

Local Agency Formation Commission of Santa Clara County

MINUTES - WEDNESDAY, DECEMBER 8, 2004

1. ROLL CALL

The Local Agency Formation Commission (LAFCO) of Santa Clara County convenes the 8th day of December 2004 at 1:17 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: Chairperson Susan Vicklund Wilson, Commissioners Donald Gage, John Howe, and Linda J. Lezotte. Commissioner Alvarado arrives at 1:21 p.m.

The LAFCO staff in attendance includes Neelima Palacherla, LAFCO Executive Officer; Kathy Kretchmer, LAFCO Counsel; Dunia Noel, LAFCO Analyst; and Ginny Millar, LAFCO Surveyor.

The meeting is called to order by Chairperson Wilson and the following proceedings are had, to wit:

2. PUBLIC PRESENTATIONS

There are no public presentations.

3. APPROVE MINUTES OF OCTOBER 13, 2004 MEETING

On motion of Commissioner Gage, seconded by Commissioner LeZotte, it is unanimously ordered that the minutes of October 13, 2004 be approved, as submitted.

4. 15221 SKYVIEW DRIVE, DETACHMENT FROM SAN JOSE

Proposal by property owner for detachment of lands (APN 595-06-002) located at 15221 Skyview Drive from the City of San Jose.

Neelima Palacherla, LAFCO Executive Officer, informs the Commission that she is in receipt of the application for this detachment as well as the resolution from the City of San Jose opposing the detachment. Further, she states that LAFCO staff recommends that the proceedings for the detachment be terminated.

On motion of Commissioner Gage, seconded by Vice-Chairperson Howe, it is unanimously ordered that the resolution terminating the detachment proceedings of 15221 Skyview Drive from San Jose be adopted.

5. REVISION OF SERVICE REVIEW BOUNDARIES AND PRIORITIES

Ms. Palacherla announces that in 2002, LAFCO adopted priorities and boundaries regarding service reviews and how they should be conducted in Santa Clara County. She reports that LAFCO has completed the Countywide Fire Service Review and that staff is in the process of conducting the Water Service Review. She states that following the Water Service Review, LAFCO would conduct four sub-regional service reviews, which will be for the north, south, central and west valley areas of the County.

Staff is proposing to revise this so that only two service reviews would be required. The first would combine the central and south areas into one region, and the second would combine the north and west into another region. Ms. Palacherla points out that the sub-regional service reviews will be conducted in a more timely and efficient manner and will enable staff to address issues regarding South County and Coyote Valley.

Ms. Palacherla requests that LAFCO authorize revisions to the service review boundaries, to conduct South and Central County service reviews upon completion of the water service review, followed by the North County and West Valley service reviews.

Commissioner Wilson inquires whether sub-regional service reviews are being conducted by other LAFCOs. Ms. Palacherla responds that some LAFCOs are conducting regional service reviews and others are conducting city/agency service reviews.

On motion of Commissioner Gage, seconded by Commissioner LeZotte, it is unanimously ordered that the revisions to the service review boundaries be approved.

6. AUTHORIZATION FOR DEVELOPING LAFCO POLICIES FOR ISLAND ANNEXATIONS

Ms. Palacherla requests that LAFCO authorize staff to develop local LAFCO policies on local island annexations. She explains that State law provides a two-year window of opportunity to conduct streamlined pocket annexations. She explains that the County Planning Office has developed maps that will be included in the distribution to each city to further assist in this process. Ms. Palacherla requests that LAFCO authorize development of local policies and states that prior to public hearing, staff will distribute these policies to the cities to obtain comments from city staff.

Commissioner Howe inquires whether LAFCO staff has reviewed the expense that the cities will incur from annexation fees. Ms. Palacherla responds that staff will provide

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information on the annexation processing costs. Commissioner Howe suggests that this issue be included when the motion is made.

Commissioner Alvarado requests that staff return to LAFCO with the policy and information on acreage for each city. Ms. Palacherla states that the number of pockets is based on the maps that will be reconfirmed by the County Surveyor prior to final distribution. She continues by stating that LAFCO staff will send the maps to the cities, and the cities can decide which pockets would qualify for the streamlined annexation process based on criteria in State law.

In response to an inquiry by Commissioner Gage regarding whether or not excessive amounts of industrial land could prevent pockets from being annexed, Ms. Palacherla explains that these pockets are all within the Urban Service Area (USA).

Commissioner LeZotte expresses agreement with Commissioner Howe regarding the LAFCO fees and inquires whether the maps will be distributed with the policy so that her staff can review them. Ms. Palacherla informs the Commission that she plans to send a draft of the policies and maps to the cities at the same time. Commissioner Wilson points out that, in the past, the process to annex pockets 75 acres or less was not accomplished due to opposition in the San Jose area.

Commissioner Alvarado points out that the County has an agreement with the City of San Jose to annex pockets and suggests that Kathy Kretchmer, LAFCO Counsel, review what the impact will be for the City. Ms. Kretchmer responds that staff will make reference to that agreement in a letter to the City when the maps and policies are distributed.

Commissioner LeZotte inquires when the maps and policies will be distributed and who will receive them. Ms. Palacherla informs the Commissioners that staff anticipates distribution within the next two to three weeks and that the recipients will be planning directors and city managers. She adds that a compact disk may also be available upon request.

On motion of Commissioner Alvarado, seconded by Commissioner Howe, it is unanimously ordered that LAFCO authorize staff to develop LAFCO policies for city annexations of unincorporated islands, review the impact of costs to the cities, and that the policies and maps be distributed at the same time.

7. ADOPTION OF BOUNDARY AND SPHERE OF INFLUENCE (SOI) MAPS FOR SPECIAL DISTRICTS

Dunia Noel, LAFCO Analyst, reports that LAFCO staff has developed district boundary and SOI boundary maps for special districts in Geographical Information System (GIS). She states that the maps are for Purissima Hills County Water District and two resource conservation districts, Loma Prieta Resource Conservation District and the Guadalupe Coyote Resource Conservation District that serve various parts of Santa Clara County. These will be used in the current water service review. She comments that, in the past, LAFCO staff did not have access to these maps and that the three maps have been prepared using various information sources.

Ms. Noel informs the Commissioners that the maps have been reviewed and agreed upon by district staff and are current as of December 8, 2004. She refers to the maps posted on the wall and explains the details of the boundaries. She comments that LAFCO staff has worked closely with staff from the special districts to confirm the boundaries.

Commissioner LeZotte recommends that this item be held to the next LAFCO meeting, and that her staff would like to review the maps first. Commissioner Howe suggests that the maps be reproduced and distributed to the Commissioners.

In response to an inquiry by Commissioner Alvarado, Ms. Palacherla confirms that the maps will be used for the service review. Further, she states that she would like to have the maps adopted today so that LAFCO staff can forward them to the consultants to include as part of the water service review and that the water service review draft report is planned to be distributed in January. She points out that several years ago funding had been reduced from the County Surveyor's Office resulting in the maps not being maintained by the County Surveyor's Office or by special districts. Therefore, LAFCO staff has taken responsibility for developing the maps in GIS and to maintain them for future use. She continues by stating that as annexations and detachments become finalized, LAFCO staff plans to continue maintaining these maps and posting them on the LAFCO website as a resource. Ms. Palacherla requests that any questions or concerns by city staff regarding the maps be directed to her or Ms. Noel.

On motion of Commissioner Alvarado, seconded by Commissioner Gage, it is unanimously ordered that the boundary and SOI maps for special districts be adopted.

8. APPROVE 2005 LAFCO MEETING SCHEDULE

On motion of Commission Gage, seconded by Commissioner Alvarado, it is unanimously ordered that the 2005 LAFCO meeting schedule and application filing deadlines be approved.

9. APPOINTMENT OF CHAIRPERSON AND VICE-CHAIRPERSON FOR 2005

On motion of Commissioner LeZotte, seconded by Commissioner Alvarado, it is unanimously ordered that Commissioner Howe be appointed Chairperson and Commissioner Gage be appointed as Vice-Chairperson for 2005.

10. EXECUTIVE OFFICER'S REPORT

10.1 Update on Countywide Water Service Review

Ms. Noel summarizes that the major stakeholders have been contacted regarding the progress on the Countywide Water Service Review. She states that in October, presentations were made to the Santa Clara County Water Retailers Group, Santa Clara County/Cities Public Works Officials Association and Santa Clara County/Cities Managers Association. The presentations included a brief review regarding the purpose of LAFCO service reviews, legal requirements for service reviews as well as the scope and expected outcome of the service reviews.

Ms. Noel continues by stating that preliminary issues were identified and that the next step will be a mid-December release of LAFCO's draft Countywide Water Service Review to water agencies for their comments. She notes that LAFCO staff and consultants will consider all comments received on the draft report and that the report will be revised as necessary. She informs the Commissioners that the report will be released in mid-January for public review and comments. Further, she comments that LAFCO expects to hold a public hearing in February to address the reviewed draft report to solicit additional comments. She concludes by stating that LAFCO staff anticipates a public hearing to be held in April to adopt the final service review report and subsequently begin the revisions for the spheres of influence for the different water districts.

11. PENDING APPLICATIONS

11.1 Application for Formation of Redwood Estates Community Services District (RECS)

Ms. Palacherla reports that currently, there is one pending application for RECS that was received and an update was provided at the October 13, 2004 LAFCO meeting. She notes that the application is incomplete due to several items that are still needed and that there may be

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changes to the project. She comments that staff received a letter from six mutual water companies in Santa Cruz expressing their interest in the proposal.

Ms. Palacherla informs the Commissioners that the next step will be to arrange a meeting with all mutual water companies in Santa Cruz and Santa Clara Counties. Options to achieve mutually agreed objectives will be discussed and what the pros and cons for each option will be. Further, she states that LAFCO staff believes that detailed analysis will be needed and that a professional with expertise in this area would be required to assist in the decision-making and feasibility of each option.

12. WRITTEN CORRESPONDENCE

There is no written correspondence.

13. ADJOURN

On motion of the Chairperson, there being no objection, the meeting is adjourned at 1:55 p.m. to the next regular meeting scheduled to be held on Wednesday, February 9, 2005 at 1:15 in the Chamber of the Board of Supervisors, County Government Center, 70 West Hedding Street, San Jose, California.

Susan Vicklund-Wilson, Chairperson
Local Agency Formation Commission

ATTEST:

Lena Vasquez, LAFCO Clerk