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Thanks to David Frazer for recommending the following article.

Pockets of land vex county

**A RECENT STATE LAW IS MAKING IT EASY FOR CITIES TO ANNEX UNINCORPORATED AREAS FOR NEXT 2 YEARS**

**By John Woolfolk**

**Mercury News**

Within 15 Silicon Valley cities are nearly 200 pockets of land not governed by their laws or elected leaders, but instead overseen by Santa Clara County.

City and county leaders have been unhappy with this patchwork of unincorporated "islands" for years. It perforates cities with a mishmash of rules, and it's inefficient for the county, which mostly deals in social programs, to provide municipal service to isolated neighborhoods.

But with the help of a new state law, local officials are now easing the way for cities to annex most of those land pockets, a move that for hundreds of homeowners could mean a change in their local government, ordinances, taxes and services -- whether they want it or not.

A state law that took effect this year allows cities for the next two years to annex unincorporated urban pockets under 150 acres -- there are 170 of them in Santa Clara County - - without a vote of the affected residents.

And on Tuesday, the county board of supervisors will consider whether to help pay the cities' annexation costs -- which could total \$250,000 -- and to upgrade roads in the affected areas to city standards, up to \$465,000.

"We've had these policies in place for a long time that the best thing for these areas is to be annexed," said Neelima Palacherla, executive officer of the Local Agency Formation Commission, the independent county agency that oversees annexations.

"Cities as well as the county know it's really inefficient to have these islands," Palacherla said. "This is a very narrow window of opportunity."

For San Jose, with 87 pockets, 79 of them under 150 acres, the issue is complicated by litigation with the county over annexation and other land use matters that grew out of a dispute over the county's concert hall plans at the fairgrounds.

In a lawsuit earlier this year, the county alleged San Jose has dragged its feet on promises to annex its unincorporated islands. City Attorney Rick Doyle said the city has been moving to annex land and will be more eager to do so if the county will "pay their fair share toward

accomplishing what everyone wants to do."

The government patchwork developed over decades as cities expanded their boundaries to include new subdivisions. The remaining pockets were areas where most residents preferred to remain governed by the county. State law has generally required cities to have approval from affected residents before annexing their neighborhoods.

A state law in 2000 allowed cities to annex unincorporated urban pockets under 75 acres without a vote of the affected residents. An amendment that took effect in January allowed pockets under 150 acres to qualify for the exemption. It expires in 2007.

County and city officials have agreed for years that residents in the unincorporated pockets would be better served by the surrounding cities. Cities are better able to provide police, fire, road and other municipal services urban residents expect.

"It just makes sense from a government service standpoint," said Pamela Jacobs, assistant town manager of Los Gatos, which has 19 pockets, 16 of them under 150 acres, more than any city in the county except San Jose. "When we're paving a street now, we have to stop at this invisible line. That's just not efficient government service."

But having to expend money and time has hindered annexation in the past, Jacobs said. Avoiding having to hold protest hearings and elections to annex land makes it more appealing for the city.

But city officials also believe that since annexation takes a burden off the county, it's only fair for the county to help cities by covering some of their costs. While the cities would get the taxes from the annexed neighborhoods, most are residential and not big tax generators.

"Analyses have shown that residential development really doesn't pay for itself," Jacobs said. "We did talk about the potential cost of providing services to those areas, and the amount of property tax wouldn't really cover those services."

The bigger challenge for cities, however, may be getting buy-in from the affected residents, many of whom are divided over the potential benefits of annexation.

Take La Chiquita Avenue in a 73-acre unincorporated pocket surrounded by Los Gatos. Andrew Downey, an 18-year-old student who has lived there for nine years, said he'd welcome city annexation.

"The police officers from Los Gatos don't come down my street, the sheriff has to come out," Downey said. "The streets aren't as nice. There are no sidewalks, too."

But one of Downey's neighbors, who asked not to be identified, wants to keep things as they are. When she and her husband moved there eight years ago, they were pleased that the county processed their remodeling application in just three months. They had heard horror stories from friends in nearby Los Gatos about applications taking a year to process.

"I think a lot of it has to do with the building department," she explained. "We're happy this way, and we don't want to change."

Palacherla said typical concerns about annexations -- higher taxes, more bureaucracy, loss of

community character -- are largely unfounded, but it will be up to cities to make that case to homeowners.

``These are issues that should be demystified," Palacherla said. ``Let them know the facts. You can get them to come around. But the city has to take a leadership role."

Jacobs said Los Gatos plans to do just that and does not intend to force the issue.

``We're hopeful the majority of folks would be excited at being part of the town," Jacobs said. ``But there's no desire to force them to be annexed."

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