

SAN MATEO



LOCAL AGENCY FORMATION COMMISSION

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

January 8, 2019

To: LAFCo Commissioners

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

Subject: LAFCo File 18-11–Proposed Annexation of 35 Sioux Way, Portola Valley (APN 077-310-110) to West Bay Sanitary District and Subsequent Annexation to the On-site Wastewater Disposal Zone (1.38 acres)

Summary

This proposal, submitted by landowner petition, requests annexation to connect an existing residence to the West Bay Sanitary District sewer main as the septic system on that property is failing and is not adequate for future development on the property. 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 35 Sioux Way near Cervantes Road. Commission approval is recommended.

Departmental Reports

County Assessor: The net assessed land valuation shown in the records of the County Assessor is \$3,200,000. 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 has been submitted for review of the requirements set by the State Board of Equalization.

Town of Portola Valley: The Town's General Plan designation is low-intensity residential and zoning is residential estate, single-family (one to two acres per dwelling unit). It will be necessary for any grinder pump or telemetry panel to be reviewed by Town Planning and Public Works and an encroachment permit is required.

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 pay an application fee to Environmental Health prior to connecting to West Bay Sanitary District and

COMMISSIONERS: ANN DRAPER, CHAIR, PUBLIC ▪ JOSHUA COSGROVE, VICE CHAIR, SPECIAL DISTRICT ▪ RICH GARBARINO, City ▪ DON HORSLEY, COUNTY ▪ MIKE O'NEILL, CITY ▪ WARREN SLOCUM, County ▪ VACANT, SPECIAL DISTRICT

ALTERNATES: KATI MARTIN, SPECIAL DISTRICT ▪ HARVEY RARBACK, CITY ▪ JAMES O'NEILL, PUBLIC ▪ DAVE PINE, COUNTY

STAFF: MARTHA POYATOS, EXECUTIVE OFFICER ▪ REBECCA ARCHER, LEGAL COUNSEL ▪ ROB BARTOLI, MANAGEMENT ANALYST

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

West Bay Sanitary District: Annexation to the On-site Wastewater Disposal Zone (Zone) will be required and the proponent will be required to construct a Septic Tank Effluent Pump (STEP) system on the property to be served or a Grinder pump system and connect to the corresponding force main. A fee of \$545 for annexation and \$545 for the annexation into the On-site Wastewater Disposal Zone with a \$2,200 publication deposit. A District Class 3 permit (\$545 application fee and \$2,000 deposit for plan checking and inspections) and Class 1 permit for connecting a single-family residence to the District's main facilities (\$270 application fee and connection fees of \$8,501 per residential unit currently) are required. Annual sewer service charges will apply. All fees are to be paid at the time applications for the Class 3 and Class 1 permits are made.

Executive Officer's Report

This proposal has been submitted by landowner petition in order to connect an existing single-family residence to public sewer. The territory proposed for annexation is located in the Town of Portola Valley at 35 Sioux Way near Cervantes Road.

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.

Annexation to the On-Site Wastewater Disposal Zone

Sections 6960.3 and 6974 of the Health and Safety Code governing sanitary districts require LAFCo approval for formation of, or annexation to, an on-site wastewater disposal zone (Zone) in counties in which LAFCo has added special district members to the Commission and adopted Rules and Regulations Affecting the Functions and Services of Independent Special Districts. West Bay Sanitary District operates an on-site wastewater disposal zone within its jurisdiction to maintain pumping systems where gravity flow to the sewer main is not possible. Annexation of this property to the Zone is necessary in order for the District to maintain the pumping system that will be constructed as part of the sewer connection. Staff recommends approval of annexation to the Zone.

California Environmental Quality Act

The proposal is categorically exempt from the environmental review requirements of the California Environmental Quality Act (CEQA) because it consists of an annexation for an exempt facility (up to three single-family residences).

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 proceedings is to measure landowner or voter protest within the affected territory. Paragraph (c) was added to Section

56663 to 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 Commission Action by Resolution

Approve LAFCo File 18-11—Proposed Annexation of 35 Sioux Way, Portola Valley (APN 077-310-110) to West Bay Sanitary District, subsequent annexation to the On-site Wastewater Disposal Zone and Waiver of Conducting Authority Proceedings.

Attachments

A. Annexation Application for 35 Sioux Way, Portola Valley (APN 077-310-110)

cc: Phil Scott, General Manager, West Bay Sanitary District
Andrew and Brenda Vingiello, Owners

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

A. **GENERAL INFORMATION**

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

Annexation of 35 Sioux Way to West Bay Sanitary District, Portola Valley

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?

Annexation is requested in order to abandon failing septic and connect to public sewer to accommodate home remodel and possible addition.

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

Yes No

5. Estimated acreage: 1.093

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

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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
Sewer	None	West Bay Sanitary.	Proponent	Fees

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.

35 Sioux Way, 2 miles west of Alpine Road, Portola Valley

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

residential

3. How are adjacent lands used?

North: Residential

South: "

East: "

West: "

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

No

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

Low Density Residential

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

R-E (Residential Estate)

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

None

8. What additional approvals will be required to proceed?

LAFCo approval, West Bay Sanitary Permits, Septic Abandonment Permit, Road Encroachment permit

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?

No,

* * * * *

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: Andrew P. Virgello

ADDRESS: 35 Hawk Way, Portola Valley, CA 94028

ATTN: Andrew

TELEPHONE: 415-218-7161

Signature of Proponent

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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:

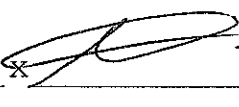
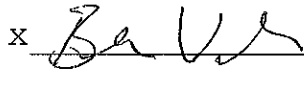
1. This proposal is made pursuant to Part 3, Division 3, Title 5 of the California Government Code (commencing with Section 56000, Cortese-Knox-Hertzberg Local Government Reorganization Act of 2000
2. The specific change(s) of organization proposed (i.e., annexation, detachment, reorganization, etc. is/are: **Annexation of 35 Sioux Way 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) **x** Uninhabited
5. This proposal is **x** is not ___ consistent with the sphere of influence of the affected city and/or district(s).
6. The reason(s) for the proposed **annexation** (annexation, detachment, reorganization, etc.) is/are:
Connect single family residence to public sewer and abandon septic system to accommodate home remodel
7. The proposed **annexation** is requested to be made subject to the following terms and conditions: **NONE**
8. The persons signing this petition have signed as:
___ registered voters **or** **x** Owners of land (check one) within the subject territory.

Petition - 250 Shawnee

Page 2 of 2

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
11/20/18	Andrew P. Virgilio	 35 Sioux Way, Portola Valley, CA 94028
11/20/18	Brenda Virgilio	 35 Sioux Way, Portola Valley, CA 94028

*Assessor's Parcel Number of parcel(s) proposed for annexation is APN 077-310-110
 Write assessor parcel number here

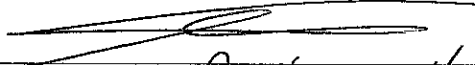
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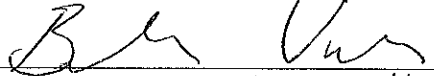
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Addendum to Application titled LAFCo File No.09-10 --
Proposed Annexation of 35 Sioux Way, Portola Valley
to the West Bay Sanitary
District

As part of above noted application submitted by petition, the Chief Applicants, Andrew Vingiello & Brenda Vingiello Applicants and subject landowners, real party in interest, agree to defend, indemnify, hold harmless, and release the San Mateo LAFCO, its agents, Commissioners, Executive Officer, attorneys, and employees from any claim, action, proceeding brought against any of them, the purpose of which is to attack, set aside, void, or annul the approval of this application or adoption of the environmental document which accompanies it. This indemnification obligation shall include, but not be limited to, damages, costs, and expenses, including attorney fees. The person signing this addendum to above noted application will be considered the proponent for the proposed action(s) and will receive all related notices and other communications.

 Date 11/20/18
Andrew P. Vingiello

 Date 11/20/18
Brenda Vingiello

Date _____

Date _____

“EXHIBIT A”

DATE: 12-04-18

ANNEXED TO: WEST BAY SANITARY DISTRICT

NAME OF ANNEXATION: WEST BAY SANITARY DISTRICT

**GEOGRAPHIC DESCRIPTION
LANDS OF VINGIELLO
PROPOSED ANNEXATION TO WEST BAY SANITARY DISTRICT
1.379 ACRES +/-**

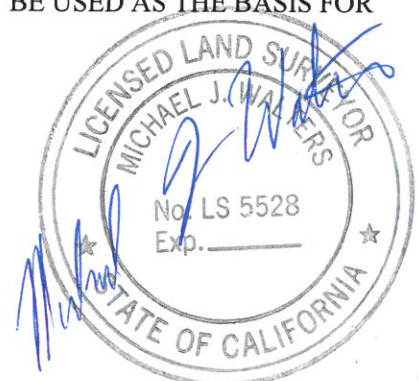
ALL THAT REAL PROPERTY IN THE TOWN OF PORTOLA VALLEY, COUNTY OF SAN MATEO, STATE OF CALIFORNIA DESCRIBED AS FOLLOWS:

BEING ALL OF LOT 15, BLOCK 1 AND PORTIONS OF SIOUX WAY AS BOTH ARE DESIGNATED ON THE MAP ENTITLED “TRACT NO. 774 ARROWHEAD MEADOWS UNIT NO. 4, BEING A PORTION OF THE RANCHO CORTE MADERA, SAN MATEO COUNTY, CALIFORNIA”, FILED IN THE OFFICE OF THE RECORDER OF THE COUNTY OF SAN MATEO, STATE OF CALIFORNIA ON MARCH 17, 1959 IN BOOK 50 OF MAPS AT PAGES 45 TO 48 MORE PARTICULARLY DESCRIBED AS FOLLOWS:

BEGINNING AT THE SOUTHWESTERLY CORNER OF SAID LOT 15, SAID POINT ALSO BEING THE SOUTHEASTERLY CORNER OF RESOLUTION NO. 1072 (87); THENCE CONTINUING ALONG THE WESTERLY LINE OF SAID LOT 15 AND THE EASTERLY LINE OF SAID RESOLUTION NO. 1072 (87), ALONG A RADIAL BEARING OF NORTH 15°07'02" EAST 238.39 FEET (1) TO A POINT ON A CURVE, CONCAVE SOUTHWESTERLY, HAVING A CENTRAL ANGLE OF 09°24'12" AND A RADIUS OF 525.00 FEET, SAID POINT BEING THE NORTHWESTERLY CORNER OF SAID LOT 15, THE NORTHEASTERLY CORNER OF SAID RESOLUTION NO. 1072 (87) AND THE MOST SOUTHWESTERLY CORNER OF A WEST BAY SANITARY DISTRICT ANNEXATION FOR 40 SIOUX WAY; THENCE LEAVING SAID RESOLUTION NO. 1072 (87) SOUTHEASTERLY AND ALONG SAID CURVE AND ALONG SAID SOUTHERLY LINE OF SAID ANNEXATION FOR 40 SIOUX WAY, 86.16 FEET (2); THENCE LEAVING SAID LOT 15, AND CONTINUING ALONG SAID ANNEXATION FOR 40 SIOUX WAY ALONG A RADIAL BEARING OF NORTH 24°31'14" EAST 50.00 FEET (3) TO A POINT ON THE NORTHEASTERLY RIGHT OF WAY LINE OF SIOUX WAY AS SHOWN ON SAID MAP, BEING A POINT ON A CURVE, CONCAVE SOUTHWESTERLY, HAVING A CENTRAL ANGLE OF 25°58'46" AND A RADIUS OF 575.00 FEET; THENCE LEAVING SAID ANNEXATION FOR 40 SIOUX WAY, SOUTHEASTERLY ALONG SAID CURVE, 260.72 FEET (4); THENCE LEAVING SAID CURVE ALONG A RADIAL BEARING OF SOUTH 50°30'00" WEST 50.00 FEET (5) TO THE MOST EASTERLY CORNER OF SAID LOT 15; THENCE ALONG THE SOUTHERLY LINE OF SAID LOT 15, SOUTH 66°19'44" WEST 150.95 FEET (6) TO AN ANGLE POINT ON THE SOUTHERLY LINE OF SAID LOT 15, SAID POINT ALSO BEING THE NORTHEASTERLY CORNER OF RESOLUTION NO. 1139 (90); THENCE ALONG SAID SOUTHERLY LINE OF SAID LOT 15 AND THE NORTHERLY LINE OF SAID RESOLUTION 1139 (90), NORTH 89°00'00" WEST 160.00 FEET (7) TO THE NORTH EASTERLY CORNER OF RESOLUTION NO. 937; THENCE CONTINUING ALONG SAID LOT 15 AND LEAVING RESOLUTION NO. 1139 (90) AND CONTINUING ALONG THE NORTHERLY LINE OF SAID RESOLUTION NO. 937, NORTH 89°00'00" WEST 32.14 FEET (8) TO THE **POINT OF BEGINNING**.

CONTAINING 1.379 ACRES +/-

FOR ASSESSMENT PURPOSES ONLY. THIS DESCRIPTION OF LAND IS NOT A LEGAL PROPERTY DESCRIPTION AS DEFINED IN THE SUBDIVISION MAP ACT AND MAY NOT BE USED AS THE BASIS FOR AN OFFER FOR SALE OF THE LAND DESCRIBED.

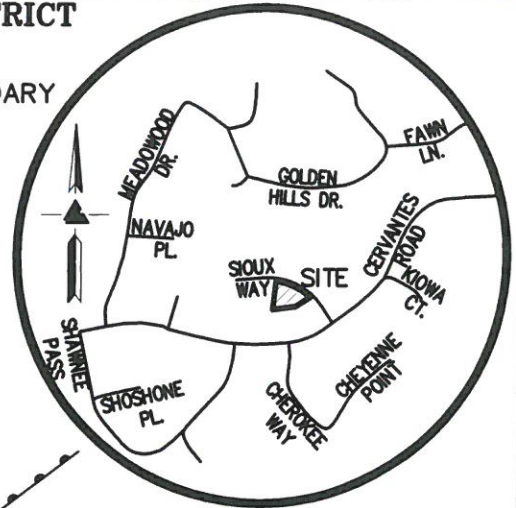


**WEST BAY SANITARY DISTRICT
(35 SIOUX WAY)**

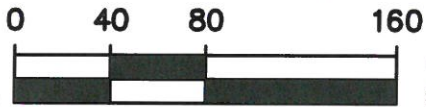
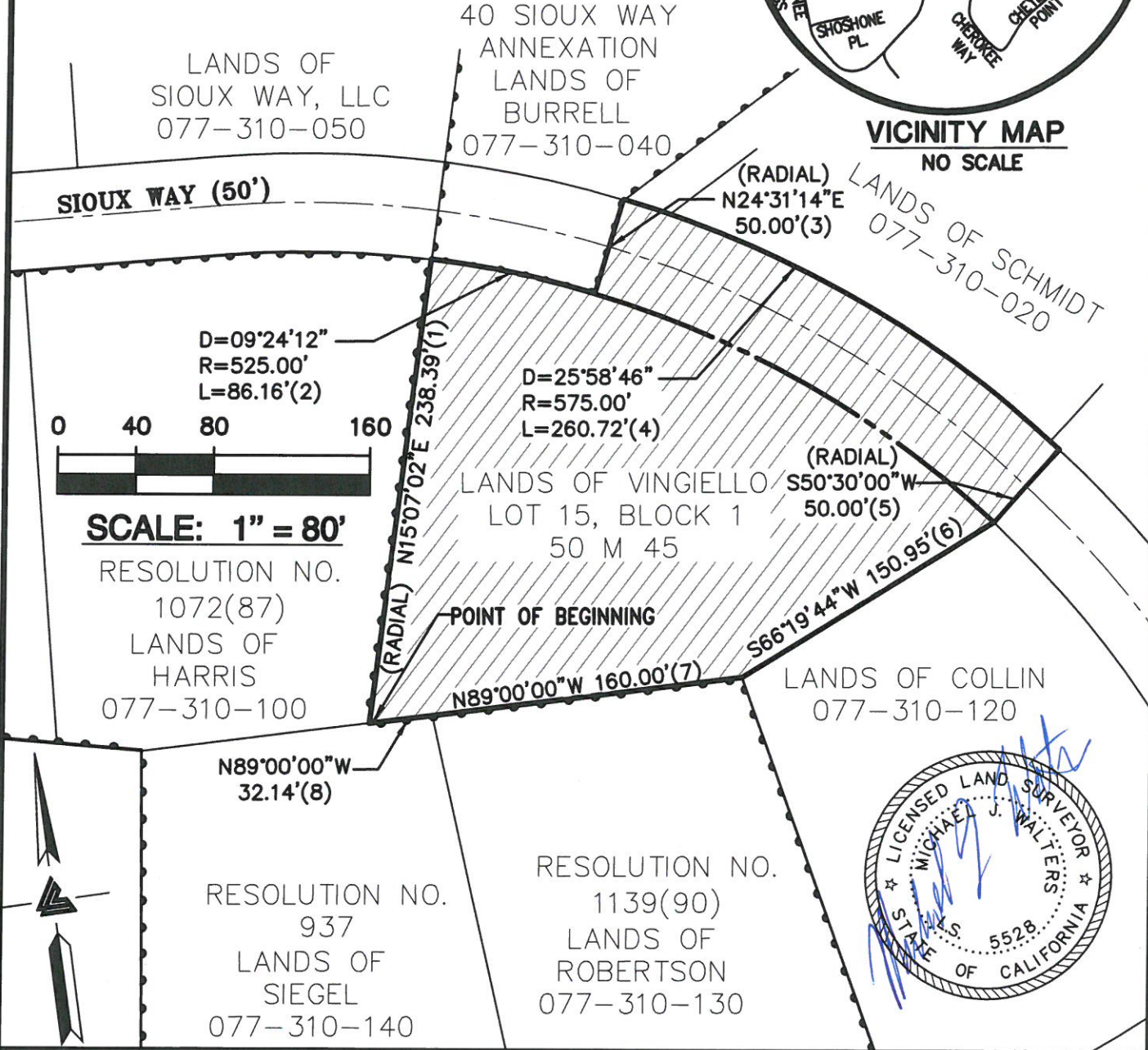
LEGEND:

- EXISTING WEST BAY SANITARY DISTRICT BOUNDARY
- LANDS OF VINGIELLO
- PROPOSED WEST BAY SANITARY DISTRICT BOUNDARY
- ADJACENT PROPERTY LINE

DISCLAIMER:
FOR ASSESSMENT PURPOSES ONLY. THIS DESCRIPTION OF LAND IS NOT A LEGAL PROPERTY DESCRIPTION AS DEFINED IN THE SUBDIVISION MAP ACT AND MAY NOT BE USED AS THE BASIS FOR AN OFFER FOR SALE OF THE LAND DESCRIBED.



**VICINITY MAP
NO SCALE**



SCALE: 1" = 80'

RESOLUTION NO.
1072(87)
LANDS OF
HARRIS
077-310-100

D=09°24'12"
R=525.00'
L=86.16'(2)

D=25°58'46"
R=575.00'
L=260.72'(4)

(RADIAL)
S50°30'00"W
50.00'(5)

N89°00'00"W 160.00'(7)

N89°00'00"W
32.14'(8)

RESOLUTION NO.
937
LANDS OF
SIEGEL
077-310-140

RESOLUTION NO.
1139(90)
LANDS OF
ROBERTSON
077-310-130

LANDS OF COLLIN
077-310-120



LEA & BRAZE ENGINEERING, INC.

CIVIL ENGINEERS • LAND SURVEYORS
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HAYWARD, CALIFORNIA 94545
(P) (510) 887-4086
(F) (510) 887-3019
WWW.LEABRAZE.COM
SACRAMENTO REGION
3017 DOUGLAS BLVD, # 300
ROSEVILLE, CA 95661
(P) (916)966-1338
(F) (916)797-7363

EXHIBIT "B"
**PLAT TO ACCOMPANY LEGAL DESCRIPTION
PROPOSED SEWER ANNEXATION
LANDS OF VINGIELLO,
TOWN OF OF PORTOLA VALLEY,
SAN MATEO COUNTY, CALIFORNIA**