

**LOCAL AGENCY FORMATION COMMISSION**

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

December 8, 2009

TO: Members, Formation Commission

FROM: Martha Poyatos
Executive Officer

SUBJECT: LAFCo File No. 09-11--Proposed Annexation of 5 Grove Court (Lands of Kim/APN 079-030-130) to the West Bay Sanitary District, waiver of conducting authority proceedings and subsequent annexation to the On-Site Waste Water Disposal Zone (1.53 acre)

Summary

This proposal, submitted by landowner petition, requests annexation in order to connect single-family home served with inadequate septic system to West Bay Sanitary District sewer main. The proposal has 100% landowner consent and waiver of conducting authority proceedings is also requested. The annexing territory is within the boundaries of the Town of Portola Valley at 5 Grove Court. Commission approval is recommended.

Departmental Reports

County Assessor: The net assessed valuation shown in the records of the County Assessor is \$196,110. The boundaries of the annexation as proposed conform to lines of assessment and ownership.

County Clerk: The territory has no registered voters. Annexation would not conflict with any political subdivision boundaries.

Public Works: The territory proposed for annexation consists of 1.53 acre. The map and legal description meet requirements for recordation. 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.

Environmental Health: The California Water Service Company and West Bay Sanitary District provide the available water and sewer service in the area.

Recommendation: Approval

Town of Portola Valley: The Town's general plan designation is low intensity residential and zoning is residential estate (2.5 acres per dwelling unit). An encroachment permit will be necessary to be reviewed and issued by the Town Engineer.

Recommendation: Approval

West Bay Sanitary District: A District Class 3 permit and a Class 1 permit, and annual sewer service charges will be levied. Annexation to the On-Site Waste Water Disposal Zone is required. Proponents are responsible for all permitting, installation and construction costs.

Recommendation: Approval

Report and Recommendation:

This proposal has been submitted by landowner petition in order to connect the existing residence to public sewer. The territory proposed for annexation is located in the Town of Portola Valley on Grove Court near Grove Drive, off Portola Road.

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

The proposal is categorically exempt from the environmental review requirements of the California Environmental Quality Act (CEQA) because it consists of an annexation for an exempt facility (up to three single-family residences).

Annexation to the On-Site Wastewater Disposal Zone

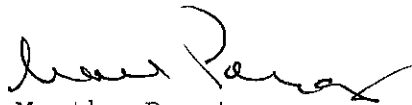
Sections 6960.3 and 6974 of the Health and Safety Code governing sanitary districts require LAFCo approval for formation of, or annexation to, an on-site wastewater disposal zone (Zone) in counties in which LAFCo has adopted Rules and Regulations Affecting the Functions and Services of independent special districts. The 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.

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 provided there is written consent from all gaining agencies. The purpose of the conducting authority proceeding is to measure landowner or voter protest within the affected territory. Paragraph [c] was added to Section 56663 to streamline annexation proceedings in which landowners have already given consent to uninhabited annexation proceedings. At the request of the landowners, the West Bay Sanitary District agrees to Commission waiver of the conducting authority proceedings if the proposal is approved.

Recommended Commission Action, by Resolution: Approve LAFCo File No. 09-11--Proposed Annexation of 5 Grove Court (Lands of Kim/APN 079-030-130) to the West Bay Sanitary District, waiver of conducting authority proceedings and subsequent annexation to the On-Site Waste Water Disposal Zone.

Respectfully submitted,



Martha Poyatos
Executive Officer

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

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:

ANNEXATION OF 5 GROVE COURT INTO THE WEST BAY SANITARY DISTRICT AND THE DISTRICT'S ONSITE WASTEWATER DISPOSAL ZONE.

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:

TO RECEIVE WASTEWATER SERVICE FROM THE WEST BAY SANITARY DISTRICT.

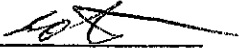

7. The proposed **ANNEXATION** is requested to be made subject to the following terms and conditions: **N/A**

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):

Date	Name	Signature	Residence address	APN*
9/29/09	MARINA KIM		5 Grove Court Portola Valley	079-030-130
9/29/09	Emiko Beth Kim		5 Grove Court Portola Valley	079-030-130

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

**APPLICATION FOR A CHANGE OF ORGANIZATION OR REORGANIZATION
TO THE SAN MATEO LOCAL AGENCY FORMATION COMMISSION
(LANDS OF KIM, ANNEXATION OF 5 GROVE COURT, PORTOLA VALLEY;
APN: 079-030-130, TO THE WEST BAY SANITARY DISTRICT AND THE DISTRICT'S
ONSITE WASTEWATER DISPOSAL ZONE)**

A. GENERAL INFORMATION

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

Annexation of 5 Grove Court into the West Bay Sanitary District and the Onsite Wastewater Disposal Zone.

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?

To obtain sanitary sewer service from the West Bay Sanitary District to replace problematic septic tank and leach field.

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 Boundary

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>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.

Grove Court near the intersection of Grove Drive and Portola Road in Portola Valley.

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

Single Family Residential

3. How are adjacent lands used?

North: Single Family Residential

South: Single Family Residential

East: Single Family Residential

West: Public Right of Way

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

N/A

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

Residential.

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

Residential.

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?

N/A.

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?

None.

* * * * *

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(s): Emiko Beth Kim

ADDRESS: 5 Grove Court, Portola Valley 94028 TELEPHONE: 650-454-4537

ATTN:  

Signature of Proponent(s)

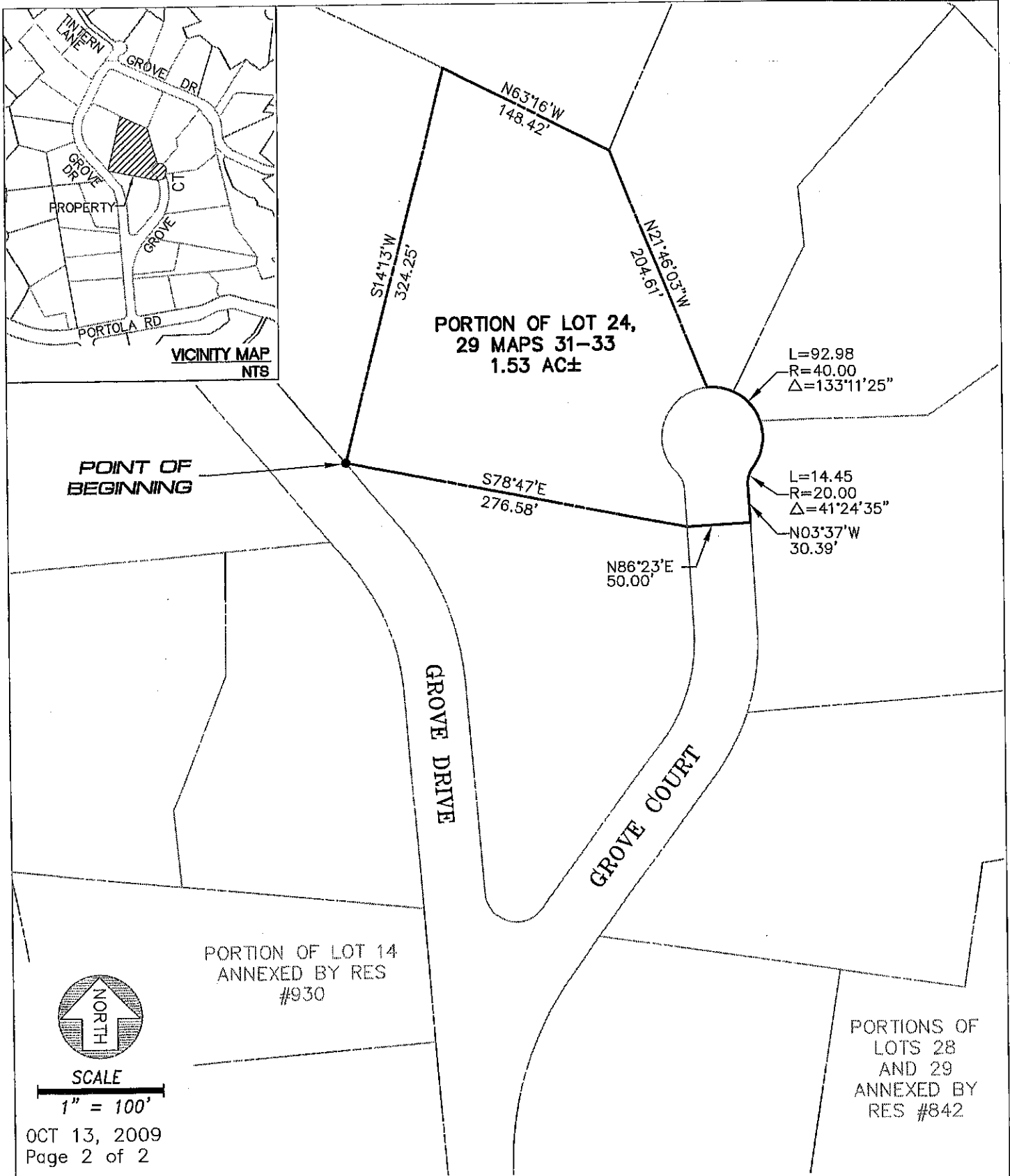
**PROPOSED ANNEXATION OF
LANDS OF KIM 1.53 ACRE +/- PARCEL
AND PORTION OF GROVE COURT 0.15 ACRE +/-
INTO THE WEST BAY SANITARY DISTRICT AND
ON-SITE WASTEWATER DISPOSAL ZONE BOUNDARIES**

That real property being a portion of Lot 24 and a Portion of Grove Court as shown on that certain map entitled "Tract No. 608 – Stonegate, Subdivision of a Portion of Corte Madera Rancho" filed in the office of the County Recorder of San Mateo County, State of California, on September 29, 1948, in Volume 29 of Maps at Pages 31-33, being more particularly described as follows:

BEGINNING at the westerly most corner of said Lot 24 thence proceeding counter-clockwise the following courses and distances: thence South 78°47' East a distance of 276.58 feet to the westerly line of Grove Court; thence North 86°23' East a distance of 50 feet to the easterly line of Grove Court; thence along the easterly line of Grove Court North 03°37' West a distance of 30.39 feet; thence along a tangent curve to the right having a radius of 20 feet, an arc length of 14.45 feet, and a central angle of 41°24'35"; thence along a tangent curve to the left having a radius of 40 feet, an arc length of 92.98, and a central angle of 133°11'25"; thence North 21°46'03" West a distance of 204.61 feet; thence North 63°16' West a distance of 148.42 feet; thence South 14°13' West a distance of 324.25 feet to the westerly most corner of Lot 24 and the POINT OF BEGINNING.

Containing 1.53 acres more or less.

<p>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 or for the sale of the lands described herein.</p>



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**PROPOSED ANNEXATION MAP OF THE
LANDS OF KIM AND
A PORTION OF GROVE COURT
INTO THE WEST BAY SANITARY DISTRICT AND
ON-SITE WASTEWATER DISPOSAL ZONE**