

9711892

RECEIVED

DEC 12 1997

RECORDING REQUESTED BY:

SUNNYSLOPE COUNTY WATER DISTRICT

SUNNYSLOPE CO.
WATER DISTRICT

AND WHEN RECORDED MAIL TO:

Recorded at the Request of

SUNNYSLOPE COUNTY WATER DISTRICT

SUNNYSLOPE COUNTY WATER DISTRICT

3416 AIRLINE HWY.
HOLLISTER, CA 95023

NOV 19 1997

SAN BENITO COUNTY RECORDER

1:20 P m FEE: 0

INDEXED & COMPARED

TITLE OF DOCUMENT

RESOLUTION

RESOLUTION 97-6**RESOLUTION OF THE SUNNYSLOPE COUNTY WATER DISTRICT
AUTHORIZING THE FILING OF A NOTICE OF EXEMPTION
PURSUANT TO CEQA
FOR THE DISTRICT'S PURCHASE OF REAL PROPERTY**

WHEREAS, the Board of Directors ("Board") of Sunnyslope County Water District ("District") finds as follows:

- A. District's Statutory Authority. District has the power under the California Water Code to do all acts necessary to carry out fully the provisions of the County Water District Law sufficient water in the District for any present or future beneficial use (section 31001) and to acquire and use any property necessary to carry out the business of the District (sections 31040 and 31041).
- B. Acquisition of Necessary Property. The property located at 3570 Airline Highway, Hollister, San Benito County, California ("the Property") is necessary to carry out the business of the District. The property will provide a possible, alternative site for District's headquarters and corporation yard. The property has only recently been offered for sale, and the District's failure to acquire the property would deprive the District of a favorable alternative site for District's office and corporation yard. Acquisition of the Property will allow District to include the Property in District's planning for the location of such District facilities.
- C. Characteristics of Property. The Property is improved, real property, containing a house, outbuildings and barn. The Property is within a developed area and is contiguous to the property currently leased by District as the site of District's current headquarters. The existing residence could be remodeled into offices for the District.
- D. Purchase and Intended Use of Property Not a CEQA "Project". Under the California Environmental Quality Act ("CEQA") and the CEQA Guidelines (California Code of Regulations, §§15000-15387) certain activities or "projects" are subject to the provisions of CEQA and the CEQA Guidelines. District finds that the purchase and use of the Property will not cause either a direct physical change in the environment, or a reasonable foreseeable indirect physical change, and that it is therefore not a "project" under

CEQA, pursuant to California Public Resources Code section 21065 and CEQA Guidelines section 15378(a). District finds further, to the extent that the purchase of the Property qualifies for a categorical exemption from CEQA, that pursuant to CEQA Guidelines section 15378(b)(1) the purchase and use of the property does not constitute a "project" under CEQA.

E. Applicability of CEQA Exemption. Even if the purchase of the Property were determined to be a "project" under CEQA, CEQA and the CEQA Guidelines also provide that certain projects have been determined by the Secretary of the Resources Agency not to have a significant effect on the environment and are therefore exempt from the provisions of CEQA. District finds that, to the extent the purchase and use of the Property might otherwise be a "project" under CEQA, it nevertheless is categorically exempt from the provisions of CEQA pursuant to CEQA Guidelines sections 15301 and 15303, as the operation, repair, maintenance, or minor alteration of existing public or private structures, involving negligible or no expansion of use beyond that previously existing and the conversion of an existing small structure from one use to another where only minor modifications are made in the exterior of the structure.

F. Exceptions to CEQA Exemption Do Not Apply. CEQA provides that an action that would otherwise qualify for an exemption from CEQA is disqualified from exemption if it falls within any of six exceptions to the exemptions found in section 21084 of the California Public Resources Code and section 15300.2 of the CEQA Guidelines. Based on the following factual findings, District finds that the purchase and use of the Property does not fall within any of the statutory exceptions to the CEQA exemptions:

1. The Property is not located in a particularly sensitive environment.
2. Acquisition of the Property and successive projects of the same type in the same place will not result in cumulative impacts.
3. There are no unusual circumstances that create any reasonable possibility of significant environmental effects.
4. The Project will not result in damage to scenic resources, including, but not limited to, trees, historic buildings, rock outcroppings, or similar resources within an official designated scenic highway.
5. The Project is not located on a site that the Department of Toxic Substances Control and the Secretary for Environmental Protection have identified

as being affected by hazardous wastes or clean-up problems pursuant to Government Code section 65962.5.

6. The Project will not cause a substantial adverse change in the significance of an historic resource.

G. No Significant Adverse Environmental Effects. District's purchase of the Property to preserve the Property as an a possible site for the District's headquarters and corporation yard will not result in any adverse physical changes to the environment.

NOW THEREFORE, DISTRICT RESOLVES AS FOLLOWS:

1. District adopts the above Findings.
2. District determines that the purchase and use of the Property as District headquarters and corporation yard are exempt from CEQA.
3. The General Manager is authorized and directed to give due notice of exemption under the provisions of CEQA, pursuant to Title 14, California Code of Regulations, section 15062, using the form of notice attached hereto as Exhibit "A".

THE FOREGOING RESOLUTION WAS PASSED AND ADOPTED on November 13, 1997, by the Board of Directors of the Sunnyslope County Water District by the following vote:

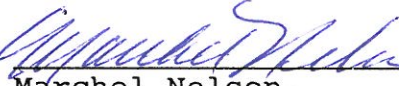
AYES: DIRECTORS: Nelson, Hailstone, R. Anderson, D. Anderson & Fitch

NOES: DIRECTORS: None

ABSENT: DIRECTORS: None

SUNNYSLOPE COUNTY WATER DISTRICT

By


Marchel Nelson,
President

(S E A L)

ATTEST:


BRYAN M. YAMAOKA, Secretary

APPENDIX E

NOTICE OF EXEMPTION

(Continued from "Reasons why project is exempt"):

section 21065 and CEQA Guidelines section 15378(a). Even if the purchase of the property were determined to be a "project" under CEQA, CEQA and the CEQA Guidelines provide that certain projects have been determined by the Secretary of the Resources agency not to have a significant effect on the environment and are therefore exempt from the provisions of CEQA. The purchase and use of the property is categorically exempt from the provisions of CEQA pursuant to CEQA Guidelines section 15301 and 15303, as the operation, repair, maintenance, or minor alteration of existing public or private structures, involving negligible or no expansion of use beyond that previously existing and the conversions of an existing small structure from one use to another where only minor modifications are made in the exterior of the structure.

Furthermore, the purchase and use of the property by the District does not fall within any of the statutory exceptions to the exemptions from the provisions of CEQA.

Appendix E Notice of Exemption

To: Office of Planning and Research
1400 Tenth Street, Room 121
Sacramento, CA 95814

From: (Public Agency) Sunnyslope County Water District
3416 Airline Highway
Hollister, CA ^(Address) 95023-9702

County Clerk
County of San Benito County

Project Title: Purchase of real property by Sunnyslope County Water District

Project Location - Specific: 3570 Airline Highway; Hollister, San Benito County

Project Location - City: (unincorporated) Project Location - County: San Benito

Description of Nature, Purpose, and Beneficiaries of Project: The District's purchase of improved real property will provide the District a possible, alternative site for its headquarters and corporation yard.

Name of Public Agency Approving Project: Sunnyslope County Water District

Name of Person or Agency Carrying Out Project: Sunnyslope County Water District

Exempt Status: (check one)

- Ministerial (Sec. 21080(b)(1); 15268);
- Declared Emergency (Sec. 21080(b)(3); 15269(a));
- Emergency Project (Sec. 21080(b)(4); 15269(b)(c));

X Categorical Exemption [Sec. 21065; 15378(a) & (b); 15061(b)(1)&(2)]

Reasons why project is exempt: _____

The purchase and use of the property will not cause either a direct physical change in the environment, or a reasonably foreseeable indirect physical change, and it is therefore not a "project" under CEQA, pursuant to Cal.Public Res.

(continued on attached sheet)

Lead Agency

Contact Person: Bryan Yamaoka Area Code/Telephone/Extension: (408) 637-4670

If filed by applicant:

1. Attach certified document of exemption finding.
2. Has a Notice of Exemption been filed by the public agency approving the project? Yes No

Signature: Bryan Yamaoka Date: 11/13/97 Title: General Manager

Date received for filing at OPR:

RESOLUTION 97-6

RESOLUTION OF THE SUNNYSLOPE COUNTY WATER DISTRICT AUTHORIZING THE FILING OF A NOTICE OF EXEMPTION PURSUANT TO CEQA FOR THE DISTRICT'S PURCHASE OF REAL PROPERTY

WHEREAS, the Board of Directors ("Board") of Sunnyslope County Water District ("District") finds as follows:

A. District's Statutory Authority. District has the power under the California Water Code to do all acts necessary to carry out fully the provisions of the County Water District Law sufficient water in the District for any present or future beneficial use (section 31001) and to acquire and use any property necessary to carry out the business of the District (sections 31040 and 31041).

B. Acquisition of Necessary Property. The property located at 3570 Airline Highway, Hollister, San Benito County, California ("the Property") is necessary to carry out the business of the District. The property will provide a possible, alternative site for District's headquarters and corporation yard. The property has only recently been offered for sale, and the District's failure to acquire the property would deprive the District of a favorable alternative site for District's office and corporation yard. Acquisition of the Property will allow District to include the Property in District's planning for the location of such District facilities.

C. Characteristics of Property. The Property is improved, real property, containing a house, outbuildings and barn. The Property is within a developed area and is contiguous to the property currently leased by District as the site of District's current headquarters. The existing residence could be remodeled into offices for the District.

D. Purchase and Intended Use of Property Not a CEQA "Project". Under the California Environmental Quality Act ("CEQA") and the CEQA Guidelines (California Code of Regulations, §§15000-15387) certain activities or "projects" are subject to the provisions of CEQA and the CEQA Guidelines. District finds that the purchase and use of the Property will not cause either a direct physical change in the environment, or a reasonable foreseeable indirect physical change, and that it is therefore not a "project" under

CEQA, pursuant to California Public Resources Code section 21065 and CEQA Guidelines section 15378(a). District finds further, to the extent that the purchase of the Property qualifies for a categorical exemption from CEQA, that pursuant to CEQA Guidelines section 15378(b)(1) the purchase and use of the property does not constitute a "project" under CEQA.

E. Applicability of CEQA Exemption. Even if the purchase of the Property were determined to be a "project" under CEQA, CEQA and the CEQA Guidelines also provide that certain projects have been determined by the Secretary of the Resources Agency not to have a significant effect on the environment and are therefore exempt from the provisions of CEQA. District finds that, to the extent the purchase and use of the Property might otherwise be a "project" under CEQA, it nevertheless is categorically exempt from the provisions of CEQA pursuant to CEQA Guidelines sections 15301 and 15303, as the operation, repair, maintenance, or minor alteration of existing public or private structures, involving negligible or no expansion of use beyond that previously existing and the conversion of an existing small structure from one use to another where only minor modifications are made in the exterior of the structure.

F. Exceptions to CEQA Exemption Do Not Apply. CEQA provides that an action that would otherwise qualify for an exemption from CEQA is disqualified from exemption if it falls within any of six exceptions to the exemptions found in section 21084 of the California Public Resources Code and section 15300.2 of the CEQA Guidelines. Based on the following factual findings, District finds that the purchase and use of the Property does not fall within any of the statutory exceptions to the CEQA exemptions:

1. The Property is not located in a particularly sensitive environment.
2. Acquisition of the Property and successive projects of the same type in the same place will not result in cumulative impacts.
3. There are no unusual circumstances that create any reasonable possibility of significant environmental effects.
4. The Project will not result in damage to scenic resources, including, but not limited to, trees, historic buildings, rock outcroppings, or similar resources within an official designated scenic highway.
5. The Project is not located on a site that the Department of Toxic Substances Control and the Secretary for Environmental Protection have identified

as being affected by hazardous wastes or clean-up problems pursuant to Government Code section 65962.5.

6. The Project will not cause a substantial adverse change in the significance of an historic resource.

G. No Significant Adverse Environmental Effects. District's purchase of the Property to preserve the Property as an a possible site for the District's headquarters and corporation yard will not result in any adverse physical changes to the environment.

NOW THEREFORE, DISTRICT RESOLVES AS FOLLOWS:

1. District adopts the above Findings.
2. District determines that the purchase and use of the Property as District headquarters and corporation yard are exempt from CEQA.
3. The General Manager is authorized and directed to give due notice of exemption under the provisions of CEQA, pursuant to Title 14, California Code of Regulations, section 15062, using the form of notice attached hereto as Exhibit "A".

THE FOREGOING RESOLUTION WAS PASSED AND ADOPTED on November 13, 1997, by the Board of Directors of the Sunnyslope County Water District by the following vote:

AYES: DIRECTORS: Nelson, Hailstone, R. Anderson, D. Anderson & Fitch

NOES: DIRECTORS: None

ABSENT: DIRECTORS: None

SUNNYSLOPE COUNTY WATER DISTRICT

BY 
Marchel Nelson,
President

(S E A L)

ATTEST:


BRYAN M. YAMAOKA, Secretary

Appendix E
Notice of Exemption

To: Office of Planning and Research
1400 Tenth Street, Room 121
Sacramento, CA 95814

County Clerk
County of San Benito County

From: (Public Agency) Sunnyslope County Water District
3416 Airline Highway
Hollister, CA ^(Address) 95023-9702

Project Title: Purchase of real property by Sunnyslope County Water District

Project Location - Specific: 3570 Airline Highway; Hollister, San Benito County

Project Location - City: (unincorporated) Project Location - County: San Benito

Description of Nature, Purpose, and Beneficiaries of Project: The District's purchase of
improved real property will provide the District a possible, alternative
site for its headquarters and corporation yard.

Name of Public Agency Approving Project: Sunnyslope County Water District

Name of Person or Agency Carrying Out Project: Sunnyslope County Water District

Exempt Status: (check one)

- Ministerial (Sec. 21080(b)(1); 15268);
 Declared Emergency (Sec. 21080(b)(3); 15269(a));
 Emergency Project (Sec. 21080(b)(4); 15269(b)(c));

X Categorical Exemption [Sec. 21065; 15378(a) & (b); 15061(b)(1)&(2)]
Reasons why project is exempt: _____

The purchase and use of the property will not cause either a direct physical
change in the environment, or a reasonably foreseeable indirect physical change,
and it is therefore not a "project" under CEQA, pursuant to Cal.Public Res.

(continued on attached sheet)

Lead Agency

Contact Person: Bryan Yamaoka Area Code/Telephone/Extension: (408) 637-4670

If filed by applicant:

1. Attach certified document of exemption finding.
2. Has a Notice of Exemption been filed by the public agency approving the project? Yes No

Signature: Bryan Yamaoka Date: 11/13/97 Title: General Manager

Date received for filing at OPR:

Revised March 1986

APPENDIX E

NOTICE OF EXEMPTION

(Continued from "Reasons why project is exempt"):

section 21065 and CEQA Guidelines section 15378(a). Even if the purchase of the property were determined to be a "project" under CEQA, CEQA and the CEQA Guidelines provide that certain projects have been determined by the Secretary of the Resources agency not to have a significant effect on the environment and are therefore exempt from the provisions of CEQA. The purchase and use of the property is categorically exempt from the provisions of CEQA pursuant to CEQA Guidelines section 15301 and 15303, as the operation, repair, maintenance, or minor alteration of existing public or private structures, involving negligible or no expansion of use beyond that previously existing and the conversions of an existing small structure from one use to another where only minor modifications are made in the exterior of the structure.

Furthermore, the purchase and use of the property by the District does not fall within any of the statutory exceptions to the exemptions from the provisions of CEQA.