

**LOCAL AGENCY FORMATION COMMISSION**

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

4
May 12, 2010

TO: Members, Local Agency Formation Commission

FROM: Martha Poyatos
Executive Officer

SUBJECT: LAFCo File 09-10-Proposed Annexation of 179 Los Trancos Road
to the West Bay Sanitary District

Summary

This proposal, submitted by landowner petition, requests annexation to West Bay Sanitary District of ~~1.36 acres consisting of 8 assessor's~~ parcels, of which one is developed with single family home. The proposal has 100% landowner consent. Applicants also request Waiver of conducting authority proceedings. Approval is recommended.

Agency and Departmental Reports

County Assessor: The net assessed valuation of the annexation area shown in the records of the Assessor is \$1,400,000. The boundaries of the proposal do not divide lines of assessment or ownership.

County Clerk: The territory has one registered voter. Annexation would not conflict with any political subdivision boundaries.

County Planning: San Mateo County General Plan land use designation is low density residential (0.3 to 2.3 dwelling units per acre). Zoning is R-1/S-8, 7,500 square foot minimum lot size.

County Public Works: The territory proposed for annexation consists of 1.36 acre. The map and legal description submitted with the proposal do not meet the State Board of Equalization requirements and when prepared should include roadway fronting the parcel. The proposal would not necessitate removal from any other special districts. Natural boundaries, drainage basins or other topographical features would not affect and would not be affected by this proposal.

County Environmental Health: The West Bay Sanitary District provides the available sewer service and California Water Service Company provides water in the area. Property owners will be required to obtain a septic tank abandonment permit from San Mateo County Environmental Health Division and comply with the Health Department standards.

West Bay Sanitary District: The applicant will extend the gravity main-line sewer that terminates at 1220 Los Trancos by approximately 500 feet to serve the annexation parcels. Connection to the main is subject to a reimbursement agreement for the Los Trancos Sewer Main Extension currently estimated at \$65,000 per connection. The Class 3 Sewer Permit Fee is \$200 and a deposit of \$2,000 is required for administration, plan review and inspection costs. Class 1 permit fee is \$100.00 per residential unit and connection fee for each single-family residence is \$5,299.00

Environmental Review

The annexation area is in the sphere of influence of the West Bay Sanitary District and consistent with the District's plan for extending service. The project area however, is outside the initial sewer annexation study area that involved annexation of sixty existing residences to West Bay Sanitary District. That annexation was completed in 2007, and sewer construction was completed and accepted by the District in September of 2008. Subsequent annexations of existing homes within that study were analyzed in the environmental document prepared for the original annexation.

Because this annexation proposal requests extending service beyond the original study area and proposes extension that could serve more than the existing single-family home, LAFCO, acting as lead agency under CEQA, contracted with a consultant to prepare the attached Initial Study pursuant to the California Environmental Quality Act (CEQA) Guidelines. The Initial Study relies on some assessments from the original environmental document and includes assessment of potential development that could occur on parcels that could potentially connect to the sewer. Specifically, it discusses growth inducement and other potential environmental issues associated with the project including potential connection by other properties and potential development on the seven undeveloped properties owned by the applicants.

In regard to the potential development Page 3 of the initial study cites the following: *Of the 12 parcels in the proposed annexation area¹, seven are vacant (all of these are within the area to be*

¹ The number 12 includes the 8 proposed for annexation and 4 additional parcels that could be served by the sewer main extension. These four would be subject to an annexation application and if necessary more site specific review.

annexed). Based on information provided by the San Mateo County Planning Department (E. Adams, Pers. Comm., 2010), the worst-case estimate for additional development are 21 primary and 3 secondary units (for a total of 24 new units) that could potentially be developed within the project area shown in Figure 2. This estimate is based on the zoning designations, number of vacant lots; assessor's parcels with more than one lot that is developable; lots that could be further subdivided; and potential for second units. The number of secondary units is dependent upon site-specific constraints such as slope, and the size of secondary units is limited by the total floor area ratio. Because of geotechnical site constraints and possible water supply limitations, the number of units that could be developed in the project area would likely be lower than this estimate. No residential development is proposed as part of this sewer line extension project. Any development proposed within the project area would be subject to separate review and approval by the County.

Estimates for potential development related to the sewer extension are cited as maximum potential based only on zoning applied to existing parcel sizes without site-specific analysis. In the case of the four parcels that are not proposed for annexation, these parcels are developed with existing residences. There are no proposals for connection to sewer at this time or further development or subdivision.

The study recommends that although the proposed project could have significant effects on the environment, primarily related to construction, there will not be a significant effect in this case because mitigation measures have been added to the project and can be implemented by responsible agencies (West Bay Sanitary District and the County of San Mateo).

Environmental documents prepared for this project, including the Initial Study and Notice of Intent to Adopt a Mitigated Negative Declaration, have been published and circulated as required by CEQA. LAFCo received no comments on the Initial Study and Proposed Mitigated Negative Declaration. The Initial Study and the proposed Mitigated Negative Declaration are attached to this staff report for the Commission's consideration and are also available on the San Mateo LAFCo website.

Public Resources Code provides that mitigated Negative Declarations are used "when the initial study has identified potentially significant effects on the environment, but revisions in the project plans would avoid the effects or mitigate the effects to a point where clearly no significant effect on the environment would occur, and (2) there is no substantial evidence in light of the whole record before the public agency that the project, as revised, may have a significant effect on the environment" (Section 21064.5).

It is recommended that the Commission certify the proposed Mitigated Negative Declaration as adequate environmental documentation for the proposed annexation. In doing so, LAFCo would also find that the mitigation measures can be and should be implemented by the West Bay Sanitary District as sewer service entity and County of San Mateo as the land use authority.

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% landowner consent. The purpose of the conducting authority proceeding is to measure landowner or voter protest within the affected territory. Paragraph [c] was added by the legislature in 1993 to streamline annexation proceedings in which landowners had already given consent to uninhabited annexation proceedings. The proponents have requested that the Commission waive the conducting authority proceedings if the proposal is approved.

Discussion

Submitted by landowner petition, this proposal requests annexation of one developed single-family residentially developed parcel and seven undeveloped parcels under the same ownership. The property is located in unincorporated Los Trancos Woods. The property is within the sphere of influence of the West Bay Sanitary District and annexation is consistent with the District's plans for extending services. As noted above, the property would connect by extending the sewer main that terminates at 1220 Los Trancos.

As noted in the Initial Study, the original sewer main extension that currently services 61 homes, responded to inadequate and failing septic systems in the area and resultant seepage of septic systems into Los Trancos Creek or tributaries. At the present time, applicants propose connecting the existing single-family home to sewer and provide for possible future development of remaining lots with public sewer. Development on remaining lots would be subject to review and approval by San Mateo County based on site-specific conditions including slope, setback requirements, road access, etc.

San Mateo County General Plan Wastewater Policy 11.5 states: "a) Consider sewerage systems as the appropriate method of wastewater management in urban areas. b) Encourage extension of sewerage systems to serve unincorporated urban areas presently using individual sewage disposal systems where warranted by public health concerns, environmental pollution or the planned density of development."

This application is consistent with the sphere of influence and plan for providing service of the West Bay Sanitary District, proposes an organized plan for extending sewer infrastructure and is consistent with County General Plan policy encouraging public sewer over septic based on both environmental concerns and planned density of development.

Recommended Commission Action, by Resolution:

It is respectfully recommended that the Commission take the following actions:

By motion, certify the proposed Mitigated Negative Declaration as adequate environmental documentation for the proposed annexation and find that the mitigation measures can be and should be implemented by the West Bay Sanitary District as sewer service entity and County of San Mateo as the land use authority. ✓

By Resolution, approve LAFCo File No. 09-10--Proposed Annexation of 179 Los Trancos Circle (APN's 080-091-180; 080-091-190; 080-091-200; 080-091-210; 080-091-220; 080-091-230; 080-091-240; 080-091-250) to the West Bay Sanitary District, conditioned upon submittal of map and ✓
~~legal description including fronting roadway and waive conducting~~
authority proceedings.

Respectfully submitted,



Martha Poyatos
Executive Officer

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

A. GENERAL INFORMATION

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

The proposed change is to annex the property commonly known as 179 Los Trancos Circle into the sewer district.

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?

The proposal is to connect the existing home to the sewer and to enable possible future development without a septic system.

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

Yes No

5. Estimated acreage: 1.3 Ac.

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

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

Low density residential.

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

R-1 S-83

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?

Approval of the sewer extension design and subsequent Class 3 Sewer Permit.
Approval of the Class 1 Sewer Permit to connect the existing house to the sewer.

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?

Yes. This change potentially makes the territory developable without the constraint of a septic leach field

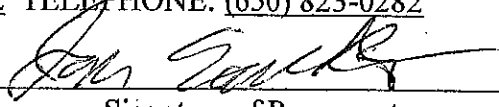
* * * * *

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: Ian Earnest

ADDRESS: 27766 Stirrup Way, Los Altos Hills, CA 94022 TELEPHONE: (650) 823-0282

ATTN: _____



Signature of Proponent

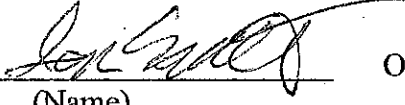
D. AFFECTED PUBLIC AGENCIES

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.)

The Class 3 Sewer Permit work will be paid by the owners of the subject territory and subsequently form a sewer reimbursement region should the sewer be extended in the future. The Class 1 Sewer Permit work and reimbursement fees will be paid by the owners of the subject territory as well as the annual sewer connection fees.

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

The existing septic system is substandard. The sewer option provides the best long term solution.

This section completed by Ian Earnest  Owner _____
(Name) (Title)

Applica_blk.doc
(10/6/2000)

8. The persons signing this petition have signed as:

 registered voters or X Owners of land (check one)
within the subject territory.

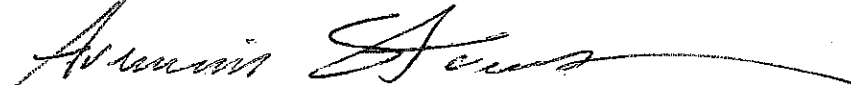
Wherefore, petitioner(s) request(s) that proceedings be taken in accordance with the provisions of Section 56000, et seq. Of the Government Code and herewith affix signatures as follows:

Chief Petitioners (not to exceed three):

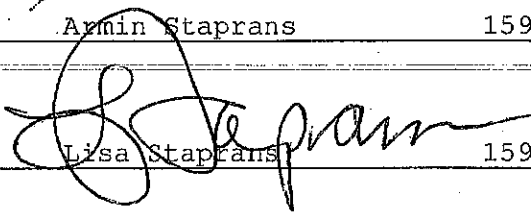
Date: Printed Name: Signature/Residence address APN*



Ian Earnest 439 Tyndall St., Los Altos, CA



Armin Staprans 159 Ramona Rd., Portola Valley, CA



Lisa Staprans 159 Ramona Rd., Portola Valley, CA

*Assessor's Parcel Numbers of parcels proposed for annexation:

- 2005-080-091-180-2-01
- 2005-080-091-190-1-01
- 2005-080-091-200-8-01
- 2005-080-091-210-7-01
- 2005-080-091-220-6-01
- 2005-080-091-230-5-01
- 2005-080-091-240-4-01
- 2005-080-091-250-3-01

Heida Hall Earnest 439 Tyndall St, Los Altos,
CA, 94022

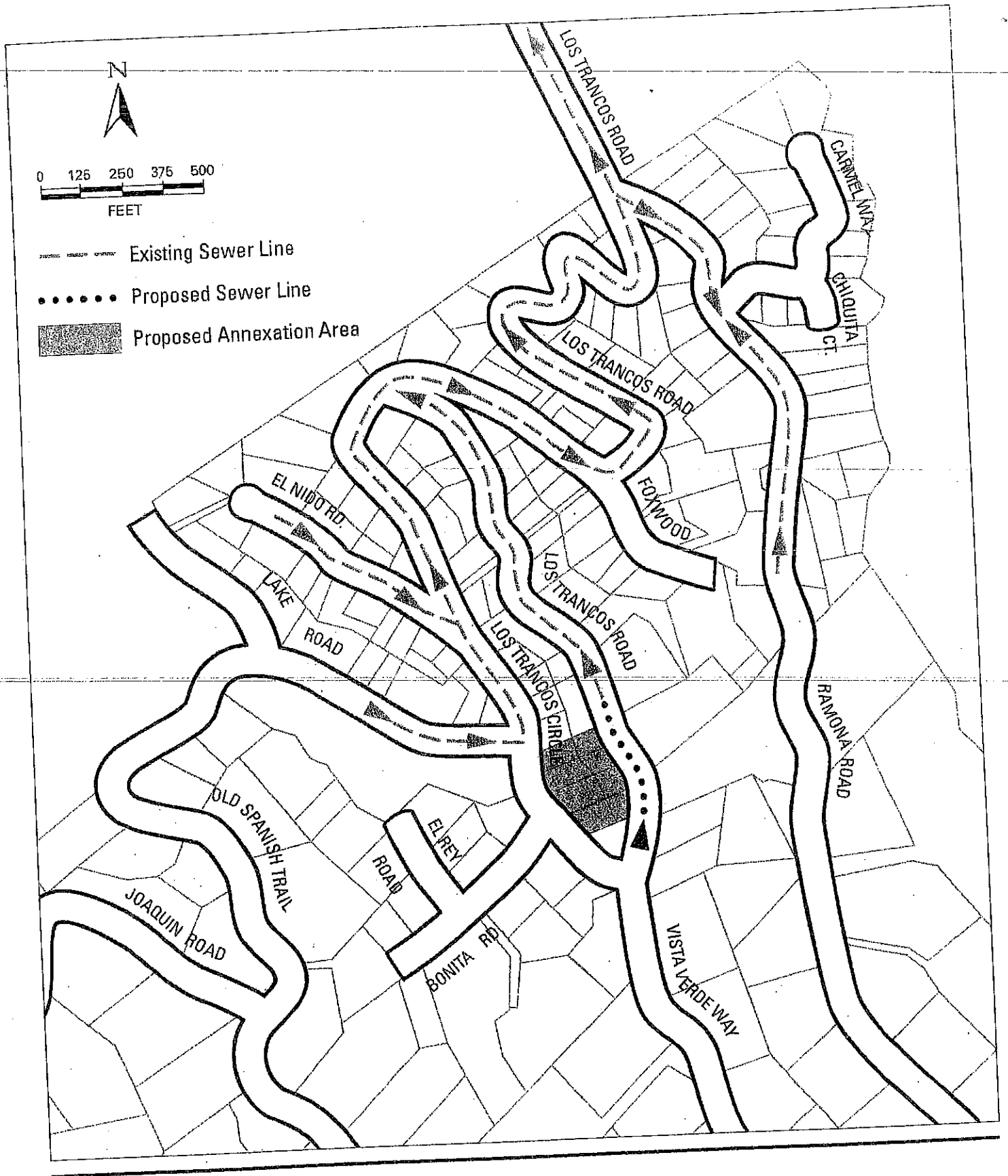


Figure 2

Project Details

Source: West Bay Sanitary District and San Mateo County LAFI