

SAN MATEO



# LOCAL AGENCY FORMATION COMMISSION

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

**May 12, 2021**

**To:** LAFCo Commissioners

**From:** Martha Poyatos, Executive Officer  
Rob Bartoli, Management Analyst

**Subject:** LAFCo File No. 21-04 - Proposed annexation of 130 Shawnee Pass, Portola Valley (APN 077-033-030) to West Bay Sanitary District and subsequent annexation to the On-site Wastewater Disposal Zone (1.5 acres)

## Summary

This proposal, submitted by landowner petition, requests annexation of 130 Shawnee Pass, Portola Valley to the West Bay Sanitary District and connection to the District's sewer main. The proposal has 100 percent landowner consent and waiver of conducting authority proceedings is also requested. Commission approval is recommended.

## Departmental Reports

*County Assessor:* The total net assessed land valuation for the parcel shown in the records of the County Assessor is \$760,257. The boundaries of the annexation as proposed conform to lines of assessment and ownership.

*County Clerk:* The territory has three registered voters. If the annexation is approved, the property will need to be assigned to a precinct that includes West Bay Sanitary District.

*County Public Works:* The map and legal description have not yet been submitted for review of the requirements set by the State Board of Equalization.

*Town of Portola Valley:* The Town's General Plan designation is low-intensity residential and zoning is residential estate, single-family (one to two acres per dwelling unit). It will be necessary for any work to be reviewed by Town Planning and Public Works and an encroachment permit is required. The Town also reserves the right to review landscaping requirements for any above ground infrastructure that is part of this project.

**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 ▪ DIANA REDDY, CITY ▪ JAMES O'NEILL, PUBLIC ▪ DAVE PINE, COUNTY

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

*County Environmental Health:* The California Water Service Company and West Bay Sanitary District provide the available water and sewer service in the area. The applicant must pay an application fee to Environmental Health prior to connecting to West Bay Sanitary District and must obtain a permit for septic tank abandonment, which shall be inspected and approved by Environmental Health.

*West Bay Sanitary District:* Fees for annexation, permits and annual service charges will be required. Annexation to the On-site Wastewater Disposal Zone will be required and to construct a grinder or STEP System on the property and connect to the existing force main on Shawnee Pass or Cervantes Road. All costs will be paid by the project proponent.

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

This proposal has been submitted by landowner petition in order to connect a developed residential parcel to public sewer to support a future remodel/addition. The territory proposed for annexation is located in the Town of Portola Valley at 130 Shawnee Pass near Cervantes Road.

The annexation area is within the sphere of influence of West Bay Sanitary District adopted by the Commission in 1984 and is consistent with the District's plans for extending service. Approval of the annexation is recommended.

### **Annexation to the On-Site Wastewater Disposal Zone**

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

### **California Environmental Quality Act**

The proposal is categorically exempt from the environmental review requirements of the California Environmental Quality Act (CEQA) exempt under State CEQA Guidelines Section 15319(a) & (b) (Annexations of Existing Facilities and Lots for Exempt Facilities)

### **Waiver of Conducting Authority Proceedings**

Section 56663(c) of the Cortese-Knox-Hertzberg (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**

By resolution, approve LAFCo File No. 21-04 - Proposed annexation of 130 Shawnee Pass, Portola Valley (APN 077-033-030) to West Bay Sanitary District, subsequent annexation to the On-site Wastewater Disposal Zone and Waiver of Conducting Authority Proceedings.

**Attachments**

- A. Annexation Application for 130 Shawnee Pass, Portola Valley
  - B. Vicinity Map
- cc: Sergio Ramirez, General Manager, West Bay Sanitary District  
Dorian McKelvy, Property Owner

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**PETITION**  
**FOR PROCEEDINGS PURSUANT TO**  
**THE CORTESE-KNOX-HERTZBERG LOCAL GOVERNMENT REORGANIZATION ACT**  
**OF 2000**

LAFCO

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: Proposed Annexation to the 130 Shawnee Pass, Portola Valley to West Bay Sanitary District)
3. The boundaries of the territory(ies) included in the proposal are as described in Exhibit(s) attached hereto and by this reference incorporated herein.
4. The territory(ies) included in the proposal is/are:  
 inhabited (12 or more registered voters)  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: Annexation is requested in order to connect the existing residence to the public sewer system in order to accommodate future remodel and/or addition. Annexation is also requested to reduce required septic system maintenance for the client.
7. The proposed Annexation is requested to be made subject to the following terms and conditions: None
8. The persons signing this petition have signed as:  
 registered voters or  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):

<b>Date:</b>	<b>Printed Name:</b>	<b>Signature/Residence Address:</b>	<b>APN*</b>
2/22/21	Dorain McKelvy	130 Shawnee Pass, Portola Valley	077-033-030

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

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

A. GENERAL INFORMATION

1. Briefly describe the nature of the proposed change of organization, reorganization, or outside service agreement.

Annexation of 130 Shawnee Pass to West Bay Sanitary District, Portola Valley

2. An application for a change of organization or reorganization may be submitted by individuals in the form of a petition or by an affected public agency in the form of a certified resolution. This application is submitted by (check one):

- Landowners or registered voters, by petition
 An affected public agency, by resolution

(If this application is submitted by petition of landowners or registered voters in the affected territory, complete the petition form.)

3. What are the reasons for the proposal?

Annexation is requested in order to connect the existing residence to the public sewer system in order to accommodate future remodel and/or addition. Annexation is also requested to reduce required septic system maintenance for the client.

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

Yes  No

5. Estimated acreage: 1.53±

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</i>	<i>None</i>	<i>West Bay Sanitary District</i>	<i>Proponent</i>	<i>Fees</i>

**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 territory is location on the west side of Shawnee Pass; approximately 450 feet south of the intersection of Shawnee Pass and Cervantes Road, Town of Portola Valley

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

Residential Estate Single-Family

3. How are adjacent lands used?

North: Residential

South: Residential

East: Residential

West: Residential

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

The existing residence is to remain and be served by the newly constructed sewer connection. All construction will be permitted by the Town of Portola Valley

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

Residential Estate

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

R-E/1A/SD-1a

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

None.

8. What additional approvals will be required to proceed?

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

9. Does any portion of the subject territory contain any of the following --agricultural preserves, sewer or other service moratorium or wetlands subject to the State Lands Commission jurisdiction?

No.

10. If no specific development projects are associated with this proposal, will the proposal increase the potential for development of the property? If so, how?

No.

\* \* \* \* \*

LAFCo will consider the person signing this application as the proponent of the proposed action(s). Notice and other communications regarding this application (including fee payment) will be directed to the proponent at:

NAME: J. DORIAN MCKELVY

EMAIL: j.dorian@earthlink.net

ADDRESS: 130 SHAWNEE PASS  
Portola Valley CA 94028

TELEPHONE: 650 799-6661

ATTN: \_\_\_\_\_

[Handwritten Signature]  
Signature of Proponent

Applica\_blk.doc  
(10/6/2000)

j.dorian@earthlink.net

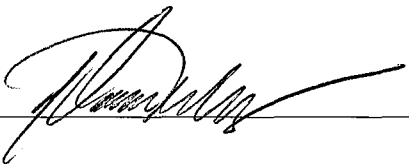


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Addendum to Application titled LAFCo File No. 21-04 --  
Proposed Annexation to the West Bay Sanitary District  
for 130 Shawnee Pass, Portola Valley

APN's 077-033-030

*McKELVY* - As part of above noted application submitted by petition, the Chief Applicant(s), Dorian McKelvy 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.

 Date 03/10/2021

\_\_\_\_\_ Date \_\_\_\_\_

\_\_\_\_\_ Date \_\_\_\_\_

\_\_\_\_\_ Date \_\_\_\_\_

**“EXHIBIT A”**

DATE: 01-26-2021  
ANNEXED TO: WEST BAY SANITARY DISTRICT  
NAME OF ANNEXATION: WEST BAY SANITARY DISTRICT

**GEOGRAPHIC DESCRIPTION  
LANDS OF MCKELVY  
AND PORTIONS OF SHAWNEE PASS  
PROPOSED WEST BAY SANITARY DISTRICT ANNEXATION  
1.53 ACRE +/- PARCEL**

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

BEING ALL OF LOT 12 BLOCK 2, AND PORTIONS OF SHAWNEE PASS, AS DESIGNATED ON THE MAP ENTITLED “TRACT NO. 761, ARROWHEAD MEADOWS UNIT NO.2, SAN MATEO COUNTY, CALIFORNIA, BEING A PORTION OF THE RANCHO EL CORTE MADERA SUBDIVISION”, FILED IN THE OFFICE OF THE RECORDER OF THE COUNTY OF SAN MATEO, STATE OF CALIFORNIA ON MAY 29, 1958 IN BOOK 48 OF MAPS AT PAGES 48 TO 49, MORE PARTICULARLY DESCRIBED AS FOLLOWS:

**BEGINNING** AT THE MOST SOUTHWESTERLY CORNER OF SAID LOT THENCE ALONG THE WESTERLY LINE OF SAID LOT NORTH 07°58’13” EAST 137.75 FEET (1);  
THENCE CONTINUING ALONG SAID WESTERLY LINE NORTH 03°30’00” WEST 40.00 FEET (2) TO THE NORTHWEST CORNER OF SAID LOT;  
THENCE LEAVING SAID WESTERLY LINE NORTH 86°30’00” EAST 300.00 FEET (3) TO A POINT ON THE EASTERLY RIGHT OF WAY OF SAID SHAWNEE PASS, 50 FEET IN WIDTH;  
THENCE ALONG THE EASTERLY RIGHT OF WAY OF SAID SHAWNEE PASS SOUTH 03°30’00” EAST 250.43 FEET (4) TO A POINT OF THAT CERTAIN ANNEXATION RESOLUTION NO. 2050, SAID POINT LYING ON THE WESTERLY LINE OF LOT 1, BLOCK 5 OF SAID MAP AND THE BEGINNING OF A CURVE TO THE LEFT WITH A RADIUS OF 275.00 FEET;  
THENCE ALONG SAID CURVE THROUGH A CENTRAL ANGLE OF 31°45’00” AN ARC LENGTH 152.39 FEET (5);  
THENCE LEAVING SAID EASTERLY RIGHT OF WAY AND SAID ANNEXATION DOCUMENT, SOUTH 54°45’00” WEST 50.00 FEET (6) TO A POINT ON THE WESTERLY RIGHT OF WAY OF SAID SHAWNEE PASS, TO THE BEGINNING OF A NON-TANGENT CURVE TO THE RIGHT, TO WHICH A RADIAL BEARS SOUTH 54°45’00” WEST;  
THENCE ALONG SAID WESTERLY RIGHT OF WAY THROUGH SAID CURVE WITH A RADIUS OF 325.00 FEET, THROUGH A CENTRAL ANGLE OF 31°45’00”, AN ARC LENGTH OF 180.10 FEET (7);  
THENCE NORTH 03°30’00” WEST 75.43 FEET (8) TO THE SOUTH EAST CORNER OF SAID LOT 12;  
THENCE LEAVING SAID RIGHT OF WAY ALONG THE SOUTHERLY LINE OF SAID LOT, SOUTH 86°30’00” WEST 277.39 FEET (9) TO THE **POINT OF BEGINNING**.

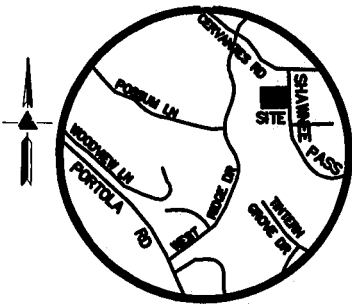
CONTAINING 1.53 ACRES +/-

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



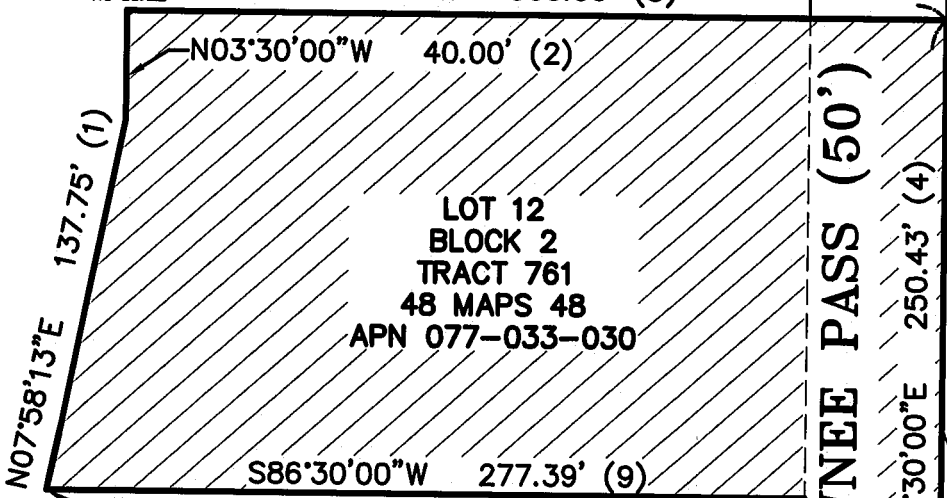
**WEST BAY SANITARY DISTRICT  
(130 SHAWNEE PASS)**

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



**VICINITY MAP**  
NO SCALE

LOT 11, BLOCK 2  
TRACT 761  
48 MAPS 48  
APN 077-033-040  
N86°30'00"E 300.00' (3)



N07°58'13"E 137.75' (1)

N03°30'00"W 40.00' (2)

LOT 12  
BLOCK 2  
TRACT 761  
48 MAPS 48  
APN 077-033-030

S86°30'00"W 277.39' (9)

POINT OF BEGINNING

N03°30'00"W 75.43' (8)

LOT 13  
BLOCK 2  
TRACT 761  
48 MAPS 48  
APN 077-033-020

R=325.00'  
L=180.10'  
D=31°45'00"

LOT 14 (7)  
BLOCK 2  
TRACT 761  
48 MAPS 48  
APN 077-033-010

(RADIAL)  
S54°45'00"W 50.00' (6)

**SHAWNEE PASS (50')**

S03°30'00"E 250.43' (4)

LOT 2  
BLOCK 5  
TRACT 761  
48 MAPS 48  
APN  
077-031-030

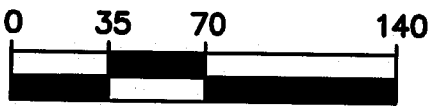
SHOSHONE PLACE (50')

LOT 1  
BLOCK 5  
TRACT 761  
48 MAPS 48  
APN  
077-032-010  
R=275.00'  
L=152.39' (5)  
D=31°45'00"

RESOLUTION  
#2050



03-22-21



**SCALE: 1" = 70'**

JOB. NO. 2201475-SU



**LEA & BRAZE ENGINEERING, INC.**

CIVIL ENGINEERS • LAND SURVEYORS

BAY AREA REGION  
2495 INDUSTRIAL PKWY WEST  
HAYWARD, CALIFORNIA 94545  
(P) (510) 887-4086  
(F) (510) 887-3019

SACRAMENTO REGION  
3017 DOUGLAS BLVD, # 300  
ROSEVILLE, CA 95661  
(P) (916)966-1338  
(F) (916)797-7363

WWW.LEABRAZE.COM

**EXHIBIT 'B'**  
**PLAT TO ACCOMPANY LEGAL DESCRIPTION**  
**PROPOSED SEWER ANNEXATION**  
**LANDS OF MCKELVY AND PORTIONS OF**  
**SHAWNEE PASS.**  
**TOWN OF PORTOLA VALLEY**  
**SAN MATEO COUNTY, CALIFORNIA**