

SAN MATEO



# LOCAL AGENCY FORMATION COMMISSION

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## Action Minutes

### San Mateo Local Agency Formation Commission Meeting

March 21 2018

In the Board of Supervisors' Chambers, 400 County Center, Redwood City, California, Chair O'Neill called the Wednesday, March 21, 2018 meeting of the Local Agency Formation Commission (LAFCo) to order at 2:30 pm.

#### 1. Roll Call

Members Present: Commissioners Joshua Cosgrove, Ann Draper, Don Horsley, Kati Martin, Harvey Rarback, and Chair Mike O'Neill

Members Absent: Commissioners Rich Garbarino, Joe Sheridan, and Warren Slocum

Staff Present: Martha Poyatos, Executive Officer  
Rebecca Archer, Legal Counsel  
Jean Brook, Commission Clerk

#### 2. Consent Agenda

##### a. Approval of Action Minutes: January 17, 2018

##### b. LAFCo File No. 18-01—Proposed Annexation of 155 Cherokee Way, Portola Valley (APN 077-242-030) to West Bay Sanitary District and Subsequent Annexation to the On-site Wastewater Disposal Zone (one acre)

Commission Action: Commissioner Horsley moved to approve the consent agenda consisting of the Action Minutes for January 17, 2018 and LAFCo File 18-01—Proposed Annexation of 155 Cherokee Way, Portola Valley (APN 077-242-030) to West Bay Sanitary District and Subsequent Annexation to the On-site Wastewater Disposal Zone. Commissioner Rarback seconded the motion, which passed unanimously. (Ayes: Commissioners Cosgrove, Draper, Horsley, Martin, Rarback, and Chair O'Neill; Abstentions: None; Noes: None.)

#### 3. Public Comment for Items Not on the Agenda

None.

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

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

**STAFF:** MARTHA POYATOS, EXECUTIVE OFFICER ▪ REBECCA ARCHER, LEGAL COUNSEL

**4. LAFCo File No. 17-17–Proposed Minor Sphere of Influence Amendment and Detachment of a Portion of 501 Palmer Lane (APN 060-162-130) from the Town of Atherton (less than one acre)**

Executive Officer Poyatos referred to the March 14 Executive Officer’s report and explained that Atherton has a sphere of influence that is coterminous with its boundary and that the territory that is in North Fair Oaks is in the sphere of influence of Redwood City. She concluded that the proposed minor sphere amendment would be for both the Town of Atherton and the City of Redwood City, where the portion of the parcel in question would be detached from the Atherton sphere and annexed to the Redwood City sphere.

Referring to her slide presentation, Ms. Poyatos said that the parcel was split by the City/County boundary (Atherton/Unincorporated North Fair Oaks). She said that the Town has consented to detachment and that the Town and County have adopted resolutions of zero property tax exchange. She stated that although the parcel is currently split between two jurisdictions, the entire property lies within a tax rate area in which no share of the 1 percent property tax has ever been distributed to the Town, so the detachment would have no fiscal impact on the Town.

Ms. Poyatos said that the County Planning Department indicates that the proposed detachment is consistent with the County’s General Plan and that land use on the property would be consistent with adjacent areas. She said that the Town’s minimum one-acre lot size would preclude annexation of the entire parcel into Atherton, since it is smaller than the minimum lot size.

She said that corrected information following March 14 includes the presence of a legal nonconforming cottage in addition to the principal residence facing Palmer Lane. She noted that this was the original structure on the property. She said that following the detachment, the proponents seek to subdivide the parcel and construct another single-family home facing San Benito Avenue. She said this proposed construction would not be possible with split land use jurisdictions or if the territory were annexed to the Town.

Ms. Poyatos noted the factors and sphere determinations contained in the staff report to be considered by the Commission, including Government Code Section 56668(f) concerning boundaries. She said the proposal amends boundaries to conform to parcel lines. She said that according to Section 56668.3, the detachment has no impact on the Town since it has never received property tax or provided services to the subject territory.

Ms. Poyatos noted that the project is exempt from CEQA and recommended that the Commission waive conducting authority proceedings, since the project has 100 percent consent of the landowners.

Commissioner Horsley asked if the smaller portion of the parcel was to stay in Atherton. Ms. Poyatos pointed out on the map in her presentation which section was detaching from the Town.

Public Comment: None.

Commission Actions:

Commissioner Horsley moved to close the public hearing. Chair O'Neill seconded the motion, which passed unanimously. (Ayes: Commissioners Cosgrove, Draper, Horsley, Martin, Rarback, and Chair O'Neill; Abstentions: None; Noes: None.)

Commissioner Horsley moved to approve LAFCo File No. 17-17—Proposed Minor Sphere Amendment and Detachment of a Portion of 501 Palmer Lane from the Town of Atherton. Commissioner Martin seconded the motion, which passed unanimously. (Ayes: Commissioners Cosgrove, Draper, Horsley, Martin, Rarback, and Chair O'Neill; Abstentions: None; Noes: None.)

**5. Consideration of Adoption of Draft Proposed Net Operating Budget for Fiscal Year 2018-19—CONTINUANCE REQUIRED**

Ms. Poyatos requested that the Commission hold a special meeting in April to consider the FY 2018-19 draft Proposed Net Operating Budget to allow for strategic planning by the Budget Committee prior to the meeting. She suggested that alternatively the proposed budget could be considered at the regular May meeting and the Final Budget could be considered at a special meeting held in June.

Chair O'Neill suggested that opting for April/May meetings rather than May/June meetings would likely result in better attendance. Ms. Poyatos said that she could confer with the Commission via email to get everyone's preference for a meeting date.

**6. Legislative and Policy Committee**

**a. Legislative Report—INFORMATION ONLY**

Ms. Poyatos referenced her staff report that contains explanations of bills being tracked by LAFCo including AB 2238, AB 2050, SB 778, and SB 1215.

**b. Consideration of Adoption of Amended Policy Language Regarding Water Resiliency and Climate Change**

Ms. Poyatos explained that policy language to be added to LAFCo's legislative policies and procedures related to sphere of influence reviews and updates, municipal service reviews, and boundary change applications that was proposed at the January 17 meeting was amended, posted, and circulated to the cities and special districts for comment. She said that LAFCo had received no comments or inquiries and recommended that the Commission adopt the language as amended.

Public Comment: None.

Commission Actions:

Commissioner Horsley moved to close the public hearing. Commissioner Cosgrove seconded the motion, which passed unanimously. (Ayes: Commissioners Cosgrove, Draper, Horsley, Martin, Rarback, and Chair O'Neill; Abstentions: None; Noes: None.)

Commissioner Horsley moved to adopt the amended policy language regarding water resiliency and climate change. Vice Chair Draper seconded the motion, which passed unanimously. (Ayes: Commissioners Cosgrove, Draper, Horsley, Martin, Rarback, and Chair O’Neill; Abstentions: None; Noes: None.)

**7. California Association of and Local Agency Formation Commissions (CALAFCO) White Paper: *State of the Art on Agricultural Preservation, February 2018*—INFORMATION ONLY**

Ms. Poyatos noted that because the County already has strong measures in place that protect agriculture from being annexed to cities or having water or sewer service extensions, there is no need for LAFCo to adopt a preservation policy.

**8. Finalized San Mateo County Sea Level Rise Vulnerability Assessment—INFORMATION ONLY**

Ms. Poyatos said she wanted to make the public aware of the work being done to analyze sea level rise by the Office of Sustainability. She also noted that the assessment would provide the Commission with useful information about how the cities and special districts are responding to sea level rise.

Commissioner Horsley said the Coastside has the potential for a lot of erosion, while sea level rise could cause the Bayside to potentially lose 20 percent of its land mass, which would be a major detriment to the County’s economy. He stated that 13 of the top 25 high technology companies are located along the Bayside.

Vice Chair Draper said that according to the assessment, the Bay Area is the most vulnerable area of California and one of the five most vulnerable areas in the US. She suggested that for the next round of Municipal Service Reviews, LAFCo should consider what to include around the subject of natural disasters such as wildfires and sea level rise.

Chair O’Neill stated that the problems of Coastside erosion and Bayside sea level rise needed to be handled differently. He said in the case of outside funding, it’s easier to request it if you represent multiple jurisdictions.

Commissioner Martin asked if San Francisco LAFCo has a plan for addressing sea level rise at the airport lands. Ms. Poyatos surmised that SFO had been included in the assessment.

Commissioner Rarback noted that the Ocean Protection Council says that there is a possibility that sea level rise will be 10 feet by 2100.

Commissioner Cosgrove asked if Santa Clara LAFCo had incorporated any kind of sea level rise vulnerability assessments in their Municipal Service Reviews. Ms. Poyatos said she didn’t know, but said the subject would be a topic of discussion at the CALAFCO staff workshop in April.

Vice Chair Draper quoted a recently adopted LAFCo policy that says, “The Commission supports multiple agency collaboration and governance models that provide reduction solutions to sea

level rise and other measures to adapt to climate change.” She suggested that Ms. Poyatos ask if other LAFCOs have created policies or taken any action at the workshop.

Chair O’Neill proposed that the LAFCo process for forming a local joint powers agency to address climate change or sea level rise be expedited due to meet funding deadlines. Ms. Poyatos said that LAFCOs don’t handle JPAs, but that formation of new districts could take at least a year. Chair O’Neill suggested pursuing new legislation with local representatives.

Commissioner Horsley said ideally there would be a single agency to handle all the concerns rather than having to coordinate the actions of multiple agencies. He said the highest priority is with the Bayside, while the erosion issue on the Coastside is less crucial. He said the County has been working with the Harbor District to get 1,600 cubic yards of sand from Half Moon Bay Airport and get permission to slurry that sand onto Surfers’ Beach. He said the geology of some of the coastal embankments has made it difficult to mitigate erosion farther north.

In regard to sea level rise, Commissioner Horsley said that San Francisco was discussing a multibillion-dollar project to rebuild the Embarcadero. He speculated that the County of San Mateo was facing a similar situation and said that solutions shouldn’t happen jurisdiction by jurisdiction. He noted that the rebuilding of levees in San Mateo necessitates Foster City rebuilding their levees, for example. He said the County has formed the Water Committee, which is exploring countywide flood control measures to act in concert with each of the cities. He speculated that it might be possible to get 20 percent of funding from the federal government and another 20 percent from the state, with 60 percent borne by property owners.

Vice Chair Draper noted that the Water Committee was a committee under C/CAG (the City/County Association of Governments). She said the committee was meeting March 30 and that she planned to attend. Commissioner Horsley said they would be discussing all the measures taken on the Coastside to mitigate erosion.

Commissioner Horsley said the Bayside has many freshwater creeks that empty into the Bay. He said that with the rise in the Bay, the creeks can’t drain as effectively, resulting in flooding in East Bayshore, Belmont, and Colma Creek. He said that San Francisquito Creek flooded East Palo Alto, Palo Alto, and parts of Menlo Park and that a project is underway to enlarge the creeks so that they can hold more water. He also mentioned the Bayfront Canal project in Redwood City. He predicted that the current salt ponds along the Bayside would eventually return to marshland.

Chair O’Neill said he was interested in statewide efforts around sea level rise and erosion that might be discussed at the April workshop.

## **9. Appointment of Public Member Recruitment Committee**

Vice Chair Draper recused herself from making nominations for the Public Member Recruitment Committee.

Ms. Poyatos noted that government code stipulates that appointment of a public member requires an affirmative vote from one of each of the types of Commission members (i.e., City,

Special District, Board of Supervisors, and Public). She said the recruitment notice was posted and distributed and that the deadline for LAFCo to receive applications for Public Member and Alternate Public Member is April 16. She noted that the pool of applicants includes the current Public Member and Alternate Public Member. She said the Recruitment Committee should meet sometime after the application deadline and candidate interviews and prior to the May 16 meeting to come up with a recommendation to the Commission for the new Public Member and Alternate Public Member.

Chair O'Neill and Commissioners Martin and Horsley volunteered to be on the Public Member Recruitment Committee.

**10. Commissioner/Staff Reports**

None.

**11. Adjournment**

The meeting was adjourned at 3:02 pm.