

SAN MATEO



LOCAL AGENCY FORMATION COMMISSION

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Action Minutes San Mateo Local Agency Formation Commission Meeting November 18, 2020

Chair Cosgrove called the Wednesday, November 18, 2020 meeting of the Local Agency Formation Commission (LAFCo) to order at 2:30 pm via Zoom in accordance with Executive Order N-29-20 and N-33-20 due to COVID 19.

1. Roll Call

Members Present: Commissioners Ann Draper, Ric Lohman, Harvey Rarback (Alternate), Mike O’Neill, Don Horsley, Vice Chair Warren Slocum and Chair Joshua Cosgrove.

Members Absent: Commissioner Rich Garbarino

Alternate Commissioners Jim O’Neill and Kati Martin were also present.

Staff Present: Martha Poyatos, Executive Officer
Rob Bartoli, Management Analyst
Timothy Fox, Legal Counsel
Angela Montes Cardenas, Commission Clerk

2. Consent Agenda

- a. Approval of Action Minutes: October 21, 2020
- b. LAFCo File No. 20-08 – Proposed annexation of 25 Arapahoe Court, Portola Valley (APN 077-300-080) to West Bay Sanitary District
- c. Time Extension for LAFCo File No. 19-03 – Proposed annexation of 252 Club Drive, Unincorporated San Mateo County (APN 049-050-050) to the City of San Carlos

Commission Action: Commissioner Mike O’Neill moved to approve the consent agenda and Commissioner Lohman seconded the motion which passed unanimously by roll call vote. (Ayes: Commissioners Draper, Rarback, Horsley, Lohman, O’Neill, Vice Chair Slocum and Chair Cosgrove. Abstentions: None; Noes: None)

COMMISSIONERS: WARREN SLOCUM, CHAIR, COUNTY ▪ MIKE O’NEILL, VICE CHAIR, CITY ▪ HARVEY RARBACK, CITY ▪ DON HORSLEY, COUNTY ▪ JOSHUA COSGROVE, SPECIAL DISTRICT ▪ RIC LOHMAN, SPECIAL DISTRICT ▪ ANN DRAPER, PUBLIC

ALTERNATES: KATI MARTIN, SPECIAL DISTRICT ▪ VACANT, CITY ▪ JAMES O’NEILL, PUBLIC ▪ DAVE PINE, COUNTY

STAFF: MARTHA POYATOS, EXECUTIVE OFFICER ▪ TIMOTHY FOX, LEGAL COUNSEL ▪ ROB BARTOLI, MANAGEMENT ANALYST ▪ ANGELA MONTES, COMMISSION CLERK

3. Public Comment for Items Not on the Agenda

Chair Cosgrove opened and closed public comment. No written or oral comments from the public were received.

4. Adoption of Sphere of Influence for the San Mateo Resource Conservation District

Mr. Bartoli presented the staff report dated November 12, 2020. He began by stating that at the October 2020 meeting, the Commission adopted the Municipal Service Review (MSR) for the District and set the November 18, 2020 meeting for the adoption of the Sphere of Influence (SOI).

Mr. Bartoli noted that staff subsequently met with District staff and a Board member regarding District boundaries and areas that could be included in the District's SOI and also shared preliminary mapping analysis that support inclusion of several areas. He also noted that the Commission approved the MSR for the RCD in October of this year.

The current SOI for the District is coterminous with the boundaries of the District and the boundaries currently include the majority of the western portion of San Mateo County, from the San Francisco to Santa Cruz county lines but there are several excluded pockets. He emphasized that the MSR identified several pockets of excluded territory, in the western portion of the County, that could be annexed resulting in revenue enhancement for the District. Mr. Bartoli stated that the MSR identified other areas outside District boundaries, including these excluded pockets, that benefit from District services such as activities to address soil erosion, control runoff, and other watershed enhancements. He shared that the expanded SOI would permit the future annexation of these pockets where projects or services are already occurring.

He stated that any future annexation would result in a transfer of property tax to support services and the District administration.

Mr. Bartoli stated that the exclusions within San Mateo County include:

Portions of the City of Pacifica, portions of Unincorporated Midcoast (including El Granada, Miramar Montara, Moss Beach, and Princeton), portions of the City of Half Moon Bay, and portions of Unincorporated South County (including Dearborn Park, La Honda, Loma Mar, Pescadero, Pescadero Creek County Park, Portola Redwoods State Park, and South Skyline).

Mr. Bartoli stated that in addition to amending the boundaries for the SOI, LAFCo is also required to make written recommendations when amending or updating a SOI. He noted that in the majority of the unincorporated areas, the San Mateo County Planning Department has designated the lands as Agriculture, Open Space, or Timber Production.

These three general plan designations limit the amount of development that can occur within these areas. He said that almost all of the territory is within the coastal zone, which further restricts potential development.

Mr. Bartoli reported that LAFCo staff has no concerns regarding the District's capacity to provide services or of the adequacy of District services. He noted that while there are no identified Disadvantaged Unincorporated Communities within the boundaries of the District, several activities that the District undertakes do have direct positive impacts on a number of communities in the County, some of which may have lower socio-economic status and the District has specific projects and programs focused on underserved, low income and non-English speaking communities. He added that in addition to areas staff recommends for inclusion in the district sphere, LAFCo staff has been working with District staff on other areas that the District recommends for inclusion in the sphere.

Mr. Bartoli concluded his report by stating that staff is seeking input from the Commission and from the District regarding excluded pockets or other areas to include in SOI and asked the Commission to set January 20, 2021 for a public hearing to adopt determinations and any updated mapping for the District.

Commissioner Lohman asked if any negative correspondence has been received. Mr. Bartoli shared that most comments reviewed were positive and supportive of the District and that these came from the public or other agencies that have partnered with the District on projects.

Commissioner Mike O'Neill asked if an annexation was to occur, how would property tax be shared. Ms. Poyatos responded that if there was an annexation proposal, LAFCo staff would recommend that the County of San Mateo to enter into the negotiation and cities would not be impacted. Commissioner Mike O'Neill referred to maps of possible annexations and he noted that these are not too detailed and questioned if there are developed areas. He questioned how possible annexation to the District would affect these existing buildings, schools and residents. Ms. Poyatos responded by noting that residents will not see a difference in their property tax amount if the area was annexed to the District. She noted that many of these areas contribute to the problems that the District was created to solve. Commissioner O'Neill expressed concern that proposed improvements to existing structures or homes will be affected if the area is annexed to the District, if yet another agency has review authority. Ms. Poyatos and Mr. Bartoli stated that the District does not have regulatory power and does not comment on development projects.

Commissioner Rarback stated that Half Moon Bay will welcome portions of the City being added to the SOI.

Commissioner Horsley questioned how these pockets ended up being excluded from the District. Ms. Poyatos shared that in the past when larger developments were taking place, enabling legislation allowed for developed properties to be detached which is counter intuitive to the work that the District does. She added that there's no prohibition for including these property back in.

Kellyx Nelson, the San Mateo Resource Conservation District General Manager, presented an overview of the District to the Commission and addressed questions from the Commissioners. She noted that Resource Conservation Districts are established in division 9 of the state's Public Resource Code and are established for the purpose of providing confidential, non-regulatory assistance. She stated that because the District is non-regulatory, they are often invited to provide assistance where other government agencies are not. She emphasized that the District does not make comments about developments nor take position on development related issues. She said that whether it is a public, private, or non-profit entity, if they ask the District for assistance the District provides it.

In response to Commissioner Horsley's question, Ms. Nelson stated that in the 1930s when Resource Conservation Districts were formed, they were largely seen as a farm service agency. The development that exists today within the boundaries of SMRCD, the urbanization and the wildlife urban interfaces, and the concept of working in watersheds across developed and undeveloped lands was not envisioned when RCDs were formed. She stated that the threats that we face today with climate change, drought and invasive species and habitat deggregation and endangered species were not imagined when boundaries were created. She noted that the work the District does now is done at a scale to address those threats and at a scale to have meaningful impact and benefits from diverse constituents.

Ms. Nelson stated that the SMRCD works in several program areas including, water, fire and forest health, wildlife, climate and agriculture.

She stated that the work that is being done throughout the watershed, includes forest, agricultural, and urbanized portions. She noted that the District receives a wide range of requests for assistance, such as requests by homeowners for assistance with managing stormwater. She mentioned that the District is also working with large tracts of forested areas along Skyline Blvd, as well as farms and greenhouses and agricultural production.

Ms. Nelson shared a map showing the location of recent projects that the District has undertaken, including areas outside of the District's existing boundaries.. She said that a number of projects the District has been working on are areas that are already excluded from the District including work within some of the bay side cities. She added that there are

number of efforts that the District has been involved in that involve stream flow and stream gauging particularly on west side of Skyline Blvd.

She noted that the District assists residents of areas east and south of Half Moon Bay where there are residents who rely on surface or well water. She said that the District is also involved in weed eradication and habitat enhancement that is along Skyline. She stated that the District also works on wildlife migration corridors as erosion and sedimentation issues, and provides rural roads technical assistance.

She continued to share work being done for fuel load reduction as well as the Community Wildfire Protection Plan that the District helped develop along with CalFire and covers both San Mateo and Santa Cruz counties. She also mentioned that the County contracts with the District to provide services for an agricultural ombudsman position. The District also provides water quality program assistance to equestrian operations in the County as well.

Ms. Nelson also spoke about climate resiliency work that the District has been a part of. She mentioned the District has worked with State and Federal agencies on species recovery plans. This includes the Pilarcitos Creek watershed management plan and the San Gregorio watershed plan both of which include some areas that are currently excluded from boundaries.

In response to a question from Commissioner Draper about the community wildlife prevention plan and climate, Ms. Nelson provided an overview and elaborated on the climate change plan.

Commissioner Horsley asked Ms. Nelson about the post wild fire mitigation work. She emphasized that the District does nothing alone and all work is done in partnership. She continued to provide an overview of post fire recovery assistance.

Commissioner Lohman made a comment on chipping service available provided by the District and San Mateo County and stated it was a great service and would like to continue to see that in the future.

Chairman Cosgrove opened and closed the public hearing. No comments were received.

Commission Action: Commissioner Horsley moved to set a public hearing on January 20, 2021 to adopt the Sphere of Influence Determinations and Updated Sphere of Influence for the San Mateo Resource Conservation District and Commissioner Draper seconded the motion which passed unanimously by roll call vote. (Ayes: Commissioners Draper, Rarback, Horsley, Lohman, O'Neill, Vice Chair Slocum and Chair Cosgrove. Abstentions: None; Noes: None)

5. Legislative and Policy Committee

a. Legislative Report

Mr. Bartoli gave a brief presentation on the staff report dated November 11, 2020. He stated that CALAFCO is now tracking 11 bills, most of which did not move forward at the end of the legislative year on August 31. He stated that a year-end summary from the State legislature will be presented to the Commission once it is published.

Chairman Cosgrove opened and closed the public hearing. No comments were received.

6. Appointment of Chair and Vice Chair for 2021

Ms. Poyatos gave a presentation to the Commission and referred to the report dated November 11, 2020. She provided information on the rotation basis by which Chairman and Vice Chair are appointed. For calendar year 2021, the rotation would result in making Commissioner Slocum Chair, with a City member as Vice Chair.

Chairman Cosgrove opened and closed the public hearing. No comments were received.

Commissioner Lohman thanked Chairman Cosgrove's for his work as Chairman in 2020.

Commission Action: Commissioner Horsley nominated Commissioner Slocum as 2021 Chairman and Commissioner O'Neill seconded the motion which passed unanimously by roll call vote. (Ayes: Commissioners Draper, Rarback, Lohman, O'Neill, Horsley and Chair Cosgrove. Abstentions: None; Noes: None)

Commission Action: Commissioner Draper nominated Commissioner Mike O'Neill as 2021 Vice Chairperson and Commissioner Horsley seconded the motion which passed unanimously by roll call vote. (Ayes: Commissioners Draper, Horsley, Rarback, Lohman, Vice Chair Slocum and Chair Cosgrove. Abstentions: None; Noes: None)

7. Appointment of Budget Committee and Legislative/Policy Committee for 2021

Ms. Poyatos summarized the staff report dated November 11, 2020. She noted that staff is requesting appointment of 2 3-member committees that can consist of any combination of public, city, special district or county and can also include alternate members. She summarized the time commitment and meetings for each committee.

She stated that the current budget committee members are Commissioners Draper, Mike

O'Neill and Horsley and the current Legislation/Policy Committee members are Commissioners Lohman, Martin and Jim O'Neill.

Commission Action: Commissioner O'Neill moved to maintain current appointments for 2021 Budget and Legislative/Policy Committee and Commissioner Slocum seconded the motion which passed unanimously by roll call vote. (Ayes: Commissioners Draper, Rarback, Lohman, O'Neill, Vice Chair Slocum and Chair Cosgrove. Abstentions: None; Noes: None)

8. California Association of LAFCOs (CALAFCO)

a. CALAFCO Board of Directors 2020 Election Results

Ms. Poyatos gave a brief presentation to the Commission and referred to the report dated November 11, 2020. She summarized that regional representatives have been elected. She shared that CALAFCO roundtable will be held virtually and all Commissioners are welcomed to attend.

In response to a question from Commissioner O'Neill regarding how Contra Costa County is classified as coastal region LAFCo, Ms. Poyatos provided background on how the LAFCo regions were created.

9. Commissioner/Staff Reports

Ms. Poyatos thanked Chairman Cosgrove for his chairmanship in what was a very challenging year.

Ms. Poyatos gave an update on the request for an MSR for East Palo Alto Sanitary District (EPASD). She noted that at the October meeting the Commission authorized a prioritized municipal service review on EPASD, City of East Palo Alto and West Bay Sanitary District, conditioned upon developers funding the preparation of the request for proposals for a consultant prepared MSR and funding the MSR itself. She also noted that this was with the condition that if the EPASD, the City, and developers reached an agreement on development related infrastructure, the MSR would not be prioritized.

She said that since the October Commission meeting, the City of East Palo Alto/EPASD intergovernmental committee consisting of two council members, two EPA board members and the city and District managers met but did not come to agreement on issues relating to cost allocation. In addition, the City and the Sobrato Organization, a development company, submitted requests to EPASD to commence mediation which was requested by the Commission in October 2020. She mentioned that the District has not responded to this request. She stated that she was contacted by a Sobrato representative indicating willingness on the part of the developers to share in the cost of preparation of the request

for a proposals for a consultant prepared MSR and the cost of the preparation of the MSR itself. She concluded her report by stating that staff is working on an estimate of the cost for the RFP preparation so that developers can submit a deposit.

Commissioners unanimously thanked Chairman Cosgrove for his service.

Chair Cosgrove thanked staff and Commissioners for their support during his time as Chair.

10. Resolution honoring Rich Garbarino for his Service

Chair Cosgrove presented the Resolution honoring Rich Garbarino for his Service to LAFCo, the City of South San Francisco and outlined his accomplishments and contributions as a member.

Commission Action: Chairman Cosgrove moved to approve resolution honoring Commissioner Garbarino and Commissioner Lohman seconded the motion which passed unanimously by roll call vote. (Ayes: Commissioners Draper, Rarback, Lohman, O’Neill, Vice Chair Slocum and Chair Cosgrove. Abstentions: None; Noes: None)

11. Adjournment

Chair Cosgrove adjourned the meeting at 3:45 p.m.