November 12, 2014

To: LAFCo Commissioners

From: Martha Poyatos, Executive Officer M. Royatos

Subject: LAFCo File No. 14-04 — Proposed Annexation of APNs 182-34-011 and

183-34-052 on Arastradero Road, Santa Clara County to West Bay Sanitary District and subsequent annexation to the On-site Wastewater Disposal Zone

(11.6 acres)

#### Summary

San Mateo LAFCo has received an application to annex two parcels totaling 11.6 acres to the West Bay Sanitary District. The parcels are located along Los Trancos Creek in unincorporated Santa Clara County. Annexation to the District is requested to provide sewer service for an existing single-family home and a proposed single-family home and pool house.

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 of annexations of Santa Clara parcels proposed for annexation to West Bay Sanitary District to Santa Clara LAFCo for consideration. Santa Clara LAFCo considered the application at their August 6 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.

#### **Executive Officer's Report**

This proposal was submitted by landowner petition requests annexation of two parcels to the District. As noted, the territory proposed for annexation is located in unincorporated Santa Clara County between the City of Palo Alto and the Town of Portola Valley. They are accessed via Alpine Road to Arastradero Road (please see map of annexation area). The parcels, along with 25 others, were added to the West Bay Sanitary District sphere of influence (SOI) in 1999 based on recommendations by Santa Clara County Department of Environmental Health officials that public sewer was appropriate due to high ground water and/or potential contamination from leach fields on parcels with limited set-back from the creek.

The parcels proposed for annexation are not eligible for further subdivision based on the County of Santa Clara land use designation of "Hillsides" and zoning of "HS (Hillside)" requiring 20 to

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160 acres per dwelling unit. APN 182-34-011 is comprised of 9.82 acres and developed with a single-family residence served by a septic system. Annexation is requested in order to abandon the septic system and connect to public sewer. APN 182-34-052 (2 Arastradero Road) totals 1.78 acres, has steep slopes, and is undeveloped. The property owners have obtained conditional County of Santa Clara approval to construct a single-family residence, guest house, private horse barn, and open riding arena. Both parcels would be connected to a recently installed sewer force main in the private road fronting the two parcels. Property owners must obtain a District Class 3 permit (\$200 application fee and \$2,000 deposit for plan checking and inspections) and Class 1 permits (\$100 application fee and connection fees of \$7,336.20 per residential unit currently; annual sewer service charges will apply). The amount of reimbursement fees to the original funders of the sewer main will also apply.

The owner of APN 182-34-052 must also obtain appropriate permits from the Santa Clara County Department of Environmental Health for abandonment of the septic system. Owners of both properties must also obtain necessary building or street encroachment permits from the County of Santa Clara. Water service in the area is provided by California Water Service Company.

#### West Bay Sanitary District On-Site Wastewater Disposal Zone

Based on the topography, both parcels will require septic tank effluent pumping systems (STEP) to pump effluent to the force main. Sections 6960.3 and 6974 of the Health and Safety Code governing sanitary districts require LAFCo approval for formation of, or annexation to, an onsite 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.

#### **Property Tax Exchange**

As an enterprise district, West Bay Sanitary District did not request an exchange of property tax revenue with any of the affected agencies. Master resolutions of zero property tax exchange have been adopted by the County of Santa Clara and West Bay Sanitary District.

#### **Environmental Review**

The proposed project is exempt from the California Environmental Quality Act (CEQA) under CEQA Guidelines Section 15319(a): "Annexation of existing public or private structures developed to the density allowed by current zoning and served by infrastructure that would have a capacity to serve only the existing facilities."

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#### Waiver of Conducting Authority Proceedings

Paragraph (c) of Section 56663 specifies that the Commission may waive conducting authority proceedings for annexations of uninhabited territory with 100 percent landowner consent provided there is no written opposition from landowners or voters within the annexation area. The purpose of the conducting authority proceeding is to measure landowner or voter protest within the affected territory. Paragraph (c) was added to Government Code Section 56837 by the legislature in 1993 to streamline annexation proceedings in which landowners had already given consent to uninhabited annexation proceedings. At the request of the landowners, staff recommends that the Commission waive the conducting authority proceedings if the proposal is approved.

#### **Executive Officer's Recommendations**

The proposed annexation is consistent with state and local LAFCo policies establishing that special districts are the appropriate agencies to provide essential services in areas where only a limited range of services is required or where it is not feasible for those services to be provided by a single city. The proposal area does not include agriculture or open space lands. The annexation does not result in growth-inducing impacts because the parcels are connecting to an existing sewer main and neither parcel can be further subdivided. Annexation of parcels in close proximity to Los Trancos Creek in 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. Annexation is consistent with the adopted SOI. Staff recommends approval of the annexation application by taking the following actions.

#### 1. Commission Action By Motion (Voice Vote)

Staff recommends that the Commission certify that the annexation is exempt from CEQA under CEQA Guidelines Section 15319(a): "Annexation of existing public or private structures developed to the density allowed by current zoning and served by infrastructure that would have a capacity to serve only the existing facilities," and (b) "Annexation of individual small parcels of the minimum size for facilities exempted by Section 15303, new construction or conversion of small structures Examples of exemptions in Section 15303 include water main, sewage, electrical or gas and other utility extensions, including street extensions of reasonable length to serve such construction."

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#### 2. Commission Action By Resolution (Roll Call Vote)

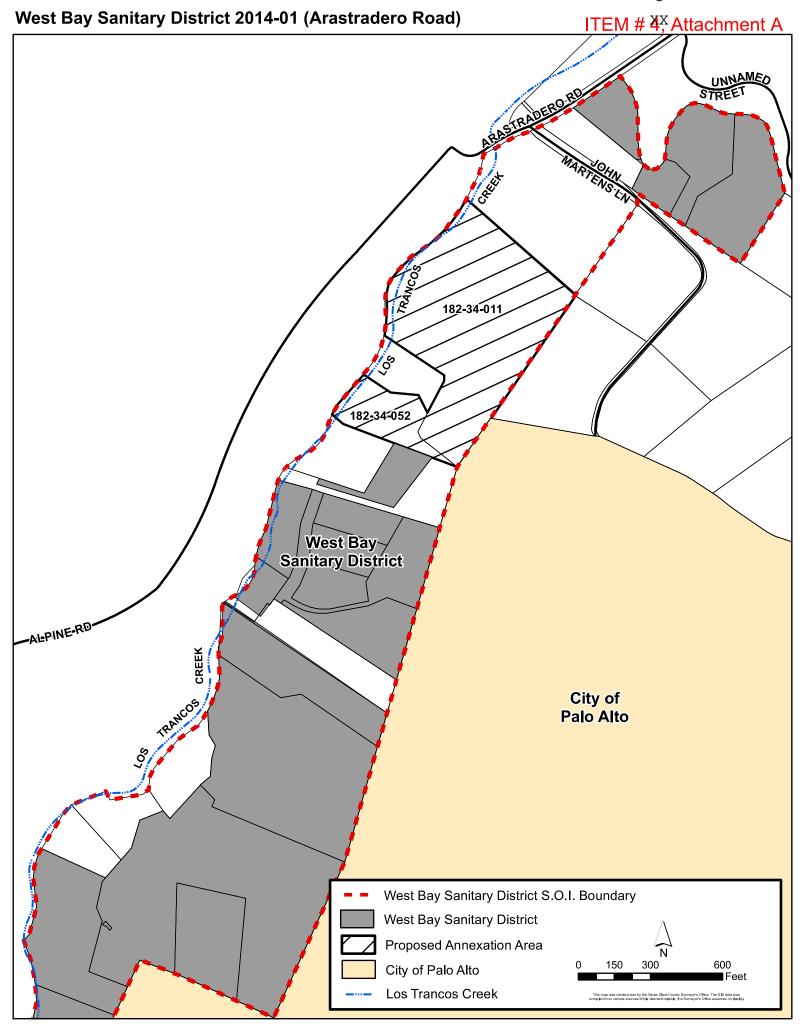
Staff recommends that the Commission approve File No. 14-04— Proposed Annexation of APNs 182-34-011 and 183-34-052 on Arastradero Road, Santa Clara County to West Bay Sanitary District and subsequent annexation to the Zone and waive conducting authority proceedings pursuant to Government Code Section 56663.

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

Attachments: Map of Annexation Area

Santa Clara LAFCo resolution

Application, map, and legal description



#### **RESOLUTION NO. 2014-04**

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 2014-01 (ARASTRADERO ROAD)

WHEREAS, in June 2014, 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 of approximately 11.60 acres (Assessor Parcel Numbers 182-34-011 and 182-34-052) located at 0 & 2 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, 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 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

**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 Section 15319(a) & (b) and Section 15303(d).

#### **RESOLUTION NO. 2014-04**

#### **SECTION 2:**

LAFCO of Santa Clara County hereby recommends the annexation of APNs 182-34-011 and 182-34-052, located at 0 & 2 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, with the following condition:

1. Resolutions of a zero percent property tax exchange reflecting the annexation of the parcel to the West Bay Sanitary District are adopted by the West Bay Sanitary District and the County of Santa Clara.

**PASSED AND ADOPTED** by the Local Agency Formation Commission of Santa Clara County, State of California, on August 6, 2014, by the following vote:

AYES:

CHAVEZ, HALL, KHAMIS, KISHIMOTO (Alternate), ABE-KOGA,

TRUMBULL (Alternate), WASSERMAN

NOES:

None

ABSENT:

LEZOTTE, VICKLUND WILSON

ABSTAIN:

None

Mike Wasserman, Acting Chairperson

LAFCO of Santa Clara County

ATTEST:

Emmanuel Abello, LAFCO Clerk

APPROVED AS TO FORM:

Christopher Diaz, LAFCO Counsel

Attachments to Resolution No. 2014-04

1. Exhibit "A" - Legal Description

2. Exhibit "B" – Map

Date: 7-01-14 (Revised)

Annexed to: West Bay Sanitary District

Name of Annexation: West Bay Sanitary District 2014-01 (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 Wong and Toh as described in that certain Grant Deed recorded July 23, 2009 as Document No. 20349352 and Lands of Van Shadow Stables, LLC as described in that certain Grant Deed recorded Dec. 17, 2013 as Document No. 22473459, Santa Clara County Records and Being a Portion of the Rancho El Corte De Madera more particularly described as follows:

**Beginning** at a point lying on the Southerly line of said Lands of Wong and Toh, said point being North 71°59'40" West 97.23 feet from the southernmost corner of the said Lands of Wong and Toh, also being a point on the existing West Bay Sanitary District Boundary as established by "2002 Sphere of Influence Amendment and Annexation";

Thence (1) along the Southerly line of last said lands and continuing along the existing West Bay Sanitary District Boundary North 71°59'40" West, 167.00 feet;

Thence (2) continuing along the Southerly line of last said lands and leaving the existing West Bay Sanitary District Boundary North 71°59'40" West, 230.71 feet;

Thence (3) North 57°41'14" West, 65.29 feet to the centerline of Los Trancos Creek and to a point on the existing West Bay Sanitary District Sphere of Influence (S.O.I.) Boundary;

Thence (4) along said centerline and West Bay Sanitary District S.O.I. Boundary, North 28°31'16" East, 14.71 feet;

Thence (5) North 41°33'46" East, 117.20 feet;

Thence (6) North 46°17'05" East, 108.43 feet to the most Northern corner of said lands of Wong and Toh;

Thence (7) leaving said centerline of Los Trancos Creek and the West Bay Sanitary District S.O.I. Boundary along the Northerly line of said lands of Wong and Toh, South 57°41'14" East, 109.85 feet;

Thence (8) South 82°13'14" East, 107.69 feet;

Thence (9) South 33°33'11" East, 86.91 feet to a point on said Lands of Van Shadow Stables, LLC;

Thence (10) leaving the boundary of said Lands of Wong and Toh and continuing along the Lands of Van Shadow Stables, LLC, North 25°30'46" East, 139.23 feet;

Thence (11) North 10°32'46" East, 24.07 feet;

Thence (12) North 57°41'14" West, 282.54 feet to the centerline of Los Trancos Creek and to a point on the existing West Bay Sanitary District S.O.I. Boundary;

Date: 7-01-14 (Revised)

Annexed to: West Bay Sanitary District

Name of Annexation: West Bay Sanitary District 2014-01 (Arastradero Road)

Thence (13) along said centerline and West Bay Sanitary District S.O.I. Boundary, North 12°19'16" East, 57.44 feet;

Thence (14) North 29°56'54" West, 95.96 feet;

Thence (15) North 17°04'16" East, 118.88 feet;

Thence (16) North 45°08'16" East 158.59 feet;

Thence (17) North 47°08'06" East, 198.52 feet;

Thence (18) North 32°00'00" East, 100.00 feet to the most Northern corner of said lands of Lands of Van Shadow Stables, LLC;

Thence (19) leaving said centerline of Los Trancos Creek and the West Bay Sanitary District S.O.I. Boundary and continuing along the Northeasterly line of last said Lands of Van Shadow Stables, LLC, South 48°00'27" East, 576.28 feet to a point on the existing West Bay Sanitary District S.O.I. Boundary;

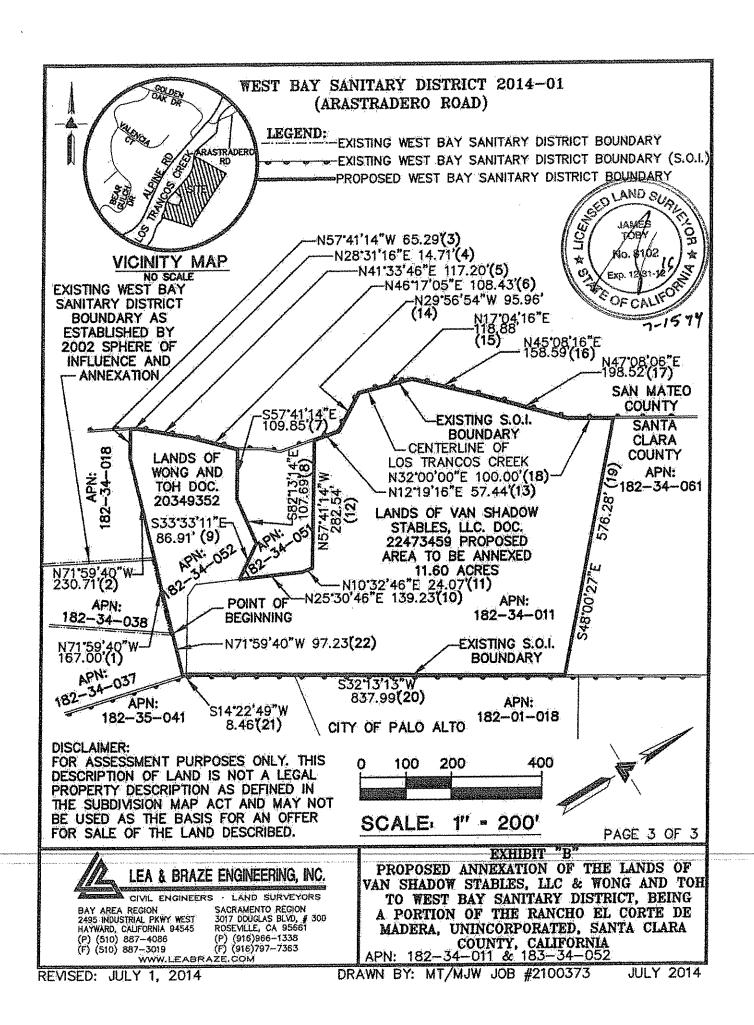
Thence (20) South 32°13'13" West, 837.99 feet along the existing West Bay Sanitary District S.O.I. Boundary to a point in common with said Lands of Van Shadow Stables, LLC and of said Lands of Wong and Toh;

Thence (21) leaving the boundary of said Lands of Van Shadow Stables, LLC, and continuing along the Lands of Wong and Toh South 14°22'49" West, 8.46 feet;

Thence (22) leaving the West Bay Sanitary District S.O.I. Boundary North 71°59'40" West, 97.23 feet to the **Point of Beginning** and containing 11.60 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.





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

	TO ANNEX APN#182-34-011 AND APN# 182-34-052 INTO THE WBSD WASTEWATER DISPOSAL ZONE AND WEST BAY SAWITHRY DISTRICT.				
	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.)				
	What are the reasons for the proposal?				
	TO OBTAIN SENER SERVICE FOR APN # 182-34-011 AND APN# 162-34-052				
	Does this application have 100% consent of landowners in the affected area?				
	× Yes No				
	Estimated acreage: 11.60				
	SERVICES				
]	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				
	WBSD WASTEWATER DISPOSAL ZONE				

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

	PRESENT	PROPOSED	FUNDING SOURCE	
SERVICE	SOURCE	SOURCE	CONSTRUCTION	OPERATING
Police (example)	Co. Sheriff	City Police	N/A	Taxes
Sewer (example)	None	City of	Proponent	Fees
SEUER	NONE/ONSITE	WBSD	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.

THE PROPERTY IS APN # 182-34-CII AND APN # 182-34-052, IN UNINCORPORATED SANTA CLARA COUNTY ALONG THE WEST SIDE OF THE PROPERTY IS LOS TRANCOS CREEK. THE PROPERTY IS ON A PRIVATE ACCESS ROAD WHICH RUNS FROM ARASTRADERS. TO ALPINE, APPROXIMATELY 300 FEET FROM ARASTRADERS.

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

APN# 182-34-01: VACANT - ZOMED RESIDENTIAL
APN# 182-34-052: SINGLE FAMILY RESIDENTIAL

3. How are adjacent lands used?

North: RESIDENTAL

South: RESIDENT AL

East: RESIDENTIAL

West: LOS TRANCOS CREEK, ACCESS ROADWAY

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

OULY TO APNH 182-34-01, SINGLE FAHILY RESIDENTIAL

	What is the general plan designation of the subject territory?  HILLSIDES
	What is the existing zoning designation of the subject territory?  HS
	What prezoning, environmental review or development approvals have already been obtained for development in the subject territory?
	What additional approvals will be required to proceed?
	Does any portion of the subject territory contain any of the followingagricultural preserves, sew or other service moratorium or wetlands subject to the State Lands Commission jurisdiction?
	If no specific development projects are associated with this proposal, will the proposal increase th potential for development of the property? If so, how?  YES, SIMPLE FAMILY RESIDEMBL, FOR APMED 182-34-011
-	* * * * * * * * *
φ 0: ⁄[.	Co will consider the person signing this application as the proponent of the proposed action(s). The and other communications regarding this application (including fee payment) will be directed to ment at:  E: Vincel Khasla  RESS: 1760 The Alameda, Ma 300 TELEPHONE: \$\frac{405-921-2522}{405-921-2522}\$  San Jose, Cr. 95126

Date: March 6, 2014

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 Wong and Toh as described in that certain Grant Deed recorded July 23, 2009 as Document No. 20349352, Santa Clara County Records more particularly described as follows:

Beginning at a the most southeastern corner of said lands,

Thence (1) along the Southerly line of last said lands, North 71°59'40" West, 494.94 feet;

Thence (2) North 57°41'14" West, 65.29 feet to the centerline of Los Trancos Creek:

Thence (3) along said centerline, North 28°31'16" East, 14.71 feet:

Thence (4) North 41°33'46" East, 117.20 feet;

Thence (5) North 46°17'05" East, 108.43 feet to the most Northern corner of said lands of Wong and Toh;

Thence (6) leaving said centerline and along the Northerly line of said lands, South 57°41'14" East, 109.85 feet;

Thence (7) South 82°13'14" East, 107.69 feet;

Thence (8) South 33°33'11" East, 86.91 feet;

Thence (9) South 25°30'46" West, 98.27 feet;

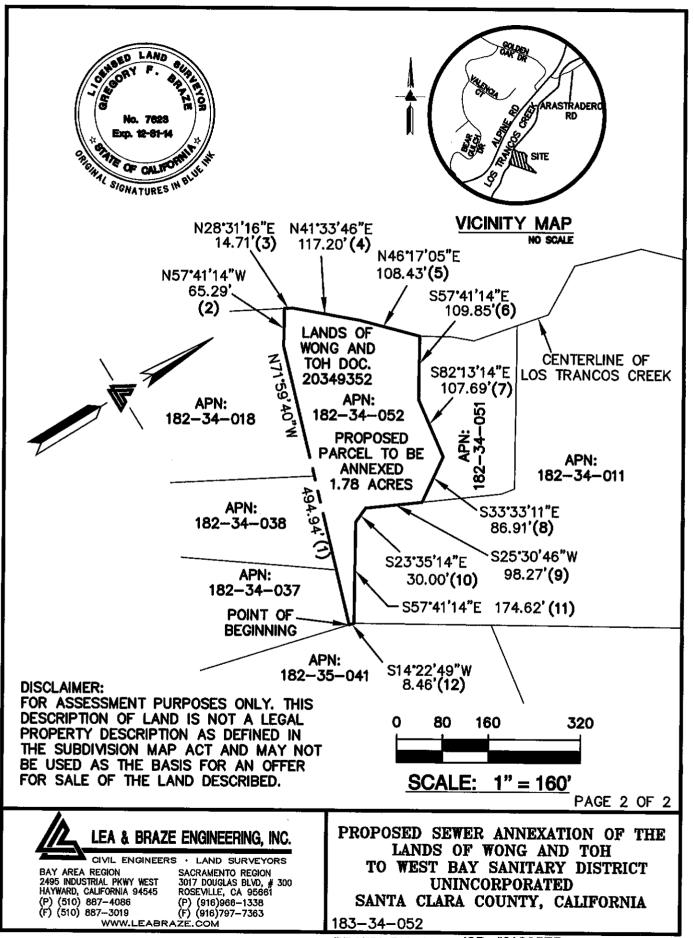
Thence (10) South 23°35'14" East, 30.00 feet;

Thence (11) South 57°41'14" East, 174.62 feet to most Easterly corner of said lands;

Thence (12) along the Easterly line of said lands, South 14°22'49" West, 8.46 feet; to the **Point of Beginning** and containing 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.





Date: March 6, 2014

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 Khosla as described in that certain Grant Deed recorded June 29, 2012 as Document No. 21728592, Santa Clara County Records, more particularly described as follows:

Beginning at a the most Eastern corner of said lands,

Thence (1) along the Southeasterly line of said lands, South 32°13'13" West, 837.99 feet to the most Southern corner of said lands;

Thence (2) along the Southwesterly line of said lands North 57°41'14" West, 174.62 feet;

Thence (3) North 23°35'14" West, 30.00 feet:

Thence (4) North 25°30'46" East, 237.50 feet;

Thence (5) North 10°32'46" East, 24.07 feet;

Thence (6) North 57°41'14" West, 282.54 feet to the centerline of Los Trancos Creek;

Thence (7) along said creek centerline, North 12°19'16" East, 57.44 feet;

Thence (8) North 29°56'54" West, 95.96 feet;

Thence (9) North 17°04'16" East, 118.88 feet;

Thence (10) North 45°08'16" East 158.59 feet;

Thence (11) North 47°08'06" East, 198.52 feet;

Thence (12) North 32°00'00" East, 100.00 feet to the most Northern corner of said lands;

Thence (13) leaving said creek centerline and along the Northeasterly line of said lands, South 48°00'27" East, 576.28 feet to the **Point of Beginning** and containing 9.82 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.



