



**LAFCO MEETING MINUTES (CORRECTED)**  
**WEDNESDAY, DECEMBER 6, 2017**

**CALL TO ORDER**

The meeting was called to order at 1:15 p.m.

**1. ROLL CALL**

The following commissioners and alternates were present:

- **Vice Chairperson Ken Yeager**
- **Commissioner Sergio Jimenez**
- **Commissioner Rob Rennie**
- **Commissioner John L. Varela**
- **Commissioner Mike Wasserman**
- **Commissioner Susan Vicklund Wilson**
- **Alternate Commissioner Yoriko Kishimoto** (voting in place of Chairperson Hall)
- **Alternate Commissioner Russ Melton**
- **Alternate Commissioner Terry Trumbull**

The following commissioners and alternates were absent:

- **Chairperson Sequoia Hall**
- **Alternate Commissioner Sylvia Arenas**
- **Alternate Commissioner Cindy Chavez**

The following staff members were present:

- **LAFCO Executive Officer Neelima Palacherla**
- **LAFCO Analyst Lakshmi Rajagopalan**
- **LAFCO Clerk Emmanuel Abello**
- **LAFCO Counsel Malathy Subramanian**

**2. WELCOME NEW STAFF**

Neelima Palacherla introduced the new LAFCO analyst, Lakshmi Rajagopalan, and the Commission welcomed her.

3. **RESOLUTION OF COMMENDATION FOR BILL SHOE**

The Commission adopted and presented the Resolution of Commendation to Bill Shoe.

**Commission Wasserman** commended Mr. Shoe, making particular note of his institutional knowledge, his creativity, his willingness to delve deeply into issues, and for his attendance at countless South County meetings.

Mr. Shoe expressed appreciation to the Commission and to LAFCO staff. He indicated that it has been an honor to work for the County and to have succeeded people like Bob Sturdivant, Don Weden and Eric Carruthers, who have worked on progressive growth management and planning policies.

4. **PUBLIC COMMENTS**

There was none.

5. **MINUTES OF OCTOBER 4, 2017 LAFCO MEETING**

The Commission approved the minutes of the October 4, 2017 LAFCO meeting, with no revisions.

Motion: Varela

Second: Wasserman

AYES: Yeager, Jimenez, Rennie, Varela, Wasserman, Wilson, Kishimoto

NOES: None

ABSTAIN: None

ABSENT: None

**MOTION PASSED**

6. **WAIVER OF ONE YEAR TIME REQUIREMENT FOR RESUBMITTAL OF MONTE SERENO USA/SOI AMENDMENT PROPOSAL**

Ms. Palacherla presented the staff report.

Nick Petridis, representative of the property owners, expressed appreciation for the opportunity to request a waiver of the one-year time requirement. He indicated that the proposal is an example of good planning and environmental considerations, and that allowing the applicant to connect to sewer is a public benefit. He indicated that waiving the one-year time requirement allows for administrative efficiency as LAFCO members who are familiar with the application would review it instead of waiting until June when there could be changes on LAFCO. He also requested consideration to waive or adjust the fees.

In response to an inquiry by **Commissioner Wasserman**, Ms. Subramanian clarified that the Commission must find that the time requirement is detrimental to public interest. **Commissioner Wasserman** moved for approval of the waiver request based on the finding that the time requirement would delay their

application to obtain sewer connection and that is detrimental to public interest. **Commissioner Varela** seconded.

**Alternate Commissioner Kishimoto** stated that she is against the motion since she cannot find that the time requirement is detrimental to public interest since the septic system is not failing and does not pose any hazard to public health and safety. She noted that the reason for the one-year time requirement is to promote a more efficient process and avoid repeated reviews.

In response to an inquiry by **Commissioner Wilson**, Vladimir Rubashevsky, property owner, indicated that he is unable to say if their three-year old septic system is failing or not, but that it has odor and is clogging. He stated that his neighbors' plan to develop their property was postponed several times due to unfavorable LAFCO decision, and requested that LAFCO decide soon so they can proceed.

**Commissioner Wilson** expressed concern that the waiver could create a precedent that allows applicants to bring the same application to LAFCO repeatedly, and she expressed agreement with Alternate Commissioner Kishimoto. She acknowledged that the septic system is not the best option environmentally and noted the statement by the property owner describing the state of the septic system. She expressed support for the motion for this one time only but reiterated that Alternate Commissioner Kishimoto's position on the motion is warranted.

**Commissioner Yeager** expressed agreement with Commissioner Wilson and indicated that he is also conflicted about the motion since it may send a wrong signal that applicants can keep on resubmitting applications that LAFCO has previously denied. He stated that there are only four months left before the one-year time requirement is completed but stated that he would support the motion to process the application a little faster. In response to an inquiry by **Commissioner Varela**, Ms. Palacherla advised that there has been no request for such a time waiver in the past. **Commissioner Wilson** clarified that she supports the motion to allow resubmission of the application sooner but it does not indicate her support for its approval when it comes back.

**Commissioner Jimenez** expressed agreement with Commissioner Wilson and stated that he is looking forward to a thorough discussion of the application at the public hearing. In response to his inquiry, Ms. Palacherla informed that the one-year time requirement is State law, which also allows the Commission to make an exception provided it makes a certain finding. In response to his follow-up inquiry, Ms. Subramanian advised that the necessary finding is that the one-year time requirement is detrimental to public interest but State law does not provide more detail.



Motion: Kishimoto

Second: Yeager

AYES: Yeager, Jimenez, Rennie, Varela, Wasserman, Wilson, Kishimoto

NOES: None

ABSTAIN: None

ABSENT: None

**MOTION PASSED**

**10. EXECUTIVE OFFICER'S REPORT**

**10.1 INQUIRY FROM PROPERTY OWNER IN WEST SAN JOSE CONCERNING NEIGHBORHOOD'S POTENTIAL DETACHMENT FROM SAN JOSE AND ANNEXATION TO CUPERTINO**

In response to an inquiry by **Commissioner Jimenez**, Ms. Palacherla reported that staff has not heard back from the residents on any further steps they have undertaken. **Commissioner Yeager** indicated that he is familiar with the area.

**10.2 LAFCO PRESENTATION TO SANTA CLARA COUNTY FARM BUREAU**

The Commission noted the report.

**10.3 MEETING WITH CALIFORNIA SPECIAL DISTRICTS ASSOCIATION REPRESENTATIVE**

The Commission noted the report.

**10.4 MEETING WITH CITY OF MOUNTAIN VIEW STAFF CONCERNING POTENTIAL DEVELOPMENT OF FEDERAL LANDS, INCLUDING MOFFETT FIELD**

The Commission noted the report.

**10.5 MEETING WITH COUNTY ROADS AND AIRPORTS DEPARTMENT STAFF ON ISLAND ANNEXATIONS**

The Commission noted the report.

**10.6 SANTA CLARA COUNTY ASSOCIATION OF PLANNING OFFICIALS (SCCAPO) MEETING**

The Commission noted the report.

**10.6 MIDPENINSULA REGIONAL OPEN SPACE DISTRICT'S MT. UMUNHUM SUMMIT TOUR**

The Commission noted the report.

**10.6 INTER-JURISDICTIONAL GIS WORKING GROUP MEETING**

The Commission noted the report.

**11. CALAFCO RELATED ACTIVITIES**

**11.1 REPORT ON 2017 CALAFCO CONFERENCE**

Ms. Palacherla congratulated Commissioner Wilson for her election to the CALAFCO Board of Directors. **Acting Chairperson Yeager** expressed appreciation to Commissioner Wilson for representing LAFCO on the CALAFCO Board.

**12. PENDING APPLICATIONS / UPCOMING PROJECTS**

Ms. Palacherla informed that an application for annexation to West Valley Sanitation District would be brought for Commission consideration at the February 2018 meeting.

**13. COMMISSIONER REPORTS**

Commissioner Varela provided a brief report on Santa Clara Valley Water District's position regarding the California WaterFix project.

**14. NEWSPAPER ARTICLES / NEWSLETTERS**

The Sphere, October 2017.

**15. WRITTEN CORRESPONDENCE**

There was none.

**16. ADJOURN**

The Commission adjourned at 1:46 p.m., to the regular LAFCO meeting on February 7, 2018 at 1:15 p.m., in the Board Meeting Chambers, 70 West Hedding Street, San Jose.

Approved on \_\_\_\_\_.

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Ken Yeager, Vice-Chairperson  
Local Agency Formation Commission of Santa Clara County

By: \_\_\_\_\_  
Emmanuel Abello, LAFCO Clerk