

SANTA CLARA COUNTY
Local Agency Formation Commission

MINUTES

WEDNESDAY, AUGUST 8, 2001

1. ROLL CALL

The Local Agency Formation Commission (LAFCO) of Santa Clara County convenes this 8th day of August, 2001 at 1:18 p.m. in the Chambers of the Board of Supervisors, County Government Center, 70 West Hedding Street, San Jose, California with the following members present: Commissioners Donald Gage, Linda LeZotte, and Susan Vickland Wilson. LAFCO staff in attendance include Neelima Palacherla, LAFCO Executive Officer; Kathy Kretchmer, LAFCO Counsel; and, Colleen Oda, LAFCO Planner. Commissioner Blanca Alvarado arrives at 1:21 p.m. The meeting is called to order by Chairperson Gage and the following proceedings are had, to wit:

3. APPROVE MINUTES OF JUNE 13, 2001 MEETING

On motion of Commissioner Wilson, seconded by Commissioner LeZotte, it is unanimously ordered that the minutes of June 13, 2001 be approved as submitted.

On Commission consensus the agenda is considered out of order.

2. PUBLIC PRESENTATION

Neelima Palacherla, LAFCO Executive Officer, advises that there is a public presentation by Derek Bell, spokesperson for Overlook Road Homeowners Association.

Mr. Bell directs attention to a map outlining the proposed sewer line and advises that 12 homeowners are requesting sewer connection to the West Valley Sanitation District (WVSD). He provides an overview on the sphere of influence (SOI) issue advising that the 12 parcels are outside the SOI of the Town of Los Gatos, City of Monte Sereno, City of Saratoga, and WVSD. Mr. Bell notes that the engineer from WVSD indicated that under

WEDNESDAY, AUGUST 8, 2001

state law, the 12 parcels are required to be in the SOI of WVSD and surrounding municipalities and the engineer of WVSD suggested that the Overlook Road Homeowners Association contact LAFCO for guidance. Mr. Bell states that the Overlook Road Homeowners Association is requesting assistance from LAFCO on how to proceed with the proposal.

(Commissioner Alvarado arrives at 1:21 p.m.)

Chairperson Gage suggests that the Overlook Road Homeowners Association contact the LAFCO Executive Officer and LAFCO attorney regarding the proposal. Ms. Palacherla advises that the proposal may be complicated because of the SOI issue. Chairperson Gage notes that the Commission cannot take any action at this time and further directs that the Overlook Road Homeowners Association arrange an appointment with LAFCO staff for assistance.

4. PUBLIC HEARINGS

4.1 TOWN OF LOS GATOS URBAN SERVICE AREA (USA) AMENDMENT 2001

This being the time and place set for public hearing to consider a request for an Urban Service Area (USA) amendment by the Town of Los Gatos, Chairperson Gage declares the hearing open.

Ms. Palacherla directs attention to her staff report dated August 3, 2001, recommending that the Commission approve the inclusion of property into the Los Gatos USA conditioned upon approval of the Hillside Specific Plan amendment by the County Board of Supervisors and receipt of a revised legal description and map depicting the USA boundary and incorporating the revisions by the Surveyor. She provides an overview of the Town and County policies as they relate to the USA expansion. Ms. Palacherla notes that the County and the Town jointly adopted the Hillside Specific Plan and that any amendment to the Hillside Specific Plan requires approval of both the County and the Town. She points out that the County Board of Supervisors has not taken any action on the issue.

Ms. Palacherla continues by providing an overview of the LAFCO policies as they relate to urban services in the proposed area. She concludes by noting that the proposed USA boundary expansion does not create any likely growth inducing impacts and does not negatively impact agricultural lands or open space lands.

Terry Szewczyk, Engineer, TS/Civil Engineering, encourages the Commission to take a favorable action on the proposal.

In response to an inquiry by Commissioner Alvarado, Ms. Palacherla advises that the Town of Los Gatos is responsible for providing a metes and bounds description and map for the area that is proposed to be included in the USA.

Receiving no further requests from the public to speak, the Chairperson orders that the hearing be closed.

On motion of Commissioner Alvarado, seconded by Commissioner LeZotte, it is unanimously ordered that Resolution No. 01-9 be adopted approving the urban service area amendment by the Town of Los Gatos and approving the staff recommendation; finding that the Initial Study and Negative Declaration approved by the Town of Los Gatos was completed in compliance with California Environmental Quality Act (CEQA), and together with the additional information being provided by the Town, is an adequate discussion of the environmental impacts of the project; and finding that prior to making a decision on the project, LAFCO reviewed and considered the environmental effects of the project as outlined in the Initial Study and Negative Declaration.

4.2 OUT-OF-AGENCY EXTENSION OF WATER SERVICE BY THE CITY OF MORGAN HILL FOR FIRE PROTECTION TO KAWAHARA NURSERY LOCATED AT 698 BURNETT AVENUE

This being the time and place set for public hearing to consider a request for Out-of-Agency Extension of Water Service by the City of Morgan Hill for Fire Protection to Kawahara Nursery located at 698 Burnett Avenue, Chairperson Gage declares the hearing open.

WEDNESDAY, AUGUST 8, 2001

Ms. Palacherla directs attention to her staff report dated August 2, 2001, recommending denial of the request for extension of water service for fire protection for a replacement production building located at 698 Burnett Avenue. She provides an overview of the project description and discusses the LAFCO policies as they relate to the proposal. Ms. Palacherla notes that the subject property is located in the unincorporated area outside the City Urban Service Area (USA), and states that the property is within the SOI. She further notes that the proposed extension of services is outside of the City's jurisdictional boundaries, therefore requiring LAFCO approval.

Ms. Palacherla continues by noting that the building located at 698 Burnett Avenue was destroyed in a fire last summer and the property owner applied for a building permit for an 18,000 square foot replacement production building on a 14.72 acre site. As a condition of approval, the Santa Clara County Central Fire Protection Department requires adequate fire flow and fire protection for the building.

Ms. Palacherla concludes by outlining the reasons for the recommendation. She notes that the subject property is not contiguous to the city's USA and is surrounded by rural and agricultural uses. Ms. Palacherla further notes the inefficiencies related to costs and maintenance of decentralized city services, and indicates the potential that the proposal would have to set a precedent for other similar requests in the area. She advises that an alternative method of water service to the site would be to construct an onsite water storage tank indicating that this option would be in compliance with LAFCO policies. Ms. Palacherla recommends that the extension of water service be denied.

Rebecca Tolentino, Associate Planner, City of Morgan Hill, advises that the Council has reviewed the proposal and notes that the Council finds the proposal consistent with City policies. She directs attention to Section 18.78.080 of the Municipal Code of Morgan Hill that is quoted in the LAFCO Executive Director's report, dated August 2, 2001 and points out that it does not apply to the Kawahara Nursery proposal.

In response to an inquiry by Commissioner Wilson, Ms. Tolentino advises that the City Council voted in favor of the proposal.

WEDNESDAY, AUGUST 8, 2001

Gloria Ballard, Engineer, M.H. Engineering, further advises that the City Council of Morgan Hill voted unanimously in favor of allowing the Kawahara Nursery to connect to the main water line. She notes that the city hydrant would enhance, not diminish agriculture. Ms. Ballard directs attention to the staff report dated August 2, 2001, and addresses the decentralization issue of City services and notes that the water would only be used for fire protection services.

David Kawahara, property owner, Kawahara Nursery, provides a brief overview of the proposal and discusses the fire protection issue. He advises that the facility located at 698 Burnett Avenue was destroyed in a fire last year. Mr. Kawahara further notes that the requirement of the building permit is to have enough water supply for fire protection services. In response to Chairperson Gage, Mr. Kawahara advises that some vegetables are grown on the property.

Commissioner LeZotte comments that the contract for water services is solely for fire protection to Kawahara Nursery and states that she is in favor of the proposal on that condition.

Chairperson Gage comments that the proposal is not growth inducing and notes that he is in favor of the proposal provided a clause is included that water services will be strictly used for fire protection and that the City of Morgan Hill is making the request for the Kawahara Nursery to connect to the City's main water line and the water capacity comes from the City.

Commissioner Wilson expresses concern regarding setting a precedent for further water extension services in the area and therefore will not be supporting the motion.

On motion of Commissioner LeZotte, seconded by Commissioner Alvarado, it is ordered on a vote of 3-1 with Commissioner Wilson voting no and Commissioner Jackson absent, that Resolution No. 01-10 be adopted approving the extension of water service to Kawahara Nursery with the condition that the water be used solely for fire protection services. Further that the proposal is categorically exempt from the provisions of CEQA pursuant to CEQA Class 3, Section 15303 (d).

5. EXECUTIVE DIRECTOR'S REPORT

A. Mora Drive Sewer Project: Report on status of application for pre-zoning to the Town of Los Altos Hills

Ms. Palacherla reports that on August 2, 2001, the City Council of Los Altos applied a pre-zoning designation to an unincorporated pocket and advises that property owners located in a portion of the pocket area are interested in annexation to the Town.

B. CALAFCO Executive Board Nominations

Ms. Palacherla advises that CALAFCO is accepting nominations from interested commissioners who desire to serve on the Executive Board. Ms. Palacherla recommends that the Commission nominate any interested commissioners.

Chairperson Gage notes that he serves on various committees and inquires as to whether or not Commissioner Wilson would be interested in serving on the Board. Commissioner Wilson notes that she will consider serving on the CALAFCO Executive Board.

C. 2001 Annual CALAFCO Conference, October 31-November 2, 2001, Yosemite National Park

Ms. Palacherla provides information on the Annual CALAFCO Conference and advises that topics of discussion will be the availability of water and regional housing needs. She notes that program and registration information will be provided to Commissioners at a later date.

6. WRITTEN CORRESPONDENCE

There is no written correspondence.

7. ADJOURNMENT

WEDNESDAY, AUGUST 8, 2001

On order of the Chairperson, there being no objection, the meeting is adjourned at 1:55 p.m. to the next regular meeting to be held on Wednesday, October 10, 2001 at 1:15p.m. in the Chambers of the Board of Supervisors, County Government Center, 70 West Hedding Street, San Jose, California.

Donald F. Gage, Chairperson
Local Agency Formation Commission

ATTEST:

Ruth Marston, LAFCO Clerk