

SAN BENITO LOCAL AGENCY FORMATION COMMISSION

REGULAR MEETING AGENDA

Thursday, August 12, 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: The meetings are open to the public, under the following conditions: All Attendees must comply and wear a face covering if not fully vaccinated and show proof. If providing proof attendees will not need to wear a face covering. If you are exempt from the state face covering guidance or not fully vaccinated, you will be required to wear a face shield which will be provided to attend the meeting; All attendees must comply with any other rules of procedures/instructions announced by the Chair and/or County Staff. Any violations of the above may result in the Chair closing the meeting, effective immediately, or clearing the room, as well as other enforcement actions. The meeting will be available through Zoom for those who wish to join or require accommodations with the instructions below:

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: 932 2903 6527
Webinar Password: 182456

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.

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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.

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

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: June 10, 2021

BUSINESS ITEMS – GENERAL BUSINESS, NON-HEARING ITEMS

6. LAFCO 540 - City of Hollister Out of Agency Service extension to the Sunnyslope Christian Center: To provide a City sewer connection to the Sunnyslope Christian Center for a pending expansion and to replace the existing on-site septic system. The property consists of a 3.75 acre parcel located at 1520 Sunnyslope Road, approximately 500 feet east of Clearview Drive within the Hollister Sphere of Influence. The actions requested are to make an environmental determination regarding the adequacy of the County's Environmental Determination and consider approval of the sewer service extension from the City.
7. Consideration of changing the LAFCO meeting starting time from 6:00 pm to 4:00 pm, while maintaining the regular meeting day as the second Thursday of the Month.
8. Announcement of Annual California Association of Local Agency Formation Commissions (CALAFCO) conference in Newport Beach from October 6 – 8, 2021, and request for appointment of regular voting delegate and alternate voting delegate for elections of the 2021-22 CALAFCO Board of Directors, and any other business requiring a vote at the annual business meeting to be held on October 7, 2021.
9. Consider nominations to the California Association of Local Agency Formation Commissions (CALAFCO) Board of Directors for pending vacant seats for a City Member and a Public Member representing the Coastal Region of CALAFCO.

STUDY SESSION

10. Presentation on Local Agency Formation Commission Powers and Duties

INFORMATIONAL

11. Commissioner Announcements and Requests for Future Agenda Items Executive Officer oral status report on pending proposals.
12. Executive Officer oral status report on pending proposals and other LAFCO business items.
13. Adjourn to next regular meeting on September 9, 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.

*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 August 12, 2021 was posted at the San Benito County Planning Department, 2301 Technology Parkway, Hollister, CA and at the San Benito County Administration Office, 481 Fourth Street, Hollister, CA on this 6th Day of August, 2021.

All locations freely accessible to the general public.



Jennifer Frechette
Clerk of the Board of Supervisors

CONSENT AGENDA

5. Approval of minutes: June 11, 2021 meeting.



SAN BENITO LOCAL AGENCY FORMATION COMMISSION MINUTES OF MEETING

June 10, 2021

Board of Supervisors Chambers - Hollister, CA

CALL TO ORDER

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

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

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

PUBLIC COMMENT

4. **Public Comment Period:** Elia Salinas commented she could not see anyone on Zoom.

CONSENT AGENDA

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

Commissioner Velazquez made a motion to approve the minutes of May 13, 2021, Commissioner Flores seconded.

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

SELECTION OF OFFICERS:

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

Commissioner Bettencourt stated he would not accept the chairmanship and nominated Commissioner Tiffany for Chair and Commissioner Gonzalez seconded his nomination.

Commissioner Bettencourt made a motion to nominate Commissioner Tiffany as Chair for the balance of the Calendar year 2021, seconded by Commissioner Gonzales.

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

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)

No nomination necessary.

BUSINESS ITEMS-PUBLIC HEARING ITEMS:

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.

Executive Officer Bill Nicholson gave background summary regarding the Woodle property annexation to the City of Hollister of 9.1 acres. It is within the sphere of influence of the City of Hollister. The executive officer report lists the issues that the LAFCO law directs be considered for annexations. The only issue was the boundary by being a narrow parcel of 300 feet. Everything

is set for the approval of the 9.1 acres. Approval recommendation would be based on 2 conditions, approval of the annexation map and legal description by the County Surveyor, and require a maintenance agreement for Westside Road between the City of Hollister and the County of San Benito.

Commissioner Gonzales was in favor of this project and was glad the access issues in the letter from County RMA have been worked out.

Commissioner Bettencourt questioned whether the adjacent road is called Westside Road or Westside Boulevard.

Executive Officer Bill Nicholson clarified that Westside Blvd is formally the name in the city limits and when you cross the city limit it is Westside Road. Westside Blvd ends at Buena Vista Rd.

Commissioner Velazquez stated he has warned that this project would be a problem and this area should be master planned. He does not want to see islands in the city so a step back should be taken so that these areas can be master planned first. Commissioner Velazquez stated he does not think this project should be done at this time.

Commissioner Flores stated that it looks like a pretty well thought-out plan. He mentioned he did not have a strong opinion on this matter.

Commissioner Tiffany asked Mr. Nicholson if the decision made tonight is contingent on either the developer or the city making an agreement with the county. Better planning would be to step back from this sort of thing and perhaps have a letter from Mr. Nicholson to the city manager to get a heads up on projects like this. But it would not make sense to hold up this project because we are just annexing this project, it is still up to the city to build this.

Executive Officer Bill Nicholson confirmed what Commissioner Tiffany stated as the developer can make arrangements with the county or the city.

Commissioner Bettencourt stated he was confused because this proposal came to LAFCO from the city, but now has to go back to the city for the tentative map.

Commissioner Tiffany clarified that he is not questioning this project, just suggested that in the future a letter would be good.

Public Hearing: Hugh Bickel, developer of the Woodle project. He has worked hard on this design to make the homes affordable in the \$450,000 range. Of course, they will maintain Westside Rd. and will have homeowners pay for it. Homeowners must pay for police, fire, roads, and parks to maintain them and will now pay to maintain Westside Rd. Every single impact for this project has been mitigated.

Elia Salinas, citizen, thanked Mr. Bickel for the clarification regarding emergency services being paid and thinks it is a great project.

Commissioner Bettencourt made a motion to approve annexation of the Woodle property to the City of Hollister supporting Option 1, A, B, and C in the Executive Officer's Report, seconded by Commissioner Gonzales.

Ayes: Tiffany, Bettencourt, Gonzales, Flores

Noes: Velazquez

Abstain: None

Absent: None

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.**

Executive Officer Bill Nicholson provided background information on the initial study from the county. There is a lot going on with the sewer system such as the city discontinuing their own wastewater treatment plant and hooking up to the Hollister plant. The area is not within the City sewer service area and not planned for sewer service right now. In the Executive Officers report on page 3 there is a finding that there is a Class 3 Exemption from

CEQA involving construction of limited amount of structures to apply to the future sewer extension side of these issues. If the City wanted to connect to the sewer system in the future the landowner agrees that the homeowners agree to pay for it and the City does not have to pay.

Commissioner Flores stated this is an issue they have dealt with at the city level and they are in agreement of this.

Commissioner Gonzales had no comment.

Commissioner Velazquez stated that we need to get away from approval of these County projects prior to them solving these types of sewer issues. He is not in favor of projects in the County receiving sewer service, it should be reserved for land in the City.

Commissioner Bettencourt stated that the applicant will have houses run a sewer stub line to the end of their property.

Public Comment: Arielle Goodspeed with San Benito County Planning. They went and analyzed septic suitability. This site will have septic systems. This project is within the sphere of influence of the City, and that is why the County required an option for future City sewer service if brought within 500 feet of the property.

Elia Salinas, citizen, thanked Arielle Goodspeed for the information she gave and to the representative from San Juan Bautista. She is in favor of a regional water system.

Commissioner Bettencourt made a motion to approve the City of San Juan Bautista Out of Agency Service extension to the Dassel Subdivision Option 1, A, B, and C in the Executive Officer's Report, seconded by Commissioner Gonzales.

Ayes: Tiffany, Bettencourt, Gonzales, Flores
Noes: Velazquez
Abstain: None
Absent: None

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.**

Executive Officer Bill Nicholson received an email from the San Benito Agricultural Land Trust to get a letter of support. Mr. Nicholson believes this letter would go a long way to get them this accreditation.

Commissioner Gonzales had no comment.

Commissioner Bettencourt asked if they are still going to go by the Prime Ag Land Act and if this letter is to help them get more funds.

Executive Officer Bill Nicholson provided information regarding the process and clarified that its not to get more funds but to be able to get national accreditation.

Commissioner Bettencourt's concern is if this will cost developers more money and asked if the fee goes to the farmer or the organization. He asked if this was just to give the Trust a higher standard and funding. If so, then he approves.

Commissioner Velazquez is very supportive of this group and agrees with this letter.

Commissioner Flores believes they are doing a good job and is in favor of this letter.

Commissioner Tiffany is in favor of this letter.

Public Comment: No comment.

Commissioner Velazquez made a motion to approve the letter of support and recommendation regarding the San Benito Agricultural Land Trust application, seconded by Commissioner Flores.

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

INFORMATIONAL

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

Commissioners Gonzales had no announcements or requests for future agenda items.

Commissioner Bettencourt stated there are many new commissioners so he read Government Code section 56325.1 – while serving on the commission, all members will exercise their independent judgment on behalf of the interest of residents, property owners and the public as a whole. Commissioner Bettencourt wanted to emphasize that. Perhaps a training session for the new members might be a good idea.

Commissioner Tiffany agreed that it might be helpful if Executive Officer Bill Nicholson could give a presentation and review the basics about LAFCO for the new commissioners.

Commissioner Velazquez requested that meetings be moved back to 4:00 pm. Also, if the Director could have a conversation with one of the alternate members and not participating in these meetings making suggestions about what they want to happen in these meetings. If this needs to be discussed again perhaps that alternate needs to be removed. If it continues to happen again there should be a vote regarding removing the alternate.

Commissioner Tiffany asked that the item regarding moving the time back to 4:00 pm be on the next meeting.

Commissioner Flores had no announcements or requests for future agenda items.

Executive Officer Bill Nicholson stated there are no pending applications so there would not need to be a July meeting. Discussion of a “LAFCO 101” presentation and moving the time for the meeting to 4:00 pm would be at the August meeting.

Commissioner Tiffany asked if anyone had an issue not having a July meeting.

Commissioner Velazquez said there was no issue with no meeting in July.

Commissioner Tiffany stated there would not be a meeting in July.

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

Executive Officer Bill Nicholson gave information on the Cost Allocation Plan and the amount that LAFCO is charged for having County support services including County Counsel as the attorney. The new number was about \$12,000.00 higher for the whole budget compared to last year and a bulk of that amount is for County Counsel. County Counsel bills directly to LAFCO for their time as well.

Commissioner Velazquez just wanted to make sure we are really paying attention to the actual charges.

Commissioner Bettencourt asked if there are other counties in the state that do not have counsel at their meetings.

Executive Officer Bill Nicholson stated that the large counties have counsel at all their meetings.

Commissioner Bettencourt asked what happens to the remaining money not spent at the end of the year.

Executive Officer Bill Nicholson explained that an amount is budgeted but it does not mean that all that amount is spent. LAFCO will only bill out the amount for services provided even if it's less than the budgeted amount.

Commissioner Gonzales believes any type of training would be a good idea.

Commissioner Tiffany stated that the July 8th meeting will be skipped, and the next meeting will be August 12th at 6:00 pm.

13. Executive Officer oral status report on pending proposals.

None.

ADJOURNMENT

14. Upon a motion by Commissioner Gonzales, and seconded by Commissioner Bettencourt, adjourned meeting at 7:09 p.m.

Final Minutes Approved by the Commission
on _____

By: _____
Bob Tiffany, Chairman

BUSINESS ITEMS – GENERAL BUSINESS, NON-HEARING ITEMS

6. LAFCO 540 - City of Hollister Out of Agency Service extension to the Sunnyslope Christian Center: To provide a City sewer connection to the Sunnyslope Christian Center for a pending expansion and to replace the existing on-site septic system. The property consists of a 3.75 acre parcel located at 1520 Sunnyslope Road, approximately 500 feet east of Clearview Drive within the Hollister Sphere of Influence. The actions requested are to make an environmental determination regarding the adequacy of the County's Environmental Determination and consider approval of the sewer service extension from the City.
7. Consideration of changing the LAFCO meeting starting time from 6:00 pm to 4:00 pm, while maintaining the regular meeting day as the second Thursday of the Month.
8. Announcement of Annual California Association of Local Agency Formation Commissions (CALAFCO) conference in Newport Beach from October 6 – 8, 2021, and request for appointment of regular voting delegate and alternate voting delegate for elections of the 2021-22 CALAFCO Board of Directors, and any other business requiring a vote at the annual business meeting to be held on October 7, 2021.
9. Consider nominations to the California Association of Local Agency Formation Commissions (CALAFCO) Board of Directors for pending vacant seats for a City Member and a Public Member representing the Coastal Region of CALAFCO.



SAN BENITO LOCAL AGENCY FORMATION COMMISSION
EXECUTIVE OFFICER'S REPORT

OUT-OF-AGENCY SERVICE EXTENSION

August 12, 2021 (Agenda)

<u>LAFCO 540:</u>	City of Hollister – Sunnyslope Christian Center
<u>LOCATION:</u>	1520 Sunnyslope Road, Church facility located on a 3.75 acre parcel on the north side of Sunnyslope Road, and approximately 500 feet east of Clearview Drive, adjacent to the City limits on three sides and located within the Hollister Sphere of Influence.
<u>PURPOSE:</u>	Allow the City of Hollister to provide wastewater service to a recent County-approved 12,437 square foot church sanctuary building, and replace current septic systems serving the existing church facilities with the City of Hollister sewer connection. The property is located within the Sunnyslope County Water District and will continue to receive potable water from the District.
<u>RECOMMENDATION</u>	Authorize the City to provide 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 3.75 acre parcel contains the existing Sunnyside Christian Center complex consisting of a 9,568 square foot fellowship hall, a 5,750 square foot daycare building, a 1,746 square foot parsonage residence, and associated open space and recreation area and parking lots. The proposed expansion approved by San Benito County Conditional Use Permit (PLN180035) provides for a 12,437 square foot church sanctuary structure with associated parking and appurtenances. However, the parcel does not have enough room for additional leach field area, and working with County Environmental Health, the solution was to connect the entire property to the City of Hollister Wastewater system, which will have a beneficial effect on groundwater.

Annexation of the property into the City limits would have been pursued since the City limits are adjacent to the property on all sides except to the east (refer to Exhibits A and B for the project site in relation to the City limits and Sphere of Influence boundaries). However, the County has collected traffic impact fees from the nearby Santana Ranch and Sunnyslope Village subdivisions for road improvements that will include Sunnyslope Road and also has access to Rule 20 funds for undergrounding overhead utility lines which will greatly reduce construction costs to the Church. After negotiations between

the County and City staff, it was agreed that the Sunnyslope Christian Center property should remain in the unincorporated County to reduce improvement costs to the non-profit Church, estimated to be over \$100,000. In return, the Church agreed to enter a covenant to annex to the City (Exhibit E) whereby they give up their right to protest annexation into the City at a future time when the City deems it appropriate and orderly.

In terms of land use and zoning designations, San Benito County has designated the property Residential Mixed in the General Plan and the property is Zoned Rural Residential which allows for church facilities by Conditional Use Permit. The original use permit for the Center was approved in 1977.

The City is requiring the property owner to enter into an "Agreement Affecting Real Property and Covenant to Annex" also referred to as the "Sewer Agreement" the landowner gives up their right to protest a future annexation in return for receiving city sewer service. This agreement is addressed in the "LAFCO Approval is Required" section of this report.

2. Topography, Natural Features and Surrounding Land Uses:

The property slopes gradually from the southeast corner along Sunnyslope Road, toward the north west to the rear lots of adjacent homes which frontage on Mesquite Drive. All neighboring properties surrounding the Church parcel consist of single-family residential subdivisions except to the south along Sunnyslope Drive. Unfortunately, this road is uphill from the Church facility and would require installation of a costly lift station if the Church had to access to this sewer main.

3. Service Extension Details:

Due to the natural drainage pattern, the engineering plans for the sewer connection identify the most feasible location for a sewer connection to the existing City 8 inch sewer line in Mesquite Drive (see Exhibit C for identification of existing City sewer lines in proximity to the Church site). The proposed connection point will require obtaining a five foot easement from the residential parcel identified as APN 060-240-001 located at 1471 Mesquite Drive and installing a 143 foot long 6 inch sewer line to a new manhole to be installed in Mesquite Drive (see detail in Exhibit D identifying the northwest portion of the Church property and the proposed sewer line easement).

The cost of the site improvements is estimated at \$331,000, not including the cost for the new sanctuary. Therefore, the cost of approximately \$15,000 for the gravity off-site sewer line to Mesquite Drive save a significant sum of money compared to the cost of installing a lift station and force main for a Sunnyslope Drive connection at an estimated cost of \$85,000. There would also be ongoing costs for operation of the lift station that

would not be necessary for the proposed gravity flow sewer line. The details on costs and design issues are included in responses to questions number 9 and 11 in the "Proposal Justification Questionnaire for Out-of-Agency Service Agreement" application form attached in Exhibit G.

4. Environmental Impact of the Proposal

The County prepared an Initial Study/Mitigated Negative Declaration for the Conditional Use Permit (Application No. PLN180035) for the new sanctuary building which led to the requirement that the Church facility connect to the City's wastewater system. The permit and CEQA Initial Study was approved by the San Benito County Planning Commission on December 18, 2019. As a "responsible agency" for action on this out of agency boundary service extension, LAFCO can rely on the County's document for compliance with CEQA. For LAFCO's limited role in approving the wastewater system connection to the City, there are no mitigation measures under the responsibility of the Commission to adopt or monitor.

5: Environmental Justice

There is no environmental justice issue from providing City sewer service to the new sanctuary on the property, along with replacement of the existing septic systems with municipal sewer service from the City. 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 boundary change [typically an annexation] only if it first requests and receives written approval from the commission."

In this instance, the City and landowner have prepared an agreement where in return for a City sewer connection, the Sunnyslope Christian Center will waive the right to protest future annexation of the Church property. A copy of the agreement meeting the mutual satisfaction of the City and landowner is attached to this report in Exhibit E.

ALTERNATIVES FOR COMMISSION ACTION

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

Option 1 APPROVE the request to provide wastewater service outside the Hollister City limits, 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 (for Application No. PLN180035).
- B. Accept this report and approve the proposal, to be known as the City of Hollister Out-of-Agency Service Agreement – Sunnyslope Christian Center, allowing the City to provide wastewater service outside of its boundaries to the approved Sunnyslope Christian Center.
- C. The approval by the Commission is subject to the condition of approval that that the City is not permitted to provide the wastewater connection to the property until it has entered the "Agreement Affecting Real Property and Covenant to Annex" with the property owner.

Option 2 DENY the request.

Option 3 CONTINUE the item to obtain additional information.

RECOMMENDED ACTION:

Approve **Option 1**.



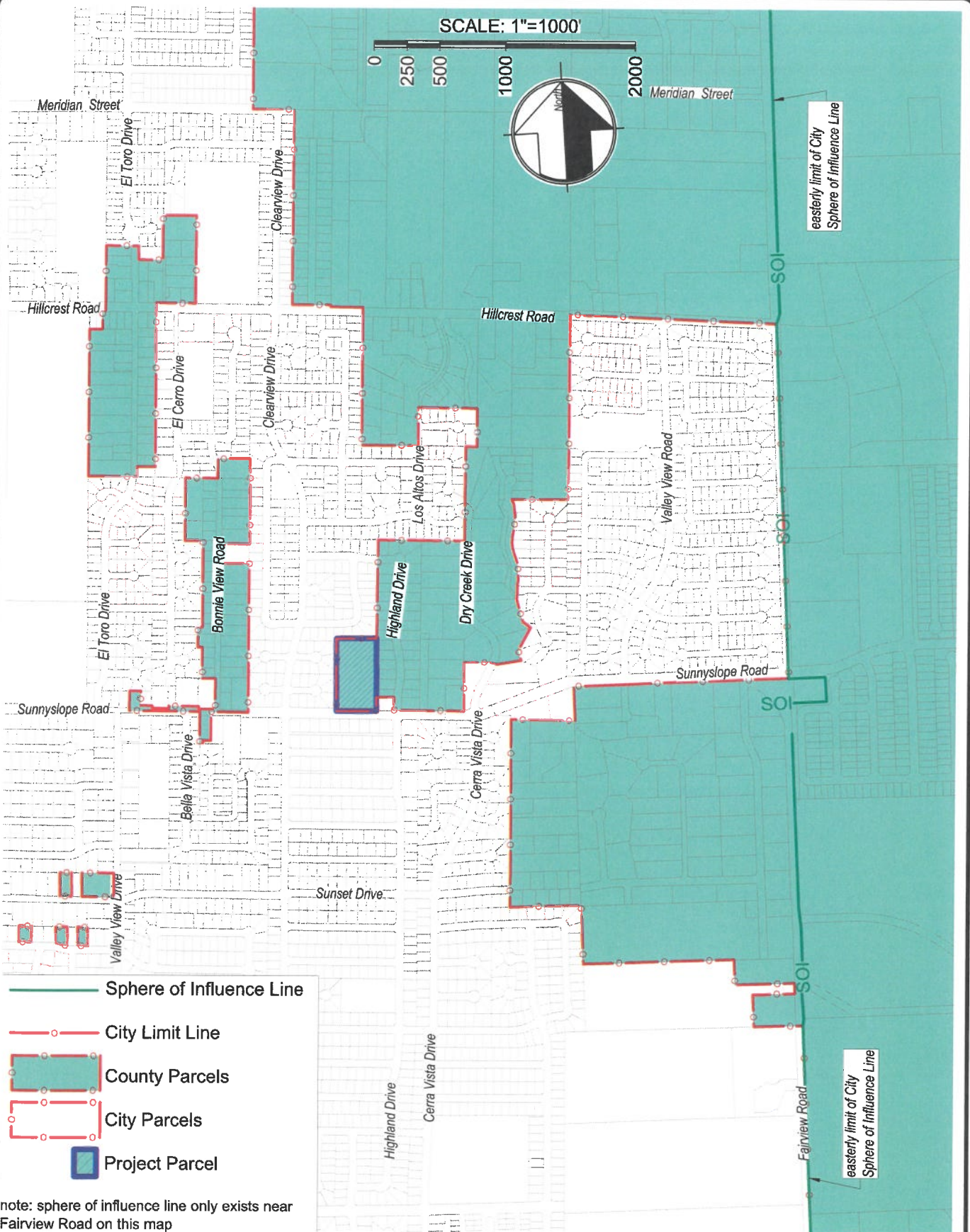
Bill Nicholson
Executive Officer

LOCAL AGENCY FORMATION COMMISSION

Attachments:

- Exhibit A: Map of Sphere of Influence for Hollister and Project Parcel
- Exhibit B: Vicinity Map
- Exhibit C: Site Sewer Map identifying adjacent City Sewer Lines
- Exhibit D: Excerpt of Improvement Plans identifying sanitary sewer (SS) line easement and extension to Mesquite Court
- Exhibit E: "Agreement Affecting Real Property and Covenant to Annex"
- Exhibit F: City of Hollister Resolution No. 2021-123 Initiating Out of Agency Sewer Connection Request to LAFCO
- Exhibit G: Proposal Justification Questionnaire for Out-of-Agency Service Agreement Application Form

L:\Projects\Allen\217117 Sunnyslope Christian Center.dwg 6/24/2021 10:58 AM - Plotted 6/24/2021 1:00 AM by Aler Andride
Xref: San Benito County GIS



MH engineering Co.

16075 VINEYARD BOULEVARD MORGAN HILL, CA 95037

(408) 778-7381

SCALE: 1" = 500'

DRAWN BY: aa

JOB #: 217117

DATE: 2021-06-24

SHEET

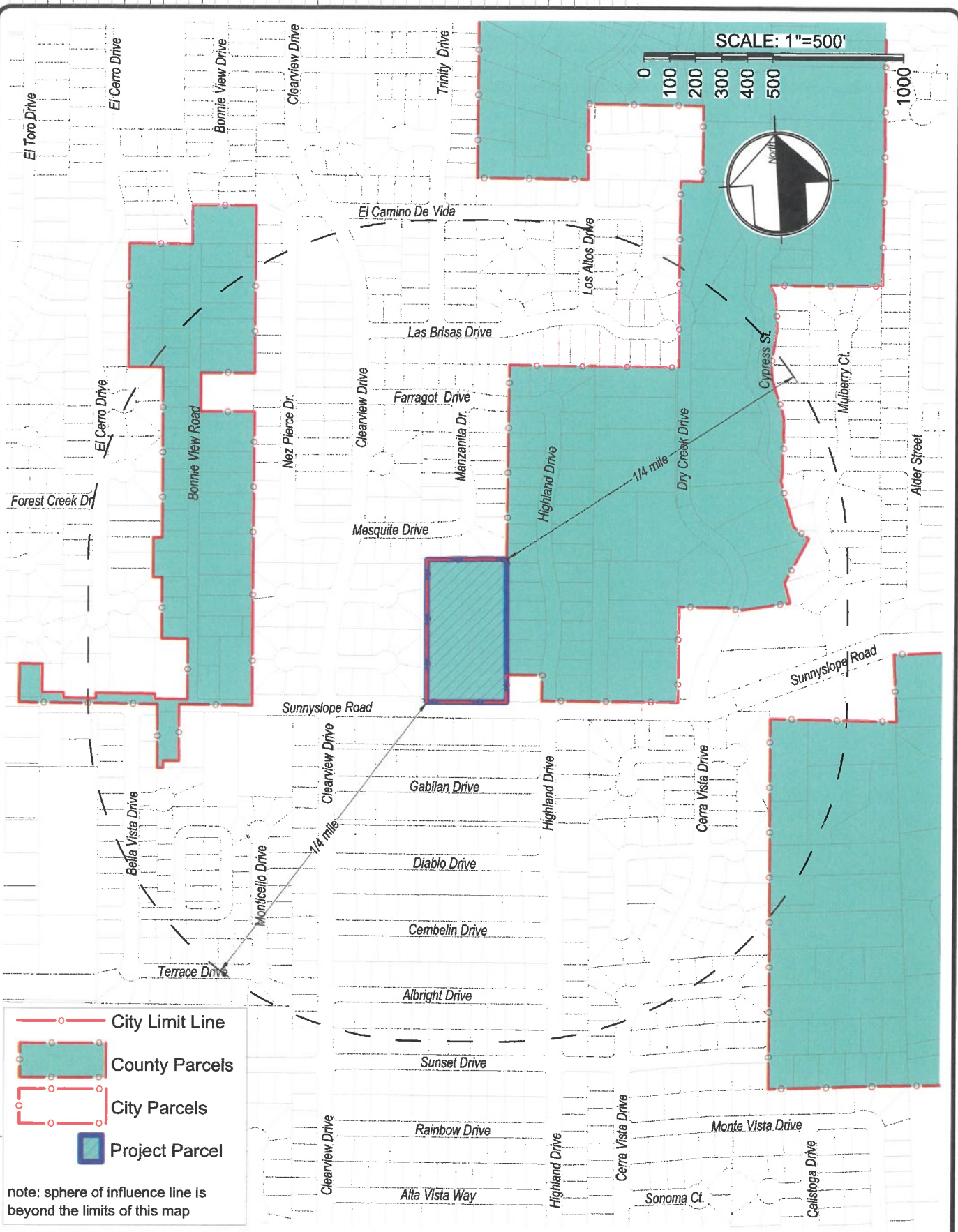
1 of 1

Map of Sphere of Influence

to accompany LAFCO application for 1520 Sunnyslope Road, APN 020-442-015

Exhibit "A"

L:\Projects\217117 Sunnyslope Christian Center\dwg\217117 Vicinity Map for Annexation application.dwg - 5/17/2021 2:37 PM - Plotted 5/17/2021 2:37 PM by Allen Andrade
 Xref: San Benito County GIS



MH engineering Co.

18075 VINEYARD BOULEVARD MORGAN HILL, CA 95037

(408) 779-7381

SCALE: 1" = 500'

DRAWN BY: aa

JOB #: 217117

DATE: 2021-05-17

SHEET

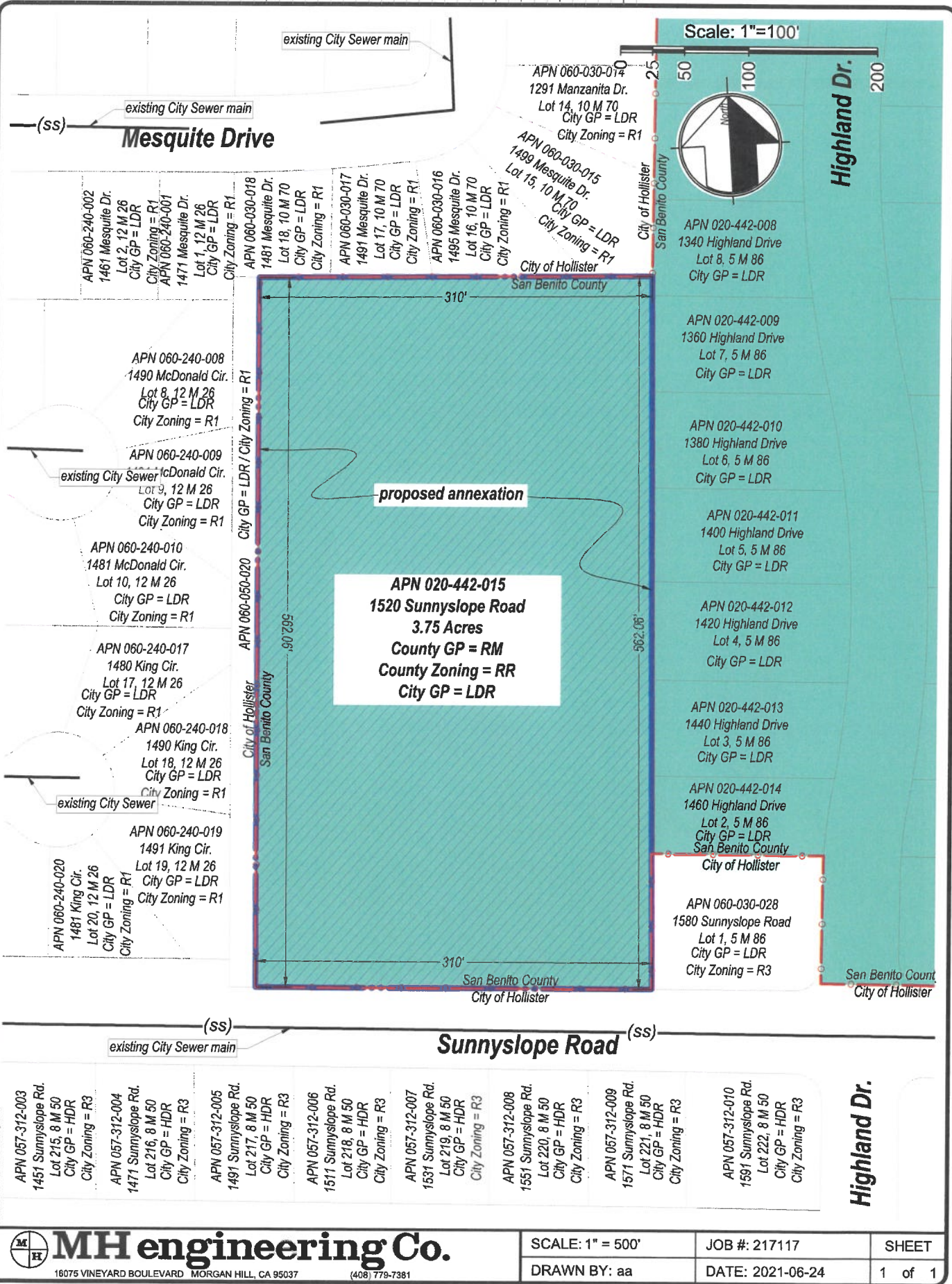
1 of 1

Vicinity Map

to accompany annexation and pre-zone for 1520 Sunnyslope Road, APN 020-442-015

Exhibit "B"

L:\Projects\Allen\217117 Sunnyslope Christian Center\dwg\217117 Map for Sewer Connection LAFCO approval.dwg - 6/24/2021 8:39 AM - Plotted 6/24/2021 8:39 AM by Allen A. Ind. Inc.



MH engineering Co.
16075 VINEYARD BOULEVARD MORGAN HILL, CA 95037 (408) 779-7381

SCALE: 1" = 500'

DRAWN BY: aa

JOB #: 217117

DATE: 2021-06-24

SHEET

1 of 1

Site Sewer Map

Exhibit "C"

to accompany LAFCO application for extension of City sewer to 1520 Sunnyslope Road, APN 020-442-015



RECORDING REQUESTED BY:

City of Hollister, a municipal corporation

WHEN RECORDED MAIL TO:

City of Hollister
City Clerk
375 Fifth Street
Hollister, CA
95023



2021-0010001

JOE PAUL GONZALEZ
SAN BENITO CLERK RECORDER

Wednesday, Jun 30, 2021 02:18:13 PM

Titles: 1

Pages: 11

Fees:

\$0.00

CA SB2 Fee:

\$0.00

Taxes:

\$0.00

Total:

\$0.00

APN: 020-442-015

(Above for Recorder's Use Only)

Exempt Recording per Gov't

Code Section 6103

**AGREEMENT AFFECTING REAL PROPERTY AND COVENANT TO ANNEX
(SEWER AGREEMENT)**

THIS AGREEMENT is made and entered into this 21st day of June, 2021 by and between the City of Hollister, California, a municipal corporation, whose address is 375 Fifth Street, Hollister, California 95023, (hereafter referred to as "City"), and Sunnyslope Christian Center, Assembly of God, a California nonprofit corporation, whose address of record is 1520 Sunnyslope Road, Hollister, California 95023.

WHEREAS, Owner is the owner of real property in the unincorporated area of the County of San Benito identified under Paragraph 14 of this Agreement (the "Real Property"), which property is contiguous to City and is within the City's sphere of influence; and

WHEREAS, City furnishes water and/or sewer service to properties outside the City limits and within the City's sphere of influence in emergency situations or exceptional cases, such as well failure, where public health and safety is jeopardized in accordance with City General Plan Goal CSF4; and

WHEREAS, in exchange for sewer service, Owner agrees to the annexation of the Real Property, identified under Paragraph 14 of the Agreement, to the City; and

WHEREAS, Owner desires and has heretofore in writing requested City to furnish sewer service to the Real Property; and

WHEREAS, the City has determined that the lack of the availability of public utilities

to serve the Real Property would pose a threat to public health, in particular, the health of the Owner and the surrounding properties; and

WHEREAS, City is willing to furnish said sewer service upon the terms hereinafter set forth; and

NOW, THEREFORE, the parties hereto, in consideration of the mutual covenants hereinafter recited, hereby agree as follows:

1. COVENANTS RUNNING WITH THE LAND. City agrees to furnish the sewer service for the benefit of the Real Property, as described in Paragraph 14 below. The obligations of Owner stated in this Agreement are covenants running with the land, and are intended by the City and Owner to be binding upon Owner and Owner's heirs, administrators, assignees, and successors in interest in the land described herein.

2. COVENANT TO ANNEX. Owner hereby covenants and binds themselves and their successors in interest to annex said Real Property to City when the City Council determines that such annexation shall be made, and Owner hereby acknowledges that this writing is a request and a consent by them to so annex the Real Property, and Owner for themselves and their successors in interest further agrees not to protest annexation of the Real Property either by itself or as part of a larger parcel of land and hereby specifically waives the provisions of all sections of law now existing or hereafter to be enacted permitting protests to be filed in annexation proceedings.

3. FACILITIES CHARGE. Owner agrees to pay City a sewer facilities charge appropriate for the nature and extent of the intended use of the Real Property, in such amount as is established by the City ordinance in effect at the time of connection to the sewer system.

4. CHARGE FOR SERVICE. Owner agrees to pay all sewer service charges at the metered rate in such sum as from time-to-time may be established by the City Council.

5. LINE EXTENSION CHARGE. Owner agrees to pay City, at the time the application is made, such sum as is estimated to cover the cost of labor, materials, equipment and overhead needed in making the sewer connections and extending same to the property line.

At the option of City, in lieu of the sewer line extension charge, Owner agrees at his own expense to cause a sewer line, of such size as shall be determined by City engineer, to be constructed and installed according to City standards, at such location as shall be determined by City engineer as necessary or desirable to serve Owner's property and comply with City extension requirements.

6. SUBSEQUENTLY ENACTED OR ADOPTED CHARGES. If the City Council shall hereafter increase or enact or adopt any other charges, fees or other requirements related to sewer service, annexation or any other aspect of the subject matter of this Agreement, Owner agrees to pay or perform the same, in the same manner, and to the same

extent, as any other person similarly situated.

7. **INTENDED USE OF PROPERTY.** Owner's intended use of the Real Property is one existing 4,500 square foot youth chapel building, one existing 1,746 square foot residence (parsonage), one existing 5,750 square foot daycare building, one existing 9,568 square foot fellowship hall and an approved new 12,437 square foot church sanctuary building. The sewer service, and all related charges and facilities, shall be made on such use only. Sewer service for any other use, shall require further approval of the City, and if so approved, will be charged for in accordance with the charges then in effect. City may impose other or different conditions upon such approval, or may deny the same in City's sole discretion. The City Council has the right to delegate authority to one or more designated persons to amend this Agreement as to the type of use or the number of connections which may be made. Until or unless such delegation of authority is affected by resolution or ordinance, amendment of this Agreement requires the approval of the City Council.

8. **CONFORMANCE WITH CITY ORDINANCES.** Owner agrees to cause all future improvements and construction on said property to conform to the subdivision, zoning, housing, plumbing, electrical, building, fire, park dedication and other codes, ordinances and regulations of City, including payment of fees stipulated therein. Compliance with this Section 8 includes the payment of all fees and costs related to and then in effect at the time of the development of the Real Property for the intended use as described in Section 7 above.

9. **DEDICATION FOR PUBLIC USE.** Owner agrees to dedicate to public use, at no cost to City, and without any demands, conditions or requirements, any easements, streets, alleys or other public ways which the Planning Commission and/or the City Council find necessary and desirable for the future development of the property or for the protection and maintenance of utilities.

10. **CONSENT TO PAY TAXES UPON ANNEXATION.** Owner, by this writing, consents, upon annexation, to be taxed their proportionate share of the City's general indebtedness existing at the time of annexation, as approved in Section 57328 of the Government Code.

11. **AGREEMENT TO NOTIFY PURCHASER OR GRANTEE.** In the event the Real Property, or any lot or parcel thereof, is to be sold or conveyed, Owner agrees to notify said purchaser or grantee of the terms and conditions of this Agreement, however the binding effect of this Agreement upon said purchaser or grantee shall not be lessened by the failure of the Owner to give such notice.

12. **FAILURE TO PAY.** Upon the failure of Owner or Owner's successors in interest to make the payments at the time and in the manner as herein provided, or to keep or perform any of the agreements or covenants on their part to be kept or performed as herein provided, City may cease to give sewer service and may disconnect City sewer and lines from said property upon giving the Owner or Owner's successor in interest 60 days' written notice of City's intention so to do, which said notice shall be by personal service or

by mail to Owner or Owner's successor in interest at his or her last known mailing address.

Unpaid service charges for the property described below shall constitute a debt of the Owner or Owner's successors in interest to the City. The Owner or the Owner's successor in interest who incurred the debt shall be liable in a civil action for the amount of the unpaid service charges, for the cost of suit, and for reasonable attorney fees. The service charges shall also constitute a lien against said property for the amount of the unpaid service charges. The lien shall be enforceable against Owner and Owner's successors in interest, and shall be subject to the same penalties and procedures under foreclosure and sale in case of delinquency as provided for ordinary municipal taxes.

13. RESULT OF FAILURE TO ANNEX. It is further understood and agreed that state law provides that application must be made to the Local Agency Formation Commission ("LAFCO") before the real property herein described may be annexed to the City, and if LAFCO should not give its consent to annex, or if LAFCO places conditions or modifications upon annexation which are not acceptable to City in its sole discretion, then and in that event this Agreement shall be cancelled and terminated and City may cease to give sewer service after giving notice of intent to do so at the address listed in Paragraph 14 hereof, or at such other address provided to the City's City Clerk in writing and specifically citing this Agreement and this paragraph, at least twenty-four (24) months prior and may thereafter disconnect City sewer lines from said property and neither Owner nor Owner's successor in interest shall be entitled to any refund of charges previously paid to City.

14. PROPERTY DESCRIPTION. The real property herein referred to is described as follows (the "Real Property"):

Address: 1520 Sunnyslope Road, Hollister, CA

APN: 020-442-015

The legal description of the Real Property is attached hereto as Exhibit "A".

15. RECORDATION OF AGREEMENT. This Agreement shall be recorded with the San Benito County Recorder's Office within thirty (30) days of execution thereof. No permit shall be issued pursuant to this Agreement until this Agreement has been recorded in the official records of San Benito County.

Signatures on Following Page

IN WITNESS WHEREOF, the parties have caused this Agreement to be executed on the date first above written.

CITY OF HOLLISTER, a California
Municipal corporation

By: 
Brett Miller, City Manager

OWNER:

By: 
(Name)

CALIFORNIA ALL-PURPOSE CERTIFICATE OF ACKNOWLEDGMENT

A notary public or other officer completing this certificate verifies only the identity of the individual who signed the document to which this certificate is attached, and not the truthfulness, accuracy, or validity of that document.

State of California _____)

County of San Benito _____)

On June 25, 2021 before me, Cheryl F. Mullen, Notary Public
(here insert name and title of the officer)

personally appeared Brett I. Miller

who proved to me on the basis of satisfactory evidence to be the person whose name is subscribed to the within instrument and acknowledged to me that he executed the same in his authorized capacity and that by his signature on the instrument the person, or the entity upon behalf of which the person acted, executed the instrument.

I certify under PENALTY OF PERJURY under the laws of the State of California that the foregoing paragraph is true and correct.

WITNESS my hand and official seal.

Cheryl F. Mullen
Signature of Notary Public



(Seal)

ADDITIONAL OPTIONAL INFORMATION

Though the information below is not required by law, it may prove valuable to person relying on the document and could prevent fraudulent removal and reattachment of this form to another document

DESCRIPTION OF THE ATTACHED DOCUMENT	CAPACITY CLAIMED BY THE SIGNER
<p>Title or description of attached document <u>Amex Sewer Agreement</u> <u>1520 Sunnyslope Road</u></p> <p>Number of Pages: <u>9</u> Document Date: <u>6/21/2021</u></p> <p>Additional Information: _____ _____</p>	<p><input type="checkbox"/> Individual(s) <input type="checkbox"/> Corporate Officer _____ (Title)</p> <p><input type="checkbox"/> Partner(s) --- <input type="checkbox"/> Limited <input type="checkbox"/> General <input type="checkbox"/> Attorney-in-Fact <input type="checkbox"/> Trustee(s) <input checked="" type="checkbox"/> Other <u>City Manager</u> <u>City of Hollister</u></p>

ACKNOWLEDGMENT

A notary public or other officer completing this certificate verifies only the identity of the individual who signed the document to which this certificate is attached, and not the truthfulness, accuracy, or validity of that document.

State of California

County of San Benito

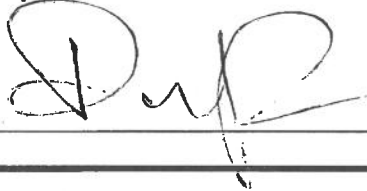
On 6.8.2021 before me, Raquel Pryor, notary public
(insert name and title of the officer)

personally appeared Kevin Townsend
who proved to me on the basis of satisfactory evidence to be the person(s) whose name(s) is/are subscribed to the within instrument and acknowledged to me that he/she/they executed the same in his/her/their authorized capacity(ies), and that by his/her/their signature(s) on the instrument the person(s), or the entity upon behalf of which the person(s) acted, executed the instrument.

I certify under PENALTY OF PERJURY under the laws of the State of California that the foregoing paragraph is true and correct.

WITNESS my hand and official seal.

Signature



(Seal)

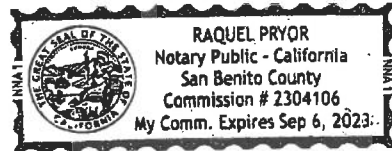


Exhibit "A"

Legal Description of 1520 Sunnyslope Road, Hollister, CA APN 020-442-015
to accompany agreement for consent to annex and sewer service

Real property in the Unincorporated Area of the County of San Benito, State of California, described as follows:

THAT PART OF HOMESTEAD LOT 36 OF THE SAN JUSTO RANCHO, ACCORDING TO THE MAP THEREOF FILED JULY 21, 1876, IN VOL. 1 OF MAPS, PAGE 64, SAN BENITO COUNTY RECORDS, BOUNDED AND PARTICULARLY DESCRIBED AS FOLLOWS:

BEGINNING AT A POINT ON THE NORTH BOUNDARY LINE OF THE PUBLIC HIGHWAY KNOWN AS THE "SUNNYSLOPE ROAD" WHICH POINT OF BEGINNING IS NORTH 3° EAST 20 FEET AND SOUTH 86° 25' EAST 680 FEET ALONG SAID NORTH BOUNDARY OF SAID "SUNNYSLOPE ROAD" FROM THE SOUTHWEST CORNER OF SAID HOMESTEAD LOT 36, AND FROM SAID POINT OF BEGINNING RUNNING NORTH 3° EAST A DISTANCE OF 562.06 FEET TO A POINT; THENCE SOUTH 86° 25' EAST 310 FEET TO A POINT IN THE WEST LINE OF LAND NOW OR FORMERLY OF VIRGIL P. HUBBARD; THENCE ALONG THE LINE OF LAND NOW OR FORMERLY OF SAID VIRGIL P. HUBBARD SOUTH 3° WEST 562.06 FEET TO THE AFORESAID NORTH BOUNDARY OF SAID SUNNYSLOPE ROAD; THENCE ALONG THE SAID NORTH BOUNDARY OF SAID SUNNYSLOPE ROAD NORTH 86° 25' WEST A DISTANCE OF 310 FEET TO THE POINT OF BEGINNING.

RESOLUTION NO. 2021-124

A RESOLUTION OF THE CITY COUNCIL OF THE CITY OF HOLLISTER APPROVING THE INITIATION OF PREZONE 2021-2 TO INITIATE THE PREZONING AND EXPANSION OF THE SPHERE OF INFLUENCE TO INCLUDE THREE PARCELS TOTALING 3.10 ACRES LOCATED IN THE UNINCORPORATED AREA OF THE COUNTY OF SAN BENITO, SOUTH OF HILLCREST ROAD AND WEST OF LOS ALTOS DRIVE, FURTHER IDENTIFIED AS SAN BENITO COUNTY ASSESSOR PARCEL NUMBERS 020-460-035, 020-460-036, & 020-120-064

WHEREAS, under provisions of Section 17.24.250 of the Zoning Ordinance, the Director of the City of Hollister Development Services Department shall first submit a complete application for prezoning to the City Council for the Council to direct whether the prezoning will or will not proceed; and

WHEREAS, the Sphere of Influence is an important benchmark because it defines the primary area within which urban development is to be encouraged and where the city will be expanding providing new or extended services; and

WHEREAS, The City of Hollister Development Services Department received the Initiation of Prezone application and request to expand the Sphere of Influence to include San Benito County Assessor Parcel Numbers 020-046-035, 020-460-036, & 020-120-064, and forwarded the request to the City of Hollister Development Review Committee to assess the proposal for compliance with all relevant regulations; and

WHEREAS, the City Council at its meeting of June 21, 2021 considered the applicant's request, reviewed the staff report, and received written and oral testimony for and against the proposal; and


WHEREAS, the City Council deliberated and determined to grant the applicant's request and approve the application for Initiation of Prezone 2021-2 and the expansion of the Sphere of Influence in accordance with Section 17.24.250 of the Zoning Ordinance, and based on the facts as presented, and the code requirements as plainly stated; and

WHEREAS, public hearings shall be set before the Planning Commission and City Council for the rezoning of the property in compliance with Section 17.24.120 *Public Hearings* of the Zoning Ordinance.

NOW, THEREFORE, BE IT RESOLVED, that the City Council of the City of Hollister does hereby approve of the Initiation of Prezone 2021-2 and the expansion of the Sphere of Influence.


PASSED AND ADOPTED, by the City Council of the City of Hollister at a Regular Meeting held this 21st day of June, 2021, by the following vote:

AYES: Council Members Perez, Burns, Resendiz, and Mayor Velazquez.
NOES: None.
ABSTAINED: None.
ABSENT: None.



Ignacio Velazquez, Mayor

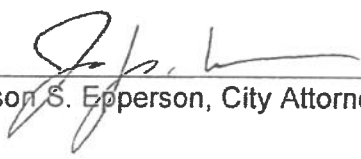
ATTEST:



Christine Black, MMC, City Clerk

APPROVED AS TO FORM:

Epperson Law Group PC



Jason S. Epperson, City Attorney

I, CHRISTINE BLACK, MMC, City Clerk of the City of Hollister, do hereby certify that the attached Resolution No. 2021-124 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 21st day of June, 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 21st day of June, 2021.



for Christine Black, MMC
City Clerk of the City of Hollister

(Seal)

RESOLUTION NO. 2021-123

A RESOLUTION OF THE CITY COUNCIL OF THE CITY OF HOLLISTER DIRECTING STAFF TO MAKE AN APPLICATION TO THE LOCAL AGENCY FORMATION COMMISSION (LAFCO) FOR THE CITY TO PROVIDE SEWER SERVICE OUTSIDE OF ITS JURISDICTIONAL BOUNDARIES BUT WITHIN THE SPHERE OF INFLUENCE AND WITHIN THE HOLLISTER URBAN AREA WATER AND WASTEWATER MASTER PLAN TO THE PROPERTY LOCATED AT 1520 SUNNYSLOPE ROAD, FURTHER IDENTIFIED AS SAN BENITO COUNTY ASSESSOR PARCEL NUMBER 020-442-015

WHEREAS, the property located at 1520 Sunnyslope Road, further identified as San Benito County Assessor's Parcel Number 020-442-015 is located within the unincorporated area of San Benito County, within the City of Hollister Sphere of Influence and within the Urban Service Area; and

WHEREAS, the project applicant Sunnyslope Christian Center, Assembly of God, a California nonprofit corporation is requesting outside jurisdictional sewer service from the City of Hollister for the property located at 1520 Sunnyslope Road, further identified as San Benito County Assessor's Parcel Number 020-442-015; and

WHEREAS, the site currently includes a 4,500 square foot youth chapel building, one existing 1,746 square foot residence (parsonage), one existing 5,750 square foot daycare building, and one existing 9,568 square foot fellowship hall on an approximate 3.75 acre site that is currently being served by a septic system; and

WHEREAS, at its regular meeting of December 18, 2019 the County of San Benito Planning Commission adopted Resolution No. 2019-29 approving a new 12,437 square foot church sanctuary building on the site; and

WHEREAS, condition 21 of San Benito County Planning Commission Resolution No. 2019-29 indicates that "prior to issuance of building permits for the project, which is located within the Service Area of the City of Hollister Reclamation Facility and within the Sphere of Influence of the City of Hollister, the applicant shall have obtained approval from the Local Agency Formation Commission for out-of-agency service agreements to obtain City of Hollister sewer services;" and

WHEREAS, condition number 14b of San Benito County Planning Commission Resolution No. 2019-29 indicates that prior to final building occupancy of the sanctuary building, the applicant shall enter into a deferred improvement agreement to install curb, gutter, and sidewalk improvements along the site's frontage "(by means potentially including the County obtaining Pacific Gas and Electric Rule 20 funds)," and

WHEREAS, annexation of the site at this time would prevent the County from pursuing the undergrounding of the frontage utilities and providing sidewalk improvements with the Rule 20A because if the site is annexed into the City the site will no longer be in the County's jurisdiction but within the City; and

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

Exhibit F:

WHEREAS, Exhibit A "Agreement Affecting Real Property and Covenant to Annex." is a signed and notarized agreement from the applicant consenting to annexation of the property without protest when the City determines that such annexation shall be made; and

WHEREAS, the reduction of septic systems is a goal of the Hollister Urban Area Water & Waste Water Management Plan because it helps improve the health of the local aquifer and the approval of this service agreement is also to avoid the need for a new septic system on the property and to allow for the removal of the existing septic system on the site to eliminate the potential for contamination of any groundwater; and

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

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

NOW, THEREFORE, BE IT RESOLVED, that the City Council of the City of Hollister shall provide sewer service outside of its jurisdictional boundaries and within the sphere of influence and within the urban service area to the property located at 1520 Sunnyslope Road, further identified as San Benito County Assessor's Parcel Number 020-442-015 upon LAFCO approval and be it further resolved that staff is directed by the City Council of the City of Hollister to submit an application to the Local Agency Formation Commission of San Benito County for said services.

PASSED AND ADOPTED, by the City Council of the City of Hollister at a Regular Meeting held this 21st day of June, 2021, by the following vote:

AYES: Council Members Perez, Burns, Resendiz, and Mayor Velazquez.

NOES: None.

ABSTAINED: None.

ABSENT: None.



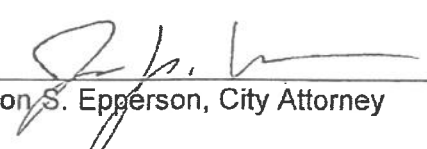
Ignacio Velazquez, Mayor

ATTEST:

APPROVED AS TO FORM:

Epperson Law Group PC



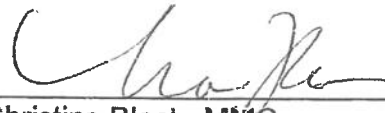
Christine Black, MMC, City Clerk

Jason S. Epperson, City Attorney

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

I, CHRISTINE BLACK, MMC, City Clerk of the City of Hollister, do hereby certify that the attached Resolution No. 2021-123 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 21st day of June, 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 21st day of June, 2021.


for 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

SAN BENITO LOCAL AGENCY FORMATION COMMISSION

Proposal Justification Questionnaire for Out-of Agency Service Agreement

(Attach additional sheets as necessary)

1. Name of City or District: **City of Hollister**
2. Location/Address/size of property: **1520 Sunnyslope Road / 3.75 acres**
3. Assessor Parcel number: **020-442-015**

Complete all relevant questions

4. Is the property within the agency's sphere of influence? **Yes (see Exhibit A, easterly limit of City sphere of Influence is Fairview Road**
5. What are the existing uses of the site? **One existing 4,500 square foot youth chapel building, one existing 1,746 square foot residence (parsonage), one existing 5,750 square foot daycare building, one existing 9,568 square foot fellowship hall and an approved new 12,437 square foot church sanctuary building together with parking lot and appurtenances.**
6. If a change in use is proposed, provide a description of the change. **Current uses are pursuant to County Use Permit No. 89-77 granted 7/21/1977. New sanctuary building is pursuant to County Planning Resolution 2019-29 for PLN180035 approved 12/18/2019.**
7. What types of services are to be provided under contract? **Sewer service connected to City of Hollister sewer network. The property is already within the Sunnyslope County Water District Boundary and is already served by their water so there is no need for anything other than the ability to connect to the City sewer.**
8. Discuss the justification for the service agreement. Is this an emergency health and safety situation? **The approval of the service agreement is to avoid the need for a new septic system on the property and to allow for the removal of the existing septic systems on this site to eliminate the potential for contamination of any groundwater.**
9. Why is annexation not possible at this time? **As determined by the City and the applicant, annexation at this time would complicate the requirements of the County Use Permit approval, current improvement plan review, pending building permit application, and pending Rule 20 undergrounding of the overhead lines along Sunnyslope Road by the County. The County approval was based on 2 years of discussions with the Supervisors and**

RMA staff which culminated in the language used in the conditions and is intended to acknowledge that all parties, City, County, and the applicant want the curb gutter and sidewalk installed as soon as possible and most definitely as a part of this project. The benefit to improving this section of road is not just to the applicant, it improves the frontage to the benefit of all and the need for these improvements is not due to this proposed project but is the result of major City and County approved development projects east of this site (most notably Tract 241 "Sunnyslope Village" and Tract 308 "Santana Ranch") which include 2000 plus homes within ½ mile of this project site and have collected traffic impact fees which should be applicable to improving this section of Sunnyslope Road even if there was no project proposed by this owner. The discussion led to the agreement that the project should not be burdened by the cost of the pavement widening, sidewalk construction, and the costly undergrounding of this overhead utility line – the compromise was that the County would take care of the overhead line with the rule 20 funds they had available to do this. If annexed before the overhead lines were removed, the County would not be able to use those funds for this site. If the burden fell back on the church, the cost would for removal of these poles would be in excess of \$100,000 and would make development of their site as planned infeasible.

10. Is annexation of the territory anticipated in the future? **Applicant has agreed to execute the covenant to annex, sewer agreement that accompanies this questionnaire. Annexation can be initiated whenever the City deems it would be prudent.**

If yes, when? **Annexation can be initiated whenever the City deems it would be prudent.**

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

- A. Describe needed improvements including distance for connections. **Preferred alternative is to install 143 lineal feet of new 6" sanitary sewer line from a new manhole to be installed in Mesquite Drive through a private easement over 1471 Mesquite Drive to the project property as shown on the current improvement plan set under review by the City and County. The private easement is being negotiated with the owner of 1471 Mesquite and finalization of this easement requires the LAFCO, City, and County approvals of this alternative. The secondary alternative is to install a private sewer lift station for the project property together with a 500 ft. long sewer force main and new sewer manhole installed in Sunnyslope Road as shown on the 11/16/2018 CUP plan set.**
- B. What are the costs of improvements and other start up costs? **Costs for the project site improvements is estimated at \$331,000 not including**

the proposed new structure. Costs for the preferred off-site gravity sewer infrastructure to Mesquite Drive is estimated at \$15,000. Cost for the alternative lift station and force main construction are estimated to be \$85,000 plus additional costs for ongoing operation and maintenance which would not apply to the preferred gravity sewer line.

- C. How is financing to occur, both capital costs and ongoing operations? **All project costs are to be 100% funded by Sunnyslope Christian Center.**
12. What environmental review has been conducted for the project? If exempt, please provide a copy of the agency's Notice of Exemption. **Approval of this out of jurisdiction sewer connection it would be exempt from CEQA because this site is less than 5 acres and surrounded on more than 3 sides by the current City limits. The project included an Initial Study/Mitigated Negative Declaration for PLN180035 and the existing uses had a negative declaration dated 7/8/1977 for Use Permit No. 89-77.**
13. Provide a vicinity map showing the site, city or district boundary and sphere line. **Attached Exhibit A (Sphere of Influence & City Limits) Exhibit B (City Limits near project)**
14. Provide a map showing existing and proposed infrastructure as relevant to this agreement. **Attached Exhibit C (existing City SS main line locations) and Exhibit D (except of current improvement plans showing proposed connection)**
15. Attach a copy of the proposed services agreement and any staff reports or supporting documentation related to this application. **Agreement approved by City Council Resolution 2021-123 6/21/2021 attached hereto as Exhibit E.**
16. Final Comments
- A. Provide any other comments or justifications regarding the request.
- B. Enclose all pertinent staff reports and supporting documentation.
PC Resolution 2019-29 attached as separate document
CUP plan set 11/16/2018 attached as separate document
Project improvement plans under review dated 5/17/2021 as separate document
17. Notices and Staff Reports
- List up to three persons to receive copies of a notice of hearing and staff report.

	<u>Name and agency</u>	<u>Address</u>
A.	Mark Falgout, <i>City of Hollister</i>	375 Fifth St. Hollister, CA 95023
B.	Arielle Goodspeed, <i>County RMA</i>	2301 Technology Pkwy Hollister, CA 95023
C.	Abraham Prado, <i>City of Hollister</i>	375 Fifth St. Hollister, CA 95023

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

A.	Allen Andrade, MH Engineering	16075 Vineyard Blvd. Morgan Hill, CA 95037 Allena@mhengineering.com
B.	Michael Fry, Sunnyslope Christian Center	1520 Sunnyslope Road Hollister, CA 95023 frymd@yahoo.com
C.	Kevin Townsend, Sunnyslope Christian Center	1520 Sunnyslope Road Hollister, CA 95023 ktandfam@yahoo.com

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

Signature 

Date 7/21/2021

LOCAL AGENCY FORMATION COMMISSION
SAN BENITO COUNTY

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

DATE: August 12, 2021 (Agenda)
TO: Local Agency Formation Commissioners
FROM: ^{Bh} Bill Nicholson, Executive Officer
RE: Consideration of Changing Meeting Time for Regular Commission Meetings from 6:00 PM to 4:00 PM While Maintaining the Meeting Day as the Second Thursday of the Month
(Agenda Item 7)

At the regular June 10, 2021, Commission meeting, the Commission discussed moving the starting time of Commission meetings from 6:00 pm to 4:00 pm. No concerns were raised by the regular members of the Commission in attendance, and it was agreed to place this item on the Agenda for the August 12, 2021 meeting. As a brief history, the Commission meetings were moved to 6:00 pm starting with the May 2020 meeting to accommodate the former Commission Chair. Prior to May 2020, Commission meetings were held at 3:00 pm based on Commission action in August 2019.

While it is up to the Commission's discretion whether to change the meeting time, and to select a time that is most convenient for a majority of Commissioners, it is interesting to note that the starting time is changed approximately every 12 months, so the Commission is on schedule.

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

Action Requested

Approve moving the starting time of Regular Commission Meetings to 4:00 pm, while maintaining the meeting day as the Second Thursday of each month and direct the Executive Officer to modify the Commissioners Handbok, in Section "C" of the Rules and Procedures to reflect the new starting time.

Commissioners: Bob Tiffany, Chair ♦ Richard Bettencourt, Vice Chair ♦ Ignacio Velazquez ♦ Cesar Flores ♦ Bea Gonzales

Alternate Commissioners: Rolan Resendiz ♦ Elia Salinas ♦ Peter Hernandez **Executive Officer:** Bill Nicholson

LOCAL AGENCY FORMATION COMMISSION

SAN BENITO COUNTY

2301 Technology Parkway

Hollister, CA 95023

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

DATE: August 12, 2021 (Agenda)

TO: Local Agency Formation Commissioners

FROM: ^{BH} Bill Nicholson, Executive Officer

RE: California Association of Local Agency Formation Commissions (CALAFCO) Fall Conference in Newport Beach, October 6-8, 2021, and Appointment of Voting Delegates for Business Meeting
(Agenda Item 8)

After skipping the annual fall conference in Monterey in 2020, due to COVID-19 restrictions, our statewide association, the California Association of Local Agency Formation Commissions (CALAFCO) has scheduled the 2021 Conference at the Hyatt Regency Hotel, at the John Wayne Airport in Newport Beach starting at 10:00 am on Wednesday, October 6th and ending at Noon on Friday, October 8th. An announcement for the Conference is attached. This year's Conference is celebrating the 50th Anniversary of the establishment of LAFCOs by the State Legislature in 1961, program topics are listed in the attached announcement.

As a member of CALAFCO, San Benito LAFCO Commissioners qualify for the reduced Hotel rate of \$194 per night, but reservations must be made by September 6, 2021, and often the host conference hotel fills-up early. The discounted conference registration rate of \$530 extends to August 31st.

During the Conference, there is an annual business meeting and election of Board Members to CALAFCO. Board members represent one of four regions they are elected from, and for San Benito LAFCO, we are in the Coastal Section where there are current vacancies for a City and a Public Member to the CALAFCO Board. The next item on today's Commission Agenda (**Agenda Item 9**) is to seek interest in a commissioner running for office, but under this Item, we need to appoint a regular and alternate voting delegate. If no one is planning to attend the conference, we can request the voting packet mail.

Action Requested

Indicate which Commissioners, if any, are interested in attending the Conference, and appoint a regular and alternate delegate for the election and any business items that come up at the Conference.

Commissioners: Bob Tiffany, Chair ♦ Richard Bettencourt, Vice Chair ♦ Ignacio Velazquez ♦ Cesar Flores ♦ Bea Gonzales

Alternate Commissioners: Rolan Resendiz ♦ Elia Salinas ♦ Peter Hernandez **Executive Officer:** Bill Nicholson



Announcing The 2021 CALAFCO Annual Conference

Hosted by CALAFCO

October 6 - 8

Hyatt Regency, Newport Beach

Conveniently located near the John Wayne Airport



Highly Relevant & Diverse General & Breakout Session Topics

- The New Era: State of the State in terms of extreme water and fire issues, and what it means for LAFCo* (Wed)
- Looming pension liabilities (Thu)
- City/District funding and property tax agreements (Thu)
- Post-pandemic workforce best practices for hiring staff (Thu)
- Hot topic facilitated breakouts – two rounds (Thu)
- The “bilities” of water and the LAFCo connection: Availability, accessibility, and portability (along with quality and state mandates)* (Wed)
- Cyber Security threats to LAFCos and local agencies* (Fri)
- Annual CALAFCO Legislative Update* (Fri)
- CALAFCO Annual Business Meeting (for all CALAFCO members)* (Thu)

*Note: The Program is subject to change.
Indicates General Session

**Mark your calendar and
plan to attend!**

**Registration is now open!
Visit www.calafco.org**

Special Highlights

LAFCo 101

An introduction to LAFCo and LAFCo law for Commissioners, Staff, and anyone interested in learning more about LAFCo

**Wednesday from
10:00 a.m. to Noon**

Special Thursday afternoon session:

Hot Topic Roundtables

Join us for a special kind of breakout session format: **topical roundtables**. Choose the topics that are of most interest to you and join the conversation. This is a chance to share issues, existing best practice solutions, and create new and innovation solutions. Each round of the two-round breakouts will be approx. 50 mins.

Topical list still being prepared and may include LAFCo indemnification, sea level rise, pandemic recovery, local fire issues, local water issues.

**It's been 2 years since we've
seen you...are you missing
each other?**

We've Created

Invaluable Networking Opportunities for Reconnection!

- Regional Roundtable discussions on current regional LAFCo issues
- Extended roundtable discussion for LAFCo legal counsel
- Networking breakfasts and extended breaks
- Welcome Reception Wednesday
- Thursday Pre-dinner Reception & breaks with Sponsors
- Awards Banquet Thursday

Hyatt Regency Newport Beach at the John Wayne Airport



Make your reservations now at the **Hyatt Regency** at the special CALAFCO rate of \$194 (excludes tax and fees). Special rates available 3 days pre- and post-conference on availability, includes in-room wifi and parking.

Reservation cutoff date is 9/6/21.

**TO MAKE HOTEL RESERVATIONS,
PLEASE VISIT:** <https://www.hyatt.com/en-US/group-booking/SNARJ/G-CAL2> or call directly at 949-975-1234 and reference CALAFCO event.

Visit www.calafco.org for Conference details or call us at 916-442-6536.

STUDY SESSION

10. Presentation on Local Agency Formation Commission Powers and Duties



L A F C O

of San Benito County



Local Agency Formation Commission Powers, Duties & Local Issues

**San Benito LAFCO Presentation
August 12, 2021**

L A F C O

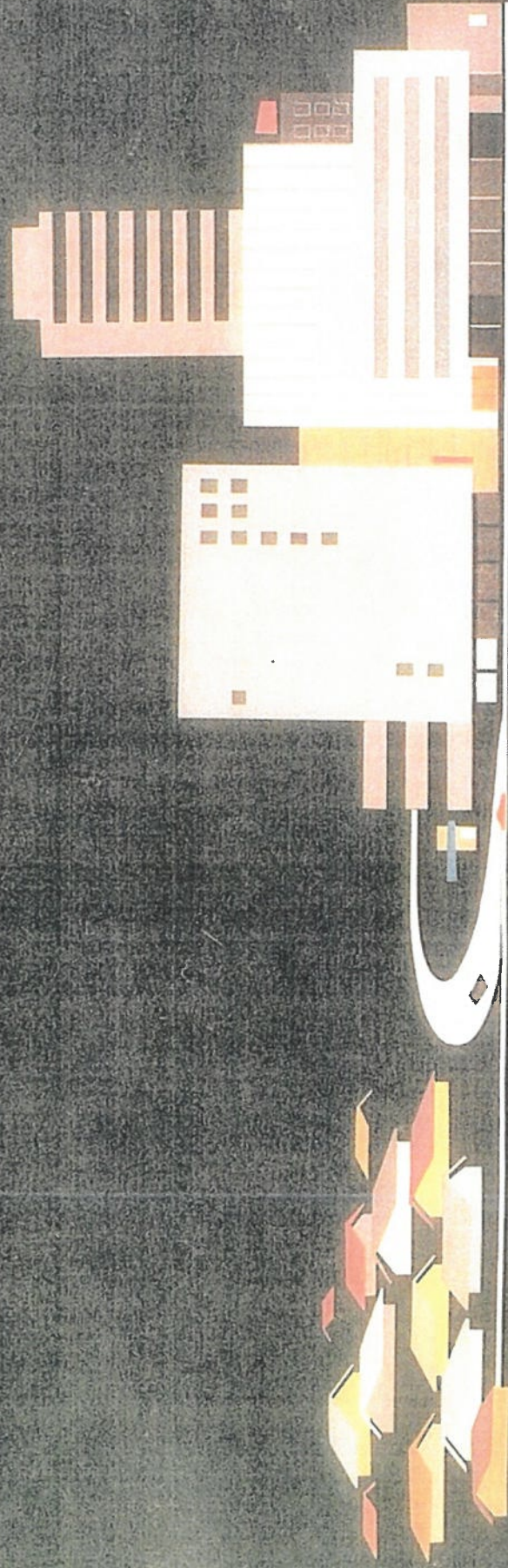
of San Benito County



Why LAFCO'S were created:

- Post World War II population and housing boom in California
- Scramble to finance and extend services
- City annexation "wars" & proliferation of limited purpose special districts
- Governor Pat Brown's Commission on Urban Problems & orderly boundaries

MEETING METROPOLITAN PROBLEMS



REPORT OF THE GOVERNOR'S COMMISSION ON METROPOLITAN AREA PROBLEMS
STATE OF CALIFORNIA—Edmund G. Brown, Governor

L A F C O

of San Benito County



1961 Legislative Compromise:

- **No Statewide commission or agency**
- **Local officials; No State appointees**
- **One LAFCO for each county**
- **LAFCO are independent agencies with no appeal from LAFCO decisions to other local agencies, such as the County**
- **Major update to law occurred in Year 2000**

L A F C O

of San Benito County



LAFCO'S purposes are to:

- **Encourage orderly boundaries and discourage urban sprawl**
- **Conserve agricultural and open space lands**
- **Promote efficient public service delivery**
- **Consider regional housing needs, adequate water supplies, disadvantaged communities, wildfire areas and other essential issues**

L A F C O

of San Benito County



Who is San Benito LAFCO?

- **Typical Membership:**
 - 2 county supervisors**
 - 2 elected city council members and/or mayor**
 - 1 public member**
 - (50% of LAFCOs have special district members)**
- **An alternate member in each category**
- **Statute says members are to represent the interests of the entire public – remove your “city” or “county” hat – we are a local body implementing State law**

LAFCO

of San Benito County



LAFCO Responsibilities:

- **Regulates boundaries of existing public agencies (typically through annexations) and the creation of new ones (formations & incorporations)**
- **Can approve changes in boundaries only if area is within the agency's "Spheres of Influence" (SOI)**
- **Is prohibited from directly regulating how land is used or designated**
- **Regulates the extension of public services outside an agency boundary (without annexation) in limited cases – Significant issue for Hollister sewer services and Hollister Urban Area**



LAFCO Responsibilities:

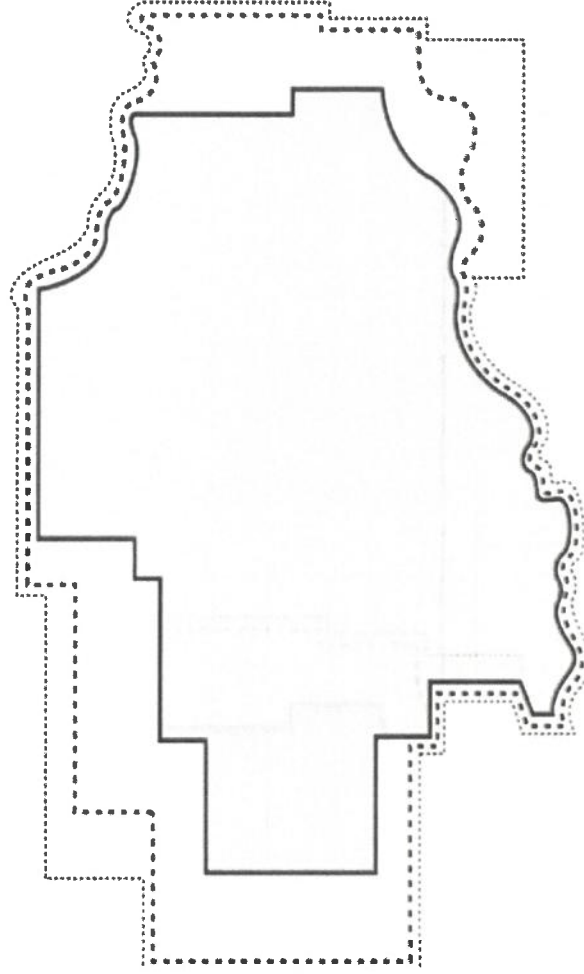
- Adopt and periodically update a Sphere of Influence (SOI) for each city & district: *“Plan for the probable physical boundary & service area of the agency”*
- Prepare Municipal Service Reviews to help inform SOIs and coordinate the provision of services:
 - Growth and population projections
 - Needs and deficiencies of public services
 - Financial ability to provide services
 - Status and opportunities for shared facilities
 - Accountability and operational efficiencies



A Look at Local General Plan and SOI Boundaries & The SOI Amendment/Update Process



Theoretical Relationship Between a City's Planning Area and Sphere of Influence



Current City Limits:

Encompasses incorporated territory where land use is controlled by the city.



City's Sphere of Influence:

Adopted by the LAFCO, encompasses the incorporated and unincorporated territory that is the city's ultimate service area.



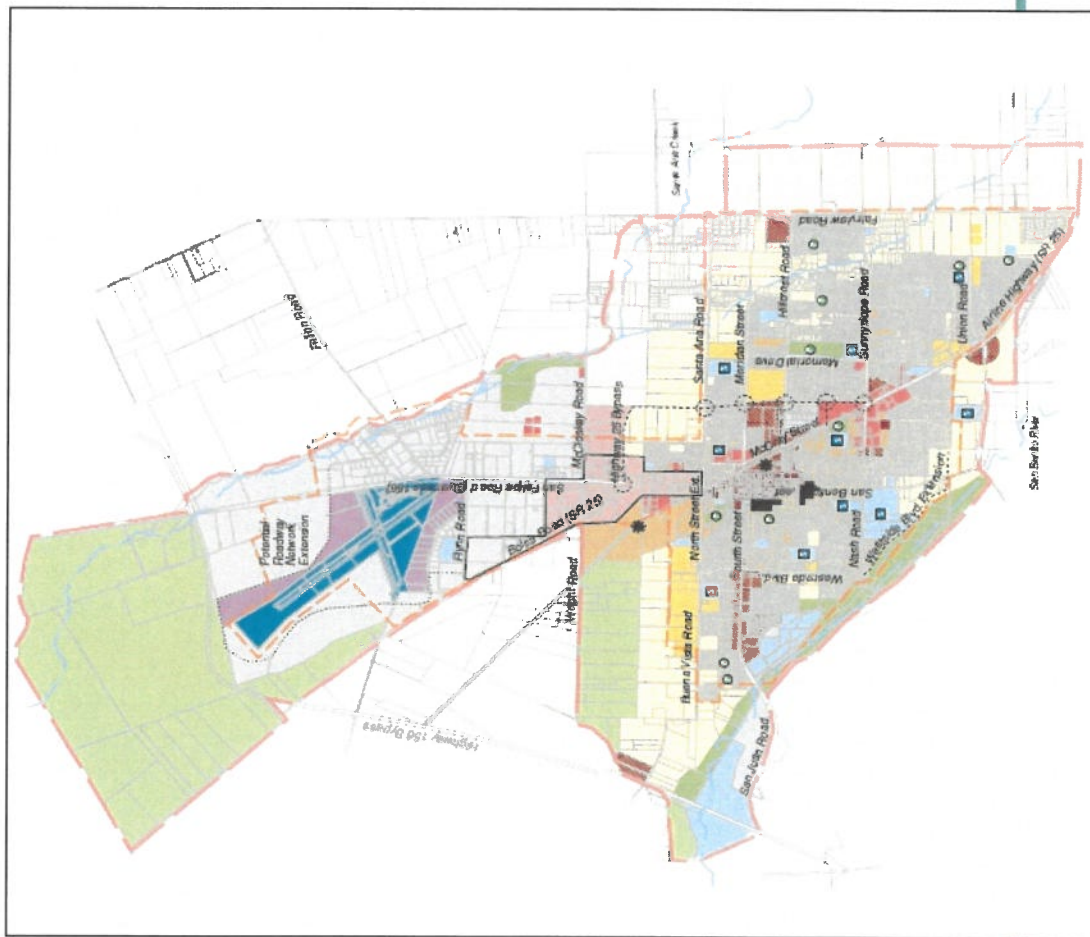
City's Planning Area:

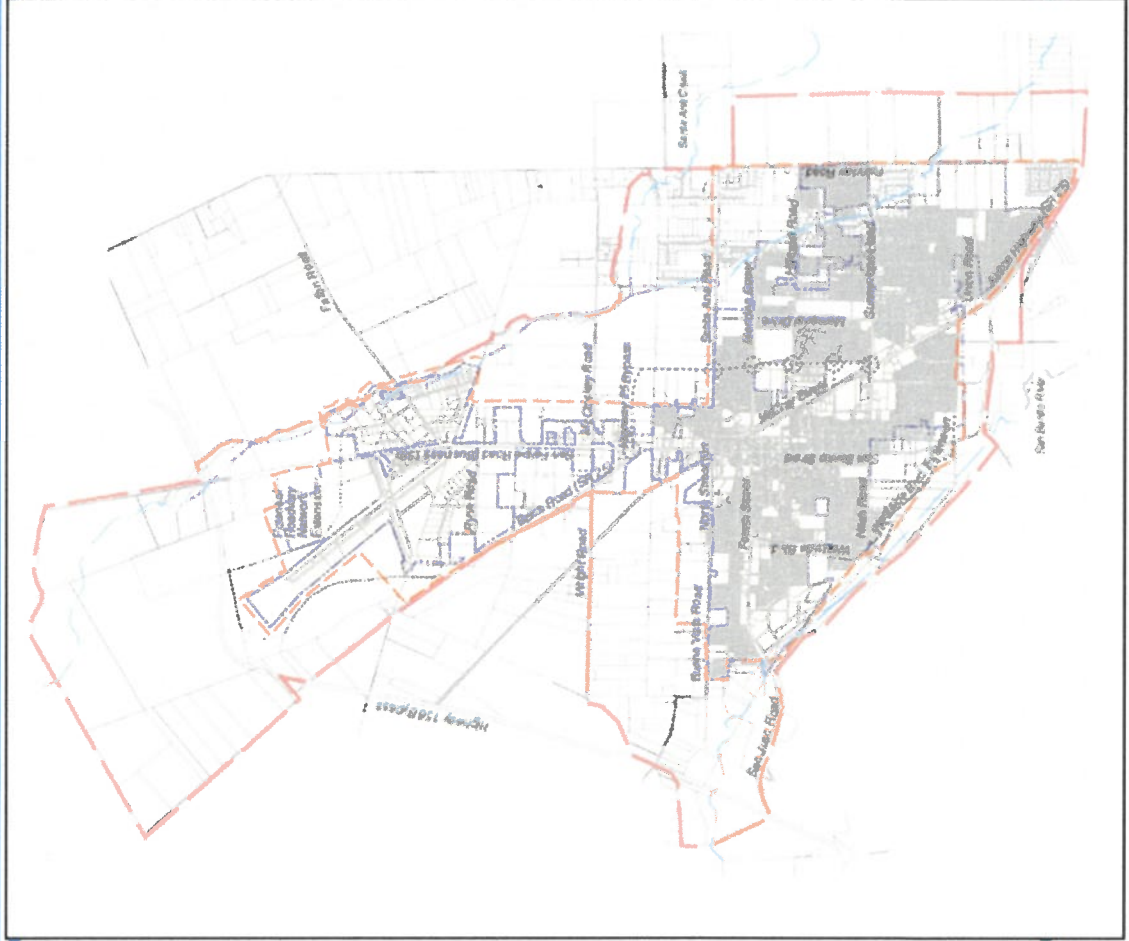
Encompasses incorporated and unincorporated territory bearing a relation to the city's planning. Where desirable, the planning area may extend beyond the sphere of influence.



LAFCO
of San Benito County

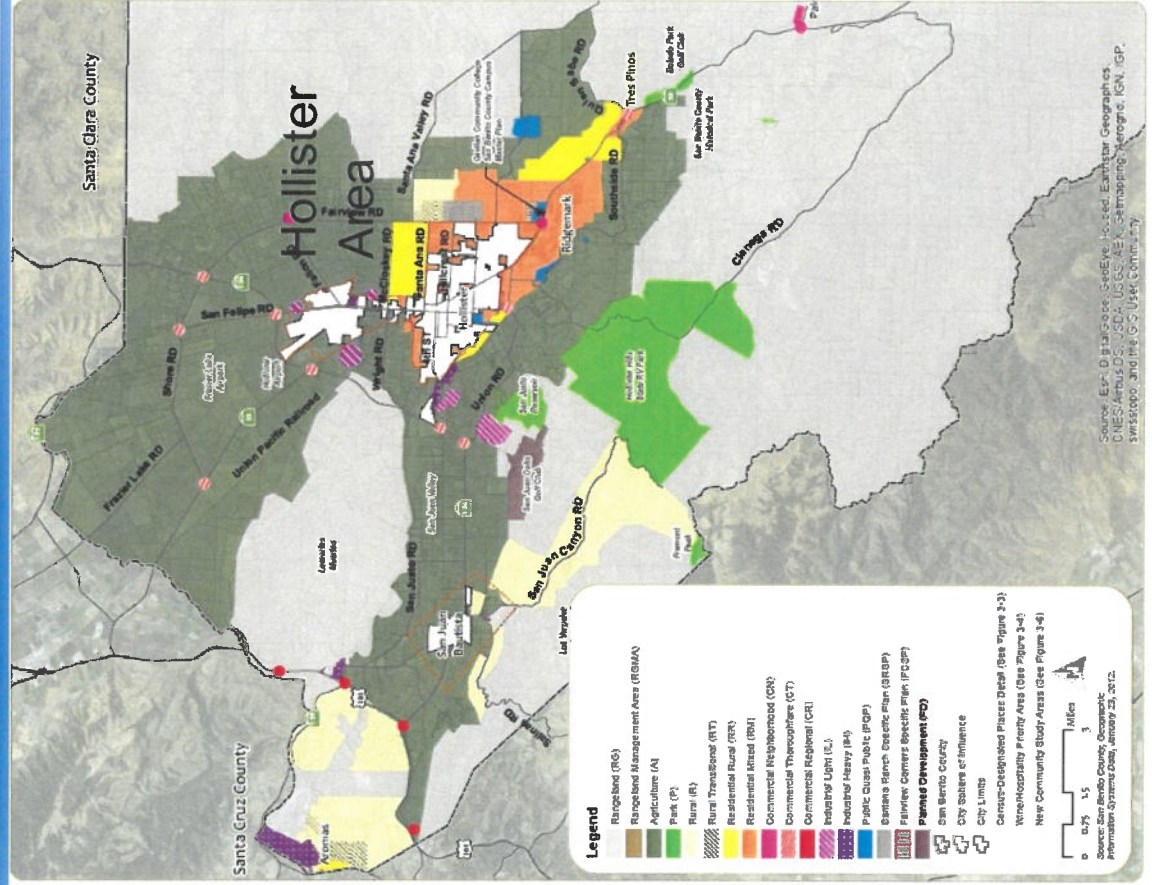
City of Hollister
General Plan:
City Limits
SOI
General
Plan







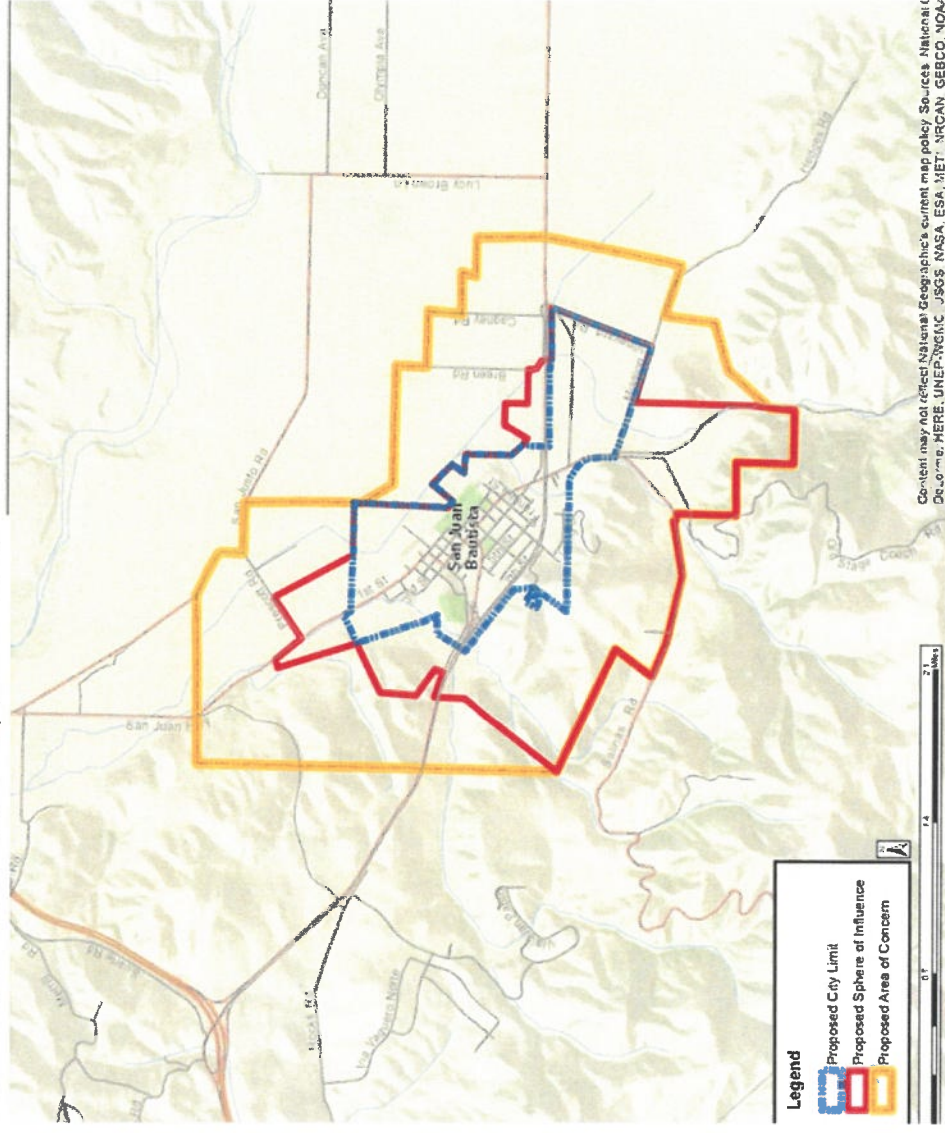
San Benito
County
General Plan
Context:
Northern
County



San Juan Bautista General Plan Proposed Boundaries:

- City Limits
- SOI
- Area of Concern

Map 4.2 City of San Juan Bautista: Proposed Boundaries



Rene Anchieta, San Benito County GIS, 2015

LAFCO

of San Benito County



Juan Bautista

General Plan:

--- General Plan

Existing SOI

Agricultural

Resources:

Prime Soil



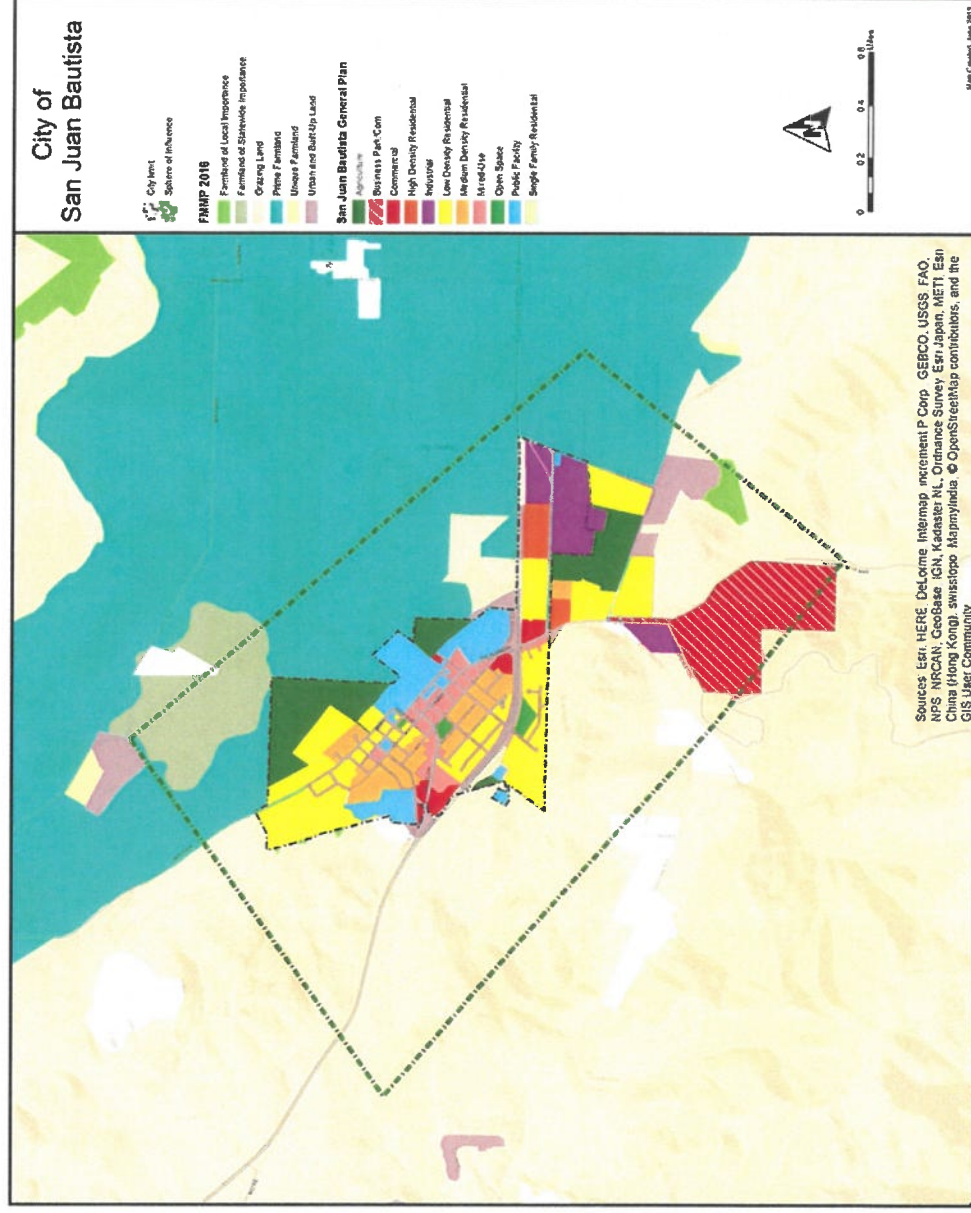
Grazing Land



Statewide



Important



L A F C O

of San Benito County



Summary of Sphere of Influence (SOI) Amendment Process for Cities:

- City prepares CEQA Document and adopts associated General Plan Update/Amendment
- Meet with County to try and reach agreement on SOI under Government Code Section 56425(b) and possibly tax sharing agreement involved for future annexations
- Submit request to San Benito LAFCO – The Commission is to give “great weight” to a proposal which has city/county agreement



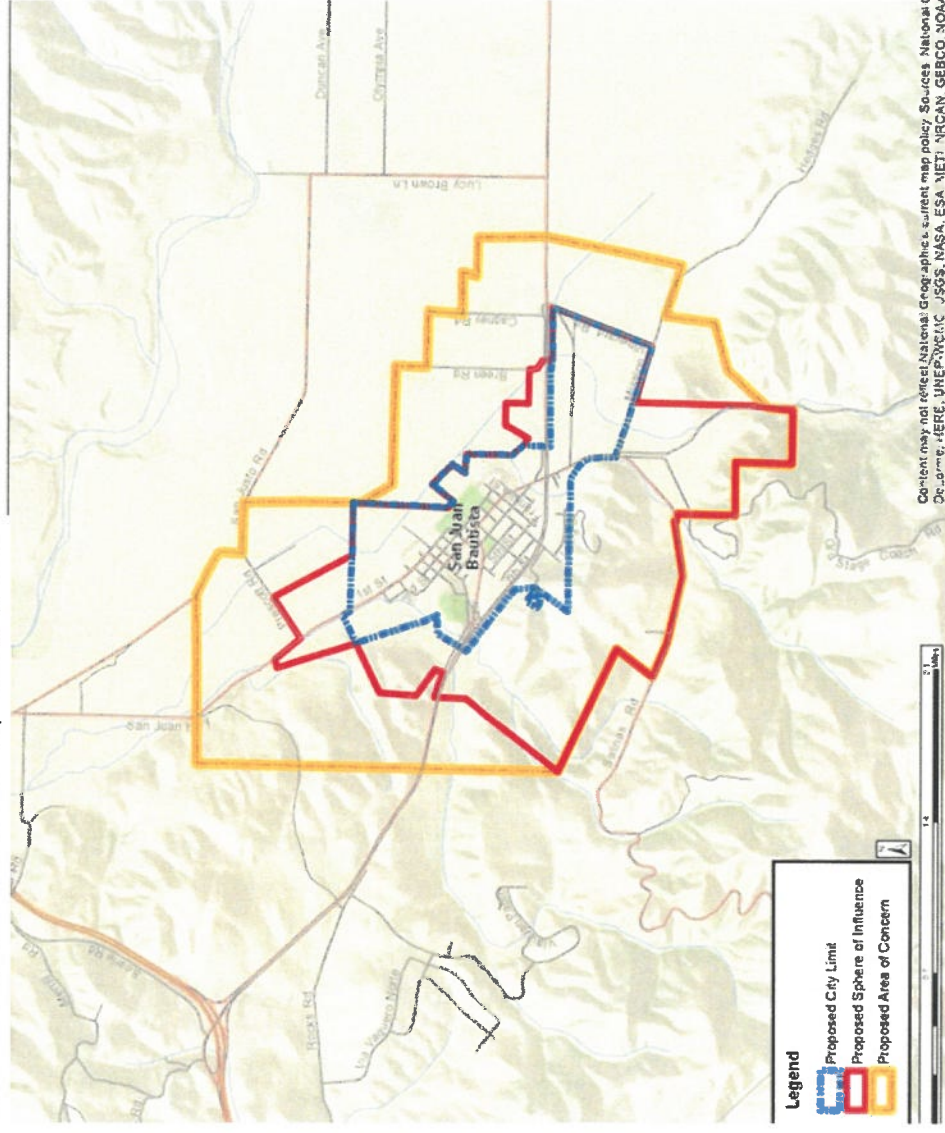
Sphere of Influence Update Process – Factors for LAFCO Review:

- 1) Present and planned land uses including agricultural and open space lands;**
- 2) Present and probable needs for public facilities and services in the area;**
- 3) Present capacity of public facilities and adequacy of services the city provides;**
- 4) Existence of any social or economic communities of interest in the area; and**
- 5) The need for public facilities and services of any disadvantaged community in the SOI**

San Juan Bautista General Plan Proposed Boundaries:

- City Limits
- SOI
- Area of Concern

Map 4.2 City of San Juan Bautista: Proposed Boundaries





Summary of Annexation Process - City Steps occur first:

- Typically approval of Tentative Map or CUP
- Prezoning – what zoning will be in place following annexation – mandatory
- Completion of CEQA document
(Refer application and CEQA documents to LAFCO – early referral preferable)
- City Council adopts Resolution of Application
- NOTE: Must have City/County Property Tax Sharing Agreement in place to process

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Summary of Annexation Process - LAFCO Steps:

- LAFCO notifies various affected agencies and school districts for information & comment
- LAFCO relies on CEQA action of City
- LAFCO holds noticed public hearing
- Possible protest hearing or election if “inhabited” and landowners or registered voters didn’t all consent in writing
- Annexation effective upon recording
- Filed with State Board of Equalization for taxes

L A F C O

of San Benito County



**Limited Alternatives to
Annexations:
The Unique World of
Government Code Section
56133**



Outside Agency Boundary Service Extensions (GC Sec. 56133):

- (b) Within SOI allowed in anticipation of a later annexation (with agreement landowner waves right to protest annexation)
- (c) Outside SOI only to respond to an existing or impending threat to health and safety of the public or affected residents – documentation required of failing well or septic system
- (e) Lists several exemptions from review

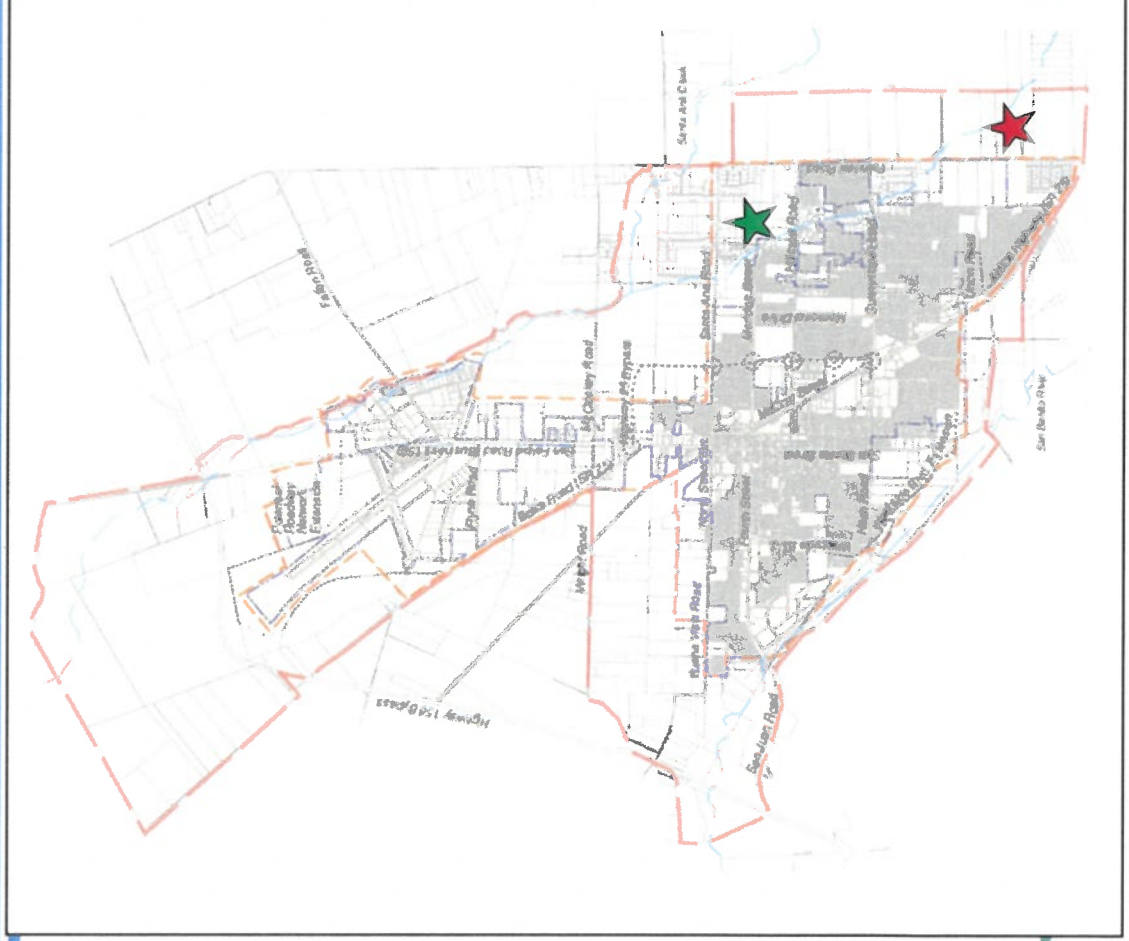
LAFCO

of San Benito County



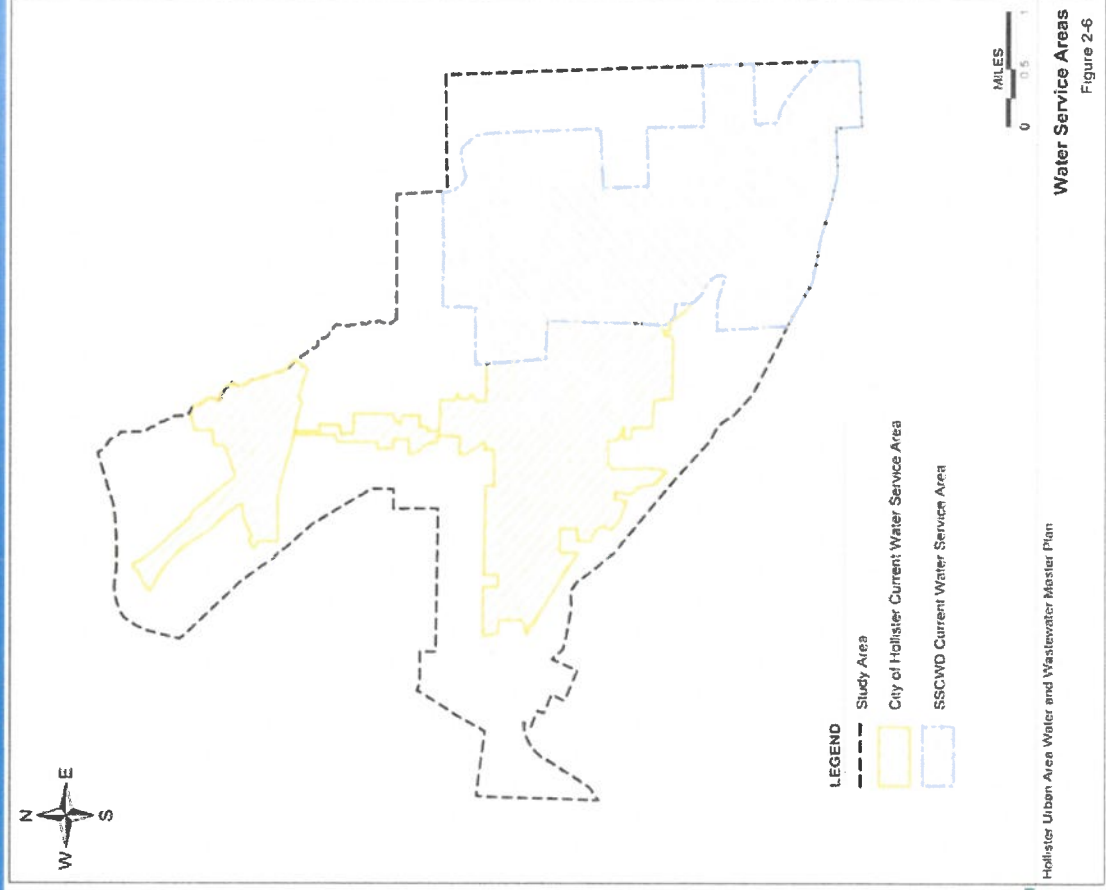
Hollister 2005 General Plan and SOI Boundaries

- City Limits
- SOI
- General Plan
- ★ Potential sewer extension (new project)





San Benito County Water District's Hollister Urban Area: Water Service Area

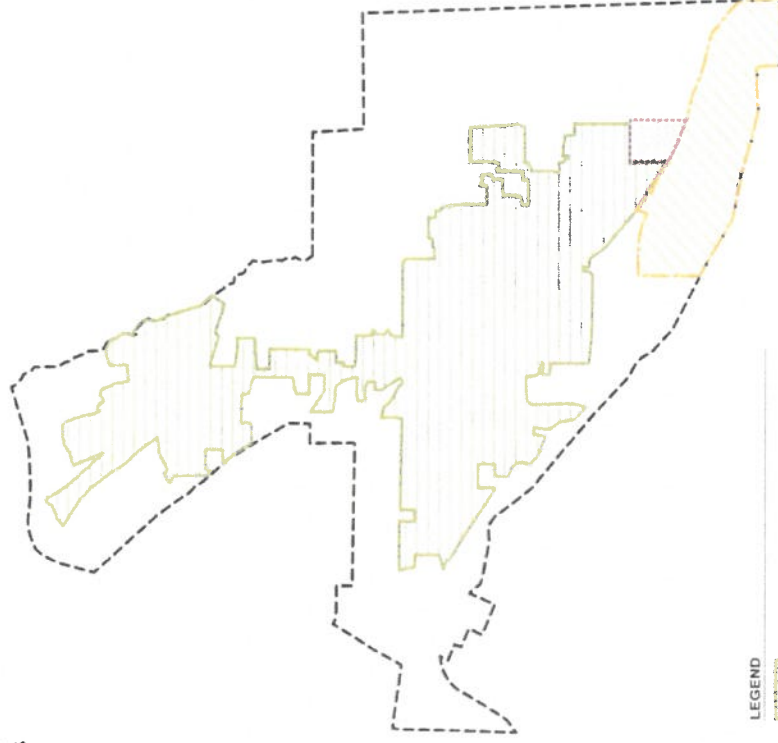


LAFCO

of San Benito County



San Benito County Water District's Hollister Urban Area: Sewer Service Area



LEGEND

- City of Hollister Current Wastewater Service
- SSCWD Current Wastewater Service
- San Benito County Wastewater Service
- Cielo Vista Estates

MILES
0 0.5 1

Hollister Urban Area Water and Wastewater Master Plan

Wastewater Service Areas
Figure 3-2

L A F C O

of San Benito County



Local Agency Formation Commission Responsibilities & Policies

QUESTIONS?

INFORMATIONAL

11. Commissioner Announcements and Requests for Future Agenda Items Executive Officer oral status report on pending proposals.
12. Executive Officer oral status report on pending proposals and other LAFCO business items.
13. Adjourn to next regular meeting on September 9, 2021, unless cancelled by Commission Chair.

