of Assessment and Registered Voters:

The boundary map and legal description have been submitted to the County Surveyor for review, and a condition of approval is recommended to require any corrections be accomplished prior to recording the annexation. Other boundary issues were discussed in Determination Number 8 above.

11. Disadvantaged Unincorporated Communities and Low Income Housing

Government Code Section 56375(a)(8) requires the Commission to determine whether there is a disadvantaged unincorporated community adjacent to a city annexation of more than 10 acres in size. The site is only 9.1 acres in size and is not subject to this Code section. The annexation does not propose any low or moderate income housing.

ALTERNATIVES FOR COMMISSION CONSIDERATION

After reviewing this report and any testimony or materials that are presented, the Commission can take one of the following actions:

OPTION 1 – APPROVE the proposal as submitted based on the following determinations, with no conditions of approval.

- A. Find the Commission has reviewed and considered the Initial Study/Mitigated Negative Declaration prepared by the City of Hollister as lead agency under CEQA for approval of the rezoning ordinance and annexation request. There are no mitigation measures that are the responsibility of LAFCO to adopt or monitor as a responsible agency for approval of this annexation proposal.
- B. Determine that the subject territory is uninhabited and the landowners have given consent to the annexation.
- C. Adopt this report and approve the proposal known as the Woodle Annexation to the City of Hollister with two condition of approval:
  - 1. Direct the staff not to record the annexation until the map and legal description are found by the County Surveyor to be acceptable.
  - 2. The City shall coordinate with San Benito County, Resource Management Agency, Public Works Division to enter a Westside Road maintenance agreement as identified in correspondence Dated June 2, 2021 from Deems Katada, P.E., Interim County Engineer (Attachment 3 to the Executive Officer's Report)

OPTION 3 - Consider this report and DENY the proposal based on the inability to make all the determinations presented.

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

RECOMMENDED ACTION:

Staff has provided this Executive Officer's Report for action at the June 10, 2021 hearing based on direction received from the Commission at the May 13<sup>th</sup> Commission meeting, which would accommodate the City's and property owner's original request identified as OPTION 1.

Executive Officer's Report  
LAFCO No. 538  
June 10, 2021 (Agenda)  
Page 7



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BILL NICHOLSON  
Executive Officer

LOCAL AGENCY FORMATION COMMISSION

cc: Abraham Prado, Associate Planner, City of Hollister  
Hugh Bikle, Project Sponsor  
Alan and Lorraine Woodle, Property Owners  
Deems Katada, P.E. Interim County Engineer, San Benito County

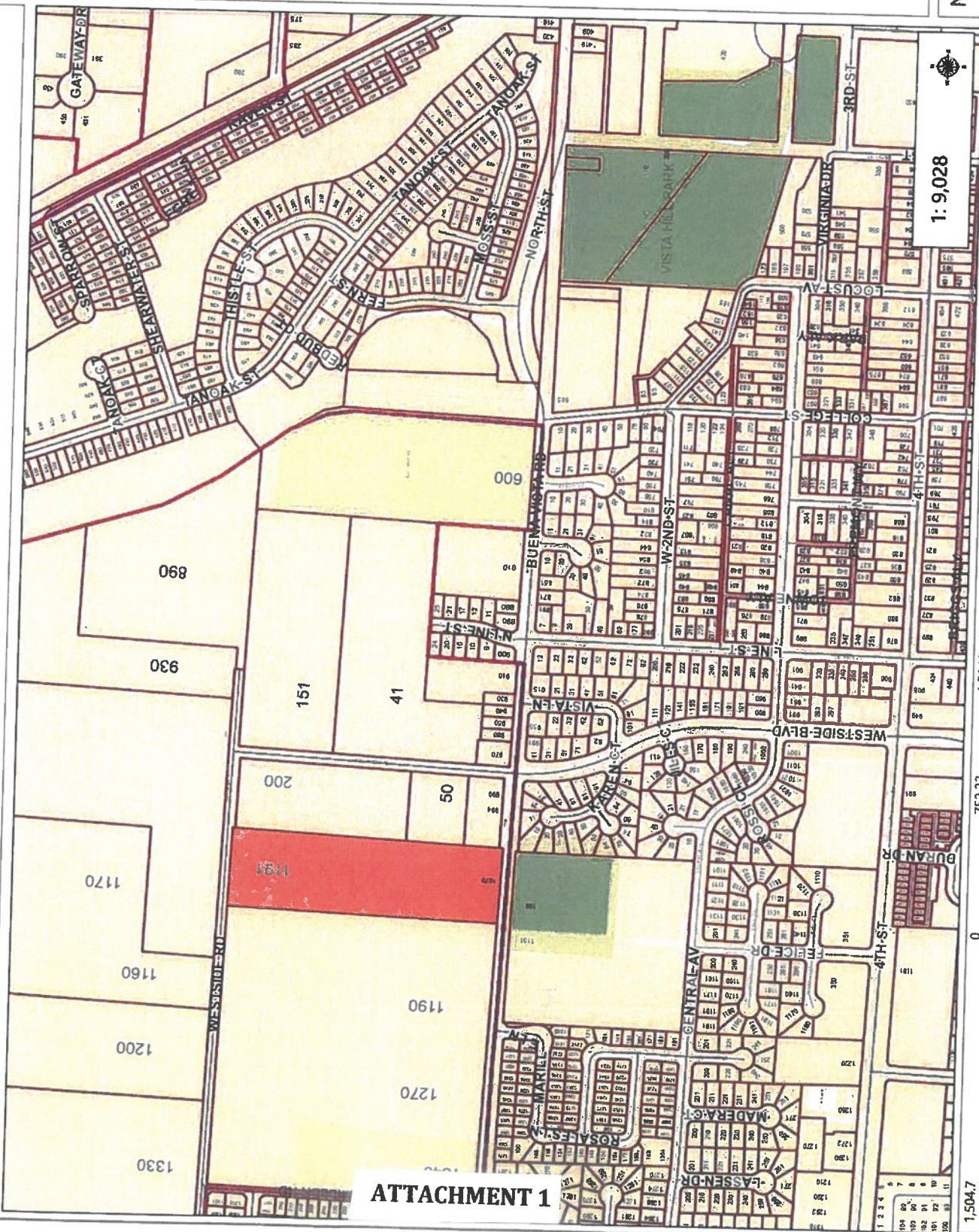
Attachments:

1. Vicinity and Annexation Maps
2. Alternate Annexation Boundary Map
3. Letter from Deems Katada, Interim County Engineer on Westside Road Impacts
4. Proposal Justification Questionnaire for Annexations, Detachments and Reorganizations with City Engineer Letter
5. City Resolution of Application No. 2021-43
6. City Ordinance No. 1182 Rezoning the Property as R3-M/PZ
7. City Resolution No. 2019-187 Adopting the Mitigated Negative Declaration
8. Draft LAFCO Resolution No. 538





- Legend**
- Parcels
  - California County Boundaries
  - <small>all other values</small>
  - San Benito
  - City Limit
  - Woodlee Annexation
  - Hollister Airport Runways
  - Tentative Streets
  - Park
  - World Street Map



**ATTACHMENT 1**

1: 9,028



This map is a user generated static output from an internet mapping site and is for reference only. Data layers that appear on this map may or may not be accurate, current, or otherwise reliable.

WGS\_1984\_Web\_Mercator\_Auxiliary\_Sphere  
 ©County of San Benito, GIS Services

**Notes**

**Woodlee Annexation**

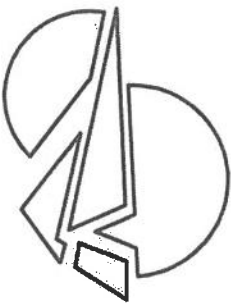


Source: ESRI 2018

Figure 2  
Aerial Photograph

Woodle Prezone No. 2017-2 Initial Study





*Matthew J. Kelley*  
 Matthew J. Kelley  
 LS 8263 EXP.: 12/31/2017  
 Date: 8/22/2017

**KEY NOTES**

- ① TREJO APN 052-063-001
- ② NINO REAL ESTATE APN 052-063-002

GIBSON SURVIVORS TRUST  
 APN 019-120-008

WOODLE

APN 019-120-005

9.102 ACRES TO BE ANNEXED TO THE  
 CITY OF HOLLISTER

THOMAS ORCHARDS INC  
 APN 019-200-032

APPROXIMATE LOCATION OF 40' POLE LINE EASEMENT TO  
 COAST COUNTIES GAS & ELECTRIC COMPANY PER 52 OR 252

FLORES  
 APN 019-120-034

OKERSON  
 APN 019-120-035

COH SPHERE OF  
 INFLUENCE

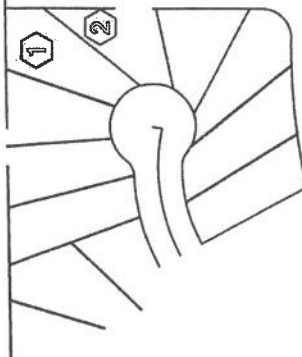
**WESTSIDE BLVD**

**WESTSIDE RD**

**BUENA VISTA RD**  
 CITY OF HOLLISTER  
 SAN BENITO COUNTY

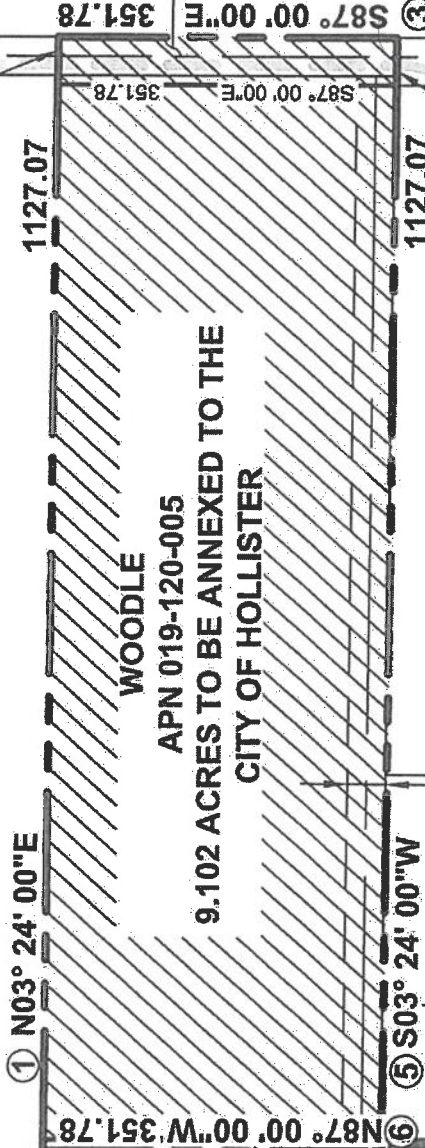
CALAVERAS ELEMENTARY  
 SCHOOL AND PARK

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



0.323 ACRES TO BE ANNEXED  
 TO THE CITY OF HOLLISTER

**WESTSIDE RD**

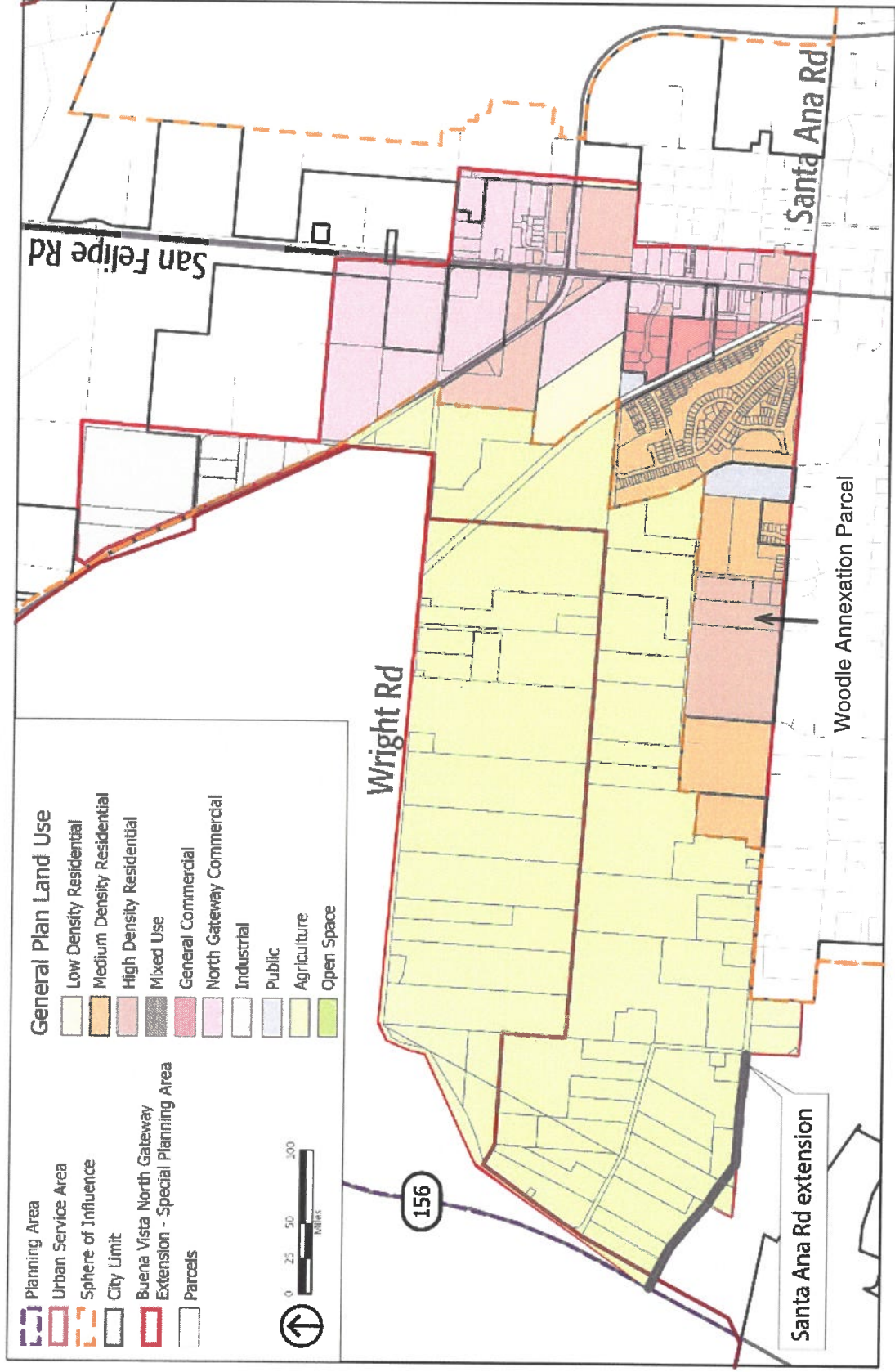


Job No.:	17011
Dsgnd:	MJK TJK
Scale:	1"=200'
Date:	July 2017
Sheet:	1

**PLAT TO ACCOMPANY LEGAL DESCRIPTION  
 LANDS OF WOODLE  
 HOLLISTER, CA**

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

Figure 4 Buena Vista Special Planning Area GPAC Recommendation



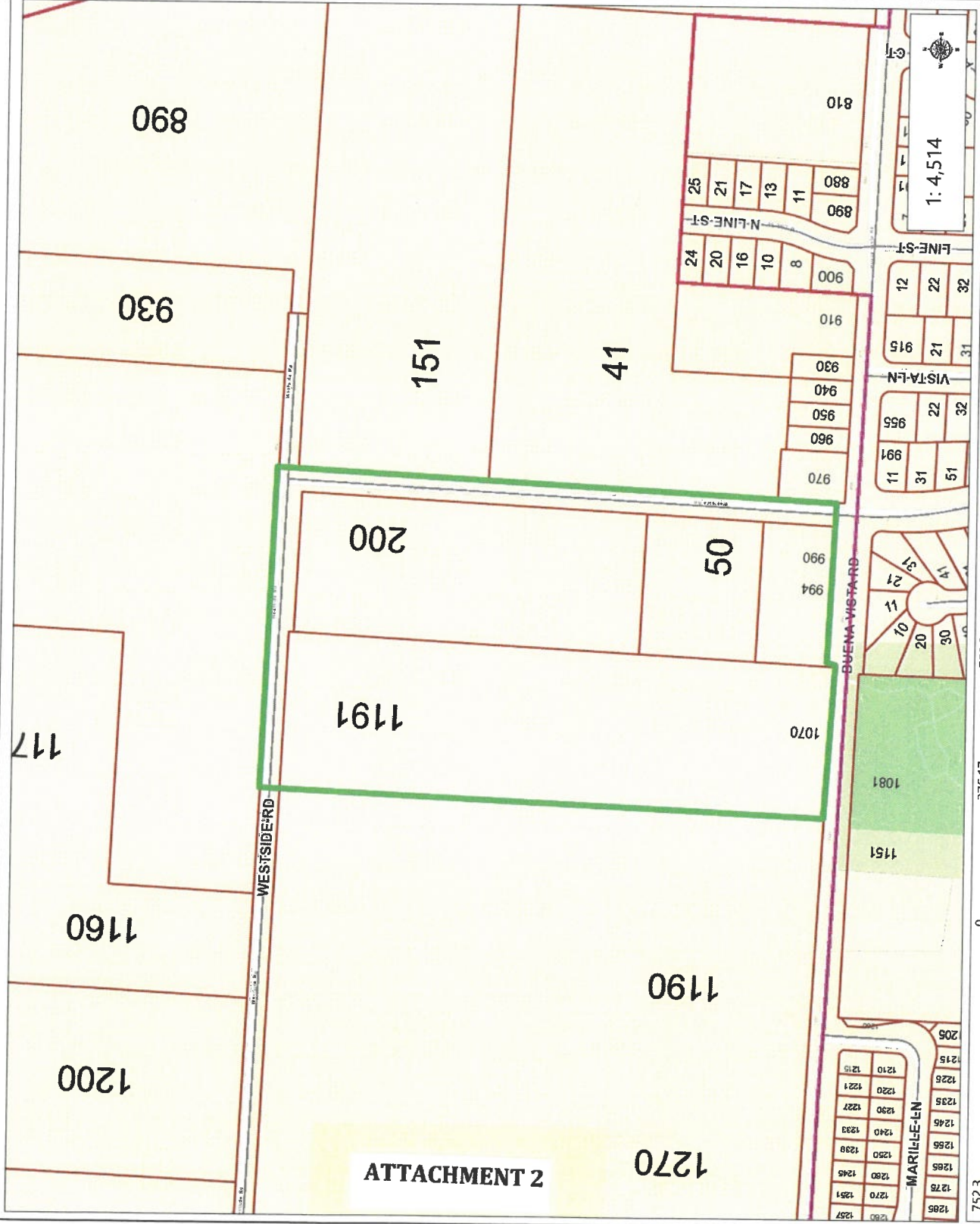


# Alternate Expanded Annexation Boundary



- Legend**
- Parcels
  - California County Boundaries
  - <all other values>
  - San Benito
  - City Limit
  - Hollister Airport Runways
  - Tentative Streets
  - Park
  - World Street Map

Notes



This map is a user generated static output from an internet mapping site and is for reference only. Data layers that appear on this map may or may not be accurate, current, or otherwise reliable.

752.3 Feet  
376.17  
0

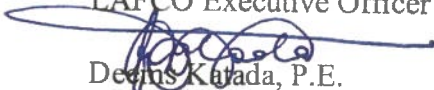


**San Benito County  
Resource Management Agency  
Public Works Division**

2301 Technology Parkway, Hollister CA 95023  
Phone: (831) 636-4170 Fax: (831) 636-4176

**INTER- AGENCY MEMO**

TO: Bill Nicholson  
LAFCO Executive Officer

FROM:   
Dennis Kurada, P.E.  
Interim County Engineer  
Public Works Division

DATE: June 2, 2021

SUBJECT: Woodle Annexation to the City of Hollister  
LAFCO File No. 538

Upon review of the annexation exhibits, the following are Public Works comments/concerns:

1. Since segment of Westside Road (which is currently a County Road) at the northern property frontage will be annexed to the City of Hollister, RMA staff suggests that the whole Westside Road all the way to Buena Vista Road be included in the annexation to avoid any road maintenance issues.
2. If comment above (#1) cannot be done at this time, then prior to approval of the proposed subdivision or any development in the property to be annexed that would utilize Westside Road by any means as an access to the property whether primary or emergency access, the City of Hollister or developer, whichever is feasible, should be required to enter into a road maintenance agreement with the County of San Benito regarding Westside Road from the portion that is going to be annexed all the way to Buena Vista Road. Future annexation of Westside Road to the City of Hollister will terminate the road maintenance agreement.
3. In accordance with Section 19.27.004 of the San Benito County Code, the developer shall be required to obtain a Public Works Encroachment Permit for any work being performed within the County Right-of-Way prior to commencement of any improvements associated with this future development/project.

Based on missing information, RMA Public Works reserves the right to make additional comments upon receipt and review of related information to be presented in the future.

Cc: Benny Young  
Michael Chambless  
Robin Bolster-Grant  
Taven Kinison-Brown

**ATTACHMENT 3**

**SAN BENITO LOCAL AGENCY FORMATION COMMISSION**  
**Proposal Justification Questionnaire for Annexations, Detachments and Reorganizations**  
(Attach additional sheets as necessary)

**1. Name of Application: (The name should match the title on the map and legal description; list all boundary changes that are part of the application)**

*Woodle Annexation – refer to Exhibit ‘A’, Legal Description for Annexation to the City of Hollister and Exhibit ‘B’ Plat (prepared by Kelly Engineering and Surveying) to accompany description (attached).*

**2. Describe the acreage and general location; include street addresses if known:**

*The subject property is approximately 9.43 +/- acres, consisting of 9.102 +/- acres of the Woodle property and 0.323 +/- acres of Westside Road located at 1070 Buena Vista Road in unincorporated San Benito County, within the City of Hollister’s Sphere of Influence. The Hollister city limit is contiguous to the site to the south of the property.*

*The Woodle parcel is bordered to the south by Buena Vista Road, Calaveras Elementary School, and Calaveras Park; to the north by Westside Road; and to the west and east by agricultural parcels with homesites and orchards.*

**3. List the Assessor’s Parcels within the proposal area:**

*The project is comprised of one parcel: Assessor Parcel number 019-120-005.*

**4. Purpose of proposal: (List all actions for LAFCO approval. Identify other actions that are part of the overall project, i.e., a tract map, development permit, etc. Why is this proposal being filed?)**

*Annexation to the City of Hollister consistent with the policies of the General Plan.*

*Upon annexation, the applicant intends to submit a Tentative Map, Final Map, and construction drawings to subdivide and improve the subject property consistent with the densities allowed under the City’s R3-M/PZ zoning district.*

**5. Land Use and Zoning - Present and Future**

**a. Describe the existing land uses within the proposal area. Be specific.**

*The subject property is currently used as a single-family residence with one outbuilding located on the southern portion of the site. The northern portion of the property is fallow undeveloped land.*

**b. Describe changes in land uses that would result from or be facilitated by this proposed boundary change.**

*Currently, there is one single-family residence located on the subject property. The property is currently designated Residential Mixed (RM) in the San Benito County General Plan, and is designated as Medium Density Residential in the City of Hollister 2005-2023 General Plan. The applicant is requesting an annexation into the corporate limits of Hollister that will change the existing zoning district (San Benito County) from*

*Agricultural Productive to the Medium Density Residential Performance Overlay R3-M/PZ (City of Hollister) zoning district. Pending annexation, the applicant will submit a Tentative Map to subdivide the subject property consistent with the densities allowed under the City's R3-M/PZ zoning district.*

**c. Describe the existing zoning designations within the proposal area.**

*The subject property is currently designated Residential Mixed (RM) and zoned Agricultural Productive by the County of San Benito. The parcel is within the City's Sphere of Influence and is designated in the City's General Plan for Medium Density Residential. The City of Hollister City Council adopted Ordinance No. 1182 on September 3, 2019 rezoning the parcel to Medium Density Residential Performance Overlay zoning district (R3 M/PZ).*

**d. Describe any proposed change in zoning for the proposal area. Do the existing and proposed uses conform with this zoning?**

*Yes, the subject property will conform to the City of Hollister's zoning district. The approved Rezoning and proposed annexation would be consistent with the City of Hollister Title 17 Zoning regulations of the Municipal Code. The project site is within the City's Sphere of Influence and is designated in the City's Zoning as Medium Density Residential Performance Overlay R3-M/PZ development. Rezoning to Medium Density Residential is consistent with land uses and density anticipated and planned for in Title 17 Zoning City of Hollister Municipal Code.*

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

*The property includes an approved Rezoning approximately 9.102 +/- acre project site to R3-M/PZ (Zoning), which is both consistent with the City's General Plan land use designation and the City's Zoning district. The zoning district would allow for 8-12 dwelling units per net acre on the project site (Municipal Code Section 17.04.010). The City of Hollister City Council adopted Ordinance No. 1182 on September 3, 2019 rezoning the parcel to Medium Density Residential Performance Overlay zoning district (R3 M/PZ).*

**f. List all known entitlement applications pending for the property (i.e., zone change, land division or other entitlements).**

*None at this time.*

**6. Describe the area surrounding the proposal**

**Using Table A, describe existing land uses, general plans and zoning designations for lands adjacent to and surrounding the proposal area. The application is incomplete without this table.**

*Refer to Table A at the end of the application.*

**7. Conformity with Spheres of influence**



- a. **Is the proposal area within the sphere of influence of the annexing agency?**

*Yes, the entire parcel is within the City of Hollister's Sphere of Influence and Planning Area.*

- b. **If not, are you including a proposal to revise the sphere of influence?**

*N/A*

**8. Conformity with County and City General Plans**

- a. **Describe the existing County General Plan designation for the proposal area.**

*The project site is located in unincorporated San Benito County and the project site's General Plan 2035 land use designation is Residential Mixed (RM).*

- b. **(For City Annexations) Describe the City general plan designation for the area.**

*The project site has a City of Hollister 2005 General Plan land use designation of Medium Density Residential (MDR).*

- c. **Does the proposed uses conform with these plans? If not, please explain.**

*The project site has a City of Hollister 2005 General Plan land use designation of Medium Density Residential (MDR). The conversion of the project site to residential uses has been anticipated in the City of Hollister's General Plan. Also, the project site is identified as "priority infill area" on Map 5, Infill Development Strategy of the City of Hollister General Plan.*

**9. Topography and Natural Features**

- a. **Describe the general topography of the proposal area and any significant natural features that may affect the proposal.**

*In general, the property is characterized by gradual slopes running south to north (0.1%-0.5%).*

- b. **Describe the general topography of the area surrounding the proposal.**

*In general, the surrounding off-site topography is characterized by gradual slopes running south to north (0.1%-0.5%).*

**10. Impact on Agriculture**

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

*No, the subject property does not produce a commercial agricultural commodity.*

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

*No, the subject property's fallow land is not under a crop rotational program nor enrolled in an agricultural subsidy or set-aside program.*

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

*No, the property is not Prime Agricultural Land as defined in G.C. Section 56064.*

- d. **Is the proposal area within a Land Conservation (Williamson) Act contract?**

*No, the subject property is not currently within a Land Conservation (Williamson) Act contract.*

- i. **If "yes," provide the contract number and date contract was executed.** *N/A*

- ii. **If "yes", has a notice of non-renewal be filed? If so, when?** *N/A*

- iii. **If this proposal is an annexation to a city, provide a copy of any protest filed by the annexing city against the contract when it was approved.** *N/A*

11. **Impact on Open Space**

- a. **Is the affected property Open Space land as defined in G.C. Section 65560?**

*No, the property is not defined Open Space as defined in Government Code Section 65560.*

12. **Relationship to Regional Housing Goals and Policies (City annexations only)**  
**If this proposal will result in or facilitate an increase in the number of housing units, describe the extent to which the proposal will assist the annexing city in achieving its fair share of regional housing needs.**

*The future development of the Woodle property will increase and assist in the number of market rate housing units for the City of Hollister.*

13. **Population**

- a. **Describe the number and type of existing dwelling units within the proposal area.**

*There is one existing single-family detached dwelling unit located on the subject property.*

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

*The City of Hollister City Council adopted Ordinance No. 1182 on September 3, 2019 rezoning the parcel to Medium Density Residential Performance Overlay Zoning*

*District (R3 M/PZ), which allows for 8-12 dwelling units per net acre, for a maximum of 109 residential lots.*

**14. Government Services and Controls – Plan for Providing Services (per §56653)**

- a. Describe the services to be extended to the affected territory by this proposal.**
- b. Describe the level and range of the proposed services.**
- c. Indicate when the services can feasibly be provided to the proposal area.**

*Please see below answers for a, b, and c.*

*Below is an analysis of the services that will be required for the annexation of the affective property pursuant to the requirements set forth by Section 56653 of the Map Act. Source: Excerpts from Woodle Prezone No. 2017-2 Initial Study prepared by EMC, dated March 2019.*

*Police Department Service: Police service to the project site upon annexation will be provided by the Hollister Police Department. The Hollister Police Department provides police service throughout the city based upon staffing levels set the City Council of the City of Hollister. The project site is contiguous to the current city limits (current service area). Annexation will not extend the boundary of police service currently in effect. The Hollister Police Department is headquartered at 395 Apollo Way, approximately 4 miles from the project site.*

*Fire Department Service: The Hollister Fire Department will provide fire service to the project site upon annexation. The Hollister Fire Department provides fire protection service throughout the city and adjoining county areas, via a mutual aid agreement, based upon staffing levels set by the City Council. The project site is contiguous to the current city limits (current service area) and will not extend the range of fire service currently in effect. The project site is within the five minutes first engine response time. The Hollister Fire Department is located at 110 5th Street, approximately 1.2 miles from the project site.*

*General Government: General Government services include the City Council, City Administration (City Manager, City Attorney), City Finance (Payment of Utility Bills), Building, Planning, Engineering and Animal Control. These services are currently being provided to the City at large. Annexation of the affected area in its current condition will not cause any increase in City Governmental services. Development of the site, if annexed, will cause a minor incremental increase in General Governmental service for the City Council, City Administration, City Finance and Animal Control. These will be financed through an incremental increase in General Fund revenues, such as property and sales taxes. The City is also requiring that all projects requesting annexation enter into an agreement to be fiscally neutral (project will provide all revenues necessary to provide public services). The affected area will be subject to an*

annexation agreement for fiscal neutrality. The incremental increase in services for Building, Planning and Engineering will be financed through permit fees.

Parks and Recreation: Development of the project site with single-family homes would increase the use of existing recreational facilities as well as generate demand for additional park space. The City of Hollister requires that residential projects either dedicate land and/or pay park-in-lieu impact fees for the incremental need for expanded park facilities.

The City of Hollister has entered into an annexation agreement with the owner of the project site to ensure that development of the site is fiscally neutral. The incremental increase in demand for park facilities would not require construction of new facilities.

Road Construction: The City of Hollister requires that there be adequate roadways to serve the transportation needs of the City residents. The project site is adjacent to Buena Vista Road to the north and south of Westside Road. Sometime following annexation, the project will be required to fund and install frontage improvements including curb, gutter, and sidewalk on both Buena Vista Road and Westside Road to City standards.

Street and Utility Maintenance: Development of the project site will require the maintenance of city streets, landscaping, and utility facilities that will serve the affected area, as well as streets and utility systems within the development. The street and maintenance is funded by the City of Hollister state taxes. The City currently collects a per unit fee for the first year of occupation; the fee incrementally indexed a yearly basis in accordance to the methodology used in the Engineering New Record for maintenance of landscaping and lighting. City utility systems are currently funded by city user fees.

Solid Waste: Recology San Benito County provides garbage and recycling collection service in Hollister, San Juan Bautista, and unincorporated San Benito County. Solid waste is disposed of at the John Smith Road Landfill, which is the only permitted landfill serving the Hollister area. The landfill is owned by the County of San Benito and is operated by Waste Connections Inc. According to the California Department of Resources Recycling and Recovery (hereinafter "CalRecycle"), the John Smith Road Landfill has a remaining capacity of approximately 3.5 million cubic yards as of March 31, 2018. The landfill has a cease operation date of January 1, 2032. The maximum permitted throughput is 1,000 tons per day.

According to the CalRecycle's Jurisdiction Diversion/Disposal Rate Detail report for the year 2017, San Benito County produced approximately 5.60 pounds of solid waste per person per day. Based on an average of 3.42 persons per household in the City of Hollister, future development of the site with 109 single-family homes could generate an estimated 373 new residents. Therefore, the proposed project would generate

approximately 2,089 pounds (5.60 pounds per person x 373 residents) of solid waste per day or 1.04 tons of solid waste per day.

Storm Drainage: The City of Hollister's storm drainage system is comprised of multiple networks of inlets, pipes, and basins that flow to the San Benito River, the Santa Ana Creek or to terminal (retention) basins. The proposed project would increase the amount of impervious surfaces due to future construction of proposed residential homes and driveways. The proposed project would require a Construction General Stormwater Permit that reduces the impact of excessive runoff water. In addition, the proposed project will be required to incorporate Low Impact Development strategies and Best Management Practices to reduce storm water runoff, encourage infiltration, and reduce pollutant transmission. Therefore, the proposed project would not create or contribute substantial amounts of runoff water that would exceed the capacity of existing or planned storm water drainage systems.

Domestic Water: The project site is located within the City of Hollister's service area. The City of Hollister obtains its water supply from both groundwater and surface water. The City's water system facilities include three distribution zones, three groundwater wells within the city limits, three potable water storage tanks, one booster station, five pressure reducing valves, and approximately 90-miles of pressurized pipes ranging from 4-inches through 18-inches in diameter. The project water distribution system is proposed to connect to the existing 12-inch water main located in Buena Vista Road. The on-site system will consist of minimum 8-inch pipes designed in accordance to city standards.

The project's water demand is estimated as 137,340 gallons per day or approximately 68.4 acre-feet per year (hereinafter "AFY"). According to the 2015 Hollister Urban Area Urban Water Management Plan, water demand for the city's entire urban area is expected to increase to 10,286 AFY by 2035 (urban water management plan, page 4-3). The underlying groundwater sub-basins have a sustainable yield of roughly 16,000 AFY (urban water management plan, page 6-17). Therefore, the City of Hollister would have sufficient water to meet projected water demands of the proposed project in addition to meeting Hollister's urban area's existing and planned demands, and no additional or expanded water treatment facilities are necessary.

Wastewater Collection, Conveyance, and Treatment Facilities: The subject property would be provided wastewater facilities and treatment by the City of Hollister. Wastewater generated on-site from future residential use will be collected and conveyed to the City's domestic wastewater treatment plant/water reclamation facility for treatment and disposal. The site has a City of Hollister General Plan designation of Medium Density Residential and is accounted for in the Hollister Urban Area Water and Wastewater Master Plan. Therefore, the proposed project would not cause the City to exceed wastewater requirements of the Regional Water Quality Control Board.

*Upon development, the project's sanitary sewer line would connect to one of two potential connections points along Buena Vista Road either connecting to the existing 8-inch main west of the site in Buena Vista Road or the existing 8-inch main east of the site in Buena Vista Road, whichever has the optimum invert elevation. Due to the existing topography and future grading of the site, there is a potential need for a lift station to lift the sewer into the existing system.*

- d. Indicate any improvements or upgrading of structures, roads, sewers or water facilities or other conditions that will be required as a result of the proposal.**

*Existing water, sewer, and joint trench facilities will be extended to serve the Woodle property. Connections to existing utilities are available along the property's Buena Vista Road frontage.*

*The project is proposing one stormwater basin for stormwater treatment and retention*

*The project is proposing to widen the existing public streets along the project frontage and to construct private internal streets.*

- e. Identify how these services will be financed. Include both capital improvements and ongoing maintenance and operation.**

*It is anticipated upon development of the site; streets, water, sewer, and storm drainage (including retention basin) improvements will be privately financed by the developer.*

*Woodle's future development of the site will include private internal streets to be maintained by a Homeowners Association.*

*Woodle's frontage streets are public (Buena Vista Road and Westside Road) and will be maintained by the City of Hollister. Maintenance of the public frontage streets will be included in a Mello Roos Community Facilities Tax District or similar district to finance related maintenance costs.*

- f. Identify any alternatives for providing the services listed in Section (A) and how these alternatives would affect the cost and adequacy of services.**

*No alternative mechanisms proposed.*

**15. Ability of the annexing agency to provide services**

**Attach a statement from the annexing agency describing its ability to provide the services that are the subject of the application, including the sufficiency of revenues (per Gov't Code §56668j).**

*Please see attached statement from the City of Hollister.*

16. **Dependability of Water Supply for Projected Needs** (as per §56653)

If the proposal will result in or facilitate an increase in water usage, attach a statement from the retail water purveyor that describes the timely availability of water supplies that will be adequate for the projected needs.

*The site is expected to obtain domestic water service from the City of Hollister. The services can be provided upon annexation of the site, pending LAFCO approval.*

17. **Bonded indebtedness and zones** – These questions pertain to long term debt that applies or will be applied to the affected property.

a. Do agencies whose boundaries are being changed have existing bonded debt?

Yes                       No                      If yes, please describe

b. Will the proposal area be liable for payment of its share of this existing debt?

Yes                       No                      If yes, how will this indebtedness be repaid (property taxes, assessments, water sales, etc.?)

c. Should the proposal area be included within any 'Division or Zone for debt repayment?

Yes                       No                      If yes, please describe.

d. (For detachments) Does the detaching agency propose that the subject territory continue to be liable for existing bonded debt?

Yes                       No                      Please describe.

18. **Environmental Impact of the Proposal**

a. Who is the "lead agency" for this proposal?

*The lead agency for this proposal is the City of Hollister.*

b. What type of environmental document has been prepared?

None, Categorically Exempt -- Class \_\_\_\_\_

EIR \_\_\_\_\_ Negative Declaration \_\_\_\_\_ Mitigated ND  \_\_\_\_\_

Subsequent Use of Previous EIR \_\_\_\_\_ Identify the prior report. \_\_\_\_\_

c. If an EIR has been prepared, attach the lead agency's resolution listing significant impacts anticipated from the project, mitigation measures adopted to reduce or avoid significant impacts and, if adopted, a "Statement of Overriding Considerations." *N/A*

**19. Boundaries**

- a. Why are these particular boundaries being used? Ideally, what other properties should be included in the proposal?**

*The property is within the City of Hollister's Sphere of Influence and also its Planning Area, while the City of Hollister's General Plan (2005) identifies the project area being located within a "priority infill area" on Map 5, Infill Development Strategy.*

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

*N/A*

**20. Final Comments**

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

*Owner agrees to comply with the City of Hollister's ordinances, policies, and conditions of approval with regard to development of this property.*

- b. Provide any other comments or justifications regarding the proposal.**

*On June 27, 2019 the City of Hollister Planning Commission approved Resolution No. 2019-34 recommending adoption of the MND, and approved Resolution No. 2019-35 recommending approval of the prezone application for the subject property to the City of Hollister City Council. The City of Hollister City Council adopted Ordinance No. 1182 on September 3, 2019 rezoning the parcel to Medium Density Residential Performance Overlay Zoning District (R3 M/PZ). This request is for annexation only.*

- c. Enclose all pertinent staff reports and supporting documentation related to this proposal. Note any changes in the approved project that are not reflected in these materials.**

- Planning Commission Resolution No. 2019-34 (Adoption of Mitigated Negative Declaration for Prezone)*
- Planning Commission Resolution No. 2019-34 (Adoption of Prezone)*
- Ordinance No. 1182 (Amending Municipal Code Chapter 17.24.250 Rezoning of Specifically Described Real Properties (APN: 019-120-005) to Medium Density Residential Performance Overlay Zoning District.*



**21. Notices and Staff Reports**

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

<u>Name and agency</u>	<u>Address</u>	<u>Email address</u>
1. Eva Kelly or Abraham Prado	City of Hollister Planning Division 375 Fifth Street Hollister, CA 95023	<a href="mailto:eva.kelly@hollister.ca.gov">eva.kelly@hollister.ca.gov</a> <a href="mailto:abraham.prado@hollister.ca.gov">abraham.prado@hollister.ca.gov</a>
2. Taven Kinison Brown	San Benito County Resource Mgmt Agency Planning Division 2301 Technology Pkwy Hollister, CA 95023	<a href="mailto:tkinisonbrown@cosb.us">tkinisonbrown@cosb.us</a>
3. Hugh Bikle		<a href="mailto:hbikle@stonebridge-homes.com">hbikle@stonebridge-homes.com</a>
4. Hugh Walker		<a href="mailto:hwalker@stonebridge-homes.com">hwalker@stonebridge-homes.com</a>

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

<u>Name</u>	<u>Address</u>	<u>Email address</u>	<u>Phone</u>
Eva Kelly or Abraham Prado	City of Hollister Planning Division	<a href="mailto:eva.kelly@hollister.ca.gov">eva.kelly@hollister.ca.gov</a> <a href="mailto:abraham.prado@hollister.ca.gov">abraham.prado@hollister.ca.gov</a>	831.636.4360 x1225 831.636.4360 x1211

Signature 

Date 4/15/2021

**TABLE A**  
**Information regarding the areas surrounding the proposal area**

	<b>Existing Land Use</b>	<b>General Plan Designation (Hollister-2005)</b>	<b>Zoning Designation</b>
<b>East</b>	<i>Agriculture, Residential</i>	<i>Medium Density Residential</i>	<i>Agriculture Productive (San Benito Co.)</i>
<b>West</b>	<i>Agriculture, Residential</i>	<i>Medium Density Residential</i>	<i>Agriculture Productive (San Benito Co.)</i>
<b>North</b>	<i>Agriculture</i>	<i>Low Density Residential</i>	<i>Agriculture Productive (San Benito Co.)</i>
<b>South</b>	<i>Calaveras School &amp; Park</i>	<i>Public (School &amp; Park)</i>	<i>Public Facilities (Hollister-2012)</i>



# City of Hollister Development Services

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

April 15, 2021

To: LAFCO Commission  
2301 Technology Parkway  
Hollister, CA 95023

From: City of Hollister Engineering Department  
375 Fifth Street  
Hollister, California 95023

**RE: Woodle Annexation to the City of Hollister Question Number 15**

---

Dear LAFCO Commissioner,

At its regular meeting of September 3, 2019 the City of Hollister City Council adopted Ordinance No. 1182 approving a pre-zone of a 9.102 acre parcel to Medium Density Residential Performance Overlay (R3-M/PZ) for future annexation into the corporate limits of Hollister located at 1070 Buena Vista Road; north of Buena Vista Road, Calaveras Elementary School, and Calaveras Park; south of Westside Road; and west of Westside Boulevard, further identified as San Benito County Assessor's Parcel Number 019-120-005.

Question number 15 of the LAFCO application states, *attach a statement from the annexing agency describing its ability to provide the services that are the subject of the application, including the sufficiency of revenues.* The City of Hollister can provide services to the site pending LAFCO approval of the annexation of territory. The project site is within the City of Hollister General Plan area and is accounted for in the City's Long-Term Wastewater Management Program. It is proposed that services including sewer and wastewater generated onsite be collected and conveyed to the City of Hollister Domestic Wastewater Treatment Plant (DWTP) for treatment and disposal. The property would receive domestic water service from the City of Hollister. Impact fees will be assessed at the time of building permit issuance for use in future capital improvement projects. At the time the property is annexed the City will be able to provide and will have sufficient revenues to provide the proposed municipal services.

Should you have any questions, or require additional information, please do not hesitate to contact the City of Hollister Development Services Department at (831) 636-4340, or you may contact me directly at your convenience at (925) 965-7701.

Sincerely,

Mark Falgout, P.E., CPSWQ, QSD  
Kimley-Horn  
Interim City Engineer, City of Hollister

**RESOLUTION NO. 2021-43**

**A RESOLUTION OF APPLICATION BY THE CITY OF HOLLISTER REQUESTING THE LOCAL AGENCY FORMATION COMMISSION OF SAN BENITO COUNTY (LAFCO) TO INITIATE PROCEEDINGS FOR THE ANNEXATION OF TERRITORY OF THE PARCEL IDENTIFIED AS APN 019-120-005**

**WHEREAS**, the City Council of the City of Hollister desires to initiate proceedings pursuant to the Cortese-Knox-Hertzberg Local Government Reorganization Act of 2000, commencing with Section 56000 of the California Government Code, (the "Act") for a change of organization consisting of a parcel of land identified as APN 019-120-005 consisting of 9.103 acres of land to the City of Hollister; and

**WHEREAS**, the reasons for the proposed reorganization is to annex the territory of 9.103 acres owned by Alan and Lorraine Woodle (the "Territory") and to allow for the provision of municipal services to the Territory that will allow development consistent with the City of Hollister General Plan; and

**WHEREAS**, the following agency would be affected by the proposed jurisdictional change:

<u>Agency</u>	<u>Nature of Change</u>
County of San Benito	Annexation to City of Hollister

**WHEREAS**, a description and map of the boundaries of the Territory are attached hereto as Exhibit A and by this reference incorporated herein; and


**WHEREAS**, the Territory has been rezoned by City of Hollister Ordinance 1182 in conformance with state and local law; and

**WHEREAS**, the City Council certifies that as lead agency pursuant to the California Environmental Quality Act an Mitigated Negative Declaration and Mitigation Monitoring and Reporting Program was adopted per Resolution No. 2019-187 at its regular meeting of August 19, 2019.

**NOW, THEREFORE BE IT RESOLVED**, by the City Council of the City of Hollister as follows:

1. This Resolution of Application is hereby adopted and approved by the City Council of the City of Hollister, and the San Benito County Local Agency Formation Commission is hereby requested to take proceedings for the change of organization as authorized and in the manner provided by the Cortese-Knox-Hertzberg Local Government Reorganization Act of 2000.
2. The City Clerk shall provide a conformed copy of this Resolution to be filed with the Executive Officer of the San Benito County Local Agency Formation Commission.

**ATTACHMENT 5**

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


**PASSED AND ADOPTED**, by the City Council of the City of Hollister at a regular meeting held this 15th day of March, 2021, by the following vote:

**AYES:** Council Members Perez, Spencer, and Burns.

**NOES:** Council Member Resendiz and Mayor Velazquez.

**ABSTAINED:** None.

**ABSENT:** None.

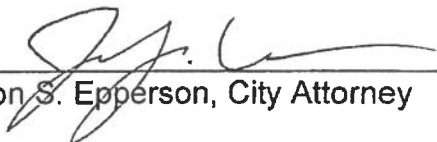
  
\_\_\_\_\_  
Ignacio Velazquez, Mayor

ATTEST:

APPROVED AS TO FORM:


  
\_\_\_\_\_  
Christine Black, MMC, City Clerk

Epperson Law Group PC


  
\_\_\_\_\_  
Jason S. Epperson, City Attorney

I, CHRISTINE BLACK, MMC, City Clerk of the City of Hollister, do hereby certify that the attached Resolution No. 2021-43 is an original Resolution, or true and correct copy of a City Resolution, duly adopted by the Council of the City of Hollister at a regular meeting of said Council held on the 15th day of March, 2021, at which meeting a quorum was present.

IN WITNESS WHEREOF, I have hereunto set my hand and affixed the Official Seal of the City of Hollister this 15th day of March, 2021.

  
\_\_\_\_\_  
Christine Black, MMC  
City Clerk of the City of Hollister

(Seal)

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

**ORDINANCE NO. 1182**

**AN ORDINANCE OF THE CITY OF HOLLISTER AMENDING MUNICIPAL CODE CHAPTER 17.24.250 PREZONING OF SPECIFICALLY DESCRIBED REAL PROPERTIES (APN: 019-120-005) TO MEDIUM DENSITY RESIDENTIAL PERFORMANCE OVERLAY ZONING DISTRICT**

**WHEREAS**, following a duly noticed public hearing on June 27, 2019, the Planning Commission recommended adoption of a Mitigated Negative Declaration for Prezone 2017-2 (Planning Commission Resolution 2019-34) and approval of the request to Prezone 9.102 acres to Medium Density Residential Performance Overlay Zone (Planning Commission Resolution 2019-35); and

**WHEREAS**, on August 19, 2019, the City Council of the City of Hollister held a duly noticed public hearing to consider adoption of a Mitigated Negative Declaration and the prezoning application.

**NOW THEREFORE**, the City Council of the City of Hollister does hereby ordain as follows:

**THE CITY COUNCIL OF THE CITY OF HOLLISTER ORDAINS AS FOLLOWS:**

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


**Section 2: Severability.** The City Council declares that, should any provision, section, paragraph, sentence or word of this ordinance be rendered or declared invalid by any final court action in a court of competent jurisdiction or by reason of any preemptive legislation, the remaining provisions, sections, paragraphs, sentences or words of this ordinance as hereby adopted shall remain in full force and effect.

**Section 3: Effective Date.** This ordinance shall take effect and be in force thirty days from and after its passage.

**Section 4: Publication.** Within fifteen days after passage, the City Clerk shall cause this ordinance to be published one time in the Free Lance, a newspaper of general circulation.

**INTRODUCED** following a public hearing held at a regular City Council meeting on the 19<sup>th</sup> day of August, 2019.

**ATTACHMENT 6**

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

**PASSED AND ADOPTED**, by the City Council of the City of Hollister at a regular meeting held this 3rd day of September, 2019, by the following vote:

**AYES:** Council Members Richman, Spencer, and Lenoir.

**NOES:** Council Member Resendiz, Mayor Velazquez.


**ABSTAINED:** None.

**ABSENT:** None.




\_\_\_\_\_  
Ignacio Velazquez, Mayor

**ATTEST:**

  
For Christine Black, MMC, City Clerk

**APPROVED AS TO FORM:**

Epperson Law Group PC

  
Jason S. Epperson, City Attorney

**RESOLUTION NO. 2019-187**

**A RESOLUTION OF THE CITY OF HOLLISTER CITY COUNCIL ADOPTING A MITIGATED NEGATIVE DECLARATION AND A MITIGATION MONITORING AND REPORTING PROGRAM FOR PREZONE 2017-2 (WOODLE)**

**WHEREAS**, Hugh Bikle ("the applicant"), submitted an application for Prezone 2017-2 for annexation of 9.102 acres to Medium Density Residential Performance Overlay (R3-M/PZ) Zoning District located at 1070 Buena Vista Road, north of Buena Vista Road and Calaveras Elementary School and Park, west of Westside Boulevard, and south of Westside Road, and the property is further identified as San Benito County Assessor Parcel Number 019-120-005; and

**WHEREAS**, an initial study was prepared for Prezone 2017-2 ("Project"), and it was determined that potentially significant impacts from the Project could be reduced to an insignificant level with the incorporation of mitigation measures agreed to by the applicant into the project and that a Mitigated Negative Declaration could be prepared; and

**WHEREAS**, the Mitigated Negative Declaration for Prezone 2017-2 was circulated from March 22, 2019 to April 22, 2019 to the Association of Monterey Bay Area Governments, the State Clearinghouse, local agencies, and the public; and

**WHEREAS**, the Mitigated Negative Declaration, Appendices, and Mitigation Monitoring and Reporting Program are on file in the Clerk's Office for review; and

**WHEREAS**, all federal, state, and local requirements must be met with any proposed project within Prezone 2017-2; and

**WHEREAS**, the Planning Commission held a duly noticed public hearing on June 27, 2019 to consider the Mitigated Negative Declaration and Mitigation Monitoring and Reporting Program, staff reports, and to hear and consider written and oral comments and adopted Planning Commission Resolution 2019-34 recommending to the City Council the approval of the Mitigated Negative Declaration; and


**WHEREAS**, the City Council held a duly noticed public hearing on August 19, 2019 to consider the Mitigated Negative Declaration and Mitigation Monitoring and Reporting Program, staff reports, and to hear and consider written and oral comments; and

**WHEREAS**, after considering written and oral comment, the City of Hollister City Council deliberated and determined to adopt the Mitigated Negative Declaration and the Mitigation Monitoring and Reporting Program; and

**WHEREAS**, the Initial Study, Mitigated Negative Declaration and the Mitigation Monitoring and Reporting Program are in compliance with the provisions of the California Environmental Quality Act; and

**WHEREAS**, pursuant to Section 711.4 of the Fish and Game Code, a de minimis finding cannot be made for the proposed project and the applicant shall be required to pay Fish and Game fees when the Notice of Determination is filed.

**ATTACHMENT 7**

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



**NOW, THEREFORE BE IT RESOLVED BY THE CITY COUNCIL OF THE CITY OF HOLLISTER TO ADOPT THE FOLLOWING FINDINGS:**

1. The Mitigated Negative Declaration for Prezone 2017-2 evaluated the impacts of the proposed project.
2. The City Council has reviewed and considered the information contained in the Mitigated Negative Declaration, Mitigation Monitoring and Reporting Program, and based on the whole record before the Council, including the initial study and any comments received, that there is not substantial evidence that the Project will have a significant effect on the environment.
3. The Mitigated Negative Declaration and the Mitigation, Monitoring and Reporting Program comply with the California Environmental Quality Act, the State CEQA Guidelines, and the City of Hollister CEQA process.
4. The proposed mitigated negative declaration reflects the City of Hollister's independent judgement and analysis.
5. The mitigation measures contained in the Mitigation Monitoring and Reporting Program were agreed to by the applicant and are adequate to reduce the impacts of the project on the physical environment to a less-than-significant level.
6. The document and other materials that constitute the record of the proceedings on which the City's determinations are based are located at the City of Hollister Development Services Department, 339 Fifth Street, Hollister, California 95023; (831) 636-4360.

**BE IT FURTHER RESOLVED**, that the City Council hereby adopts the Mitigated Negative Declaration and the Mitigation Monitoring and Reporting Program for prezone 2017-2.

**PASSED AND ADOPTED**, by the City Council of the City of Hollister at a regular meeting held this 19th day of August, 2019, by the following vote:

AYES: Council Members Richman, Spencer, and Lenoir.

NOES: Council Member Resendiz, Mayor Velazquez.

ABSTAINED: None.

ABSENT: None.

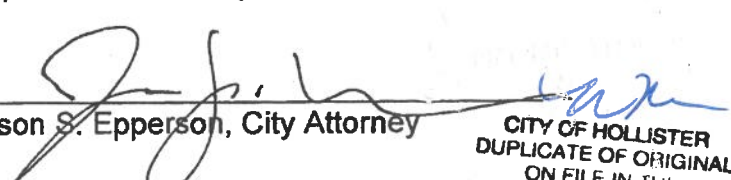
  
\_\_\_\_\_  
Ignacio Velazquez, Mayor

ATTEST:

  
\_\_\_\_\_  
Christine Black, MMC, City Clerk

APPROVED AS TO FORM:

Epperson Law Group PC

  
\_\_\_\_\_  
Jason S. Epperson, City Attorney

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

LAFCO No. 538

RESOLUTION OF THE SAN BENITO LOCAL AGENCY FORMATION COMMISSION  
MAKING DETERMINATIONS AND APPROVING THE  
WOODLE ANNEXATION TO THE CITY OF HOLLISTER

WHEREAS, the above-referenced proposal has been filed with the Executive Officer of the San Benito Local Agency Formation Commission pursuant to the Cortese-Knox-Hertzberg Local Government Reorganization Act of 2000 (Sections 56000 et seq. of the Government Code); and

WHEREAS, the proposal seeks Commission approval to annex 9.1 acres into the City of Hollister and represents one parcel identified by the San Benito County Assessor as APN Number 019-120-005; and

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

WHEREAS, the Commission heard and fully considered all the evidence presented at a public hearing held on the proposal on June 10, 2021; and

WHEREAS, at the times and in the manner required by law the Executive Officer has given notice of the Commission's consideration of the proposal through publication in the Hollister Freelance Newspaper, and mailed notice to all landowners within 300 feet of the project boundaries; and

WHEREAS, the Commission heard, discussed and considered all oral and written testimony related to the proposal including, but not limited to, the Executive Officer's report and recommendation, the Environmental Initial Study/Mitigated Negative Declaration and determinations made by the Hollister City Council, the Sphere of Influence and General Plan; and

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

WHEREAS, the Local Agency Formation Commission finds the proposal to be in the best interests of the affected City and the organization of local governmental agencies within San Benito County.

NOW, THEREFORE, BE IT RESOLVED DETERMINED AND ORDERED by the Local Agency Formation Commission of San Benito County as follows:

(1) The Commission finds it has reviewed and considered the Environmental Initial Study/Mitigated Negative Declaration prepared by the City of Hollister as lead agency under CEQA, and the Commission finds the EIR adequately addresses all environmental impacts of this annexation and no new significant impacts have been identified, and that there are no mitigation measures that are the responsibility of LAFCO to adopt or monitor as a result of action on this proposal. These environmental findings are based on the Commission's independent judgment and analysis, and the Commission agrees with the CEQA Findings of Fact contained in City of Hollister Resolution No. 2019-187.

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

WOODLE ANNEXATION TO CITY OF HOLLISTER

(4) Said territory is found to be uninhabited as there are less than 12 registered voters within the annexation area.

(5) The boundaries of the affected territory are found to be definite and certain with review by the County Surveyor for accuracy.

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

(7) The annexation boundary is within the sphere of influence of the City as adopted by the Commission.

(8) Since the subject territory is uninhabited, the applicant property owner has given written consent to the annexation, the conducting authority proceedings are waived and the staff is directed to complete the proceeding without further notice, hearing or election.

(9) The territory being annexed will not be liable for any existing or authorized taxes, charges, fees or assessments applied to comparable properties presently within the City.

(10) The proposal is APPROVED, and, and the approval is subject to completion of the following conditions of approval:

(a) Staff is directed not to record the annexation until the maps and legal descriptions are found by the County Surveyor to be acceptable.

(b) The City shall coordinate with San Benito County, Resource Management Agency, Public Works Division to enter a Westside Road maintenance agreement as identified in correspondence Dated June 2, 2021 from Deems Katada, P.E., Interim County Engineer, presented as Attachment 3 to the June 10, 2021 Commission hearing packet for this annexation.

I, Mark Medina, Chairman of the Local Agency Formation Commission of San Benito County, California, do hereby certify that the foregoing resolution was duly and regularly adopted by said Commission at a regular meeting thereof held upon the 13th day of May, 2021, by the following vote:

AYES:

NOES:

ABSTAINS:

Dated: \_\_\_\_\_  
\_\_\_\_\_, Chair  
San Benito Local Agency Formation Commission

ATTEST

\_\_\_\_\_  
Bill Nicholson, Executive Officer  
San Benito Local Agency Formation Commission

# **BUSINESS ITEMS – GENERAL BUSINESS, NON-HEARING ITEMS**

**9. LAFCO 539 - City of San Juan Bautista Out of Agency Service extension to the Dassel Subdivision: To provide City water connections, and possible future wastewater connections to five lots in the Dassel Tentative Map approved by San Benito County (Tract No. 356). The subdivision involves five one-acre lots and one 25.5 acre lot located on the south side of Mission Vineyard Road, approximately one-quarter mile east of San Juan Canyon Road within the San Juan Bautista Sphere of Influence. The actions requested are to make an environmental determination regarding the adequacy of the County's Environmental Initial Study and consider approval of the water and potential future sewer service extensions from the City.**

**10. Consideration of submitting letter of support and recommendation regarding the San Benito Agricultural Land Trust (SBALT) application for national accreditation from the Land Trust Accreditation Commission. The Land Trust Accreditation Commission, an independent program of the Land Trust Alliance, conducts an extensive review of each applicant's policies and programs.**



SAN BENITO LOCAL AGENCY FORMATION COMMISSION  
EXECUTIVE OFFICER'S REPORT  
(AGENDA ITEM 9)

OUT-OF-AGENCY SERVICE AGREEMENT

June 10, 2021 (Agenda)

- LAFCO 539: City of San Juan Bautista – Dassel Subdivision
- LOCATION: Five approved one-acre lots and one 25.5 acre lot located on the south side of Mission Vineyard Road, approximately one-quarter mile east of San Juan Canyon Road; located within the San Juan Bautista Sphere of Influence.
- PURPOSE: Allow the City of San Juan Bautista to provide water service to future residences that would be constructed on the lots to be created through the Dassel Subdivision (Tract No. 356) approved by San Benito County. Initial home construction would rely on individual on-site septic systems, but the City of San Juan Bautista and County Environmental Health Division will require the parcels to connect to City sewer in the future, at the property owners expense, when a sewer main is extended along Mission Vineyard Road.
- RECOMMENDATION Authorize the City to provide water and wastewater service to this property in the unincorporated County, but within the City's Sphere of Influence.

ANALYSIS:

Project Information

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

The approved, but unrecorded tentative subdivision involves the division of two existing parcels (APNs 019-041-041 & 042) into five one-acre homesite parcels and one larger 25 acre parcel reserved for open space use, but which also permits the construction of one residence.

San Benito County has designated the property Agricultural Productive in the General Plan and the property is Zoned Agricultural Productive with a 5 acre minimum parcel size. However, minum one-acre sized parcels can be created if the balance of the property is restricted to permanent open space with the allowance for one home.

The property is not within the City of San Juan Bautista General Plan boundary, and therefore, there is no General Plan designation and no pre-zoning of the property byo the City. However, the existing parcels are within the existing Sphere of Influence (SOI) for

With adoption of the updated General Plan by the City in 2015, the City has not requested LAFCO adopt the new SOI proposed in the General Plan, or agreed to finance LAFCO preparation of the corresponding Municipal Service Review required before a comprehensive SOI update. In addition, the current City Council is not comfortable with the SOI identified in the General Plan and has established a Steering Committee to study an alternative boundary which could lead to a General Plan amendment before submittal of a SOI update request to LAFCO.

The City is requiring the property owner to enter into an "Owners Covenant and Agreement Regarding Annexation and Utility Extension Agreement" the landowner and future purchasers of the lots will give up their right to protest a future annexation application in return for receiving city water and sewer service. This agreement is addressed in the "LAFCO Approval is Required" portion of this report.

2. Topography, Natural Features and Surrounding Land Uses:

The frontage of the property along Mission Vineyard Road is generally level as is the land across the road to the north. However, to the south is a steep hillside leaving the San Juan Valley floor and which is proposed for the open space parcel. This parcel will only access Mission Vineyard Road by a narrow driveway, and any future homesite would be constructed in a designated "building envelope" on a small portion of level land located on the northern portion of the parcel.

A previous one-acre subdivision with four parcels is located to the east, rural homesites of parcels generally less than 10 acres in size are located to the north and grazing and foothill land is located to the west and south.

3. Population:

There are no existing homes on the site currently and therefore no existing population. At the County average of 3.41 persons per dwelling identified by the State Department of Housing and Community Development, the subdivision could result in approximately 20 new residents.

4. Environmental Impact of the Proposal

The County prepared an Initial Study/Mitigated Negative Declaration for the Dassel Subdivision in compliance with CEQA. While the project description included the requirement for the project to connect to City of San Juan Bautista's water system, it allowed for the use of on-site septic systems for all new homes. The County Environmental Health Department required a long-term solution for the project should be connection with the San Juan Bautista wastewater treatment plant when feasible, but the

Initial Study did not identify the future sewer main extension into this area outside the City. In addition, the City is presently in negotiations and pursuing funding to abandon their municipal wastewater treatment plant and connect with the City of Hollister regional wastewater treatment plant.

Therefore, the Commission can rely on a Categorical Exemption from CEQA. The request can be found exempt under State CEQA Guidelines §15303(d) which reads: *§15303(d): Class 3 consists of construction and location of limited numbers of new, small facilities or structures, installation of small new equipment and facilities in small structures from one use to another where only minor modifications are made in the exterior of the structure. The number of structures described in this section are the maximum allowable on any legal parcel. Examples of this exemption include but are not limited to:*  
*(d) Water main, sewage, electrical, gas, and other utility extensions, including street improvements, of reasonable length to serve such construction.*

The City of San Juan Bautista's water service to the subject property located outside the city limits would not allow for a different type of development or development density beyond what was analyzed in the County Planning Commission's adopted MND. The future wastewater service would also involve separate CEQA analysis by the City and replacement of on-site septic systems with future City sewer connections would improve the environmental conditions in the area and not lead to a change in development density.

#### 5: Environmental Justice

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

#### LAFCO Approval is Required

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

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

In this instance, the City and landowner, in coordination with San Benito County, have prepared a draft agreement for utility service, and in return, the current and future landowners will waive



the right to protest future annexation of the subdivision property. A copy of the draft agreement meeting the mutual satisfaction of the City and landowner is attached to this report. The Executive Officer participated in the review of this draft agreement. In accordance with Government Code section 56133, the City is not permitted to enter into the agreement without first receiving the Commission's approval, which is expected to occur at the June 10, 2021 Commission meeting.

#### ALTERNATIVES FOR COMMISSION ACTION

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

- Option 1** APPROVE the request to provide water service outside the San Juan Bautista City limits, but within the sphere of influence .
- A. Find the action requested by LAFCO was addressed in the Initial Study/Mitigated Negative Declaration adopted by San Benito County with a requirement that LAFCO approval be granted, and the landowner enter into an annexation agreement. In LAFCO's role as a responsible agency under CEQA, the Commission can rely on this County CEQA document (Initial Study 2020-11).
  - B. Adopt this report and approve the proposal, to be known as the City of San Juan Bautista Out-of-Agency Service Agreement – Dassel Subdivision, allowing the City to provide water and future wastewater service outside of its boundaries to the approved six lot subdivision of APNs 019-041-041 & 042.
  - C. The approval by the Commission is subject to the condition of approval that that the City is not permitted to provide the initial water connection to the property until it has entered the "Owners Covenant and Agreement Regarding Annexation and Utility Extension Agreement" with the property owner.

**Option 2** DENY the request.

**Option 3** CONTINUE the item to obtain additional information.

#### RECOMMENDED ACTION:

Approve **Option 1**.



---

Bill Nicholson  
Executive Officer

LOCAL AGENCY FORMATION COMMISSION

cc: Don Reynolds, City Manager, San Juan Bautista  
Allen Andrade, P.E. MH Engineering Co.  
Jim Dassel  
Ariel Goodspeed, Senior Planner, San Benito County RMA

Attachments:

1. Maps
2. Application Justification Questionnaire for Out of Agency Service Agreement
3. Draft "Owners Covenant and Agreement Regarding Annexation and Utility Extension Agreement"

# 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 San Juan Bautista**
2. Location/Address/size of property:        **333 MissionVineyard Road  
5 1-acre Lots & 1 25-acre Lot**
3. Assessor Parcel number:                        **019-190-041&042**  
(upon recordation of final map new APNs will be issued)

### Complete all relevant questions

4. Is the property within the agency's sphere of influence? Yes   X   No     .
5. What are the existing uses of the site? Be specific.  
**pasture, with approved tentative map for 5 1-acre lot and 1 25-acre lot.**
6. If a change in use is proposed, provide a description of the change.  
**approved tentative includes the ability to construct residences as allowed by the approved PUD zoning.**
7. What types of services are to be provided under contract?  
**5 new residential water services (note site already has 1 existing water service on the property which has been there for 50+ years). AND 6 future sanitary sewer services when City completes sewer main in front of these properties.**
8. Discuss the justification for the service agreement. Is this an emergency health and safety situation?  
**City currently serves the property with water, the request is to add 5 water services for the new lots consistent with other the surrounding neighborhood. Future sewer connections were required by County Environmental Health. These were required by Planning Commission Resolution 2020-16.**
9. Why is annexation not possible at this time?  
**The property is not contiguous to the existing City Limit Line.**
10. Is annexation of the territory anticipated in the future?     Yes     No

If yes, when? If no, why not? **Consent to annexation agreement will accompany the recordation of this Final Map as required by the Planning Commission Resolution. By this agreement these properties will annex whenever the City requires it.**

11. Describe in detail how services will be extended to the property:
  - A. Describe needed improvements including distance for connections.
    - A.A. **new water service laterals off of the existing City water line in frontage - 25' from existing main to new meter locations.**
    - A.B. **future sewer service laterals when City installs sewer main in frontage - 35' from future sewer to property line and then connection to future house along with removal**

## ATTACHMENT 1

of interim septic system.

- B. What are the costs of improvements and other start up costs?
- B.A. Water: Connection fee, cost of installation of lateral and new meter with box per City standards.**
- B.B. Future Sewer: Connection fee, cost of installation of lateral for connection to residence.**
- C. How is financing to occur, both capital costs and ongoing operations? **All cost to be paid for by the owner at time of connection.**

12. What environmental review has been conducted for the project? If exempt, please provide a copy of the agency's Notice of Exemption.  
**Initial Study / Mitigated Negative Declaration - Dassel Tentative Map, 333 Mission Vineyard Road**

13. Provide a vicinity map showing the site, city or district boundary and sphere line.  
**Attached Exhibit "A" & Exhibit "B"**

14. Provide a map showing existing and proposed infrastructure as relevant to this agreement.  
**Attached Exhibit "C"**

15. Attach a copy of the proposed services agreement and any staff reports or supporting documentation related to this application.  
**Attached Exhibit "D" & Exhibit "H"**

16. Final Comments

A. Provide any other comments or justifications regarding the request.  
**Request is pursuant to conditions of approval from Planning Commission Resolution 2020-16**

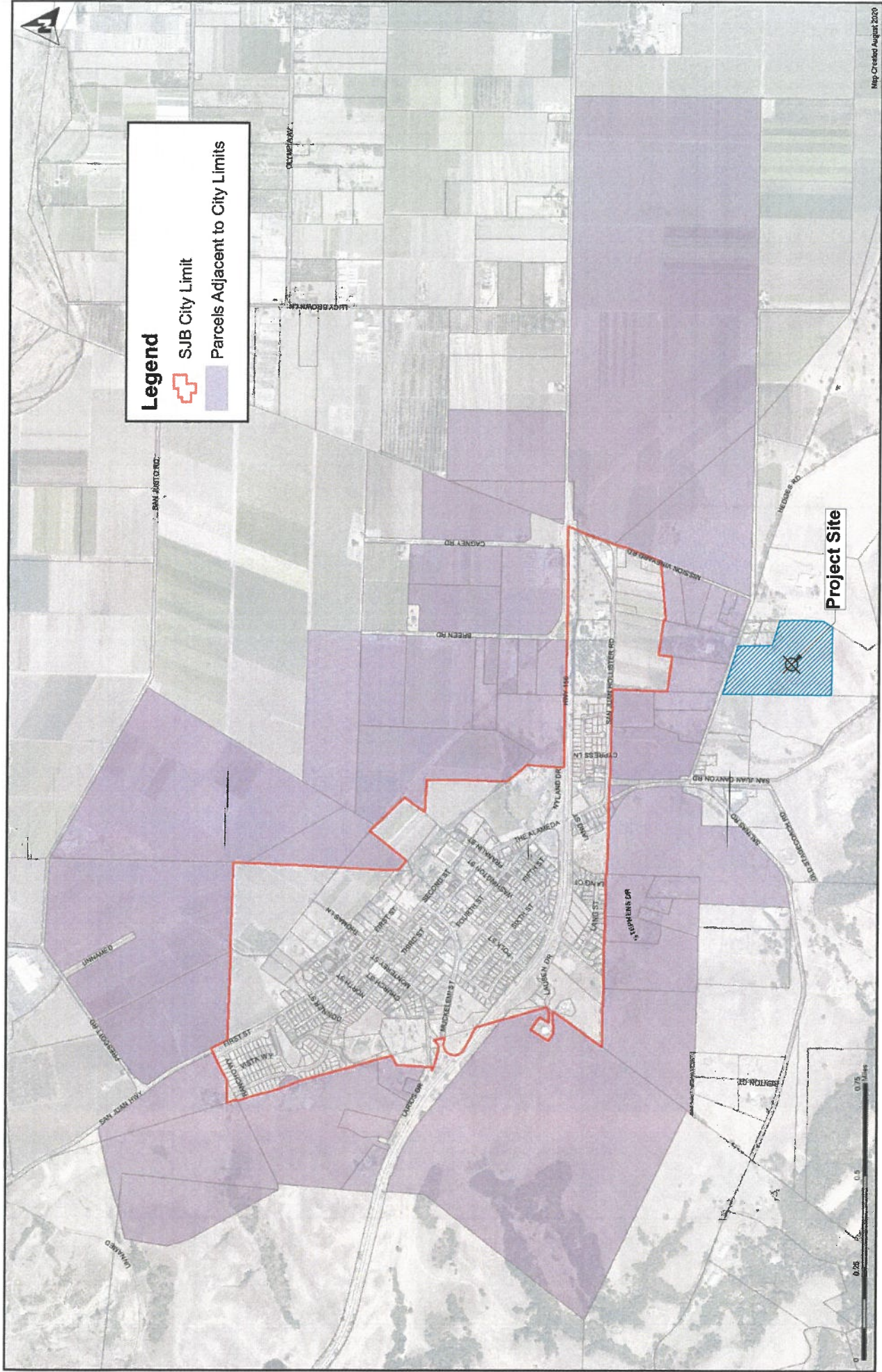
B. Enclose all pertinent staff reports and supporting documentation.  
Exhibit "A": City of San Juan Bautista City Limit Line & project site location  
Exhibit "B": Sphere of Influence, City of San Juan Bautista  
Exhibit "C": Proposed Service Area - service locations  
Exhibit "D": City of San Juan Bautista water service letter (2018-08-23).pdf  
Exhibit "E": Tentative Map (2019-10-24).pdf  
Exhibit "F": PC\_RES\_2020-16 PLN190035\_11182020.pdf  
Exhibit "G": Initial Study Mitigated Negative Declaration (2020-11).pdf  
Exhibit "H": **City/Owner agreement is in process and will be provided upon execution.**

exhibits available at the following link:

<https://www.dropbox.com/sh/yc7I93uaka1iwdo/AADY97U4zZ1RF5wIXP57IE7a?dl=0>

17. Notices and Staff Reports

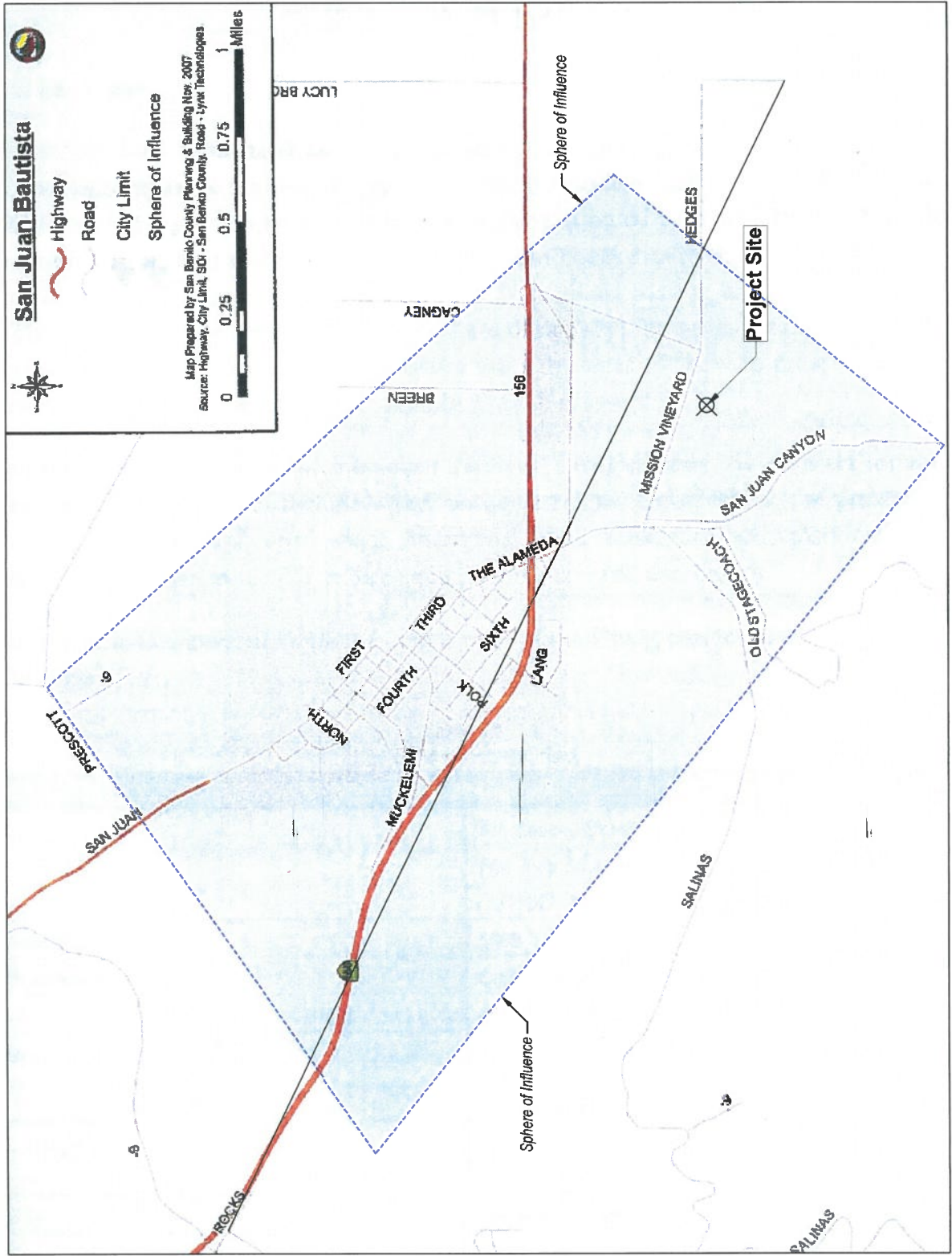
List up to three persons to receive copies of a notice of hearing and staff report.



Note: background map provide by email from City Manager 11/2/2020.  
 Neither City or County have a published document available to the public for verification and County GIS has been indicated as being out of date

# Exhibit "A"

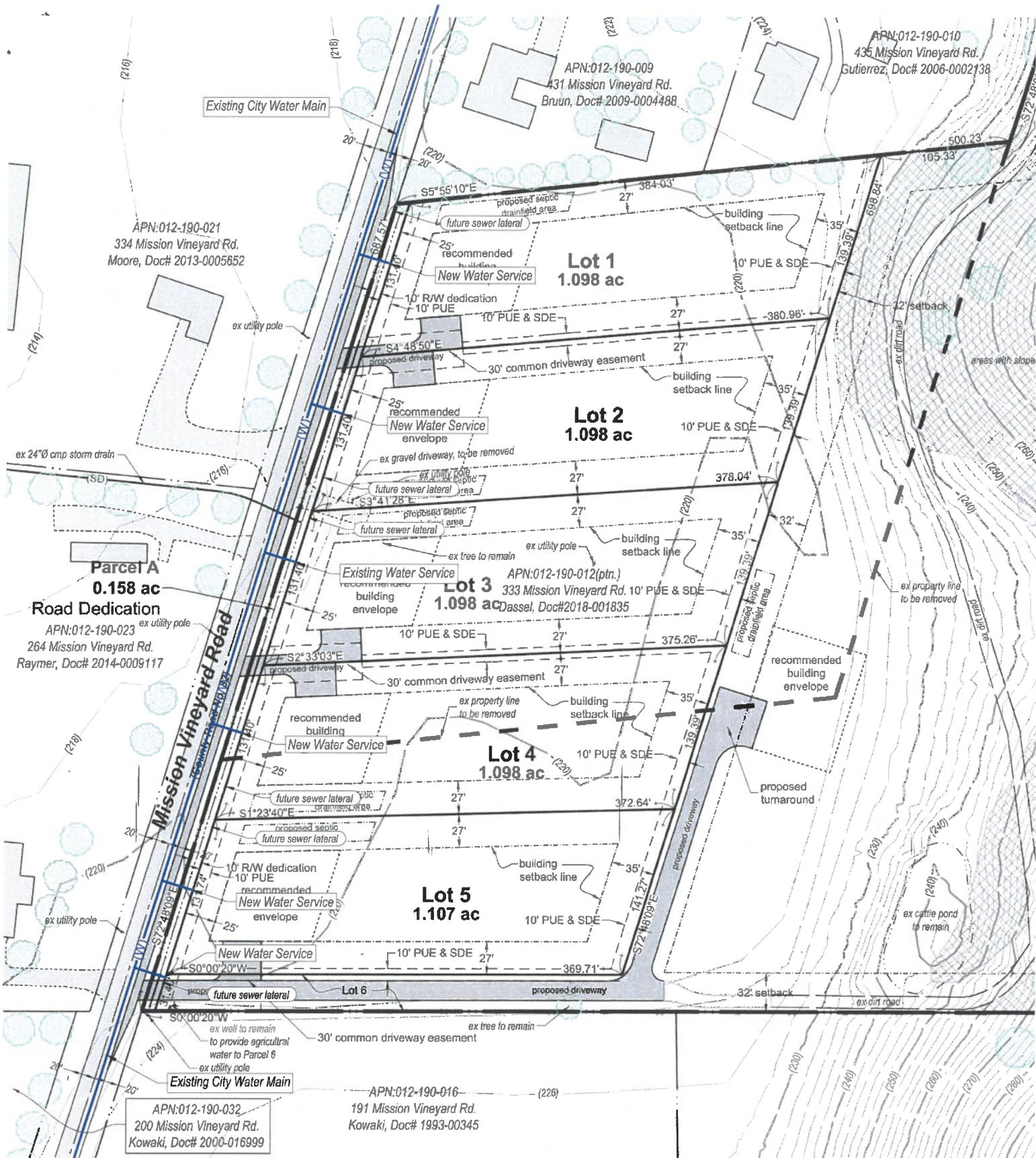
City Limit Line - City of San Juan Bautista



Note: background map provide by email from LAFCO 8/15/19.  
Neither City or County have a published document  
available to the public for verification and County GIS  
has been indicated as being out of date

# Exhibit "B"

Sphere of Influence - City of San Juan Bautista



Note: background map is a clip of the tentative map

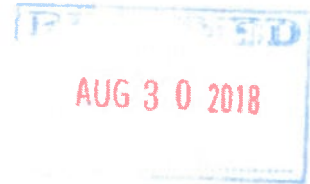
# Exhibit "C"

Proposed Service Locations & Existing Water Main



# City of San Juan Bautista

The "City of History"



August 23, 2018

P.O. Box 1420  
311 Second Street  
San Juan Bautista  
California 95045  
(831) 623-4661  
Fax (831)623-4093

**City Council**  
**Mayor**  
Jim West

**Vice Mayor**  
John Freeman

**Councilmember**  
Tony Boch

**Councilmember**  
Chris Martorana

**Councilmember**  
Dan DeVries

**City Manager**  
Michele LaForge

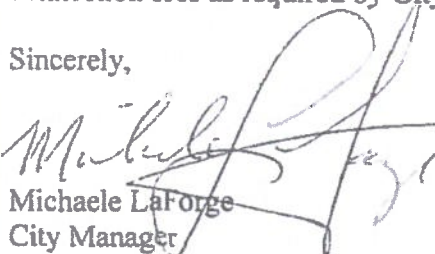
**City Clerk**  
Mackenzie Quaid

**City Treasurer**  
Chuck Geiger

To Whom It May Concern:

The City of San Juan Bautista intends to continue to provide water service to Assessor Parcel Number 012-190-012 located at 333 Mission Vineyard Road in its current configuration as adjusted by Lot Line Adjustment PLN 17-0010 approved by the County and recorded February 2, 2018, Document Number 2018-0000956 of the San Benito County Records. The approved Lot Line Adjustment configured this parcel such that there is now a 25+ acre Parcel and a 5 acre Parcel, which have not been officially assigned new Assessor Parcel Numbers, although we expect this to occur by September 2018. The City intends to continue to provide water service, and will accept applications for up to five new services (total of six) for the six lot subdivision currently being proposed. This land is within the City of San Juan Bautista Public Works Service Area and the City currently has the water supplies and infrastructure necessary to serve both fire protection water and domestic water to this proposed subdivision. As a part of the engineering improvement plans for this Parcel, the owner shall include the design of all water mains, hydrants and services to the lots consistent with the City of San Juan Bautista standards, and said plans shall be reviewed and approved by the City Engineer. The developer shall also be responsible to bond for the required water infrastructure and pay all connection fees as required by City ordinance.

Sincerely,



Michael LaForge  
City Manager

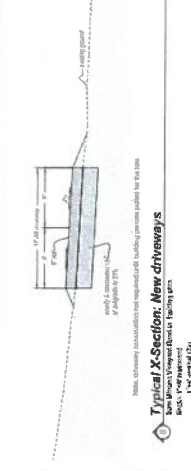
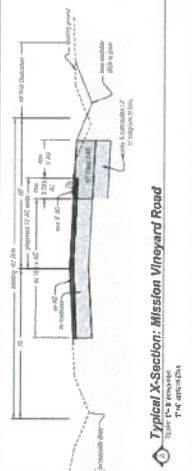
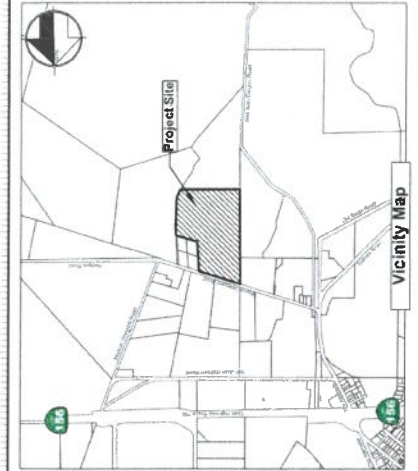
www.san-juan-bautista.ca.gov **Exhibit "D"**

Water Service Intent Letter from City of San Juan Bautista





FOR THE STATE OF CALIFORNIA  
 JAMES M. HESTER  
 License No. 12423  
 Mechanical  
 01/01/2018 to 12/31/2021



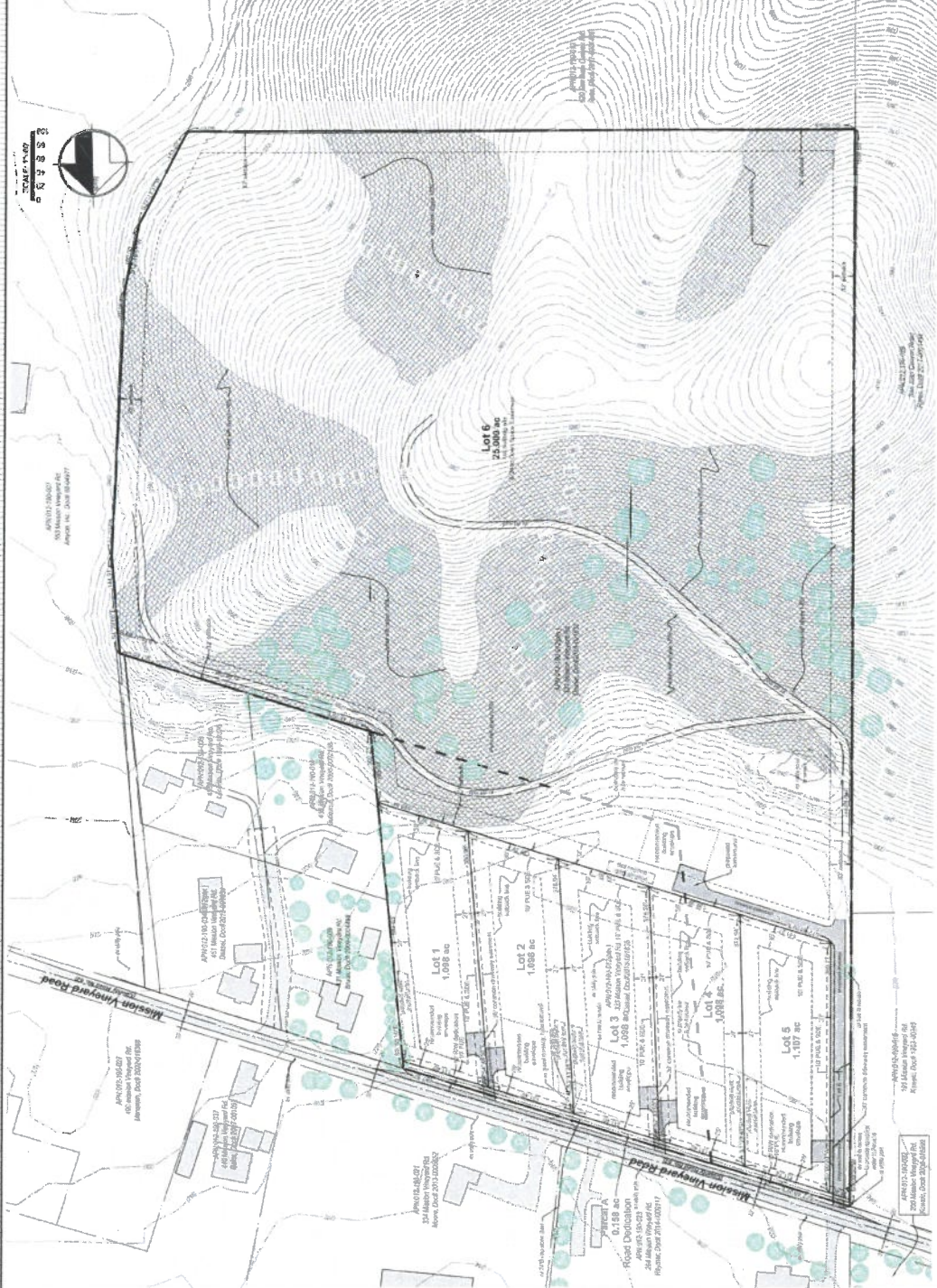
**Project Data Table**  
 Date: 10/20/2019  
 Scale: 1/8" = 1'-0"  
 Project Name: Dassel, 333 Mission Vineyard Road  
 Applicant: Jim Dassel  
 451 Mission Vineyard Road  
 San Juan Bautista, CA 95045  
 jhdassel@earthlink.net

**Project Information**  
 Project Name: Dassel, 333 Mission Vineyard Road  
 Applicant: Jim Dassel  
 451 Mission Vineyard Road  
 San Juan Bautista, CA 95045  
 jhdassel@earthlink.net

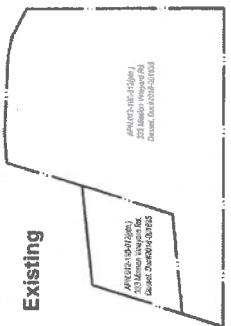
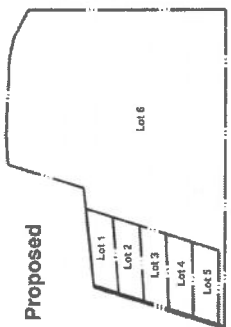
**Notes**  
 1. Recommended building guidelines shown are conceptual only and represent...  
 2. Proposed...  
 3. Lot 6 is a large lot...  
 4. Proposed...  
 5. Proposed...

**Summary Table**  
 Number of Lots: 6  
 Total Area: 30.00 Acres  
 Proposed Project: 6 Units

**Project Data Table**  
 Date: 10/20/2019  
 Scale: 1/8" = 1'-0"  
 Project Name: Dassel, 333 Mission Vineyard Road  
 Applicant: Jim Dassel  
 451 Mission Vineyard Road  
 San Juan Bautista, CA 95045  
 jhdassel@earthlink.net



**Notes**  
 1. Recommended building guidelines shown are conceptual only and represent...  
 2. Proposed...  
 3. Lot 6 is a large lot...  
 4. Proposed...  
 5. Proposed...



# Exhibit "E"

Tentative Map

full size available at <https://www.dropbox.com/s/nhz25mn9vm73eu/216052%20Tentative%20Map%20%282019-10-24%29.pdf?dl=0>

RECORDING REQUESTED BY:

City of San Juan Bautista

AND WHEN RECORDED MAIL TO:

City of San Juan Bautista  
311 Second Street  
San Juan Bautista, CA 95045

APN 019-190-041&042

THIS SPACE FOR RECORDER'S USE ONLY

**OWNER'S COVENANT AND AGREEMENT REGARDING ANNEXATION AND UTILITY  
EXTENSION AGREEMENT**

THIS COVENANT AND AGREEMENT is made and entered by the undersigned owner(s) ("Owners") with respect to the following recitals:

**RECITALS:**

- A. WHEREAS, certain property is within the City of San Juan Bautista ("City") Sphere of Influence and is identified as Assessor Parcel No(s). 019-190-041 and 019-019-042, and more particularly described in Exhibit "A" ("Property"); and
- B. WHEREAS, the property is located in an area in which annexation to the City is or may become appropriate;
- C. WHEREAS, the "City" owns and operates a Sanitary Sewer Treatment Facility, sanitary sewer collection system, sanitary sewer lift station and other appurtenance necessary for the purpose of receiving, transmitting, and treating sanitary sewer effluent from properties within the sewer service area of the system, and
- D. WHEREAS, the "City" owns and operates Water Services, for the purpose of obtaining, transmitting, and delivering water to properties within the water service area of the system, and
- E. WHEREAS, Owners desire to develop the Property and obtain public utility services such as water and possibly sewer services for that Property ("Utility Services"), the extension of which require the approval of the San Benito Local Agency Formation Commission ("LAFCO"); and
- F. WHEREAS, Owners are willing to consent to have the Property annexed to the City; and
- G. WHEREAS, Owners are willing to consent to connect to the sanitary sewer collection system within six months of the City's completion of a sewer main in front of these properties; and
- H. WHEREAS, Owners desire that LAFCO approve the boundary changes needed to obtain public utility services for the development of the property on the terms and conditions approved or conditionally approved by the City or other applicable service provider(s); and
- I. WHEREAS, as a condition of receiving LAFCO's approval of boundary changes Owners are willing to consent to annexation of the property to the City and to waive their right to protest the annexation of the Property to the City when such becomes legally permissible; and
- J. WHEREAS, the County's General Plan designation of the property is not in conflict with the City General Plan ; and

**EXHIBIT F**

- K. WHEREAS, the current and future Owners will adhere to the City's Uniform Wastewater regulations, as stated in Municipal Code 5-9 (et al) and any subsequent amendments to them, at all times before, during, and after this sewer connection is completed; and
- L. WHEREAS, the current and future Owner consents to the costs of design, engineering, and construction of water service laterals and future sewer service laterals. The current and future owner shall agree to pay all costs of design, permits, fees, inspections costs, engineering, and construction of these service laterals, which shall be accomplished to City standards and conform to plans approved by the City Engineer, or his/her designees. Costs of plan review and construction inspection shall also be paid by current or future owner; and
- M. WHEREAS, before the issuance of building and/or encroachment permits, the owner will execute and record on title with the City a Utility Extension Agreement

NOW, THEREFORE, in consideration of the mutual promises made herein, the undersigned agree as follows:

- 1. **Recitals Incorporated.** The above recitals are hereby incorporated in and made a part of this Covenant and Agreement as fully set forth verbatim herein.
- 2. **Covenants by Owners.**
  - 2.1. Upon the terms noted, Owners hereby consent and agree to annex their Property to the City.
  - 2.2. Owners waive any rights of protest against and agree to cooperate upon the City's request, including the payment of applicable processing fees, in the annexation of the Property.
  - 2.3. Owners expressly understand that said annexation is not contemplated to occur until this Property is deemed to be annexable by LAFCO.
  - 2.4. Owners agree that pursuant to Condition 39 of the San Benito County Planning Commission Resolution No. 2020-16 approved at the hearing held November 18, 2020, prior to issuance of a building permit the Owners shall apply for, receive approval of, and execute a utility extension agreement for the water service to any lot within the Property. The Owners shall be required to pay the connection fee, all related permit fees, and the cost of constructing the water service connection to the City's current standards.
  - 2.5. Owner or future owners agrees to report to the City any changes to the property which would affect the volume and strength of sanitary sewer effluent discharge into the sanitary sewer collection system for the purposes of determining the monthly sanitary sewer use fees based upon the strength and volumes of discharge.
  - 2.6. Owner or future owner agrees to pay to the City the monthly water user charges for a single-family house, and if sanitary sewer services are provided in the future to also pay the monthly sewer user charges to the City.
  - 2.7. Owners agree that pursuant to Condition 38 of the San Benito County Planning Commission Resolution No. 2020-16 approved at the hearing held November 18, 2020, the Owners agree to connect to the City of San Juan Bautista wastewater system within six months of the City's completion of a future sewer main in front of these properties.
  - 2.8. Dedication of Capital Facilities. The owner shall agree to dedicate all capital facilities constructed as part of the water service lateral and future sewer service lateral (such as water or sewer lines, pump stations, wells, etc.), at no cost to the city, upon the completion of construction, approval, and acceptance by the city.
  - 2.9. Waiver of right to protest the formation of an assessment district that directly benefits the property. If, at the time of execution of the agreement, the city has plans to construct certain improvements that

would specially benefit the owner's property, the agreement shall specifically describe the improvement. The owner shall agree to sign a petition for the formation of an assessment district for the specified improvements at the time one is circulated, and to waive his/her right to protest formation of any such special district.

2.10. **Development of Property to conform to City Code – Exceptions.** The owner shall agree to comply with all requirements of the city's fire codes and those portions of the city building code which are referenced by the fire code, and the city public works standards when developing or redeveloping the property subject to the agreement. The city council may grant exceptions to the requirements contained in this subsection only under the following conditions:

1. The applicant must demonstrate that the proposed departure from the city's land use standards, zoning code, or public works standards would result in a development which meets the intent of the applicable provisions of the comprehensive plan, zoning code, or public works standards, based upon compliance with all the following criteria:
  - a) That the site of the proposed use is adequate in size and shape to accommodate such use and all yards, spaces, walls and fences, parking, loading, landscaping, and other features necessary to ensure compatibility with and not inconsistent with the underlying zoning district;
  - b) That the site for the proposed use relates to streets adequate in width and pavement type to carry the quantity and kind of traffic generated by the proposed uses and that adequate public utilities are available to serve the proposal;
  - c) That the proposed use will have no significant adverse effect on existing uses or permitted uses;
  - d) That the establishment, maintenance and/or conducting of the uses for which the utility agreement is sought will not, under the circumstances of the particular case, be detrimental to the public welfare, injurious to the environment, nor shall the use be inconsistent with or injurious to the character of the neighborhood or contrary to its orderly development.

2.11. **Termination of Noncompliance.** In addition to all other remedies available to the city for the owner's noncompliance with the terms of the agreement, the city shall have the ability to disconnect the utility, and for the purpose may at any time enter upon the property.

3. **Binding Effect.** To the extent allowed by law, this Agreement shall bind and inure to the benefit of the Owners and their respective successors, heirs and assigns, and shall be construed as a covenant and restriction which shall run with the land under and pursuant to California Civil Code section 1468, or its successor provision, if any. This Agreement shall not have any force and effect, nor shall this Agreement or the covenants contained herein create any precedent for any other property other than that described in Exhibit A or other project other than that which is the subject of the annexation pursuant to this agreement.

4. **Recording.** This Covenant and Agreement shall be recorded forthwith in the office of the San Benito County Recorder by Owners with conformed copies provided to LAFCO and shall be referenced in any deed or other instruments conveying an interest in said property.

5. **General Provisions.**

5.1. **Exhibits.** The exhibits attached to this Agreement are incorporated by this reference.

5.2. **Heading and Titles.** The captions of the articles or sections of this Agreement are only to assist the parties in reading this Agreement and shall have no effect upon the construction or interpretation of any part hereof. The agreement shall be executed by the owner of the property, who shall also warrant that he/she is authorized to enter into such agreement.

- 5.3. Construction of Terms; Severability. All parts of this Agreement shall in all cases be construed according to their plain meaning and shall not be construed in favor or against either of the parties. If any term, provision, covenant or condition of this Agreement is held by a court of competent jurisdiction to be invalid, void or unenforceable, in whole or in part, the remainder of this Agreement shall remain in full force and effect and shall not be affected, impaired or invalidated thereby. In the event of such invalidity, voidness or unenforceability, the parties hereto agree to enter into supplemental agreements to effectuate the intent of the parties and purposes of this Agreement.
- 5.4. Controlling Law. This Agreement shall be construed in accordance with and governed by the law of the State of California, with venue proper only in the County of San Benito, State of California.
- 5.5. Entire Agreement. This Agreement with its attached exhibits which are incorporated herein by this reference constitutes the entire agreement between the parties pertaining to the Premises and supersedes all prior and contemporaneous agreements, representations, and understandings of the parties. This Agreement may be altered, amended or modified only by a supplemental writing executed by the parties to this Agreement and by no other means. Each party waives their future right to claim, contest or assert that this Agreement was modified, canceled, superseded or changed by any oral agreement, course of conduct, waiver or estoppel.
- 5.6. Amendments. No subsequent agreement, representation or promise made by any party hereto, or by or to an employee, officer, agent, or representative of any party shall be of any effect unless it is in writing.
- 5.7. Counterparts and Execution. This Agreement may be executed in two (2) or more counterparts, each of which shall be deemed to be an original Agreement and all of which taken together shall constitute one (1) agreement, notwithstanding that all of the parties are not signatories to the original or to the same counterpart.

IN WITNESS HEREOF, the Owners have cause this Covenant and Agreement to be executed on this \_\_\_\_\_ day of \_\_\_\_\_, \_\_\_\_\_.

**OWNERS:**

The undersigned hereby certify to be the owner(s) of real property described in Exhibit A attached hereto and incorporated herein, and the only person(s) whose consent is necessary to pass title to said real property, and to have consented to the annexation of said real property to the City of San Juan Bautista.

James P. Dassel and Kathleen C. Dassel, Trustees of the Dassel Family Revocable Living Trust, U/T/A dated August 31, 1993

Signature: \_\_\_\_\_  
James P. Dassel

Date: \_\_\_\_\_

Signature: \_\_\_\_\_  
Kathleen C. Dassel

Date: \_\_\_\_\_

IN WITNESS HEREOF, the Owners have cause this Covenant and Agreement to be executed on this \_\_\_\_\_ day of \_\_\_\_\_, \_\_\_\_\_.

**CITY OF SAN JUAN BAUTISTA:**

Signature: \_\_\_\_\_  
Don Reynolds, City Manager

Date: \_\_\_\_\_

**LOCAL AGENCY FORMATION COMMISSION**  
SAN BENITO COUNTY

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

DATE: June 10, 2021 (Agenda)

TO: Local Agency Formation Commission

FROM: Bill Nicholson, Executive Officer

RE: Consideration of submitting letter of support and recommendation regarding the San Benito Agricultural Land Trust (SBALT) application for national accreditation from the Land Trust Accreditation Commission.  
**(Agenda Item 10)**

The local San Benito Agricultural Land Trust (SBALT) is applying for national accreditation from the Land Trust Accreditation Commission and has reached out to stakeholders and partners within the county in an effort to obtain letters of support. Staff has placed this item on the agenda based on the history of cooperation and coordination between San Benito LAFCO and the SBALT, the local land trust who obtains agricultural and open space conservation easements and manages the protection of these important local resources.

The national Land Trust Accreditation Commission administers an accreditation program recognizing land conservation organizations that meet national quality standards for protecting important agricultural lands and natural places in perpetuity (forever). The Land Trust Accreditation Commission, an independent program of the Land Trust Alliance, conducts an extensive review of each applicant's policies and programs. As the local land trust in San Benito County, SBALT would benefit from this accreditation to help meet the growing need to preserve the agricultural lands and open space resources of the region.

The attached letter has been prepared with assistance of Karminder Brown, Consultant Staff to SBALT.

Action Requested

Direct the LAFCO Chair to sign and send a letter of support for the San Benito Agricultural Land Trust's efforts to receive accreditation from the Land Trust Accreditation Commission.

**LOCAL AGENCY FORMATION COMMISSION**  
SAN BENITO COUNTY

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

June 10, 2021

Land Trust Accreditation Commission

Attn: Public Comments

36 Phila Street, Suite 2

Saratoga Springs, NY 12866

**DRAFT**

Dear Accreditation Commission:

The San Benito County Local Agency Formation Commission (LAFCO) is pleased to support the application of the San Benito Agricultural Land Trust (SBALT) to the Land Trust Accreditation Commission.

LAFCO is a regional government agency with a responsibility to balance growth with agricultural and open space protection. SBALT has been serving our County since 1993 and is our local land trust. They have protected over 6,700 acres of agricultural and open space lands, including prime agricultural land, rangeland, and seasonal wetlands. They do this principally through conservation easements, but they also have one 521-acre fee title property that they accepted from the county.

LAFCO is not able to assess how SBALT meets the standards required of its internal operations. We have, however, observed their increased engagement in our community in recent years. They have participated in LAFCO by providing expertise on the impacts of land use decisions on the viability of local agriculture. They have acquired agricultural conservation easements from funds collected from development projects that LAFCO had a role in approving through the City annexation process. We are also aware SBALT hired professional staff a couple of years ago and are more visible to the community and local agencies, resulting in greater awareness of conservation options for our lands. SBALT serves as a reliable source for agriculture and open space conservation knowledge and the organization is seen as a responsible steward of their conservation easements and fee property.

While LAFCO cannot comment on the many details of your key concerns, it is our belief that SBALT is well managed and takes its mission seriously. We are hopeful that the Commission will find the organization worthy of accreditation as the outside validation will further support our confidence in them as a trusted partner in San Benito County.

---

**Commissioners:** Mark Medina, Chair ♦ Richard Bettencourt, Vice Chair ♦ Cesar Flores ♦ Ignacio Velazquez ♦ Bob Tiffany

**Alternate Commissioners:** Rolan Resendiz ♦ Elia Salinas ♦ Bea Gonzales      **Executive Officer:** Bill Nicholson

Sincerely,

*Signed...*  
LAFCO Chair



# INFORMATIONAL

**11. Commissioner Announcements and Requests for Future Agenda Items Executive Officer oral status report on pending proposals.**

**12. Executive Officer Report on LAFCO Counsel Compensation requested at the May 13, 2021 Meeting.**

**13. Executive Officer oral status report on pending proposals.**

**14. Adjourn to next regular meeting on July 8, 2021, unless cancelled by Commission Chair.**



**LOCAL AGENCY FORMATION COMMISSION**  
SAN BENITO COUNTY

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

DATE: June 10, 2021 (Agenda)  
TO: Local Agency Formation Commission  
FROM: Bill Nicholson, Executive Officer  
RE: LAFCO Counsel Compensation Report Requested at the May 13, 2021 Meeting  
(Agenda Item 12)

At the May 13, 2021, Commission meeting, Commissioner Velazquez requested receiving a report concerning LAFCO Counsel compensation, and the Commission agreed to place this item on the June 10, 2021 Agenda. The discussion was partially the result of billing to LAFCO and other outside agencies from San Benito County as part of the annual "Cost Allocation Plan" which primarily included charges from County Counsel's Office.

As the Commission is aware, LAFCO contracts with County Counsel's Office for LAFCO Counsel support, historically provided by an assigned Deputy County Counsel. Currently, Reed Gallogly is serving in this position, and performance of his duties for LAFCO are directed by the Commission, not County Counsel's Office. The charge for Mr. Gallogly's time is billed at \$125.00 per hour.

In the 2020-21 Fiscal Year, County Counsel has billed LAFCO the following amounts:

Q1 (July through September) = \$950.00 for 7.6 hours

Q2 (October through November) = \$387.50 for 33.1 hours

Q3 (January through March 19 – Not a complete billing yet) = \$2,250.00 for 18 hours

Action Requested

No action is requested, although the Commission can provide further direction to Staff or Counsel.

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**Commissioners:** Mark Medina, Chair ♦ Richard Bettencourt, Vice Chair ♦ Cesar Flores ♦ Ignacio Velazquez ♦ Bob Tiffany

**Alternate Commissioners:** Rolan Resendiz ♦ Elia Salinas ♦ Bea Gonzales **Executive Officer:** Bill Nicholson