



LOCAL AGENCY FORMATION COMMISSION

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

March 11, 2019

To: LAFCo Commissioners
From: Martha Poyatos, Executive Officer *M. Poyatos*
Subject: LAFCo File 18-10–Proposed Annexation of 28 Arastradero Road, Unincorporated Santa Clara County (APN 182-34-061) to West Bay Sanitary District (5.44 acres)

Summary

This proposal, submitted by landowner petition, requests annexation to connect an existing residence to the West Bay Sanitary District sewer main to allow for future development of an accessory dwelling unit on the property.

West Bay Sanitary District is a regional sewer service provider in Southern San Mateo County and limited adjacent areas in Santa Clara County. Section 56123 of the Cortese-Knox-Hertzberg Act sets forth that when a district is located in more than one county, the LAFCo of the county with the greatest assessed valuation of the district is the principal LAFCo with jurisdiction over all boundary changes to the District. San Mateo and Santa Clara LAFCos have an inter-agency agreement that provides for referral to Santa Clara LAFCo of proposed annexations of Santa Clara parcels to West Bay Sanitary District so that Santa Clara LAFCo can make a recommendation to San Mateo LAFCo. Santa Clara LAFCo considered the application at their February 6, 2019 regular Commission meeting and recommended approval of the annexation.

The proposal has 100 percent landowner consent and requests waiver of conducting authority proceedings. Commission approval is recommended.

Background

In 1999, WBSD's Sphere of Influence was amended to include 27 parcels along Los Trancos Wood adjacent to Los Trancos Creek in order to address an environmental health impacts due to existing residences being located adjacent to Los Trancos Creek. The County of Santa Clara's Environmental Health Department conducted surveys of the area in 1998 and identified parcels that were likely to be underlain with high ground water and/or where proximity to the creek and setback requirements limited available septic leachfield or leachfield expansion. The current proposal requests annexation

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

of one parcel which was among the 27 parcels that San Mateo LAFCO added to the District's Sphere of Influence in February 1999.

Departmental Reports

Santa Clara LAFCo: The subject property is located within Santa Clara County and WBSD is located primarily in San Mateo County. San Mateo LAFCO is considered the principal LAFCO for the WBSD as San Mateo County has the greater portion of the assessed property value of the properties within the service area of WBSD.

A referral from San Mateo LAFCo to Santa Clara LAFCo was made on December 3, 2018. Santa Clara LAFCo then referred this application to various Santa Clara County departments for review and comment. All Santa Clara County departments have recommended approval of the annexation. The property owners will be required to abandon the existing septic system with the Santa Clara County Department of Environmental Health.

Per the Santa Clara County Department of Planning and Development, the County General Plan land use designation is Hillside and the property has a zoning designation of HS-Hillside with a minimum lot size of 20-160 acres land area per dwelling unit, based on a slope-density formula. The parcel is not eligible for further subdivision.

West Bay Sanitary District: A fee of \$545 for annexation and \$545 for the annexation into the On-site Wastewater Disposal Zone (OWDZ) with a \$2,200 publication deposit. Also a District Class 3 permit (\$545 application fee and \$2,000 deposit for plan checking and inspections) and Class 1 permit (\$270 applications fee and connection fees of \$8,501.00 per residential unit currently, and annual sewer service charges will be required. Currently, there are also Reimbursement Agreement fees of approximately \$20,355.47 associated with the force mains.

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 unincorporated area of Santa Clara County at 28 Arastradero Road near Alpine Road.

The annexation area is within the sphere of influence of West Bay Sanitary District adopted by the Commission as revised in 1999 and is consistent with the District's plans for extending service. The proposal area does not include agriculture or open space lands. The annexation does not result in growth-inducing impacts because the parcel is connecting to an existing sewer main and can't be subdivided. Annexation of parcels in close proximity to Los Trancos Creek for the purpose of connecting to public sewer is the superior environmental alternative over septic systems and West Bay Sanitary District indicates it has adequate sewer capacity to serve the parcels. Approval of the annexation is recommended.

Property Tax Exchange

As an annexation to an enterprise district, the annexation is not subject to property tax transfer.

California Environmental Quality Act

The proposal is categorically exempt from the environmental review requirements of the California Environmental Quality Act (CEQA) exempt under State CEQA Guidelines Section 15319(a) & (b)

(Annexations of Existing Facilities and Lots for Exempt Facilities) and Section 15303(d) (New Construction or Conversion of Small Structures)

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 18-10—Proposed Annexation of 28 Arastradero Road, Unincorporated Santa Clara County (APN 182-34-061) to West Bay Sanitary District (5.44 acres) and Waiver of Conducting Authority Proceedings.

Attachments

- A. Annexation Application for 28 Arastradero Road, Unincorporated Santa Clara County (APN 182-34-061)
- B. Vicinity Map
- C. Staff Report and Resolution from Santa Clara LAFCo

cc: Phil Scott, General Manager, West Bay Sanitary District
Reham and Mariam Khalid Jalil, Property Owners
Neelima Palacherla, Executive Officer, Santa Clara LAFCo

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

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A. GENERAL INFORMATION

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

To obtain sewer service to replace septic system for construction of a secondary dwelling unit.

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?

To annex property into the West Bay Sanitary District's on-site waste water disposal zone.

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

Yes No

5. Estimated acreage: 5.77

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>
Sewer	On-site septic	Sewer connection	Proponent	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.

Nex to Arastradero rd/Alpine rd

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

Residential

3. How are adjacent lands used?

North: Single family residential
 South: Single family residential
 East: Single family residential
 West: Arastradero rd

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

After permission to the annex into the West Bay Sanitary District is allowed, construction of a secondary dwelling unit is contemplated.

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

Small hillsides

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

HS

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

Obtaining building site approval and building permit approval.

Please see letter Jonathan Werness, dated Aug 8, 2018 for additional approvals needed.

J. Engineering Technician at West Bay Sanitary District.

8. What additional approvals will be required to proceed?

None

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?

None

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?

None

* * * * *

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: Mariam Khalid Jalil

ADDRESS: 28 Arastradero Rd, Portola Valley, CA 94028

TELEPHONE: 408-515-0324

ATTN: Mariam Khalid Jalil

Maria Khalid Jalil

Signature of Proponent

D. AFFECTED PUBLIC AGENCIES

Please complete this section if this application is submitted by resolution of one or more affected public agencies. Certified copies of resolutions listed below must accompany this application.

1. The names and resolutions of agencies applying for the change of organization or reorganization described above are as follows:

AFFECTED AGENCY	RESOLUTION NO.	DATE ADOPTED
West Bay Sanitary District		

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

Yes No (If Yes, include proof of consent.)

E. PLAN FOR PROVIDING SERVICES

1. Enumerate and describe the services to be extended to the affected territory.

Provide public sewer service to residence and to allow construction of a secondary dwelling unit.

2. Describe the level and range of those services.

Normal for a secondary dwelling unit.

3. Indicate when those services can feasibly be extended to the affected territory.

As soon as practical once approval is obtained.

4. Indicate any improvements or upgrading of structures, roads, sewer or water facilities, or other conditions to be imposed or required within the affected territory.

None.

5. Describe financial arrangements for construction and operation of services extended to the affected territory. (Attach proposed operations budget if available) Will the territory be subject to any special taxes, charges or fees? (If so, please specify.)

Homeowner will assist in construction of sewer connection.

6. In as much detail as required to give a clear explanation, explain why this proposal is necessary at this time.

Connection to public sewer is recommended by the County officials to allow construction of a secondary dwelling unit.

This section completed by _____ (Name) _____ (Title)

Applica_blk.doc
(10/6/2000)

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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:
To annex property into 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 (annexation, detachment, reorganization, etc.) is/are:
to allow connection to sewer service to replace on-site septic system.
7. The proposed _____ 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.

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*
<u>11-27-18</u>	<u>Mariam Khalid Said</u>	<u>Mariam Khalid Said 28 Arastradero Rd, Portola valley CA 94028</u>	<u>182-34-061</u>
<u>11-27-18</u>	<u>Reham Said</u>	<u>Reham Said</u>	<u>182-34-061</u>
_____	_____	_____	_____

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

Addendum to Application Requesting Annexation of Lands of

Tahli

(List Applicant, Owners names and assessor parcel numbers)

to the West Bay Sanitary District
(Name of City or District)

Mariam Khalid Tahli
Rehan Tahli
APN #182-34-061

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and detaching said area from
N/A

list districts from which lands will be detached

As part of above noted application submitted by petition, the Chief Applicants, Mariam K. Tahli and Rehan Tahli as Applicants and subject landowner(s), real parties 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.

<u>Mariam Khalid Tahli</u>	Date <u>Nov 28, 2018</u>
<u>Rehan Tahli</u>	Date <u>11-28-18</u>
_____	Date _____
_____	Date _____

"EXHIBIT A"

Date: November 18, 2018
Annexed to: West Bay Sanitary District
Name of Annexation: _____

Geographic Description

All that certain real property, situate in the Unincorporated Area of Santa Clara County, State of California, being all of the Lands of Jalil as described in that certain Grant Deed Recorded February 8, 2016 as Document No. 23215801, Santa Clara County Records, more particularly described as follows:

Beginning at the most westerly corner in the centerline of Los Trancos Creek;

Thence (1) along said creek centerline, N 24°29'07" E, 77.57 feet;

Thence (2) N 49°10'16" E, 74.87 feet;

Thence (3) N 01°49'20" W, 108.65 feet to the westerly line of Arastradero Road;

Thence (4) along said westerly line, N 58°52'14" E, 102.82 feet;

Thence (5) N 78°00'00" E, 42.33 feet to the westerly line of John Marthen's Lane;

Thence (6) S 58°00'00" E, 540.94 feet to the most Easterly corner of said lands;

Thence (7) along the Southeasterly line of said lands, S 32°13'13" W, 460.00 feet to the Southerly corner of said lands;

Thence (8) along Southwesterly line of said lands, N 48°00'27" W, 576.29 feet to the **Point of Beginning** and containing 5.44 acres of land, more or less.

For assessment purposes only. This description of land is not a legal property description as defined in the Subdivision Map Act and may be used as the basis for an offer for sale of the land described.

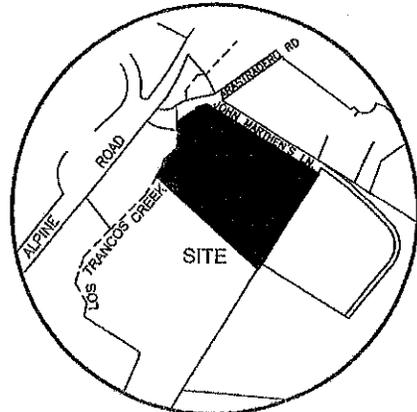
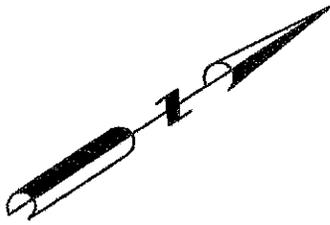
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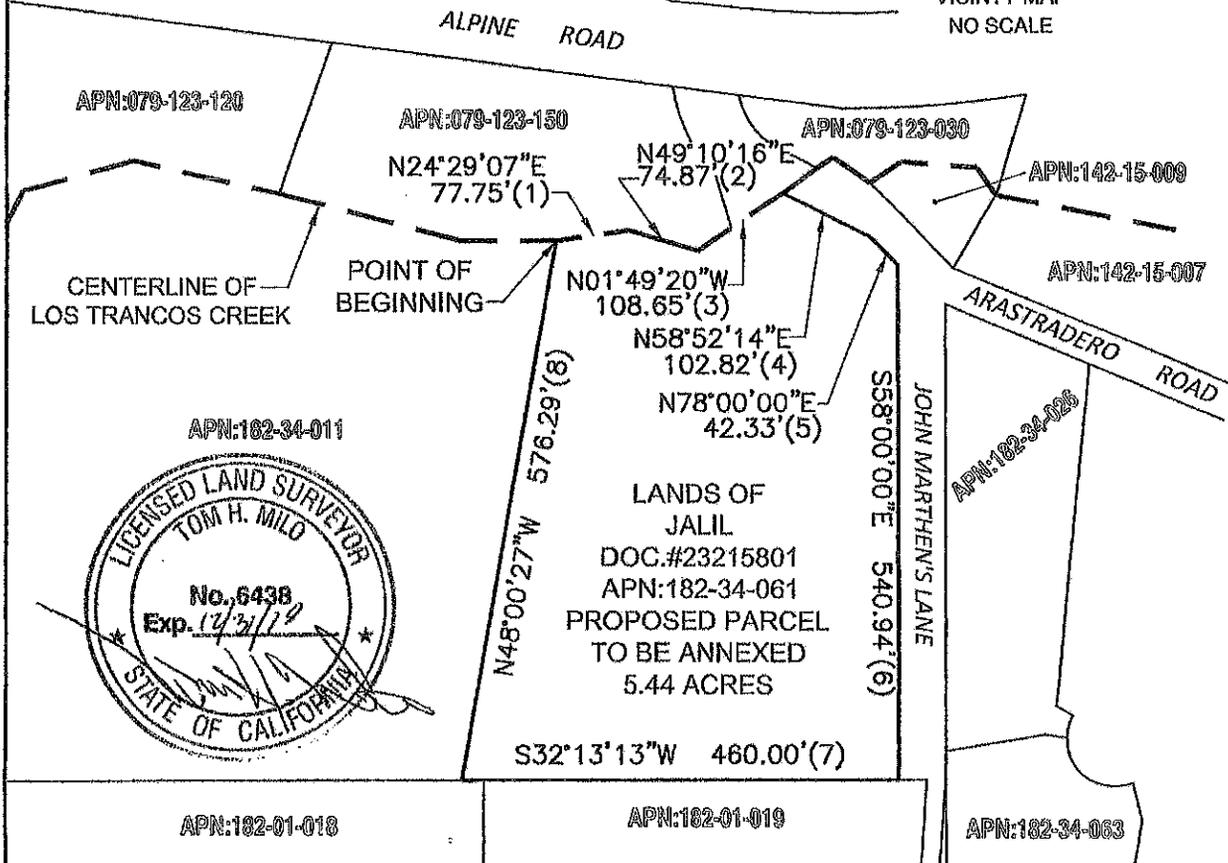
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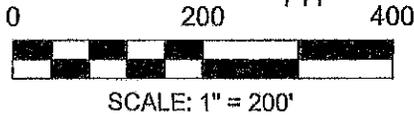
LAFCO



VICINITY MAP
NO SCALE



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



PROPOSED SEWER ANNEXATION OF THE
LANDS OF JALIL
TO WEST BAY SANITARY DISTRICT
UNINCORPORATED
SANTA CLARA COUNTY, CALIFORNIA

T · K · M
Land Surveyors
2250 Bohannon Drive
Santa Clara, CA 95050
408.615.8855 phone
408.615.1556 fax



Serving Our Community Since 1902

500 Laurel Street, Menlo Park, California 94025-3486 (650) 321-0384 (650)321-4265 FAX

PHIL SCOTT
District Manager

In reply, please refer to our
File No. 182-34-061

August 8, 2018

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VIA EMAIL: mariam2@gmail.com

RE: **ANNEXATION INQUIRY**
28 ARASTRADERO ROAD, PORTOLA VALLEY, CA 94028
APN: 182-34-061

Dear Mariam:

This letter is in response to the inquiry you made to the District regarding the process and costs of establishing sanitary sewer service for the referenced parcel. The following will need to occur before sanitary sewer service to the property can be established.

The parcel will need to be annexed into the West Bay Sanitary District (WBSD). As part of the application, the applicant will need to provide a detailed map and legal description of the parcel as prescribed by State Board of Equalization requirements. The applicant will need to hire a civil engineer to prepare the map and legal description, and to design the sewer system.

For the annexation processes to begin, the applicant or the property owner would have to annex the property into the WBSD through both San Mateo and Santa Clara County Local Agency Formation Commissions (LAFCos) because your property is in Santa Clara County. There is a requirement for an environmental review per the California Environmental Quality Act (CEQA) regulations and a processing fee for the annexation set by LAFCo. This is usually a two to three month process. Please contact Ms. Martha Poyatos of San Mateo County LAFCo at (650) 363-4224 and Ms. Neelima Palacherla of Santa Clara County LAFCo at (408) 993-4713. The District cannot guarantee when both LAFCos will approve the annexation request. A \$545 processing fee is to be paid to WBSD (see attached fee schedule). Refer to Ms. Poyatos and Ms. Palacherla for fees to be collected by the specified LAFCos.

Currently, there is a WBSD force main located on Old Alpine Road. The parcel in question will need to be annexed into the District's On-Site Wastewater Disposal Zone (OWDZ), which requires public notice; written approval from both LAFCos, the Counties of San Mateo and Santa Clara Health Officers, and the California Regional Water Quality Control Board; a public hearing; as well as publication of a resolution of intent to annex the parcel into the OWDZ, which will be administered by the District. This is a three to four month process and is dependent upon annexation by the LAFCos, a completed application to the OWDZ and a complete, preliminary engineered design accepted by the District. District staff will review the application and California Environmental Quality Act (CEQA) requirements for the proposed project. The resolution of intent to annex into the zone also requires publication. A \$2,200 deposit for this cost must be paid with a \$545 zone annexation fee at the time the application for annexation into the OWDZ is submitted. If the publication costs

are less than \$2,200, the District will credit the difference to the cost associated with the required Class 3 Sewer Permit for the construction of the Septic Tank Effluent Pumping (STEP) system. If the publication costs are greater than \$2,200, the District will invoice the balance.

Upon satisfactory completion of this part of the process, you or your agent will need to apply at the District's office for a Class 3 Sewer Permit to construct the STEP system. The applicant will need to have a STEP system installed on the property to be served, as well as a force main system that would eventually connect to the mentioned existing force main. The construction of the pumping system (STEP); force main system/connection; and the building sewer are the applicant's responsibility. The applicant will need their registered Civil Engineer to design the pumping system (STEP), which will need to be reviewed and approved by District staff. District staff will review the design, a plan and profile of the proposed systems, specifications, and the engineering calculations submitted by the applicant's engineer. Construction of the system may not be started until the District accepts the engineering design, and the Class 3 Sewer Permit is issued. The District Board must approve the application for the Class 3 Sewer Permit and accept the work done under the permit before connection of the parcel is made. Note that prior to the District Board accepting the completed work done under the permit, a one-year guarantee of the work in the form of a maintenance bond or cash deposit is required. The Class 3 Sewer Permit fee is \$545, and a deposit of \$2,000 is required for administration, plan review and inspection costs. If actual costs exceed the deposit, the District will invoice the applicant for the difference. If the actual costs are less than the deposit, a credit will be made toward the Class 1 Sewer Permit and connection fees.

As a condition for the installation of the STEP system, the applicant will be required to enter into an "Agreement Creating Covenants Running with the Land". All property owners will need to sign and date the Covenants, present it before a Notary Public, and return a completed document to the District. This document will need to be recorded with the County Recorder's Office which will be processed by the District. The applicant will also need to provide the District with an easement for access on the parcel to the pumping system (STEP) for routine maintenance. This easement must meet the requirements of the District's Code of General Regulations and be recorded in the official records of the Counties of San Mateo and Santa Clara. The District must have full vehicular all weather access to the pumping system. The location of the wastewater discharge system will require special consideration, so the applicant and the District should determine the location jointly in the early stages of the design.

The applicant shall transfer and convey to the District the full right, title, and interest in and to the constructed sanitary sewer force main within the public right of way.

Upon District Board acceptance of the work done under the Class 3 Sewer Permit, the applicant or their agent will need to apply for a Class 1 Sewer Permit for the connection of a single-family residence to the District's main facilities. The permit fee is currently \$270.00 each and the connection fee for a single-family residence is currently \$8,501.00 each. There will also be a reimbursement (Winchell Reimbursement Agreement) fee associated with this annexation. Currently, the Winchell reimbursement fee is approximately \$21,000.00. As these fees must be paid at the time of application for the Class 3 Sewer Permit, the property owners should call the District's offices immediately prior to obtain the exact amount due. In addition to the aforementioned costs, the applicant is again responsible for the construction of the force main system to the District's facilities. It will also be the property owner's responsibility to pay annual sewer service charges.

August 8, 2018

Page 3

The applicant will need to consult with Santa Clara County Environmental Health as to the requirements for abandonment of the existing septic tanks. The District will not sign off on the Class 1 Sewer Permits until the applicant provides the District with a copy of the finalized septic tank abandonment permits. The applicant will also need to obtain building and street opening permits from the Town of Portola Valley.

Please call me at (650) 321-0384, if you have any technical questions about the specifications for construction of the wastewater facilities or if you have questions regarding the annexation application or processes.

Very truly yours,

WEST BAY SANITARY DISTRICT

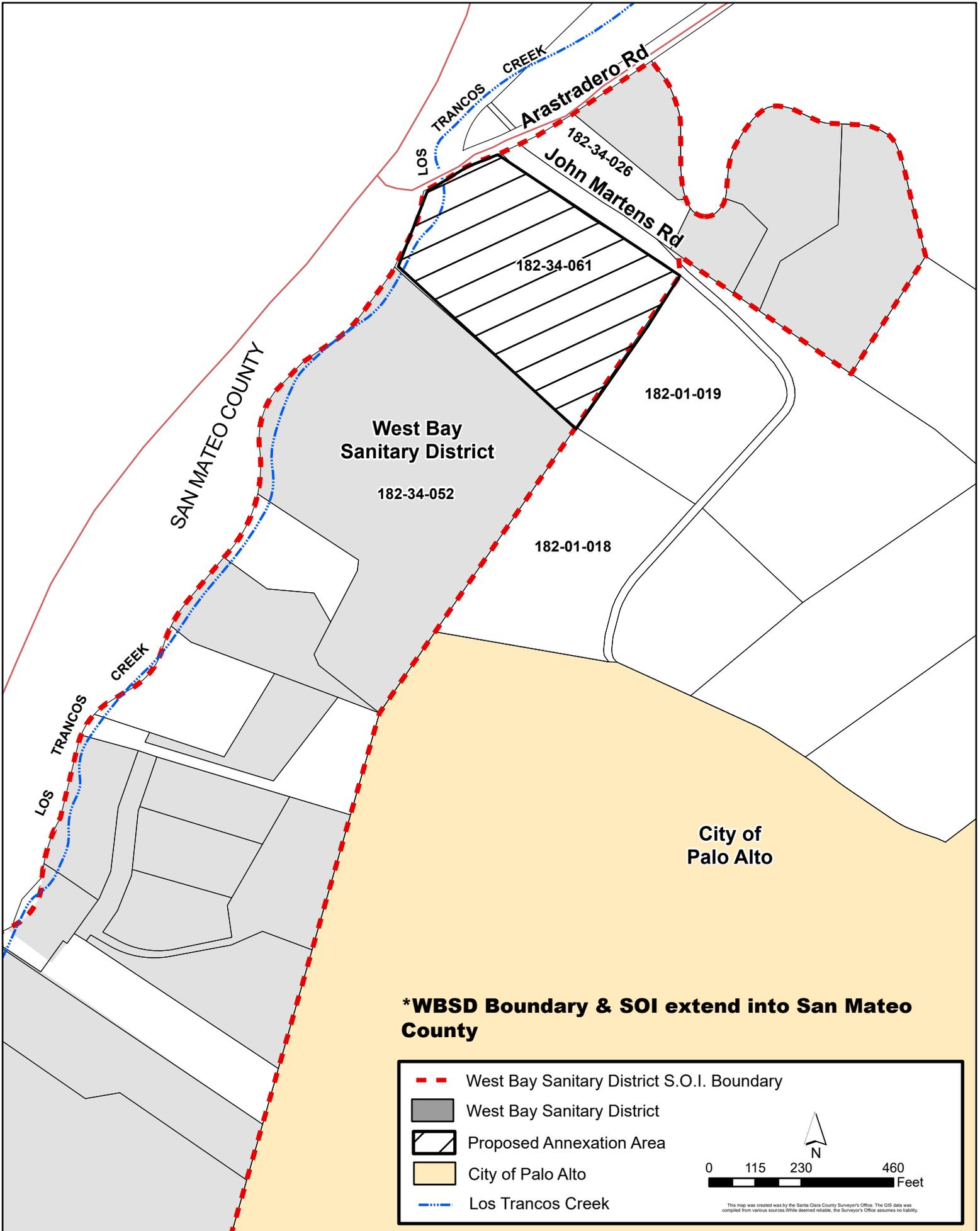


Jonathan Werness
Engineering Technician

Attachments: Annexation and On-Site Wastewater Disposal Zone Application Packet including the Agreement Creating Covenants Running with the Land and WBSD Fee Schedule

cc: BHK, SXR, TMR, CJN, PYD
Martha Poyatos, San Mateo County LAFCo
Neelima Palacherla, Santa Clara County LAFCo

West Bay Sanitary District 2018-01 (Arastradero Road)



***WBSD Boundary & SOI extend into San Mateo County**

	West Bay Sanitary District S.O.I. Boundary
	West Bay Sanitary District
	Proposed Annexation Area
	City of Palo Alto
	Los Trancos Creek

0 115 230 460 Feet

This map was created by the Santa Clara County Surveyor's Office. The GIS data was compiled from various sources. While deemed reliable, the Surveyor's Office assumes no liability.



**Local Agency
Formation Commission
of Santa Clara County**
777 North First Street
Suite 410
San Jose, CA 95112
SantaClaraLAFCO.org

Commissioners
Susan Ellenberg
Sequoia Hall
Sergio Jimenez
Linda J. LeZotte
Rob Rennie
Mike Wasserman
Susan Vicklund Wilson

Alternate Commissioners
Cindy Chavez
Maya Esparza
Yoriko Kishimoto
Russ Melton
Terry Trumbull
Executive Officer
Neelima Palacherla

LAFCO MEETING: February 6, 2019
TO: LAFCO
**FROM: Neelima Palacherla, Executive Officer
Dunia Noel, Asst. Executive Officer
Lakshmi Rajagopalan, Analyst**
**SUBJECT: WEST BAY SANITARY DISTRICT 2018-01
(Arastradero Road)**

STAFF RECOMMENDATION

Forward the following recommendation to the San Mateo Local Agency Formation Commission, for its consideration:

CEQA Action

1. Determine that the proposal is categorically exempt from the provisions of CEQA pursuant to State CEQA Guidelines §15319 (a) & (b), and §15303(d).

Project Action

2. Approve the annexation of approximately 5.44 acres of land (APN 182-34-061), located at 28 Arastradero Road in unincorporated Santa Clara County, to the West Bay Sanitary District, as described and depicted in **Attachment B (Exhibits “A” and “B”)**.
3. Waive protest proceedings pursuant to Government Code §56662(a).

PROJECT DESCRIPTION

Santa Clara LAFCO received a referral from San Mateo LAFCO for an annexation application to the West Bay Sanitary District (WBSD). The proposal is for annexation of a privately owned parcel (APN 182-34-061) into the West Bay Sanitary District (WBSD) in order to allow the District to provide sanitary sewer services. Please see **Attachment A** for an overview map depicting the current WBSD boundaries in relationship to the annexation proposal.

The annexation proposal includes one parcel (APN 182-34-061) of approximately 5.44 acres in area, located at 28 Arastradero Road in unincorporated Santa Clara County, between Portola Valley and Palo Alto. The parcel is located in WBSD’s Sphere of Influence (SOI). The subject parcel is currently developed with a single-

family residence that is served by an onsite septic system. The property owners desire to start construction on a secondary dwelling unit and would like to abandon their onsite septic system and receive sewer service from WBSD.

Attachment B includes the legal description (Exhibit “A”) and map (Exhibit “B”) describing and depicting the boundaries of the proposed annexation.

1998 Sphere of Influence Amendment (Approved by LAFCO in February 1999)

In 1999, WBSD’s Sphere of Influence was amended to include 27 parcels along Los Trancos Wood adjacent to Los Trancos Creek in order to address an environmental health problem for existing residences along Los Trancos Creek. The County of Santa Clara’s Environmental Health Department conducted surveys of the area in 1998 and identified parcels that were likely to be underlain with high ground water and/or where available septic leachfield or leachfield expansion potential was limited due to parcel setback requirements from the creek. The current proposal seeks to annex one parcel to the District which was among the 27 parcels that LAFCO added to the District’s Sphere of Influence in February 1999.

Procedure for Processing a Change of Organization Application when Santa Clara LAFCO is not Principal LAFCO

WBSD is located primarily within San Mateo County and has minimal territory in Santa Clara County. Pursuant to Government Code §56066, San Mateo LAFCO is considered the principal LAFCO for the WBSD as San Mateo County has the greater portion of the assessed value, out of all taxable property within the district.

Santa Clara and San Mateo LAFCOs jointly adopted policies and procedures for processing proposals affecting more than one county. These policies, consistent with Government Code §56123, require the principal LAFCO to notify and forward such applications to the LAFCO where the affected territory is located. Upon receipt of the application referral, the LAFCO may consider the application and its staff report / recommendation; and forward a recommendation to the principal LAFCO, which will then take the final action at its own hearing. In the case of this annexation proposal, Santa Clara LAFCO’s action is therefore only advisory; the final action on this matter will be taken by San Mateo LAFCO.

WAIVER OF PROTEST PROCEEDINGS

The annexation territory is uninhabited, i.e., fewer than 12 registered voters reside within the territory. The annexation proposal has consent from all landowners of the property proposed for annexation. LAFCO has not received a request from the WBSD or from any other affected local agency, for notice, hearing or protest proceeding on the proposal. Therefore, pursuant to GC §56662(a), LAFCO is considering this proposal without notice or hearing and may waive protest proceedings.

ENVIRONMENTAL ASSESSMENT

The proposed annexation is exempt under State CEQA Guidelines §15319(a) & (b) and §15303(d).

§15319: Class 19 consists of only the following annexations:

(a) Annexation to a city or special district of areas containing existing public or private structures developed to the density allowed by the current zoning or pre-zoning of either the gaining or losing governmental agency whichever is more restrictive, provided, however, that the extension of utility services to the existing facilities would have a capacity to serve only the existing facilities.

(b) Annexation of individual small parcels of the minimum size for facilities exempted by §15303, New Construction or Conversion of Small Structures.

§15303: Class 3 consists of construction and location of limited numbers of new, small facilities or structures, installation of small new equipment and facilities in small structures... The number of structures described in this section are the maximum allowable on any legal parcel. Examples of this exemption include but are not limited to:

(d) Water main, sewage, electrical, gas, and other utility extensions, including street improvements, of reasonable length to serve such construction.

CONSISTENCY WITH LAFCO POLICIES

Impacts to Agricultural and Open Space Lands

The subject parcel is not under a Williamson Act Contract and does not contain open space or agricultural lands as defined in the Cortese Knox Hertzberg Act. Therefore, the proposed annexation does not impact agricultural or open space lands.

Logical & Orderly Boundaries

The subject parcel is within the WBSD's SOI and is contiguous to the District's boundary. The subject parcel is located in unincorporated Santa Clara County and is not within a city's urban service area. County General Plan policies state that urban services such as water and sewer service should not be provided outside of city urban service areas. Exceptions to these policies are limited to resolving situations where there is an existing threat to public health and safety.

As discussed earlier, the County's Environmental Health Department conducted surveys of the area in 1998 and identified parcels along Los Trancos Creek that were likely to be underlain with high groundwater and/or where available septic leachfield or leachfield expansion potential was limited due to parcel setback requirements. The purpose of these surveys was to identify areas where the use of septic systems, particularly long-term, may be inappropriate. The current proposal

seeks to annex one parcel, located directly along Los Trancos Creek and was part of the 1998 surveys, to the WBSD in order to receive sewer service from the District.

The County Surveyor has reviewed the annexation map and has found that the boundaries are definite and certain. The Surveyor has also determined that the project conforms to LAFCO's road annexation policies. The proposal will not create an island, corridor, or strip. The County Assessor has reviewed the proposal and found that the proposal conforms to lines of assessment.

Public Health and Safety Issues

The County's Department of Environmental Health (DEH) issues septic system permits and oversees system installations and repairs for properties in Santa Clara County. DEH staff indicated that they are not aware of any existing public health or safety issues associated with APN: 182-34-061 beyond the results of the Department's 1998 surveys. County DEH has required the owners of APN 182-34-061 to consult with them regarding the abandonment of the existing on-site septic tank.

Growth Inducing Impacts

The subject parcel 182-34-061 is approximately 5.44 acres in size and is located in unincorporated Santa Clara County. The site is currently developed with a single-family residence with onsite septic and the property owners desire to start construction of a secondary dwelling unit. They would like to abandon their existing septic system and receive sanitary sewer services from the WBSD.

The parcel has a Santa Clara County General Plan land use designation of Hillside and a zoning designation of HS-Hillside with a minimum lot size of 20-160 acres land area per dwelling unit, based on a slope-density formula. The parcel is not eligible for further subdivision due to its size.

Properties directly to the north of the subject parcel are located in unincorporated Santa Clara County and are either currently served by the District and/or within the District's SOI. The District currently serves the property to the south of the subject parcel.

Directly east of the subject parcels are lands located outside of the District and the District's Sphere of Influence. These lands consist of the Pearson-Arastradero Preserve and a few unincorporated rural estates served by septic systems. In order to receive sanitary sewer services from the District, these parcels would first need to be included in the District's SOI and then annexed into the District. An amendment of the District's SOI and annexation to the District would require LAFCO's approval and LAFCO would conduct the required environmental analysis, including the consideration of the potential growth-inducing impacts of such a proposal.

Ability of District to Provide Services

Per the WBSD's letter dated 8/8/2018 and supplemental information dated 1/2/2019 (**Attachment C**), the District has adequate sewer capacity to provide sanitary sewer services to the subject parcel without detracting from the existing service levels within the District. The WBSD letter also outlines the process to establish sanitary sewer service to the property, including the property owner's responsibility to construct onsite infrastructure and to obtain the necessary permits from the responsible local agencies.

Property Tax Exchange

The WBSD is an enterprise district and is not requesting any portion of property taxes following annexation of APN 182-34-061. Therefore, upon annexation, no property tax revenue will be transferred from Santa Clara County to the WBSD.

CONCLUSION AND NEXT STEPS

The owners of APN 182-34-061 would like to construct a secondary dwelling unit and would like to abandon an existing septic system and connect to the District's nearby sanitary sewer system. The subject parcel proposed for annexation is located in the District's SOI.

The District has the capacity to provide sanitary sewer services to the subject parcel without detracting from the existing service levels within the District. The owners of the subject parcel have agreed to construct a new sewer lateral which will connect the property to the District's existing sewer main. The subject parcel is located in unincorporated Santa Clara County and cannot be subdivided due to its zoning designation and size. The project has no significant growth inducing impacts or adverse impacts on agricultural or open space lands in the area. Therefore, staff recommends annexation of the subject parcel to the District.

If directed by LAFCO, staff will forward this recommendation to San Mateo LAFCO for its consideration and final action.

ATTACHMENTS

- | | |
|---------------|---|
| Attachment A: | Overview Map depicting the proposed annexation in relation to the West Bay Sanitary District and Santa Clara County boundaries. |
| Attachment B: | Legal Description (Exhibit "A") and Map (Exhibit "B") of Proposed Annexation to the West Bay Sanitary District |
| Attachment C: | WBSD letter dated 8/8/2018 and supplemental information dated 1/2/2019 |

RESOLUTION NO. 2019-01

**RESOLUTION OF THE LOCAL AGENCY FORMATION COMMISSION
OF SANTA CLARA COUNTY WITH RECOMMENDATIONS FOR THE SAN MATEO
LOCAL AGENCY FORMATION COMMISSION REGARDING THE ANNEXATION
OF CERTAIN PROPERTY TO THE WEST BAY SANITARY DISTRICT**

WEST BAY SANITARY DISTRICT ANNEXATION 2018-01 (ARASTRADERO ROAD)

WHEREAS, in December 2018, the San Mateo Local Agency Formation Commission (LAFCO) forwarded a proposal to LAFCO of Santa Clara County, which requested the annexation to the West Bay Sanitary District (WBSD) of approximately 5.44 acres (APN 182-34-061) located at 28 Arastradero Road in unincorporated Santa Clara County, between the Town of Portola Valley and the City of Palo Alto; and

WHEREAS, the proposal was filed with the San Mateo LAFCO because it is the principal LAFCO for the WBSD, as San Mateo County has the greater portion of the entire assessed value of taxable property within the District.

WHEREAS, the San Mateo LAFCO forwarded this proposal to LAFCO of Santa Clara County (LAFCO) for an advisory recommendation because the affected territory is located in Santa Clara County; and

WHEREAS, the Executive Officer has reviewed the proposal and prepared a report, including her recommendation, the proposal and report having been presented to and considered by this Commission; and

WHEREAS, LAFCO of Santa Clara County as the referring agency has complied with the California Environmental Quality Act (CEQA) incident to its consideration of this request, as described below; and

WHEREAS, it has been determined that the annexation territory is uninhabited; and

WHEREAS, it has been determined to the satisfaction of LAFCO that all owners of the land included in this proposal consent to the proposal; and

WHEREAS, LAFCO has not received a request from any affected local agency for notice, hearing or protest proceeding on the proposal; and

NOW, THEREFORE, LAFCO of Santa Clara County, does hereby resolve, determine and order as follows:

SECTION 1:

LAFCO of Santa Clara County hereby finds that the project is categorically exempt from the provisions of CEQA pursuant to State CEQA Guidelines §15319 (a) & (b) and §15303(d).

RESOLUTION NO. 2019-01

SECTION 2:

LAFCO of Santa Clara County hereby recommends the annexation of APN 182-34-061, located at 28 Arastradero Road in unincorporated Santa Clara County, to the West Bay Sanitary District, as described and depicted in Exhibits "A" and "B," attached hereto and incorporated herein, without notice and hearing pursuant to Government Code §56662(a).

SECTION 3:

LAFCO hereby waives protest proceedings pursuant to Government Code §56662(a).

PASSED AND ADOPTED by the Local Agency Formation Commission of Santa Clara County, State of California, on February 6, 2019, by the following vote:

AYES: ELLENBERG, HALL, JIMENEZ, LEZOTTE, RENNIE, VICKLUND WILSON, WASSERMAN

NOES: None

ABSENT: None

ABSTAIN: None


Susan Vicklund Wilson, Chairperson
LAFCO of Santa Clara County

ATTEST:

Emmanuel Abello, LAFCO Clerk

APPROVED AS TO FORM:

Malathy Subramanian, LAFCO Counsel

Attachments to Resolution No. 2019-01

1. Exhibit "A" – Legal Description
2. Exhibit "B" – Map

CERTIFICATION

This is to certify that the foregoing is a true and correct copy of the original.


Emmanuel Abello 03/27/2019
LAFCO Clerk

“EXHIBIT A”

Date: January 24, 2019

Annexed to: West Bay Sanitary District

Name of Annexation: West Bay Sanitary District 2018-01 (Arastradero Road)

Geographic Description

All that certain real property, situate in the Unincorporated Area of Santa Clara County, State of California, being all of the Lands of Jalil as described in that certain Grant Deed Recorded February 8, 2016 as Document No. 23215801, Santa Clara County Records, more particularly described as follows:

Beginning at the most westerly corner in the centerline of Los Trancos Creek, also being a point on the existing West Bay Sanitary District Sphere of Influence (S.O.I.) Boundary as established by “2002 Sphere of Influence Amendment and Annexation”:

Thence, along said creek centerline and the existing West Bay Sanitary District S.O.I. Boundary the following three (3) courses:

Thence (1), N 24°29'07" E, 77.57 feet;

Thence (2) N 49°10'16" E, 74.87 feet;

Thence (3) N 01°49'20" W, 108.65 feet to the westerly line of Arastradero Road;

Thence (4) leaving said centerline of Los Trancos Creek and the existing West Bay Sanitary District S.O.I. Boundary and along the westerly line of Arastradero Road, N 58°52'14" E, 102.82 feet;

Thence (5) N 78°00'00" E, 42.33 feet to the westerly line of John Marthen's Lane;

Thence (6) S 58°00'00" E, 540.94 feet to the most Easterly corner of said lands and to a point on the existing West Bay Sanitary District S.O.I. Boundary;

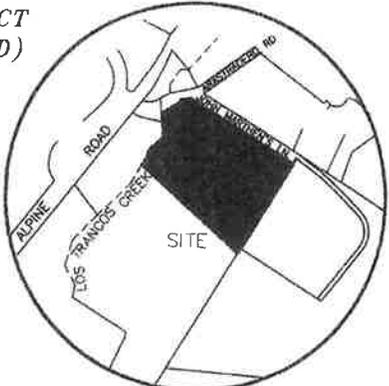
Thence (7) along the Southeasterly line of said lands and along the existing West Bay Sanitary District S.O.I. Boundary, S 32°13'13" W, 460.00 feet to the Southerly corner of said lands and the most easterly line of the lands as described in West Bay Sanitary annexation recorded as Document Number 22830080, Santa Clara County Records;

Thence (8) along Northeasterly line of said lands, N 48°00'27" W, 576.29 feet to the **Point of Beginning** and containing 5.44 acres of land, more or less.

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.



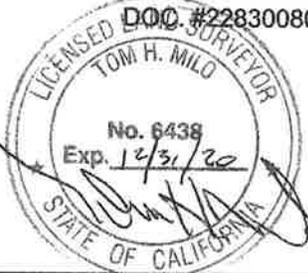
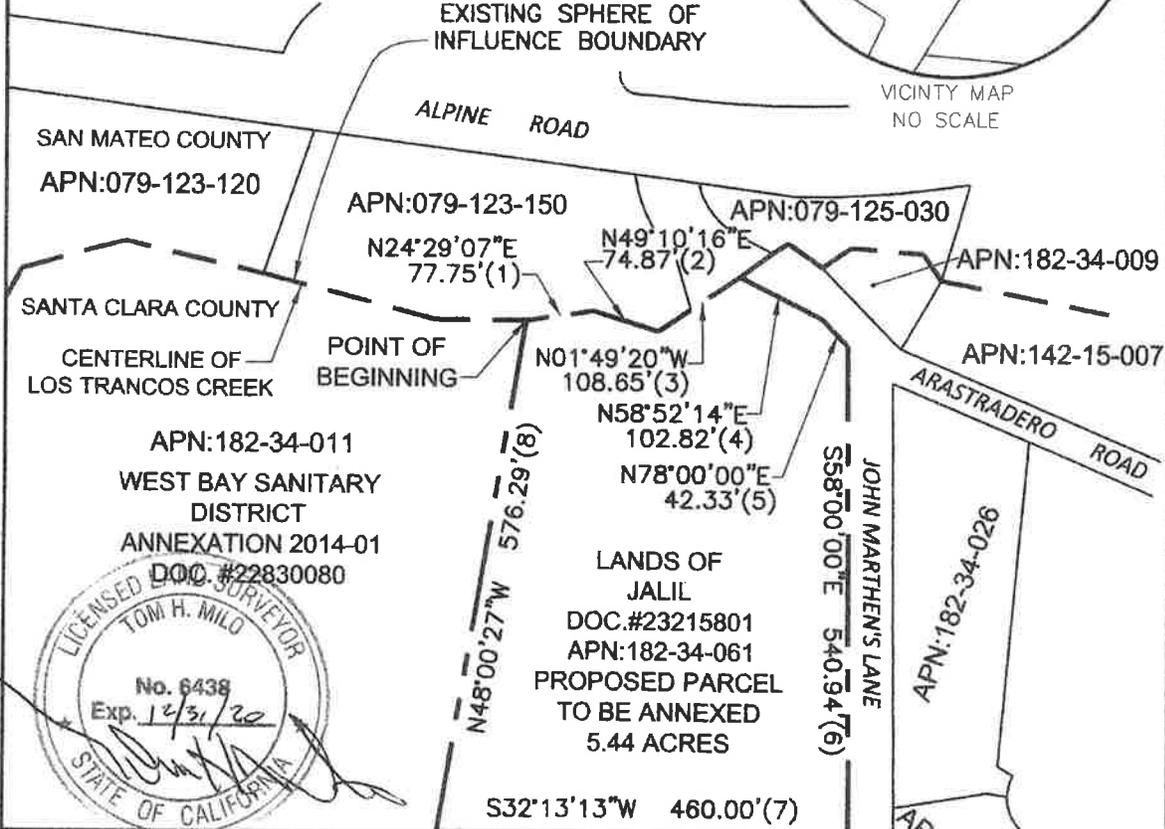
WEST BAY SANITARY DISTRICT
2018-01 (ARASTRADERO ROAD)



VICINITY MAP
NO SCALE



EXISTING SPHERE OF
INFLUENCE BOUNDARY



APN:182-01-018

DISCLAIMER:
FOR ASSESSEMENT 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

EXISTING SPHERE OF
INFLUENCE BOUNDARY
APN:182-01-019

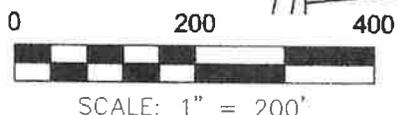


EXHIBIT "B"
PROPOSED SEWER ANNEXATION OF THE
LANDS OF JALIL
TO WEST BAY SANITARY DISTRICT
UNINCORPORATED
SANTA CLARA COUNTY, CALIFORNIA

T · K · M
Land Surveyors

2250 Bohannon Drive
Santa Clara, CA 95050
408.615.8855 phone
408.615.1556 fax