

SAN BENITO LOCAL AGENCY FORMATION COMMISSION

REGULAR MEETING AGENDA

Thursday, August 11, 2022 – 4:00 P.M.

Board of Supervisors Chambers
481 Fourth Street, Hollister CA

Pursuant to California Governor Gavin Newsome’s Executive Order No. N-29-20 issued on March 19, 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.

The meetings are open to the public, under the following conditions: All Attendees may attend the Commission meeting in person and follow the State guidelines. If an attendee is not fully vaccinated it is highly recommended that an attendee wears a face covering or face shield. All attendees must comply with any other rules of procedures/instructions announced by the LAFCO Commission and/or LAFCO Staff. 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: 846 7951 4444

Webinar Password: 638742

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
- b. It will ask you to enter the Webinar ID listed above, followed by the “#” key (pound key), then enter Webinar Password listed above at the top page of the agenda. The meeting agenda can be found at <https://www.cosb.us/>
- 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 VDelgado@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 VDelgado@cosb.us

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

BUSINESS ITEMS – GENERAL BUSINESS, NON-HEARING ITEM

4. Adopt proposed resolution authorizing teleconferencing options for meetings of the Local Agency Formation Commission for the period of August 11, 2022 to September 10, 2022, pursuant to AB 361.

PUBLIC COMMENT PERIOD

5. Public Comment Period - This is an opportunity for members of the public to speak on items that are not on the agenda

CONSENT AGENDA

6. Approval of minutes: May 12, 2022

BUISNESS ITEMS – PUBLIC HEARING ITEM

7. LAFCO 532 – Cole Road II & Rocks Road Annexation to the Aromas Water District: Involving the annexation of approximately 244 acres (28 parcels) located on the east and west side of Cole Road and extending approximately one mile north from a point approximately one quarter mile north of Ricardo Drive. Along Rocks Road, one area consists of four parcels containing 20.3 acres located on the north side of Rocks Road, approximately one-third mile east of the Highway 101 undercrossing. The second area is located on the south side of Rocks Road and west of the intersection with Via Vaquero Norte involving two parcels containing 11.2 acres, in the unincorporated Aromas area. The actions requested are to determine the annexation is exempt from environmental review under sections 15303(d) and 15319 of the CEQA Guidelines, and to consider approval of the annexation.

INFORMATIONAL BUSINESS ITEMS – GENERAL BUSINESS, NON-HEARING ITEMS

8. Announcement of Fall 2022 CALAFCO Conference Registration: Annual California Association of Local Agency Formation Commissions Conference in Newport Beach from October 19 to October 21, 2022
9. Commission Direction on the Recruitment of the San Benito LAFCO Executive Officer

INFORMATIONAL

10. Executive Officer oral status update on sewer extension status for projects in the Fairview Road/Airline Highway Area
11. Commissioner Announcements and Requests for Future Agenda Items
12. Executive Officer oral status report on pending proposals and other LAFCO business items
13. Adjourn to next regular meeting on September 8, 2022, unless meeting is cancelled by the Chair

Disclosure of Campaign Contributions – LAFCO Commissioners are disqualified and are not able to participate in proceedings involving an “entitlement for use” if, within the 12 months preceding the LAFCO decision, the Commissioner received more than \$250 in campaign contributions from the applicant, an agent of the applicant or 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 VDelgado@cosb.us.

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



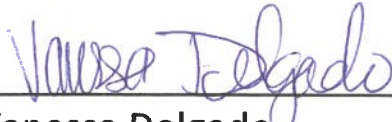
CERTIFICATE OF POSTING

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

SAN BENITO COUNTY LOCAL AGENCY FORMATION COMMISSION

Scheduled for August 11, 2022 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 4th Day of August, 2022.

All locations freely accessible to the general public.



Vanessa Delgado
Clerk of the Board of Supervisors

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

4. Adopt proposed resolution authorizing teleconferencing options for meetings of the Local Agency Formation Commission for the period of August 11, 2022 to September 10, 2022, pursuant to AB 361.



LOCAL AGENCY FORMATION COMMISSION
SAN BENITO COUNTY

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

DATE: August 11, 2022 (Agenda)
TO: Local Agency Formation Commission
FROM: Bill Nicholson, Executive Officer

Proposed resolution authorizing teleconferencing options for meetings of the Local Agency Formation Commission for the period of August 11, 2022 to September 10, 2022 pursuant to AB 361.

(Agenda Item 4)

REQUEST

It is requested the Commission adopt the proposed Resolution No. 2022-03 authorizing teleconferencing options for meetings of the Local Agency Formation Commission for the period of August 11, 2022 through September 10, 2022, pursuant to AB 361.

DISCUSSION

On June 11, 2021, Governor Newsom issued Executive Order N-08-21, amending his prior Executive Order N-29-20 and waiving certain provisions of the Brown Act relating to teleconferences/remote meetings by local agency legislative bodies. The Executive Order waived, among other things, the provisions of the Brown Act that otherwise required the physical presence of members of local agency legislative bodies or other personnel in a particular location as a condition of participation or as a quorum for a public meeting. These modifications remained in effect through September 30, 2021.

On September 16, 2021, the Governor signed Assembly Bill (AB) 361, a bill that codifies certain teleconference procedures that local agencies have adopted in response to the Governor's Brown Act-related Executive Orders. Specifically, AB 361 allows a local agency to continue to use teleconferencing under the same basic rules as provided in the Executive Orders under certain prescribed circumstances or when certain findings have been made and adopted by the local agency legislative body.

When the state of emergency lasts longer than 30 days, as is the case presently, the legislative body must make findings every 30 days to continue using the bill's exemption to the Brown Act teleconferencing rules. AB 361 mandates that the legislative body must find that there is a continuing need for teleconferencing due to dangers posed by the ongoing state of emergency. This means that local agencies will have to put an item on

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

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

Local Agency Formation Commission
Adoption of Resolution Authorizing Teleconferencing Options for Meetings Pursuant to
AB 631
April 14, 2022
Page 2

the public meeting agenda at least every thirty days to make findings regarding the circumstances of the emergency and to vote to continue relying upon the law's teleconference provisions.

Reducing the circumstances under which people come into close contact remains a vital component of the County's COVID-19 response strategy. Local agency public meetings are an essential government function and the last 24 months have proven that the hybrid format protects public access while minimizing exposure to COVID-19.

Staff therefore recommends that the Commission adopt findings that conducting in-person meetings at the present time would present an imminent risk to the health and safety of attendees. A resolution to that effect and directing staff to return each 30 days to afford the Commission the opportunity to reconsider such findings, is included herewith. If the Commission adopts the proposed resolution, they may continue to meet under the modified Brown Act teleconference rules of AB 631 through September 10, 2022.

Enclosure – Resolution No. 2022-03

LAFCO No. 2022-03

RESOLUTION OF THE LOCAL AGENCY FORMATION COMMISSION OF SAN BENITO
COUNTY AUTHORIZING CONTINUED REMOTE TELECONFERENCE MEETINGS PURSUANT
TO AB 361

WHEREAS, the Local Agency Formation Commission of San Benito County is committed to preserving and nurturing public access and participation in Commission meetings subject to the Ralph M. Brown Act (“Brown Act”); and

WHEREAS, the Brown Act, Government Code section 54953(e), makes provisions for remote teleconferencing participation in meetings by members of a legislative body, without compliance with the requirements of Government Code section 54953(b)(3), subject to the existence of certain conditions; and

WHEREAS, on March 4, 2020, Governor Newsom issued a Proclamation of State of Emergency in response to the COVID-19 pandemic; and,

WHEREAS, the proclaimed state of emergency remains in effect; and,

WHEREAS, on March 17, 2020, Governor Newsom issued Executive Order N-29-20 that suspended the teleconferencing rules set forth in the California Open Meeting law, Government Code section 54950 et seq. (the “Brown Act”), provided certain requirements were met and followed; and,

WHEREAS, on June 11, 2021, Governor Newsom issued Executive Order N-08-21 that clarified the suspension of the teleconferencing rules set forth in the Brown Act, and further provided that those provisions would remain suspended through September 30, 2021; and,

WHEREAS, on September 16, 2021, Governor Newsom signed AB 361 that provides that a legislative body subject to the Brown Act may continue to meet without fully complying with the teleconferencing rules in the Brown Act provided the legislative body determines that meeting in person would present imminent risks to the health or safety of attendees, and further requires that certain findings be made by the legislative body every thirty (30) days; and,

WHEREAS, California Department of Public Health (“CDPH”) and the federal Centers for Disease Control and Prevention (“CDC”) caution that the Delta variant of COVID-19, currently the dominant strain of COVID-19 in the country, is more transmissible than prior variants of the virus, may cause more severe illness, and that even fully vaccinated individuals can spread the virus to others resulting in rapid and alarming rates of COVID-19 cases and hospitalizations (<https://www.cdc.gov/coronavirus/2019-ncov/variants/delta-variant.html>); and,

WHEREAS, the transmission and existence of COVID-19 remains prevalent in the Community, as evidenced by the statistics located on the San Benito County website at: <https://hhsa.cosb.us/public-health/covid-19/>

WHEREAS, the Commission has an important governmental interest in protecting the health, safety, and welfare of those who participate in meetings subject to the Brown Act; and,

WHEREAS, in the interest of public health and safety, as affected by the emergency caused by the spread of COVID-19, the Local Agency Formation Commission of San Benito County deems it necessary to find that a requirement to meet in person for meetings of the Commission would present imminent risks to the health or safety of attendees, and thus, intends to invoke the provisions of AB 361 related to teleconferencing; and,

WHEREAS, the Commission has considered all information related to this matter, as presented at the public meetings of the Commission, including but not limited to the current circumstances related to the state of emergency, which continues to remain in active.

WHEREAS, the Commission further finds that the state of emergency continues to directly impact the ability of the members to meet safely in person.

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

1. The Commission finds that the facts set forth in the recitals to this Resolution are true and correct.
2. The above findings and this resolution apply to all meetings of the Local Agency Formation Commission of San Benito County subject to the Brown Act for the period of August 11, 2022, to September 10, 2022.
3. As long as the State Emergency remains in effect or until directed otherwise by the Commission, staff shall present to the Commission at every meeting as necessary, an item to continue the findings required by AB 361.
4. This Resolution shall take effect immediately upon its adoption and shall be effective until the earlier of thirty (30) days from adoption of the Resolution or such time the Commission adopts a subsequent Resolution in accordance with Government Code section 54953(e)(3) to extend the time during which the Commission may continue to teleconference without compliance with paragraph (3) of subdivision (b) of section 54953; and,

5. The Executive Officer and LAFCO Counsel are directed to take such other necessary or appropriate actions to implement the intent and purposes of this resolution.

PASSED AND ADOPTED by the Local Agency Formation Commission of San Benito County, on this 11th day of August 2022, by the following vote:

AYES: COMMISSIONERS

NOES: COMMISSIONERS

ABSTAINING: COMMISSIONERS

ABSENT: COMMISSIONERS

Dated: _____
Bob Tiffany, Chair
San Benito Local Agency Formation Commission

ATTEST:

APPROVED AS TO LEGAL FORM:

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

Shirley L. Murphy
Shirley Murphy, Acting LAFCO Counsel

DATE: 8/2/2022

DATE: Aug. 2, 2022

PUBLIC COMMENT PERIOD

5. Public Comment Period - This is an opportunity for members of the public to speak on items that are not on the agenda



CONSENT AGENDA

6. Approval of minutes: May 12, 2022



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

May 12, 2022

Board of Supervisors Chambers - Hollister, CA

CALL TO ORDER

1. Chair Bob Tiffany called the meeting to order at 4:03 p.m. Those present were Executive Officer Bill Nicholson and Commissioners: Bea Gonzales, Richard Bettencourt, Bob Tiffany, Ignacio Velasquez, and Cesar Flores. Also present were Reed Gallogly, LAFCO Counsel, and Jennifer Frechette, Recording Secretary.
2. Commissioner Velasquez led the Pledge of Allegiance.
3. **APPROVE AFFIDAVIT OF POSTING AGENDA**

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

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

PUBLIC COMMENT

4. **Public Comment Period:** No comments.

CONSENT AGENDA

5. **Approval of minutes: April 14, 2022**

Commissioner Flores stated he would abstain from voting because he was not present at the last meeting.

Commissioner Velasquez made a motion to approve the minutes of April 14, 2022, Commissioner Bettencourt seconded. (4/0 vote, 1 Abstain)

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

Absent: None

BUSINESS ITEMS – PUBLIC HEARING ITEMS

6. Approval of the Final 2022-23 LAFCO Budget

Public Hearing was opened at 4:06 p.m.

Executive Officer Bill Nicholson gave a brief overview and background of the final 2022-23 LAFCO Budget. He informed the commission that after LAFCO approves the budget it must be sent to all the cities and special districts as many special districts fund LAFCOs across the State. The prior fiscal year amount for LAFCO operations, minus revenue from applications, paid from the County of San Benito was \$42,342.00, the other half of operating costs was paid by the City of Hollister in the amount of \$40,508.00 and \$1,833.00 from the City of San Juan Bautista.

Mr. Nicholson stated that the County of San Benito pays 50%, City of Hollister pays roughly 48% and the City of San Juan Bautista pays about 2 or 3%. When the budget is approved for \$163,000.00, the actual billing amount last year for Executive Officer services was only about \$44,000.00. The amount spent in the past has not been the amount budgeted. Mr. Nicholson recommended the commission approve the budget.

There was no public comment.

Commissioner Bettencourt asked Mr. Nicholson if an outside attorney was hired if there would be enough money in the budget.

Executive Officer Bill Nicholson affirmed that there is enough money in the budget under the Contingencies Account.

Public Hearing was closed at 4:10 p.m.

Commissioner Bettencourt made a motion to approve the Final 2022-23 LAFCO Budget, Commissioner Flores seconded.

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

GENERAL BUSINESS – NON-HEARING ITEMS:

- 7. Continued discussion of wastewater/sewer services issues, and potential LAFCO exemptions, with respect to certain projects: Fairview Corners Subdivision, Gavilan Joint Community College District, and Lands of Lee – and LAFCO’s role. Receive brief presentation from staff and counsel regarding need for formal written request for exemption determination along with submission of supporting documentation, and execution of indemnification agreement. Consider retention of outside legal counsel. Provide additional direction to Staff and Counsel as desired.**

LAFCO Counsel, Reed Gallogly, gave background information regarding legal ramifications for the commission. He explained the need for an application for the commission to make a decision and shared information for possible outside counsel and her rates to represent LAFCO.

There was discussion among the commissioners and county counsel of LAFCO’s role and why it was created and why an application is needed in order for LAFCO to make a decision.

Supervisor Tiffany explained that at the next LAFCO meeting in June, the commission would be making a decision whether or not LAFCO has jurisdiction for the Sunnyslope County Water District (CWD) to extend sewer service to these projects.

Public comment was given by Erik Ramakrishnan, attorney representing Dividend Homes and Drew Lander, General Manager of the Sunnyslope CWD. Drew Lander stated his district wants to work cooperatively with LAFCO and discussed the old Memorandum of Understanding (MOU) with his district and the City of Hollister and summarized his written “LAFCO Meeting Presentation” he submitted in writing to the Commission dated May

12, 2022. He also mentioned a possible new alternative relationship with the City where the Sunnyslope CWD would serve as a wastewater collection agency for the collection, conveyance, and billing for sewer service in the area outside the City of Hollister, and they could contract with the City for the treatment and disposal of the wastewater. This arrangement is used with the City of Monterey, Sand City, the Cities of Seaside and Marina which contract with "Monterey One Water" for wastewater treatment and disposal.

Eric Ramakrishnan referenced the MOU as one basis of why the district is exempt from coming to LAFCO to extend sewer services, along with the Joint Exercise of Powers Act which was recognized in an Attorney General's opinion in 2012. He also argued that the Sunnyslope CWD sewer service extensions to anywhere within their district does not constitute a change of organization under Government Code section 56842.10.

There was discussion among the commissioners regarding having an application and indemnification agreement between the parties.

Commissioner Bettencourt stated he does not believe outside counsel should be hired.

Executive Officer Bill Nicholson explained he does not have an application for a public hearing for a specific project. He also explained his role in LAFCO and the need to have an application so he can provide the LAFCO commission information and a report on a specific project.

LAFCO Counsel, Reed Gallogly stated that some sort of document needs to be submitted so that LAFCO can make a decision and provide evidence so that Executive Officer Bill Nicholson can make a report for the commission.

Commissioner Velasquez asked who would be indemnified.

Legal Counsel, Reed Gallogly stated if LAFCO approved a project, that developer signs an indemnification agreement, anybody who files a lawsuit challenging LAFCO action will indemnify LAFCO and the developer would handle that lawsuit.

Commissioner Tiffany expressed that the decision to see if LAFCO has jurisdiction should be made first, then they can worry about an indemnification agreement.

Executive Officer Bill Nicholson explained and wanted to make sure the public understood that the question before the LAFCO commission, to be decided in June, is whether LAFCO has jurisdiction, not to find an exemption.

Chair Tiffany stated he was in favor of hiring outside counsel. He requested Counsel to identify what direction is needed from the Commission today.

Reed Gallogly clarified that the questions raised involve having the applicants for sewer service from Sunnyslope CWD provide evidence through an application that they qualify for an exemption from LAFCO, applicant indemnification for the Commission for any action taken by the Commission, and whether to retain outside counsel to advise the Commission on the authority to require review of sewer extensions from the Sunnyslope CWD.

Chair Tiffany questioned whether the Sunnyslope CWD or the individual developers would be indemnifying LAFCO, and what specific vote is needed from the Commission this evening. Reed Gallogly clarified that only one vote is requested of the Commission concerning whether to retain outside counsel to advise the Commission. LAFCO Staff and Counsel will the indemnification agreement and application submittal.

Chair Tiffany requested input from the Commissioners on the desire to retain outside counsel.

Commissioner Bettencourt stated he does not believe outside counsel should be hired.

Commissioner Velasquez stated that he was in favor of hiring outside counsel.

Commissioner Gonzales stated she was not in favor of hiring outside counsel.

Commissioner Flores stated he was not in favor of hiring outside counsel.

Chair Tiffany clarified that since there was not a majority in favor of retaining outside counsel the commission should be looking to both Executive Officer Bill Nicholson and Legal Counsel, Reed Gallogly as the experts on this matter.

8. Presentation by the City of Hollister: “General Plan 2040” Update and Status Report.

Executive Officer Bill Nicholson stated the staff person that was going to present this was not able to make it to the meeting so it would be postponed to the next meeting in June.

INFORMATIONAL:

9. Commissioner Announcements and Requests for Future Agenda Items

No commissioner announcements.

10. Executive Officer oral status report on pending proposals, correspondence, and other LAFCO business items.

Executive Officer Bill Nicholson stated he had some correspondence from Mr. Robert Gilcrest Hounamen that he wanted distributed to the commissioners regarding an application he says LAFCO has regarding an annexation into Sunnyslope Water District. Mr. Nicholson stated that LAFCO does not have an application that Mr. Hounamen is referring to and explained what he understands about the concern.

Public Comment: Drew Lander

ADJOURNMENT

11. **Upon a motion by Commissioner Velasquez, and seconded by Commissioner Gonzales, and carried 5 – 0, the meeting was adjourned at 5:26 p.m.**

Final Minutes Approved by the Commission
on _____

By: _____

Bob Tiffany, Chairman

BUSINESS ITEMS – PUBLIC HEARING ITEM

7. LAFCO 532 – Cole Road II & Rocks Road Annexation to the Aromas Water District: Involving the annexation of approximately 244 acres (28 parcels) located on the east and west side of Cole Road and extending approximately one mile north from a point approximately one quarter mile north of Ricardo Drive. Along Rocks Road, one area consists of four parcels containing 20.3 acres located on the north side of Rocks Road, approximately one-third mile east of the Highway 101 undercrossing. The second area is located on the south side of Rocks Road and west of the intersection with Via Vaquero Norte involving two parcels containing 11.2 acres, in the unincorporated Aromas area. The actions requested are to determine the annexation is exempt from environmental review under sections 15303(d) and 15319 of the CEQA Guidelines, and to consider approval of the annexation.



SAN BENITO LOCAL AGENCY FORMATION COMMISSION
EXECUTIVE OFFICER'S REPORT

August 11, 2022 (Agenda)
(AGENDA Item 7)

- LAFCO No. 542: Cole Road II & Rocks Road Annexation to Aromas Water District
- PROPONENT: Board of Directors of the Aromas Water District, by Resolution Numbers 2021-09 and 2021-13
- ACREAGE & LOCATION Approximately 244 acres (28 parcels) located on the east and west side of Cole Road and extending approximately one mile north from a point approximately one quarter mile north of Ricardo Drive. Along Rocks Road, one area consists of four parcels containing 20.3 acres located on the north side of Rocks Road, approximately one-third mile east of the Highway 101 undercrossing. The second area is located on the south side of Rocks Road and west of the intersection with Via Vaquero Norte involving two parcels containing 11.2 acres, in the unincorporated Aromas area.
- PURPOSE: To make municipal water service available to the annexing parcels due to diminished water quantity and poor water quality from on-site wells.

PROJECT INFORMATION & DETERMINATIONS

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

The 34 parcels along Cole Road range in size from 0.37 to 50 acres in size, contain single family homes and small outbuildings or are vacant. The parcels along Rocks Road range in size from 0.72 to 8.6 acres. The County General Plan designates the area along Cole Road as Rural and the properties along Rocks Road are designated Agriculture. The County zoning is Rural Transition in the Cole Road area, and Agricultural along Rocks Road.

All surrounding land uses are also rural with the Graniterock Company owning the open space/range land to the east of the Cole Road area which is buffer to their quarry. All the annexing parcels are within the Sphere of Influence of the Aromas Water District. There is an existing District water main extending along Cole Road that also serves the Rocks Road area and extends to the Rancho Lario development. At such time in the future when individual landowners are ready to connect to the District's potable water supply, the connection would be to this Cole Road water main.

2. Topography, Natural Features and Drainage Basins:

The three annexation areas and surrounding areas contain rolling coastal hills with oak trees and natural drainages.

3. Population:

There are 27 homes on the 34 parcels within the annexation area. The exact population is not known, but at the County average population per household of 3.1 persons per household identified in the County's Housing Element would result in a population of approximately 84 people in the area. The annexation is not expected to result in construction of any additional homes or an increase of population. Development on vacant parcels also requires room for on-site septic systems as there are no public wastewater providers in the annexation area.

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

The District's "Plan for Providing Services" which is a requirement for annexations in the Government Code, is presented in response to Question 14 on the "Proposal Justification Questionnaire for Annexation" and a District water capacity summary sheet which is part of Attachment No. 2 to this Report. The District has 920 current metered water connections although 47 are inactive. The water demand of the potential 27 new connections will not impact the District's domestic water supply as the existing three active wells have a design capacity of 2,005 gallons per minute (gpm) and the current maximum daily demand is only 542 gpm. The estimated maximum daily demand from the 34 parcels included in the annexation is only 16.8 gpm (based on an average maximum daily demand per meter of 0.43 gpm), which is well within the Districts capacity.

Many existing properties in the Aromas area have experienced severely diminished water supply from their individual domestic wells resulting from recent drought conditions. Rather than annex individual parcels as the need arises, the Aromas Water District reached out to the larger Cole Road neighborhood and found a broad consensus of owners in support of annexation with the actual timing of connection to the Aromas public water system to be determined on an parcel by parcel basis. Improvements will consist of individual water line connecting each residence to the water main extending along Cole and Rocks Roads, and the installation of a water meter for each connection.

With regard to intergovernmental controls, the Aromas Water District boundary is primarily located within the Pajaro Valley Groundwater Sub-basin, and the District must obtain approval from the Pajaro Valley Water Management Agency (PVWMA) in order to

transport groundwater out of the PVWMA boundary and outside of the Pajaro Valley Sub-basin into other portions of the District. The Aromas Water District installed a well identified as the "San Juan Road Well" and by agreement in 2003, was authorized to transport water out of the Pajaro Valley Groundwater Sub-basin if they first received approval from the PVWMA. Based on the history of this agreement, and the fact that only existing parcels, most of which have existing homes on individual wells, are proposed to be served through the Cole Road II & Rocks Road Annexation, the PVWMA has entered into an agreement with the Aromas Water District for the water connections that will be authorized through this annexation.

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

The 34 parcels are rural residential in character with only minor agricultural related production on a few parcels. The annexation will not result in any land use changes and the area is not prime agricultural land. Therefore, there will be no impact on agricultural or open space resources from the annexation.

6. Assessed Value, Tax Rates and Indebtedness:

According to the County Assessor's Office, the annexation area has a total land value of \$4,856,870 and a structure value of \$4,563,477. The District will not receive a portion of the property tax following annexation of the territory and the annexing properties will not be subject to any existing assessments by the district.

Connection and improvement costs would be paid by each property owner at the time of connection. Ongoing maintenance of facilities is included in the rates charged by the District.

7. Environmental Impact of the Proposal:

The Aromas Water District, as the "Lead Agency" under CEQA for this project, determined that the annexation qualified for a Categorical Exemption. Sections 15303(d) and 15319 were referenced in the Notice of Exemption filed by the District with the County Clerk: CEQA Guidelines sections 15303(d) entitled "New Construction or Conversion of Small Structures" including water and other similar utilities, and section 15319 entitled "Annexations of Existing Facilities and Lots for Exempt Facilities." Refer to Attachment 5 for a copy of Resolution No. 2022-03 adopted by the District making the CEQA exemption determination. The Commission can rely on this determination for the annexation in its role as a "Responsible Agency" under CEQA for processing the annexation.

8. Boundaries, Lines of Assessment and Registered Voters:

The boundaries appear to be definite and certain and there do not appear to be conflicts with lines of assessment or ownership. The -annexation areas are all contiguous with the current District boundary on Cole Road and Rocks Road, except for the four parcels on Rocks Road which are across Highway 101 from existing District territory. Staff is awaiting confirmation from the Contract County Surveyor as to the accuracy of the maps and legal descriptions of the annexation territory, and any errors identified will need to be corrected before the annexation can be recorded.

According to the Registrar of Voters, there are 53 registered voters within all three annexation areas. The annexation can be classified as "inhabited" under the LAFCO definition as there are more than 12 registered voters within the territory. Because the annexation was submitted by the District without a petition by landowners or registered voters, the annexation will be subject to a "protest hearing" as described in the next section.

9. Landowner Consent and Protest Hearing Process:

Correspondence was sent to each landowner within the annexation boundary by the District informing them of the purpose of the annexation, and ability to obtain District water supplies. Notice of the August 11th Public Hearing by San Benito LAFCO was sent to all landowners and registered voter within the annexation boundary. However, because written consent was not provided by the landowners or registered votes along with the application submittal a "protest hearing" must be held in compliance with section 57050 of the Government Code if the annexation is approved by the Commission. This protest hearing will include mailed notice with a protest form that can be returned to LAFCO by those landowners and registered voters who are not in favor of the annexation, whether they attend the hearing or not. The hearing could be held within 35 days of the LAFCO hearing, which could be as early as September 15, 2022.

If a majority of landowners, who own a majority of the assessed value of the property within the annexation boundary file a written protest up to the closing of the protest hearing, or if a majority of registered voters file a written protest, the annexation must be terminated. However, if less than 25% of registered voters or landowners file a protest, the annexation can proceed. If between 25% and 50% of either category of protest is received, an election must be held with the same majority vote of over 50% determining whether to proceed with the annexation or to terminate annexation proceedings.

10. Environmental Justice and Affordable Housing

The annexation area is not adjacent to a disadvantaged unincorporated community as the adjacent land located in the County contains large rural residential lots. The annexation of the existing rural residential parcels into the District will not directly lead to construction of any new affordable or market rate 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.


- A. Find the proposal qualifies for a Categorical Exemption in compliance with CEQA, as determined by the Aromas Water District, in conformance with sections 15303(d) and 15319 of the CEQA Guidelines.
- B. Accept this report and related determinations and approve the proposal known as the Cole Road II & Rocks Road Annexation to the Aromas Water District.
- C. Determine that the subject territory is inhabited and all affected landowners and registered voters have not given consent to the annexation.
- D. Direct the staff to initiate and conduct a protest hearing and report the results to the Commission.
- E. Direct the staff not to record the annexation until the map and legal description requirements are found by the County Surveyor to be acceptable.

OPTION 2 - Accept this report and DENY this proposal.

OPTION 3 - CONTINUE this proposal to a future meeting for additional information.

RECOMMENDED ACTION:

Approve OPTION 1.



BILL NICHOLSON
Executive Officer
LOCAL AGENCY FORMATION COMMISSION

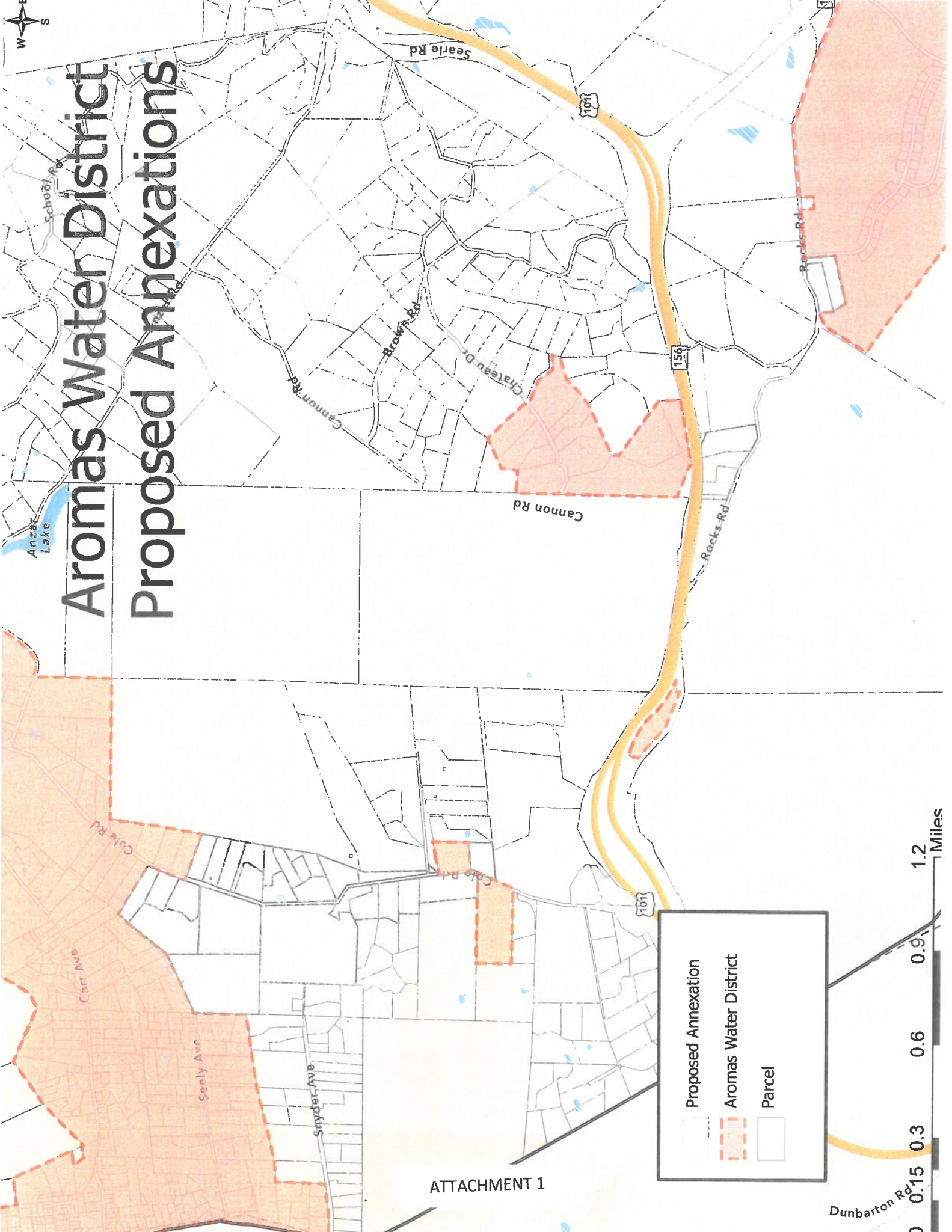
Attachments:

1. Area Map and Annexation Maps
2. "Proposal Justification Questionnaire Annexation" Application form.
3. Resolution No. 2021-09 by the Aromas Water District "Resolution of Application" for the Cole Road area annexation
4. Resolution No. 2021-13 by the Aromas Water District "Resolution of Application" for the Rocks Road properties
5. Resolution No. 2022-03 by the Aromas Water District "Categorical Exemption Finding"
6. Draft LAFCO Resolution No. 542 Approving the Cole Road II & Rocks Road Annexation to the Aromas Water District subject to a protest hearing.

cc: Robert Johnson, General Manager, Aromas Water District
Brian Lockwood, General Manager, Pajaro Valley Water Management Agency

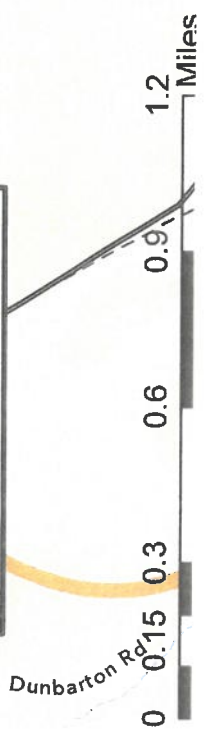


Aromas Water District Proposed Annexations



ATTACHMENT 1

	Proposed Annexation
	Aromas Water District
	Parcel



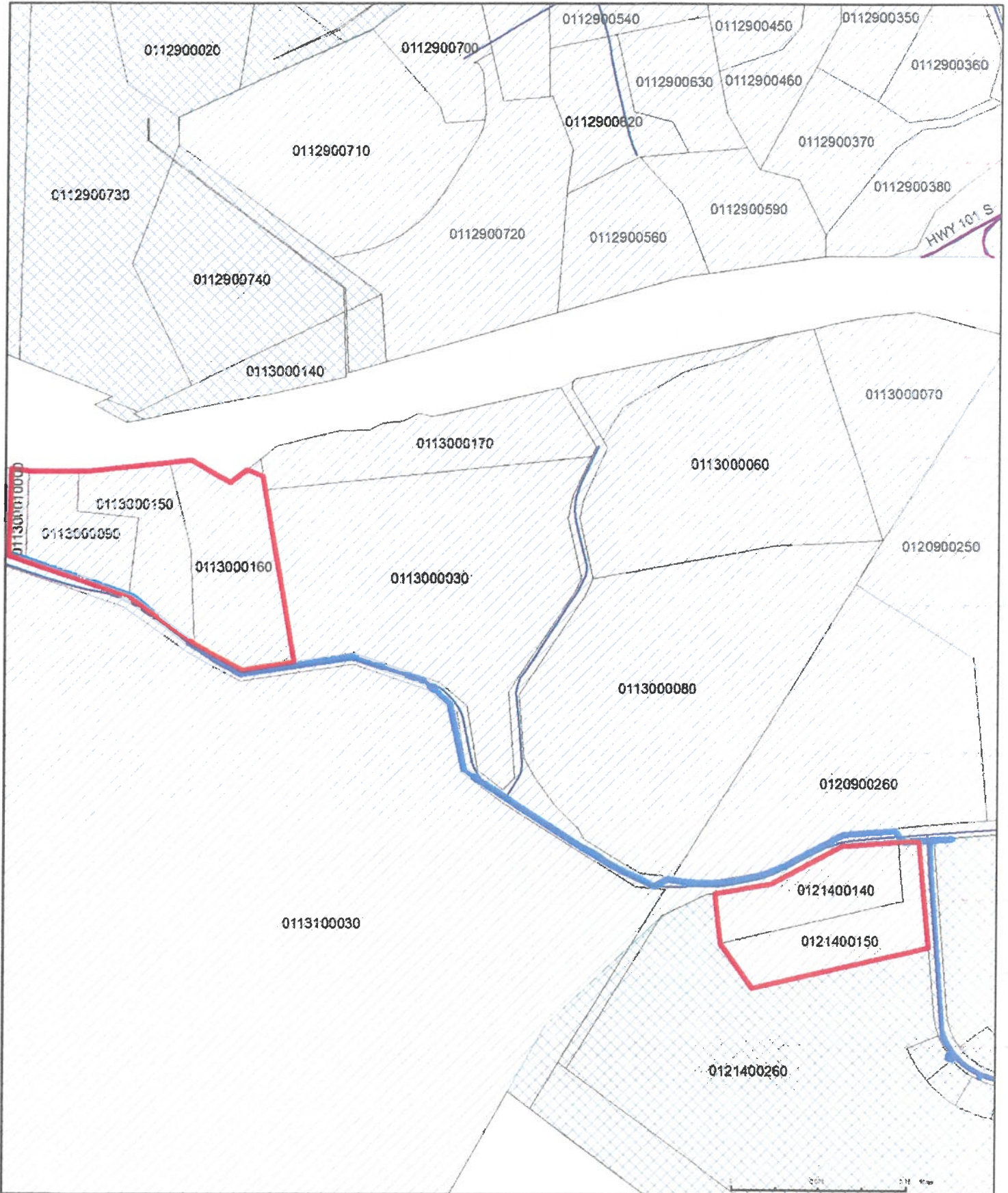


Proposed Annexations Close-up on Rocks Road

Legend

April 2022

- Parcels Proposed for Annexation
- Not Annexed but within AWD SOI
- Annexed San Benito
- Water Main Line - Cole PZ



Proposal Justification Questionnaire for Annexation



1. Name of Application:
Cole Road and Rocks Road Annexation to Aromas Water District (AWD)

2. Describe the acreage and general location:
34 parcels:
28 parcels on Cole Road ranging from .0 to 50.64 acres located within the AWD Sphere of Influence on Cole Road
6 parcels on Rocks Road ranging from .72 to 8.59 acres located within the AWD Sphere of Influence on Rocks Road

3. Assessor Parcel Number:
See attached Exhibit A

4. Purpose of Proposal:
34 residential single-family residence, requesting municipal water service from AWD due to diminished water quantity and poor water quality from their current on-site water sources. The existing water main fronts all 34 properties and are contiguous with existing AWD boundaries.

5. Land Use and Zoning- Present and Future:
 - A. Existing Land Use:
Single family residences and one small outbuilding

 - B. Describe changes in land uses that would result from this annexation:
There would be no changes from the current land use.

 - C. Existing zoning designations:
Properties are zoned Rural, Grazing, Residential

 - D. Describe any proposed change in zoning:
No zoning change will be required; the current lands use conforms with the current Rural Residential zoning.

Proposal Justification
Questionnaire for Annexation



6. Describe the area surrounding the proposed annexation:

Information regarding the areas surrounding the proposal area

Cole Road	Existing Land Use	General Plan Designation	Zoning Designation
East	Parcels ranging from three to 213 acres in Open space/Range land with single family dwellings, located within the AWD Sphere of Influence. One 18 acre parcel not in AWD's Sphere of Influence.	Rural (R)	Grazing
West	Parcels ranging from five to 45 acres with existing residences within the AWD Sphere of Influence	Rural Transitional	Single Family Residence, Rural
North	Quarry not in AWD Sphere of Influence	Rangeland	Mining and Quarry
South	Parcels in Open space/Rangeland with single-family dwellings, located within the AWD Sphere of Influence	Agriculture	Grazing

Rocks Road	Existing Land Use	General Plan Designation	Zoning Designation
East	A 510-acre parcel in Open space/Rangeland located within the AWD Sphere of Influence.	Agriculture	Grazing
West	A 13-acre orchard parcel not in AWD Sphere of Influence and 510-acre grazing parcel within the AWD Sphere of Influence, both with no dwelling.	Agriculture	Eucalyptus Grove/Grazing
North	Open space/Rangeland with single-family dwellings, located within the AWD Sphere of Influence.	Agriculture	Single Family Residence, Rural
South	A 13-acre orchard parcel and 510-acre grazing parcel with no dwellings within the AWD Sphere of Influence.	Agriculture	Eucalyptus Grove/Grazing

Other comments or notations:

Proposal Justification Questionnaire for Annexation



7. Conformity with Sphere of Influence:
The proposed parcels are within the existing AWD Sphere of Influence.
8. Conformity with County General Plans:
These parcels conform with the County General Plan designation of the area.
9. Topography and Natural Features:
The land is level ground transitioning to upsloping hills with trees. There are no significant natural features that would affect this proposal.
10. Impacts on Agriculture:
Responses for 10A through 10D are Not Applicable. This proposal has no impact on Agriculture.
11. Impact on Open Space:
This proposal has no impact on surroundings as defined in G.C. Section 65560
12. Relationship to Regional Housing Goals and Policies (City annexations only):
Not Applicable to this proposal
13. Population:
 - A. There is an existing dwelling unit on 27 parcels, seven are undeveloped.
 - B. Unknown at this time of new dwelling units.
14. Government Services and Controls – Plan for Providing Services:
 - A. Water service will be provided to the parcels in this proposal
 - B. Domestic water service for 27 single-family residences on 34 parcels
 - C. Service can be provided within 30 days of application approval
 - D. Improvements would include a service line, water meter and backflow device.
 - E. Individual connections for each parcel will be paid for by the property owners.
The monthly costs invoiced to the property owners pay for the District maintenance and operation costs, as well as the metered water.
 - F. No alternatives are necessary
15. Ability of the annexing agency to provide services:
The annexing entity, the AWD has the capacity to provide the services requested. Please see revised “Aromas Water District Capacity to Provide Service” document attached. Please also see attached Resolution 2021-09 and Resolution 2021-13
16. Dependability of Water Supply for Projected Needs:
The existing water main runs along Cole Road and Rocks Road, so the timely availability is recorded above in Answer 14C – 30 days

Proposal Justification Questionnaire for Annexation



17. Bonded indebtedness and zones:

Responses for 17A through 17D are Not Applicable to this proposal. There is existing infrastructure that has been paid for.

18. Environmental Impact of the Proposal:

- A. Who is the "Lead agency" for this proposal? – Aromas Water District
- B. Environmental Documentation prepared – Categorical Exemption
- C. An EIR was NOT prepared – Not Applicable

19. Boundaries:

- A. These boundaries were used because they are the boundaries of the parcel. No other properties should have been included in this proposal.
- B. This question is Not Applicable

20. Final Comments:

- A. Conditions –
 - a. none to be added
- B. Comments/justifications regarding proposal –
 - a. The residential well's capacity has reduced significantly, thus making the provision of water a health and safety issue
- C. No additional reports besides the contents of the application packet

21. Notices and Staff Reports:

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

<u>Name and Agency</u>	<u>Address</u>	<u>Email address</u>
A. Robert Johnson, General Manager, Aromas Water District /	PO Box 388, Aromas, CA 95004	admin@aromaswaterdistrict.org

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

<u>Name</u>	<u>Address</u>	<u>Email address</u>	<u>Phone</u>
Robert Johnson, General Manager, Aromas Water District /	PO Box 388, Aromas, CA 95004 /	admin@aromaswaterdistrict.org	(831) 726.3155

Signature: 

Date: 6/10/22

Aromas Water District Capacity to Provide Service In Monterey and San Benito Counties 2021

The following tables summarize "Water Demand" and "Water Production" information for the Aromas Water District (District). "Water Demand" estimates the amount of potential additional connections in the future. The total number of potential connections was determined by adding the number of currently active meters, inactive meters, and potential future connections in Monterey and San Benito Counties within the District's current Sphere of Influence. "Production" is an estimation of the current capacity of the District to produce water.

SERVICE STATISTICS INCLUDING POTENTIAL NEW CONNECTIONS INSIDE ANNEXED AREAS WITHIN THE DISTRICT'S SPHERE OF INFLUENCE FOR MONTEREY AND SAN BENITO COUNTIES

WATER DEMAND

Connection Type		Number Of Connections	Maximum Daily Demand * (at .43 gpm factor)
A	Current Active Meters (Connections)	920	397
	Current Inactive Meters	47	20
Total Current Meters:		967	417 gpm
B	Annexed, but not yet connected (Total number of unserved parcels within District Boundaries):	256	110
	Proposed Cole Road / Rocks Road Annexation (in progress)	34	15
	Total Potential Additional Connections	290	111
	Grand Total (as estimated A+B):	1257	542 gpm

* The Maximum Day Demand (MDD) is 0.43 gpm per meter and is used to establish the total water production required to serve our customers. The MDD is determined by averaging the water production data from the two greatest usage months in the last six years (Jul 2018 and Aug 2020). That value is used to figure an average day's use during the highest-use month and multiplying it by the peaking factor of 1.5 times. The MDD is then broken down to a gallon per minute demand figure.

WATER PRODUCTION

Sources	Design Capacity (gpm)	Current Capacity (gpm)
San Juan	700	700
Pleasant Acres	700	400
Carpenteria	400	400
Marshall Well	205	0
Total Capacity	2,005 gpm	1,500 gpm

Revised 05/12/22



SCANNED to STORAGE
Date: 9/16/2021

RESOLUTION 2021-09

RESOLUTION OF APPLICATION OF THE AROMAS WATER DISTRICT INITIATING PROCEEDINGS FOR THE ANNEXATION OF MULTIPLE PARCELS ON COLE ROAD TO THE AROMAS WATER DISTRICT

WHEREAS, the Aromas Water District (DISTRICT) desires to initiate a proceeding for the adjustment of boundaries specified herein.

NOW, THEREFORE BE IT RESOLVED, the Aromas Water District Board of Directors hereby resolves and order as follows:

1. This proposal is made, and it is requested that proceedings be taken, pursuant to the Cortese/Knox/Hertzberg Local Government Reorganization Act of 2000, commencing with section 56000 of the California Government Code.
2. This proposal is an annexation to the DISTRICT
3. A table of the affected territory is set forth in Exhibit A, and a map of the Proposed Annexations are attached hereto and by reference incorporated herein.
4. It is desired that the proposal be subject to the following terms and conditions: DISTRICT water will be utilized for municipal uses only.
5. The reasons for the proposal are: Health and Safety Issues related to the lack of available groundwater in the area; continuing climatological variability resulting in reduced groundwater recharge and lower groundwater levels; and the need to annex into the DISTRICT to receive DISTRICT water.
6. The proposal is consistent with the Sphere of Influence of the DISTRICT.
7. Consent is hereby given to the waiver of conducting authority proceedings.

PASSED AND ADOPTED by the Board of Directors of the Aromas Water District, Aromas, Monterey and San Benito Counties, California, at a Regular meeting duly held on this 24 day of AUGUST, 2021 by the following vote:

AYES: *DUTRA, HOLTAN, LEAP, MORRIS, SMITH*

NOES:

ABSTAIN:

ABSENT:

APPROVE:

APPROVE:

ATTEST:


James Leap, Board President


Board Secretary, Louise Coombes



Exhibit A

Non-Annexed Parcels Adjacent to Cole Main Line

Number	APN	Assessed Acreage
1	011-160-002	50.64
2	011-160-011	4.76
3	011-160-012	24.52
4	011-160-017	29.62
5	011-160-054	0
6	011-160-051	5.1
7	011-160-052	15.85
8	011-160-053	5.44
9	011-160-057	4.83
10	011-160-059	4.85
11	011-160-060	4.77
12	011-160-061	0
13	011-160-066	4.97
14	011-160-067	4.62
15	011-220-006	3.4
16	011-220-008	5.27
17	011-220-018	5.36
18	011-220-019	1.86
19	011-220-020	3.92
20	011-220-021	3.335
21	011-220-022	4.72
22	011-260-007	8.488
23	011-260-011	5.06
24	011-260-012	5.07
25	011-260-022	5.05
26	011-260-028	5.00
27	011-280-007	0.37
28	011-280-021	5
	Total Acreage:	<u>221.87</u>



RESOLUTION 2021-13

RESOLUTION OF THE AROMAS WATER DISTRICT INITIATING PROCEEDINGS FOR THE ROCKS ROAD ANNEXATION TO THE AROMAS WATER DISTRICT

WHEREAS, the Aromas Water District (DISTRICT) desires to initiate a proceeding for the adjustment of boundaries specified herein.

NOW, THEREFORE BE IT RESOLVED, the Aromas Water District Board of Directors hereby resolves, and order as follows:

1. This proposal is made, and it is requested that proceedings be taken, pursuant to the Cortese/Knox/Hertzberg Local Government Reorganization Act of 2000, commencing with section 56000 of the California Government Code.
2. This proposal is an annexation to the DISTRICT
3. A map of the affected territory is set forth in Exhibit A, attached hereto and by reference incorporated herein.
4. It is desired that the proposal be subject to the following terms and conditions: DISTRICT water will be utilized for municipal uses only.
5. The reasons for the proposal are to: Health and Safety Issues related to the lack of available water and the need to annex into the DISTRICT to receive DISTRICT water.
6. The proposal is consistent with the Sphere of Influence of the DISTRICT.
7. Consent is hereby given to the waiver of conducting authority proceedings.

PASSED AND ADOPTED by the Board of Directors of the Aromas Water District, Aromas, Monterey and San Benito Counties, California, at a Regular meeting duly held on this 23rd day of NOVEMBER 2021 by the following vote:


AYES: DUTRA, HOLTAN, LEAP, MORRIS, SMITH

NOES:

ABSENT:

APPROVE:

ATTEST:


James Leap, Board President

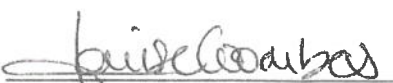

Board Secretary, Louise Coombes

EXHIBIT A



ROMAS
WATER DISTRICT
Rocks Road, SBC
Potential Future Annexations

Legend

- Proposed Parcels
- San Benito City Parcel Data
- Not Annexed in SOI
- Annexed in SOI

Oct 2021



SCANNED to STORAGE
Date: 2/23/22

RESOLUTION 2022-03

A RESOLUTION OF
THE BOARD OF DIRECTORS OF THE AROMAS WATER DISTRICT
FINDING THAT A PROJECT IS CATEGORICALLY EXEMPT
UNDER THE CALIFORNIA ENVIRONMENTAL QUALITY ACT

The Aromas Water District has made the following findings:

WHEREAS the annexation for service for a total of 33 parcels along Cole Road and Rocks Road (San Benito County) is a small utility extension to single-family residences, and

WHEREAS the California Environmental Quality Act provides a Categorical Exemption for annexations of single-family dwellings for provision of utilities pursuant to Section 15319 of the California Code of Regulations Guidelines for Implementation of the California Environmental Quality Act.

NOW THEREFORE, BE IT RESOLVED, the Aromas Water District Board of Directors hereby resolves, and order as follows:

that the annexation of San Benito Parcel No.s listed in Exhibit A, to the Aromas Water District are Categorically Exempt under Section 15319 of the California Code of Regulations from the requirements of the California Environmental Quality Act.

PASSED AND ADOPTED by the Aromas Water District Board of Directors, Aromas, Monterey and San Benito Counties, California, at a Regular meeting duly held on this 22nd day of February, 2022 by the following vote:

AYES: DUTRA, HOLLAN, LEAP, MORRIS, SMITH.


NOES:

ABSTAIN:

ABSENT:

APPROVE:

ATTEST:


James Leap, Board President


Board Secretary, Louise Coombes

Exhibit A

Non-Annexed Parcels Adjacent to Cole Main Line Along Cole Road

Number	APN	Assessed Acreage
1	011-160-002	50.64
2	011-160-011	4.76
3	011-160-012	24.52
4	011-160-017	29.62
5	011-160-054	0
6	011-160-051	5.1
7	011-160-052	15.85
8	011-160-053	5.44
9	011-160-057	4.83
10	011-160-059	4.85
11	011-160-060	4.77
12	011-160-061	0
13	011-160-066	4.97
14	011-160-067	4.62
15	011-220-006	3.4
16	011-220-008	5.27
17	011-220-018	5.36
18	011-220-019	1.86
19	011-220-020	3.92
20	011-220-021	3.335
21	011-220-022	4.72
22	011-260-007	8.488
23	011-260-011	5.06
24	011-260-012	5.07
25	011-260-022	5.05
26	011-260-028	5.00
27	011-280-007	0.37
28	011-280-021	5
	Total Acreage:	<u>221.87</u>

Non-Annexed Parcels Adjacent to Cole Main Line Along Rocks Road

Number	APN	Assessed Acreage
1	011-300-010	0.72
2	011-300-009	4.27
3	011-300-015	5.00
4	011-300-016	8.59
5	012-140-014	5.00
6	012-140-015	5.00
	Total Acreage:	28.58

CATEGORICAL EXEMPTION

Notice of Exemption

Appendix

TO: County Clerk
County of San Benito
440 Fifth Street
Hollister, CA 95023

Project Title: Annexation of 33 parcels (APNs listed in Exhibit A) into the Aromas Water District

Project Location: Cole Road and Rocks Road

Project Location City & County: Aromas, San Benito County

Description of Nature, Purpose, and Beneficiaries of Project: The purpose of the proposed action is to annex these existing residential parcels into the Aromas Water District to provide residential water service in place of well water for the property owners.

Name of Public Agency Approving Project: San Benito County Local Agency Formation Commission

Name of Person or Agency Carrying Out Project: Aromas Water District

Exempt Status: (Check One)

Ministerial (Sec21080(b)(1); 15268);

Declared Emergency

Emergency Project

Categorical Exemption: Sections 15303(d), and 15319

Statutory Exemptions: State code number

Other: The activity is not a project subject to CEQA

Reason Why Project is Exempt: The area where this project is located has been previously disturbed by rural residential construction. This annexation would provide municipal water to existing residences experiencing poor water quality and inadequate water quantity on these parcels. There are no plans to subdivide any parcels.

Lead Agency Contact Person: Robert Johnson, General Manager, Aromas Water District
(831) 726-5071

Signature: _____



Date: _____

FEBRUARY 22, 2022



APRIL 28, 2022

Filed in San Benito County
JOE PAUL GONZALEZ: County Clerk

35-20220428-015

04/28/2022

Pages: 3

Fee: \$ 50.00

By nvigna, Deputy

LAFCO No. 542

RESOLUTION OF THE SAN BENITO LOCAL AGENCY FORMATION COMMISSION
MAKING DETERMINATIONS AND APPROVING THE COLE ROAD II AND ROCKS
ROAD ANNEXATION TO THE AROMAS WATER DISTRICT

WHEREAS, the Cole Road II and Rocks Road Annexation to the Aromas Water District (LAFCO File No. 542) 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 34 parcels totaling 244 acres in the Cole Road area, and six parcels fronting on Rocks Road into the Aromas Water District (“District”) identified by the San Benito County Assessor by the following Assessor’s Parcel Numbers:

011-160-002 011-160-011 011-160-012 011-160-017 011-160-051
011-160-052 011-160-053 011-160-054 011-160-057 011-160-059
011-160-060 011-160-061 011-160-066 011-160-067 011-220-006
011-220-008 011-220-018 011-220-019 011-220-020 011-220-021
011-220-022 011-260-007 011-260-011 011-260-012 011-260-022
011-260-028 011-280-007 011-280-021 012-140-014 012-140-015
011-300-009 011-300-010 011-300-015 011-300-016; and

WHEREAS, the property is within the District’s Sphere of Influence, and the District has requested the Commission approve the annexation in District Resolution Nos. 2021-09 and 2021-13; 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 August 11, 2022; and

WHEREAS, at the times and in the manner required by law the Executive Officer has given notice of the Commission’s consideration of the proposal through publication in the

Hollister Freelance Newspaper, and notice to registered voters and landowners within the annexation boundaries and to properties within 300 feet of the 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 determination of exemption from CEQA by the Aromas Water District, and consistency with the San Benito County General Plan; and

WHEREAS, in accordance with applicable provisions of the California Environmental Quality Act (hereinafter "CEQA"), the Commission serves as responsible agency for the annexation and has determined that the application is exempt from CEQA under section 15303(d) entitled "New Construction or Conversion of Small Structures" including water and other similar utilities, and section 15319 entitled "Annexations of Existing Facilities and Lots for Exempt Facilities;" and

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

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

(1) The Commission finds the annexation is exempt from environmental review in compliance with CEQA Guidelines sections 15303(d) and 15319.

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

COLE ROAD II & ROCKS ROAD ANNEXATION TO THE AROMAS WATER DISTRICT

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

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

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

(7) The annexation boundary is consistent with the sphere of influence of the Aromas Water District.

(8) The Commission has considered evidence in the record regarding the District's potable water capacity, and approval from the Pajaro Valley Water Management Agency for the water connection outside the Pajaro Valley Water Management Agency and Pajaro Valley Sub-basin boundaries.

(9) Since the affected landowners and registered voters have not given written consent, the staff is directed to conduct a protest hearing prior to completing proceedings.

(10) The territory being annexed shall not be liable for any existing taxes or assessments comparable to properties presently within the District.

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

(a) The map and legal description presented are found by the County Surveyor to be acceptable.

I, Bob Tiffany, 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 11th day of August, 2022, by the following vote:

AYES:

NOES:

ABSTAINS:

Dated: _____

Bob Tiffany, Chair
San Benito Local Agency Formation Commission

ATTEST

Bill Nicholson, Executive Officer
San Benito Local Agency Formation Commission

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

**8. Announcement of Fall 2022 CALAFCO
Conference Registration: Annual California
Association of Local Agency Formation
Commissions Conference in Newport Beach
from October 19 to October 21, 2022**

**9. Commission Direction on the Recruitment
of the San Benito LAFCO Executive Officer**




L A F C O M E M O R A N D U M

SAN BENITO LOCAL AGENCY FORMATION COMMISSION
2301 Technology Parkway, Hollister CA 95023

DATE: August 11, 2022 (Agenda)

TO: San Benito LAFCO Commissioners

FROM: Bill Nicholson 
Executive Officer

SUBJECT: Upcoming 2022 CALAFCO Fall Conference in Newport Beach
Agenda Item 8

The Annual professional association of LAFCOs "CALAFCO" is holding their first in-person conference after several years of cancellations due to COVID concerns. It will be held at the Hyatt Regency, Newport Beach near the John Wayne Airport from Wednesday, October 19 to Friday, October 21, 2022.

The attached Conference Announcement has a brief list of the proposed Conference sessions and topics, the mobile workshop, and information for registration, hotel reservations with links to Eventbrite and the Hyatt websites.

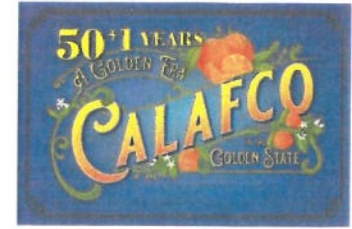
Attendance was budgeted for only two Commissioners and if there is interest from more than two Commissioners on attendance, the Commission can make a decision at today's Commission meeting on whether to use contingency funds so more Commissioners can attend, if desired.

Let me know if you have any questions or want my assistance.

Attachment – Conference Announcement Flyer



Announcing The 2022 CALAFCO Annual Conference



Hosted by CALAFCO

October 19 - 21

Hyatt Regency, Newport Beach
Conveniently located near the John Wayne Airport

Relevant & Diverse General & Breakout Session Topics

- ▶ Everything you ever wanted to know about Municipal Service Reviews but were afraid to ask.
- ▶ All about Fire, Fire Districts, and Fire Service Impacts
- ▶ Recruitment and Succession Planning
- ▶ Avoiding Conflicts of Interest and Other legal pitfalls
- ▶ Grand Juries and LAFCOs – Why Can't We Be Friends?
- ▶ The Definitive Session on Pensions – LAFCO's two-fold Responsibility to Take Care of Its Own and Review Agencies
- ▶ How commission meetings can go wrong
- ▶ Legislative Update

Please note that the Program is still under development and topics are subject to change.

Special Highlights

LAFCo 101 & More

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

Wednesday morning

Mobile Workshop

*"It's a Shore Thing:
Navigating Municipal
Service Delivery within
Coastal Areas"*

A mobile workshop on multi-agency collaboration that starts with a 2 hour harbor boat ride to Marina Park Community Center for lunch and presentations.
(Limited to 85)

Wednesday morning

We can't wait to see you!

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).

Reservations must be made by 9/19/22 to qualify for the Group Rate.

TO MAKE HOTEL RESERVATIONS,
PLEASE VISIT: <https://www.hyatt.com/en-US/group-booking/SNARJ/G-CALF> or call directly at (800) 233-1234 and reference CALAFCO event.

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

Registration is now open!
For more information, visit
www.calafco.org



Sharing information and resources

L A F C O M E M O R A N D U M

SAN BENITO LOCAL AGENCY FORMATION COMMISSION
2301 Technology Parkway, Hollister CA 95023

DATE: August 11, 2022 (Agenda)

TO: San Benito LAFCO Commissioners

FROM: Bill Nicholson
Executive Officer

SUBJECT: Recruitment Process for Part Time Executive Officer
(Agenda Item 9)

With the announcement of the retirement of the Executive Officer, Bob Tiffany, LAFCO Chairman and County Supervisor, has been coordinating with Henie Ring, the County Human Resource Manager to identify options for recruitment of this part time position. This item has been placed on the August 11th Commission agenda to obtain Commission direction on the desired method of recruiting for this pending vacancy.

Utilizing the Human Resources (HR) Department of the County to initiate the recruitment process is the primary option for consideration. The HR Departments efforts would typically include preparation of a job flyer listing the professional skills and responsibilities of the position and the expected employment parameters such as budgeted monthly hours, time spent working in the office versus working remotely, requirements for liability, auto and other minimum insurance requirements that the consultant is required to obtain, and other similar matters.

A range of possible compensation could be listed or a standard statement that compensation will depend on the qualifications of the applicant selected.

Use of the professional association of LAFCO's "CALAFCO" to post the flyer is a main source of reaching potential candidates in this specialized field. But other options can be discussed at the Commission meeting.

Action Requested of the Commission

After discussion, determine whether to utilize the County Human Resources Department to initiate the recruitment process or identify another agency or department to initiate the effort. Due to the pending departure of the current Executive Officer in September, this recruitment process needs to be initiated immediately.

INFORMATIONAL

10. Executive Officer oral status update on sewer extension status for projects in the Fairview Road/Airline Highway Area

11. Commissioner Announcements and Requests for Future Agenda Items

12. Executive Officer oral status report on pending proposals and other LAFCO business items

13. Adjourn to next regular meeting on September 8, 2022, unless meeting is cancelled by the Chair

