

SAN MATEO



# LOCAL AGENCY FORMATION COMMISSION

455 COUNTY CENTER, 2ND FLOOR • REDWOOD CITY, CA 94063-1663 • PHONE (650) 363-4224 • FAX (650) 363-4849

July 12, 2017

**To:** LAFCo Commissioners

**From:** Martha Poyatos, Executive Officer *M. Poyatos*

**Subject:** LAFCo File 17-03—Proposed Annexation of 900 Portola Road, Portola Valley (APN 076-261-010) to West Bay Sanitary District (1.68 acres)

## Summary

This proposal, submitted by landowner petition, requests annexation to connect the proposed Windmill School and Family Education Center to the West Bay Sanitary District sewer main. The proposal has 100 percent landowner consent and waiver of conducting authority proceedings is also requested. The annexing territory is located in the Town of Portola Valley at 900 Portola Road near Wyndham Drive. Commission approval is recommended.

## Departmental Reports

**County Assessor:** The net assessed land valuation shown in the records of the County Assessor is \$3,083,912. The boundaries of the annexation as proposed conform to lines of assessment and ownership.

**County Clerk:** The territory has no registered voters. Annexation would not conflict with any political subdivision boundaries.

**County Public Works:** The map and legal description required by the State Board of Equalization have not yet been submitted.

**Town of Portola Valley:** The Town's general plan designation is Local Shopping and Service. On September 14, 2016, the Town took several actions related to the project including adoption of a Mitigated Negative Declaration, General Plan and Zoning Map Amendment, Conditional Use Permit, variance to provide for an eight-foot-tall sound wall, and Site Development Permit. Annexation to West Bay Sanitary District and connection to public sewer was a condition of approval of the Use Permit. A road encroachment permit will need to be reviewed and issued by the Town Engineer.

**County Environmental Health:** The California Water Service Company and West Bay Sanitary District provide the available water and sewer service in the area. The applicant must obtain a

**COMMISSIONERS:** DON HORSLEY, CHAIR, County ▪ MIKE O'NEILL, VICE CHAIR, City ▪ JOSHUA COSGROVE, Special District ▪ ANN DRAPER, Public  
RICH GARBARINO, City ▪ JOE SHERIDAN, Special District ▪ WARREN SLOCUM, County

**ALTERNATES:** VACANT, Special District ▪ HARVEY RARBACK, City ▪ SEPI RICHARDSON, Public ▪ DAVE PINE, County

**STAFF:** MARTHA POYATOS, EXECUTIVE OFFICER ▪ REBECCA ARCHER, LEGAL COUNSEL ▪ JEAN BROOK, COMMISSION CLERK

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permit for septic tank abandonment, which shall be inspected and approved by Environmental Health.

*West Bay Sanitary District:* A District Class 2 permit is required (\$250 application). Connection fee and annual sewer service fee to be determined based upon current entitlement and predicted flows provided by developer for the commercial property. A reimbursement agreement fee for connecting to the existing gravity main line is estimated to be \$266,967. The proponent will be required to construct a gravity sewer service lateral, with new associated private easement, that will connect to the existing gravity main on existing property. All costs to be paid by proponent.

### **Executive Officer's Recommendation**

This proposal has been submitted by landowner petition in order to connect the proposed Windmill School and Family Education Center to public sewer. The 1.68-acre project site was formerly occupied by a retail nursery consisting of limited structures. The territory proposed for annexation is located in the Town of Portola Valley at 900 Portola Road near Wyndham Drive.

The annexation area is within the sphere of influence of West Bay Sanitary District adopted by the Commission in 1984 and is consistent with the District's plans for extending service. Approval of the annexation is recommended.

### **California Environmental Quality Act**

As Lead Agency under the California Environmental Quality Act (CEQA), the Town of Portola Valley adopted the Initial Study/Mitigated Negative Declaration and Mitigation Monitoring Plan - Windmill School and Family Education Center on September 28, 2016. In doing so, the Town adopted mitigation measures that reduced potential impacts on the environment to less-than-significant levels. Potential impacts were identified in the following areas: Biologic Resources, Cultural Resources, and Geology and Soils.

As the responsible agency under CEQA, the Commission must consider the Final Initial Study/Mitigated Negative Declaration prepared by the District.<sup>1</sup> If an impact is outside the responsibility of the Commission and was previously mitigated by the lead agency, the Commission may make the finding that the impacts are within the responsibility of another public agency and not LAFCo and that mitigation measures have been adopted by another agency or can and should be adopted by another agency.

### **Waiver of Conducting Authority Proceedings**

Section 56663(c) of the Cortese-Knox-Herzberg (CKH) Act specifies that the Commission may waive conducting authority proceedings for annexations of uninhabited territory with 100 percent landowner consent provided that no objection is submitted by subject property owners or voters. The purpose of the conducting authority proceeding is to measure landowner or voter protest within the affected territory. Paragraph (c) was added to Section 56663 to

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<sup>1</sup> The Final Initial Study/Negative Declaration may be found on the LAFCo May 17, 2017 meeting website: <http://lafco.smcgov.org/events/regular-lafco-meeting-26>

streamline proceedings in which landowners have already given consent to uninhabited annexation. The landowners have requested and staff recommends waiver of conducting authority proceedings.

**Recommended Actions**

Staff recommends that the Commission take the following actions:

1. By Motion, certify that the Commission has considered the Initial Study/Mitigated Negative Declaration and Mitigation Monitoring Plan - Windmill School and Family Education Center, and find that impacts and mitigation measures are within the responsibility of the Town of Portola Valley and not LAFCo and that mitigation measures have been adopted by the District.
2. By Resolution, approve LAFCo File No. 17-03—Proposed Annexation of 900 Portola Road, Portola Valley (APN 076-261-010) to West Bay Sanitary District (1.68 acres) and Waive Conducting Authority Proceeding conditioned upon submittal of the map and legal description required by the State Board of Equalization.

Attachment A: Initial Study/Mitigated Negative Declaration

cc: Phil Scott, General Manager, West Bay Sanitary District  
Karen Tate, Windmill School, Applicant

APPLICATION FOR A CHANGE OF ORGANIZATION OR REORGANIZATION  
TO THE SAN MATEO LOCAL AGENCY FORMATION COMMISSION

RECEIVED  
MAR 24 2017  
LAFCO

A. GENERAL INFORMATION

1. Briefly describe the nature of the proposed change of organization or reorganization.

Annex 900 Portola Road into the West Bay Sanitary District.

2. An application for a change of organization or reorganization may be submitted by individuals in the form of a petition or by an affected public agency in the form of a certified resolution. This application is submitted by (check one):

Landowners or registered voters, by petition  
 An affected public agency, by resolution

(If this application is submitted by petition of landowners or registered voters in the affected territory, complete the petition form.)

3. What are the reasons for the proposal?

Town of Portola Valley development approval of proposed school and education center requires connection to the sewer.

4. Does this application have 100% consent of landowners in the affected area?

Yes  No

5. Estimated acreage: 1.68

B. SERVICES

1. List the name or names of all existing cities and special districts whose service area or service responsibility would be altered by the proposed change of organization or reorganization.

West Bay Sanitary District

2. List all changes to the pattern of delivery of local services to the affected area. For each service affected by the proposed change(s) of organization, list the present source of service (state "none" if service is not now provided), the proposed source of service and the source of funding for

construction of necessary facilities (if any) and operation. Example is given on the first two lines of the space provided for your response.

SERVICE	PRESENT SOURCE	PROPOSED SOURCE	FUNDING SOURCE	
			CONSTRUCTION	OPERATING
<i>Police (example)</i>	<i>Co. Sheriff</i>	<i>City Police</i>	<i>N/A</i>	<i>Taxes</i>
<i>Sewer (example)</i>	<i>None</i>	<i>City of ...</i>	<i>Proponent</i>	<i>Fees</i>
<i>Sewer</i>	<i>Septic</i>	<i>West Bay Sanitary</i>	<i>Proponent</i>	<i>Operations</i>

**C. PROJECT PROPOSAL INFORMATION**

1. Please describe the general location of the territory which is the subject of this proposal. Refer to major highways, roads and topographical features.

*900 Portola Road in Portola Valley - west of 280*

2. Describe the present land use(s) in the subject territory.

*Vacant. Being developed as Windmill School and Family Education Center*

3. How are adjacent lands used?

North: *Church and residential properties*  
 South: *Church & open space*  
 East: *Commercial shopping center*  
 West: *Open space*

4. Will the proposed change of organization result in additional development? If so, how is the subject territory to be developed?

*Will support the approved development.*

5. What is the general plan designation of the subject territory?

Community Commercial District

6. What is the existing zoning designation of the subject territory?

Community Commercial

7. What rezoning, environmental review or development approvals have already been obtained for development in the subject territory?

Zone amendment, General Plan amendment, and CEP (including CEQA analysis) all issued on Sept 14, 2016. Waiting on issuance of building permits.

8. What additional approvals will be required to proceed?

LAFCo approval, road encroachment permit from Town (if needed)

9. Does any portion of the subject territory contain any of the following --agricultural preserves, sewer or other service moratorium or wetlands subject to the State Lands Commission jurisdiction?

No

10. If no specific development projects are associated with this proposal, will the proposal increase the potential for development of the property? If so, how?

Not applicable

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LAFCo will consider the person signing this application as the proponent of the proposed action(s). Notice and other communications regarding this application (including fee payment) will be directed to the proponent at:

NAME: Karen Tate c/o Windmill School

ADDRESS: 4141 Alpine Road  
Portola Valley CA 94028

TELEPHONE: 650-867-4842

  
Signature of Proponent

PETITION  
FOR PROCEEDINGS PURSUANT TO  
THE CORTESE-KNOX-HERTZBERG LOCAL GOVERNMENT REORGANIZATION ACT OF  
2000

The undersigned hereby petition(s) the Local Agency Formation Commission of San Mateo County for approval of a proposed change of organization or reorganization, and stipulate(s) as follows:

1. This proposal is made pursuant to Part 3, Division 3, Title 5 of the California Government Code (commencing with Section 56000, Cortese-Knox-Hertzberg Local Government Reorganization Act of 2000

2. The specific change(s) of organization proposed (i.e., annexation, detachment, reorganization, etc. is/are:

*Annexation of 900 Portola Road to West Bay Sanitary District*

3. The boundaries of the territory(ies) included in the proposal are as described in Exhibit(s) attached hereto and by this reference incorporated herein.

4. The territory(ies) included in the proposal is/are:

\_\_\_ inhabited (12 or more registered voters)  Uninhabited

5. This proposal is  is not \_\_\_ consistent with the sphere of influence of the affected city and/or district(s).

6. The reason(s) for the proposed \_\_\_\_\_ (annexation, detachment, reorganization, etc.) is/are:

*Town of Portola Valley development of proposed school and education center requires connection to the sewer.*

7. The proposed annexation is requested to be made subject to the following terms and conditions:

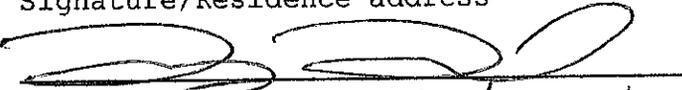
8. The persons signing this petition have signed as:

\_\_\_ registered voters **or**  Owners of land (check one) within the subject territory.

Petition  
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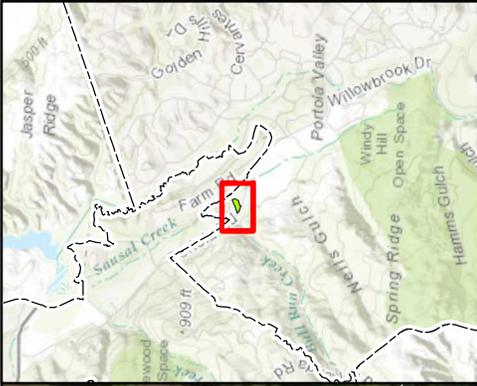
Wherefore, petitioner(s) request(s) that proceedings be taken in accordance with the provisions of Section 56000, et seq. Of the Government Code and herewith affix signatures as follows:

Chief Petitioners (not to exceed three):

Date:	Printed Name:	Signature/Residence address	APN*
3/22/17	Lindsay Lyle	 Co-President of Windmill School 4141 Alpine Road Portola Valley CA 94028	076-261-010
_____	_____	_____	
_____	_____	_____	

\*Assessor's Parcel Number of parcel(s) proposed for annexation.

076-261-010



**900 Portola Road  
(LAFCo File No. 17-03—Proposed  
Annexation of 900 Portola Road  
to West Bay Sanitary District)**



# VICINITY MAP