

ORDINANCE NO. 1260

AN ORDINANCE OF THE CITY OF HOLLISTER APPROVING AN AMENDMENT TO TITLE 13 PUBLIC SERVICES TO ADOPT CHAPTER 13.04 TITLE X, OUTSIDE SEWER CONNECTIONS

WHEREAS, the City occasionally initiates amendments to the Municipal Code to ensure that the Municipal Code reflects the needs of the City; and

WHEREAS, the Municipal Code currently does not include any provisions or procedures related to connections to the City's sanitary sewer system from outside of the City limits; and

WHEREAS, connections to the sanitary sewer system may be necessary in order to ensure that there are no health or safety impacts related to septic system failure to residents; and

WHEREAS, a staff report was submitted to the City Council of the City of Hollister recommending approval of the proposed Municipal Code Amendment; and

WHEREAS, proper notice of the hearing was given as required by law; and

WHEREAS, the City Council did hear and consider all said reports, recommendations and testimony herein and used its independent judgement to evaluate the proposed amendments; and

WHEREAS, the City Council of the City of Hollister hereby makes the following finding regarding the California Environmental Quality Act:

1. The California Environmental Quality Act (CEQA) together with State Guidelines, require that certain projects be reviewed for environmental impacts. The City Council hereby finds that the proposed amendment to the Municipal Code is exempt from the requirements of CEQA, because the proposed amendment will not result in any direct physical change to the City, and any future connections to the City's sanitary sewer system will be subject to the requirements of CEQA and therefore the proposed amendments are not a project under CEQA and are exempt from further review (CEQA Guidelines, Section 105378).

NOW THEREFORE THE CITY COUNCIL OF THE CITY OF HOLLISTER DOES ORDAIN AS FOLLOWS:

SECTION 1: The Hollister Municipal Code is hereby amended to add Title 13, Article X – Outside Sewer Connections, to read as follows:

TITLE 13: SEWER SERVICE SYSTEM
ARTICLE X. - OUTSIDE SEWER CONNECTIONS

13.04.800 Purpose

This chapter establishes requirements for the extension of sanitary sewer connections outside of the city limits and is intended to:

- A. Protect public health and safety by establishing standards for sewer connections for residential, commercial/industrial, or lands of other uses into the City's sanitary sewer system; and
- B. Remedy the public health and safety impacts of failed on-site solid sewer systems.

13.04.810 Outside Sewer Service Connection Criteria

- A. *Property contiguous to the City and within the Sphere of Influence.* City sanitary sewer service may be provided on developed property contiguous to the City and located in the unincorporated territory within the Local Agency Formation Commission (LAFCo) adopted sphere of influence of the City with approval of the City Council under the following circumstances:
 - 1. Submittal of certification from the San Benito County Environmental Health Services Division that the existing septic or other sewer system is failing, and a dangerous public health problem exists, no other on-site disposal system is feasible, and that the only available remedy is connection to an existing public sewer system; and
 - 2. The need for the sanitary sewer connection is not the result of illegal construction or an illegal subdivision; and
 - 3. The applicant for sewer service connection has submitted a rezoning and annexation application in accordance with Section 17.24.250.
- B. *Property not contiguous to the City and/or outside of the Sphere of Influence.* City sanitary sewer service may be provided on developed property which is not contiguous to parcels located in the City and/or is located outside of the LAFCo adopted sphere of influence of the City with approval of the City Council under the following circumstances:
 - 1. Submittal of certification from the San Benito County Environmental Health Services Division that the septic or other sewer system is failing, and a dangerous public health problem exists, no other on-site disposal system is feasible, and that the only available remedy is connection to an existing public sewer system; and
 - 2. The need for the sanitary sewer connection is not the result of illegal construction or an illegal subdivision; and

3. The applicant for a sewer service connection has submitted evidence from the San Benito County Local Agency Formation Commission (LAFCo) that the connection is authorized in accordance with Government Code Section 56133; and
 4. The applicant for a sewer service connection shall provide for future annexation in accordance with Section 17.24.250 of the Municipal Code by entering into an irrevocable Outside Sewer Service and Annexation Agreement to annex to the City.
- C. City sanitary sewer service on developed properties which do not meet the criteria of subsection A or B of this section and on undeveloped properties shall only be provided in conjunction with, and subsequent to, rezoning and annexation pursuant to Section 17.24.250 of the Municipal Code.

13.04.820 General Regulations

- A. *Connections to Sanitary Sewer.* The parcel shall be connected to the City's sanitary sewer in accordance with the requirements of and subject to the satisfaction of the Community Development Director. All costs associated with the installation of new sewer systems, both on-site and off-site, and including any laterals, shall be at the property owner's expense. This includes all City fees, such as sewer impact fees, plan check fees, permit fees, inspection fees, annual service charges, fees for the preparation of all associated agreements, and all other required City fees.
- B. *Rezoning and Annexation.*
1. Properties applying under Section 13.04.810(A) shall be rezoned pursuant to Section 17.24.250 of the Municipal Code and annexed into the City within one year of approval of outside sewer connection.
 2. Properties applying under Section 13.04.810(B) shall annex into the City pursuant to the irrevocable Sewer Service and Annexation Agreement.
- C. *Nonconformities.* Nonconforming uses, structures and lots with an outside sewer service connection are subject to the provisions of Section 17.24.220, Nonconforming Uses and Structures, of the Hollister Municipal Code.
- D. *Conveyance by Sanitation District.* When the connection to the City's sanitary sewer requires conveyance through another sanitation district, the subject parcel shall contract with the available sanitation district and all appropriate fees for connection, maintenance, and use shall be paid. Such conveyance shall only be applicable to those parcels in the vicinity of such a district and conveyance is feasible as determined by the City Engineer and Public Works Director.

- E. *Other Regulations.* The City may impose such reasonable conditions or restrictions as it deems necessary to secure the purpose of the City's General Plan and Municipal Code and to assure operation of the use in a manner compatible with existing and potential uses of adjoining properties and in the general vicinity, and may require guarantees and evidence that such conditions are being, or will be, complied with.

13.04.830 Outside Sewer Service and Annexation Agreement

- A. In connection with the application for an outside sewer service connection, the City and all parties with right, title, or interest in the property shall enter into an irrevocable Outside Sewer Service and Annexation Agreement with the City in a form satisfactory to the City Attorney and the Director of Community Development.
- B. The Agreement shall include the following:
1. Agreement that the property will be annexed into the City at such time that the property becomes contiguous to the City, or if currently contiguous to the City, agreement to annex the property into the City within one year of the approval of the Outside Sewer Service Connection Application approval.
 2. Specifications to ensure compliance with all city design and construction standards related to the sewer extension and connection.
 3. Agreement to apply to and receive approval from the City of Hollister for Building Permits, or other entitlements as required, prior to any future construction or improvements on the property. All construction and improvements shall comply with the Hollister Municipal Code.
 4. Agreement not to construct any future dwellings, structures, or Accessory Dwelling Units prior to the property being annexed into the City.
 5. Agreement not to subdivide the property prior to annexation into the City.
 6. Agreement to pay all required fees including, but not limited to, the following:
 - a. Planning and building permits, with associated fees, to the City as a condition of building permit issuance as required by Section 13.04.310.
 - b. All City and other sanitation district sewer impact and connection fees.

- c. All fees associated with the preparation of agreements, including the Outside Sewer Service and Annexation Agreement and any reimbursement agreement.
 - d. All costs and fees associated with the sewer connection, including but not limited to installation of all necessary pipes and appurtenances.
7. All other terms deemed necessary by the City.

13.04.840 Outside Sewer Service Connection Application

A request for outside service connection shall be made by an application for each property where an outside connection is requested. One Application must be received for each parcel that is requesting an outside sewer service connection. Applications shall include:

- A. *Application Form.* The Applicant(s) shall submit a complete application on a form prescribed by the City, and all the following:
- 1. The property address, Assessor Parcel Number, and names of the property owner(s).
 - 2. A legal description of each parcel.
 - 3. A map drawn to scale showing the proposed extension of sanitary sewer lines, the number of service connections, and their locations.
 - 4. A study indicating the state of the existing septic tank, likelihood of potential failure, and if any improvements to the existing septic tank could be made to avoid failure.
 - 5. Certification from the San Benito County Environmental Health Services Division that the existing septic or other sewer system is failing, and a dangerous public health problem exists, no other on-site disposal system is feasible and that the only available remedy is connection to an existing public sewer system.
 - 6. Evidence from LAFCo that the connection is authorized in accordance with Government Code Section 56133.
 - 7. Any other documentation deemed necessary by the City Engineer or Community Development Director.
- B. *Outside Sewer Service and Annexation Agreement.* Signed Agreement for each parcel included in the request for an outside sewer connection.

- C. *Deed Restriction.* Prior to the issuance of any permit for the project, the Applicant(s) shall record a restrictive covenant in the form prescribed by the City, on each property to receive sewer service, which shall run with the land specifying the following:
1. The property may only be subdivided in accordance with the City's Subdivision Ordinance standards; and
 2. A prohibition on sewer connection(s) to additional dwellings or other structures prior to annexation to the City; and
 3. The property is subject to annexation pursuant to the terms of the Outside Sewer Service and Annexation Agreement; and
 4. All future property owners are subject to the terms of the Outside Sewer Service and Annexation Agreement.

13.04.850 Review of Outside Sewer Connection Application

- A. An Application for an Outside Sewer Connection shall be considered by and acted upon by the City Council only if all of the following findings can be made:
1. There is sufficient capacity in the trunk lines and at the treatment plant to adequately provide sewer service to the property as determined by the City.
 2. The Applicant has submitted a complete Rezoning Application and annexation is anticipated to occur within the next year, or annexation of the property is not possible because the site is not contiguous to the City and the Applicant has entered into an Outside Sewer Service and Annexation Agreement.
 3. The property meets the requirements for eligibility under Section 13.04.810.
 4. The San Benito County Environmental Health Services Division has determined that the existing septic system(s) is at risk for failure and no remedy other than connection to City sewer is available.
 5. The outside sewer connection is necessary to protect the public from health and safety impacts related to septic failure.
 6. The Applicant(s) have entered into an irrevocable Outside Sewer Service and Annexation Agreement agreeing to annex to the City at such time as deemed necessary by the City, to be specified in the agreement.

- B. *Conditions of Approval.* The City may impose such reasonable conditions or restrictions as it deems necessary to secure the purpose of the City's General Plan and Municipal Code and to assure operation of the use in a manner compatible with existing and potential uses of adjoining properties and in the general vicinity, and may require guarantees and evidence that such conditions are being, or will be, complied with.

- C. *LAFCo Application.* Upon approval of the Outside Sewer Connection Request by the City Council, the City shall coordinate the filing of an Out-of-Agency Service Request application to the San Benito County LAFCo for consideration. All fees shall be paid and any additional information or materials required shall be provided by the applicant. It shall be the applicant's responsibility to provide payment or materials requested by either the City or LAFCo to facilitate the LAFCo approval of the service connection.

SECTION 2. Section 13.04.060 of the Hollister Municipal Code is repealed in its entirety.

SECTION 3. SEVERABILITY. If any part of this Ordinance is held invalid for any reason by a court of competent jurisdiction, such decision shall not affect the validity of the remaining portion of this Ordinance, and the City Council hereby declares that it would have passed the remainder of the Ordinance if such invalid portion thereof had been deleted.

SECTION 4. EFFECTIVE DATE. This ordinance shall take effect and be in force thirty (30) days from and after its final passage.

SECTION 5. PUBLICATION. Within fifteen (15) days after passage, the City Clerk shall cause this ordinance to be published in a newspaper of general circulation.

INTRODUCED at a regular City Council meeting on April 7, 2025, and **ADOPTED** as an ordinance of the City of Hollister at a regular City Council meeting on April 21, 2025 by the following vote:

- AYES:
- NOES:
- ABSTAINED:
- ABSENT:

ATTEST:

Roxanne Stephens, Mayor

APPROVED AS TO FORM:
Lozano Smith Attorneys at Law

Jennifer Woodworth, MMC, City Clerk

Mary Lerner, City Attorney

I, JENNIFER WOODWORTH, MMC, City Clerk of the City of Hollister, do hereby certify that the attached Ordinance No. 1260 is an original ordinance, or true and correct copy of a City ordinance, duly adopted by the Council of the City of Hollister at a regular meeting of said Council held on April 21, 2025, 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 on April 21, 2025.

Jennifer Woodworth, MMC
City Clerk of the City of Hollister