



MEETING DATE: 12/5/2005  
ITEM NO. 15  
DESK ITEM

**COUNCIL AGENDA REPORT**

DATE: DECEMBER 5, 2005  
TO: MAYOR AND TOWN COUNCIL  
FROM: DEBRA J. FIGONE, TOWN MANAGER   
SUBJECT: PROVIDE DIRECTION TO STAFF REGARDING THE COUNTY ISLAND ANNEXATION PROCESS

Attached for your information a copy of the Santa Clara County Resolution of Intent which was inadvertently omitted from report that was previously forwarded. Also attached are two additional e-mails that were received on this matter.

Attachments:

1. Santa Clara County Resolution of Intent
2. 12/4/05 e-mail from Paul and Eleanor Grams
3. 12/5/05 e-mail from Mehrdad Mavandad

PREPARED BY:

  
**PAMELA S. JACOBS**  
Assistant Town Manager

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Reviewed by: \_\_\_\_\_ Assistant Town Manager \_\_\_\_\_ Town Attorney \_\_\_\_\_ Clerk Administrator  
\_\_\_\_\_ Finance \_\_\_\_\_ Community Development

Revised: 12/5/05 3:12 pm

Reformatted: 5/30/02

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**A RESOLUTION OF THE  
BOARD OF SUPERVISORS OF THE  
COUNTY OF SANTA CLARA IN SUPPORT OF THE FUTURE  
EVALUATION, CONSIDERATION AND AMENDMENT  
OF COUNTY ZONING ORDINANCE REGULATIONS  
REGARDING RESIDENTIAL DEVELOPMENT STANDARDS  
WITHIN THE URBAN UNINCORPORATED ISLANDS  
("URBAN POCKETS")**

**WHEREAS**, the Santa Clara County General Plan has long supported and encouraged the annexation of urban unincorporated lands located within the Urban Service Areas of the fifteen cities of Santa Clara County, defined in State law as urban unincorporated islands or "pockets;" and

**WHEREAS**, the County and Cities have agreed through countywide urban growth management and urban development policies originating in the 1970's that the annexation of urban pockets by the cities is in the general public interest and welfare, and that the continued existence of such urban pockets results in (a) inefficient and illogical political boundaries, (b) costly, inefficient, and impractical provision of urban services and infrastructure, (c) unnecessary division of urban communities and neighborhoods, (d) the disenfranchisement of those unincorporated citizens of the County who are unable to vote for city elected officials and unable to receive certain city-provided services for benefit of the community, (e) differences in land development outcomes, and (f) other related inequities; and

**WHEREAS**, the State Legislature, in recognition of the significant disadvantages of retaining urban unincorporated islands, has enacted legislation signed into law which facilitates annexation of certain urban islands of up to 150 acres which cannot be contested by resident protest or election, and these "streamlined," reduced-cost annexation procedures are available to cities through the end of 2006; and

**WHEREAS**, the County of Santa Clara and the Santa Clara County Local Agency Formation Commission (LAFCO) have further agreed to facilitate annexation by providing procedural and financial assistance to cities that successfully complete the annexation of their qualifying urban pockets within the 2005-2006 time period, including waiving of fees, payment of mapping costs and other related processing costs, and road surface improvements; and

**WHEREAS**, differences in residential development standards between the County's Zoning Ordinance regulations and those of certain cities have been a hindrance to annexation efforts in the past, and such differences may continue to inhibit the actions of certain cities to annex pockets eligible for the streamlined annexations, because such differences may significantly contribute to residents' desires for their urban islands to remain unincorporated; and

**WHEREAS**, the cities, County and LAFCO believe the present favorable opportunities for island annexation are unprecedented and limited in duration due to the aforementioned circumstances, and that all effective, practical efforts should be made to facilitate actions by the cities to complete island annexations during this window of opportunity; and

**WHEREAS**, for those urban islands not eligible for streamlined annexation provisions of State law, the cities, County, and LAFCO recognize that annexation of these islands may require

more concerted, strategic planning by those agencies in the near future, but which are not the immediate priority during the period 2005-2006.

**NOW, THEREFORE, BE IT RESOLVED** by the Board of Supervisors of the County of Santa Clara, State of California, as follows:

**SECTION 1.** The Board of Supervisors strongly encourages the Cities of Santa Clara County to initiate and complete the annexations of urban unincorporated islands located within cities' Urban Service Areas, consistent with countywide urban development and growth management policies, and more particularly, during the period 2005-2006, to annex those islands or pockets eligible to be annexed under the State's 2005-2006 streamlined annexation laws.

**SECTION 2.** Consistent with the County General Plan goals and policies for the urban unincorporated areas, particularly Policy U-LM 9, the Board of Supervisors supports the evaluation, consideration, and amendment of County Zoning Ordinance regulations governing residential development standards for the purpose of eliminating significant differences between the standards and development outcomes possible under County Zoning regulations and those of each city, potentially including, but necessarily limited to, such regulations as floor area definitions and floor area ratios governing house size, building height, story limits, lot coverage, setbacks from property lines and rights-of-ways, and review procedures.

**PASSED AND ADOPTED** by the Board of Supervisors of the County of Santa Clara, State of California on \_\_\_\_\_ by the following vote:

**AYES:**  
**NOES:**  
**ABSENT:**  
**ABSTAIN:**

\_\_\_\_\_  
Liz Kniss, Chair  
Board of Supervisors

Signed and certified that a copy of this document  
has been delivered by electronic  
or other means to the chair, Board of Supervisors:  
**ATTEST:**

\_\_\_\_\_  
Phyllis Perez  
Clerk, Board of Supervisors

**APPROVED AS TO FORM AND LEGALITY:**

Lizanne Reynolds 9-27-05  
Lizanne Reynolds  
Deputy County Counsel

**Attachments:**  
Exhibit A – Excerpt from County General Plan



## General Land Use Management

Urban Unincorporated Area Issues and Policies

**Strategy #2:**  
**Ensure Conformity of Development  
With Cities' General Plans**

Within cities' Urban Service Areas, the County does not apply any General Plan designation or classification of prescriptive land uses or densities to unincorporated parcels. Instead, allowable land uses and densities are determined by the applicable city's general plan. This arrangement reflects one aspect of the division of authority between the cities and the County under the jointly-adopted countywide "urban development policies." Assuming that all urban unincorporated areas will eventually be annexed by the cities, it is appropriate that the city which will have ultimate jurisdiction over an area have the ongoing authority to plan for what are presently unincorporated areas.

The responsibilities of the jurisdictions (County and city) are fairly straightforward. For urban unincorporated lands ineligible for annexation or for which annexation has been refused or deferred, the County is obligated to administer current planning functions, such as permit processing, zoning administration, and code enforcement; whereas, each city addresses through its general plan the long range planning issues of land use, density and other issues.

In order to ensure that development permitted under County jurisdiction is generally in conformance with what would be permitted according to each city's general plan, the County applies zoning districts and development regulations compatible with the applicable city's general plan designation. Given the variety and complexity of some cities' development regulations, it is infeasible for the County to attempt to administer the actual regulations of the cities.

When there are differences between County and city development regulations of some consequence, such as for setbacks, building height and bulk restrictions, or other standards, the County may be able to adjust its standards to minimize those inconsistencies. In any case, the County strives to work cooperatively with the applicant, the city and other interested parties to ensure that the resulting development is as

consistent as possible with the policies and regulations of the city involved and will not present future problems for either the property owner, the city, or adjacent residents.

**Policies and Implementation**

**U-LM 6**  
County land use and development regulations within a city Urban Service Area shall be generally compatible with the applicable city's general plan designations and accompanying policies.

**U-LM 7**  
Subdivisions, use permits and zone changes for unincorporated property within a city Urban Service Area shall conform with the applicable land use and density criteria of the city's general plan.

**U-LM 8**  
County zoning, land development, and building regulations should be designed and administered to:

- a. preserve and enhance the quality of existing urban unincorporated areas; and
- b. maintain community identity, through heritage resource preservation, conservation of historic structures and places, and other similar measures.





**U-LM 9**

In cases where significant differences exist between County and city development standards (i.e. setbacks, height, bulk regulations), resulting in potentially inappropriate development or conflicts, the County should consider adjusting or modifying its ordinances and standards to minimize problems and achieve greater conformance with city standards.

**U-LM 10**

No applications for subdivisions, use permits or zone changes for property within any city's Urban Service Area may be accepted by the County for processing unless it is accompanied by a statement from the applicable city affirming city general plan conformance.

**Implementation Recommendation**

**U-LM(i) 9**

Review all present County zoning districts applied within Urban Service Areas and compare with applicable city general plan designations. Identify significant inconsistencies and if needed, rezone inappropriately zoned areas to zoning districts that conform with city general plans.

**U-LM(i) 10**

Inform cities of County general plan conformance policies so that policies and authority are fully understood by city staff and officials.

**U-LM(i) 11**

Evaluate County and city development standards and regulations for possible inconsistencies of significance and modify County regulations where necessary to rectify or minimize the impacts of inconsistencies. (relates to policy 6)

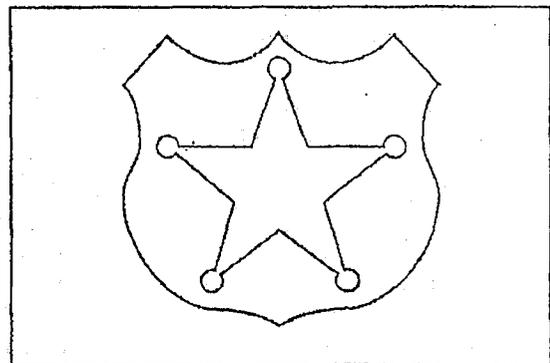


**Strategy #3:**

**Provide Services as Efficiently and Equitably as Possible**

Although joint County, city, and LAFCO policies promote the annexation of urban "pockets," partly on the basis that urban services are most efficiently provided by cities, in reality many developed urban unincorporated areas may not be annexed in the immediately foreseeable future. In the interim, the County should ensure that necessary urban services and facilities are provided as efficiently and cost-effectively as possible to these areas. Not only does the County have a responsibility to provide basic levels of urban services to urban unincorporated area residents, but by maintaining and upgrading existing services and facilities, the County and the cities facilitate the ultimate annexation of these areas.

Nevertheless, it remains difficult for local governments to pay for basic urban services, much less improve upon them, in light of outcomes of Prop 13. Since the passage of Proposition 13 in 1978, new funding sources have become virtually non-existent, due to the 2/3 voter approval requirement for new taxes and reduced growth in property tax revenues overall. Because it is recognized that cities should not be expected to provide services without compensation, the financial burden falls to the County. Therefore, cooperation among jurisdictions to explore creative, cost effective measures becomes the only option to costly provision of services in the unincorporated urban areas.



**Patsy Garcia - Island Annexations**

**From:** "paul grams" <pgrams@hotmail.com>  
**To:** <dmcnut@losgatosca.gov>, <jpirzynski@losgatosca.gov>, <sglickman@losgatosca.gov>, <bspector@losgatosca.gov>, <mwasserman@losgatosca.gov>  
**Date:** 12/4/2005 11:04 PM  
**Subject:** Island Annexations

To: Town of Los Gatos Mayor and Town Council

We are opposed to annexation.

In the last Town annexation attempt our island voted 100% against annexation. All other annexations that were voted on also failed. A petition showing 100% of voters in our representative island being against annexation has been submitted.

Conducting annexations by "precluding the possibility of resident protest or elections to contest annexations" and supporting making us subject to Town building regulations where we are not represented is repulsive to voters. Voters will remember you if you supported the annexation process, not only in the next election, but also throughout your political career.

With all the time constraints the Town and County have why spend limited funds and time and effort on something voters have always overwhelmingly opposed. The County Resolution of Intent on Urban Pockets that only encourages annexation passed by only one vote, and our County Supervisor, Donald Gage, voted No. When State Assembly Bill (AB) 1555, which started this new annexation process, was first voted on Jim Cunneen, our State Assembly Representative at the time also voted No.

Santa Clara County has greatly underestimated the costs of supporting annexation. John Curtis, Los Gatos Parks and Public Works, estimated the costs to bring the island roads up to Town standards to be about \$1,300,000. Pete Kutras, Santa Clara County Executive, estimated County cost for all fees, surveys, filings, road work, etc., to be less than \$1,000,000 for all 15 cities. Jane Decker, Santa Clara Deputy County Executive, stated that only \$450,000 has been budgeted for 15-20 centerline miles of pocket roads needing improvements and with the \$100+ million County budget deficit an increase is not even being considered at this time. Jane Decker also stated that the County would bring the Pavement Condition Index (PCI) to only 70 in the pockets using a cheap thin slurry seal even though the last Metropolitan Transportation Commission (MTC) survey states the average PCI in Santa Clara County is 86. Jane Decker also stated that any work over this cheap level would have to be paid for by Los Gatos. The MTC states a PCI of 70 is "becoming worn to the point where rehabilitation is needed to prevent rapid deterioration." George Garcia, Los Gatos Public Works staff, stated that standard quality road improvements are generally a minimum PCI of 80-90 "requiring only preventative maintenance" and are generally started in the 90+ range. Los Gatos is going to be burdened with expensive roads for a long time and accepting the County cheap slurry seal is like using cheap paint on a house you are not selling.

The island annexation study by John Curtis states that revenues would only be about \$210,000 for all 15 islands and this will not cover all the costs and "given the Town's limited resources, an impact to service levels may occur." Although we were not able to get a more detailed analysis of the costs for the Town a detailed representative study by James Walgren, Community Development Director, City of Los Altos, states that the impact on their City expenditures would be twice the expected revenues. As in most Bay area cities property taxes and fees do not even come close to covering costs. Why should the Town burden itself and new residents with higher costs for something the majority



does not even want?

Some have a concern about the small single-story house next to the new big two-story house. Is it fair to take away from a home owner what he thought was his right to build the house of his dreams to Country Codes because the small-house owner failed to research or ask about or just changed his mind about the building rights of the property next door? If the proposed two-story house is close to a Town boundary and the majority of existing walls are not maintained, or according to Santa Clara Ordinance Code Section C1-10.1 "The story height of the remaining walls may not be changed," the property would be subject to annexation and all Town rules. Also, we have seen so many owners of large lots who could not deal with restrictive city codes sell out to developers who have the political, legal, and connection skills to build even denser two-story housing.

The few that want to be annexed usually can at low cost and effort as others have by meeting the very liberal requirements of abutting, across the street, or within 300 feet of a city boundary along a road. The fees are low compared to the building permit costs. The Town of Los Gatos lot fees are cut in half for each successive lot. The first lot may be \$2,600 but the cost by the fifth lot is only \$500. Other minor fees are also greatly reduced if done in volume. Why should the majority of residents who are opposed to annexation pay for the few who want it?

You should work with the residents to find a cost effective solution and not facilitate annexation by "precluding the possibility of resident protest or elections to contest annexations." Just because the State enacted legislation does not force the Town to annex islands the majority oppose.

Please do what the vast majority of residents want and do not waste the Town's and our time and effort on this costly annexation effort.

Respectfully,

Paul and Eleanor Grams

Santa Clara County Island Resident



**Patsy Garcia**

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**From:** <mmavandad@aol.com>  
**To:** <dmcnutt@losgatosca.gov>  
**Date:** 12/5/2005 2:40 PM  
**CC:** <jpirzynski@losgatosca.gov>, <sglickman@losgatosca.gov>, <bspector@losgatosca.gov>, <mwasserman@losgatosca.gov>

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Dear Ms. McNutt:

It was a pleasure speaking with you on the phone a little while ago. In follow up to our discussion regarding the possible plans for the annexation of the parcel of land on Peacock Lane which my property is located on, according to your advise I'm sending you and your fellow town council members a short note to raise my objection to any such intent without my consent or vote. Unfortunately I'm not able to attend the Town Council Meeting scheduled for this evening but would very much like to be kept informed of any possible future meetings or plans concerning this matter.

Thank you for taking my concern into considertion in any decision that is going to be made on the matter at hand.

Sincerely yours,

Mehrdad Mavandad  
16370 Peacock Lane  
Los Gatos, CA 95032

