

MINUTES - MARIN LOCAL AGENCY FORMATION COMMISSION

On May 12, 2005, the regular meeting of the Marin Local Agency Formation Commission was held at the San Rafael Council Chambers, 1400 Fifth Avenue, San Rafael. Chairperson Blanchfield called the meeting to order at 7:04 p.m.

ROLL CALL

Commissioners Present: Susan Adams
Einar Asbo
Jeffry Blanchfield
Charles McGlashan
Dennis J. Rodoni
Jeff Slavitz

Absent: Barbara Heller

Alternates Present: Christopher Burdick

Staff present: Peter Banning, Executive Officer
Candice Bozzard, Clerk to the Commission
Evelyn Buchwitz, Assistant Planner

1. Public Comment - None

NOTICE OF APPLICATION (Information Only)

2. New application(s) have been received for the following proposals:
Annexation of the Lands of Hanf-Otterley to Novato Sanitary District
(File #1266)

CONSENT CALENDAR ITEM(S)

3. **Regular Meeting Minutes, March 10, 2005**
4. **Financial Reports - March and April 2005**
5. **Annexation of the City of Belvedere to Sanitary District #5 (Tiburon)**
(File #1262): Resolution ordering completion of the annexation of the City of Belvedere to Sanitary District #5.

M/S Adams - Asbo to approve the consent calendar.

Approved unanimously.

AGENDA ITEM(S)

6. **Annexation of the Lands of Daphne-Bacciocco to Las Gallinas Valley Sanitary District (File #1265):**

The Executive Officer reported that the County of Marin has recently approved with conditions, the development of a portion of the Daphne project. The property is located in the northwest quadrant of the Lucas Valley Road - U.S. 101 interchange. This proposal requests annexation of 28.5 acres of the 100+ acres property to the Las Gallinas Valley Sanitary District in two separate parcels. Parcel One will be divided into lots for 28 single-family units; Parcel Two will be designated for a 150-unit Assisted Care facility. The annexation of the developed portions of the property to the sanitary district is a condition of the County of Marin's approval of the tentative subdivision map. The County of Marin has also approved a project master plan and final Environmental Impact Report.

Staff reported that the entire property is already within the boundaries of the Marinwood Community Services District. The entire Marinwood community is in the sphere of influence of the City of San Rafael therefore the Commission's Dual Annexation Policy is applicable. Under the Dual Annexation Policy, the applicant is required to annex to both the Marinwood Community Services District and the City of San Rafael unless otherwise specified. In this case the City has deferred annexation to a later date.

Staff recommended the approval of the annexation subject to the condition that annexation proceedings shall not be complete until the applicant and the City of San Rafael have entered into an agreement providing for the future annexation of the area to the City as specified in LAFCO's Dual Annexation Policy.

Chairperson Blanchfield asked the Commissioners if they had any questions for staff. Commissioner Adams clarified that the dual annexation agreement was necessary because the property is currently in the sphere of influence of the City of San Rafael. Staff responded that was correct. Commissioner Adams then inquired if the agreement would be void if after LAFCO concluded the service review of the City of San Rafael and the property had been removed from the sphere of influence of the City of San Rafael. The Executive Officer responded that the agreement would not be void, but could not be implemented unless the area was included in the sphere of influence for the City of San Rafael.

Chairperson Blanchfield requested that there be language in the required agreement that explains what would occur if the sphere of influence for Marinwood Community Services District or the City of San Rafael changed as a result of the service review. The Executive Officer responded that staff would work with the City Attorney's Office on the language for the agreement.

Commissioner Rodoni asked if LAFCO staff inquired whether the Las Gallinas Valley Sanitary District had the capacity to handle the proposed new development. The Executive Director responded that due to the service review, staff had adequate data to determine that the sanitary district would be able to handle the increase from the proposed development. Commissioner Rodoni then asked how the remainder of the applicant's land would be zoned. Staff responded that the remainder of the property would be zoned as public open space.

Commissioner McGlashan requested clarification of the Dual Annexation Policy. Staff responded that in Marin County, the cities provide such limited services and the role of the special districts has been so substantial, that LAFCO has historically used the Policy as means of compelling city annexation. Staff further explained that when unincorporated areas need to develop and the services needed would be provided by a special service district, there would be little incentive for annexation to the city without the Dual Annexation Policy in place.

Commissioner Burdick inquired whether the new proposed development would be a burden on the Marinwood Community Services District. Staff responded that the additional revenue would be helpful and that the proposed new development would not present a new problem for Marinwood Community Services District.

Chairperson Blanchfield then called on a representative of the property owners, Irving Schwartz, for further comment.

- Irving Schwartz, I.L. Schwartz & Associates, Inc. – Mr. Schwartz commented that as a representative of the landowner they supported the staff report and recommendation.

Commissioner Rodoni asked Mr. Schwartz if the rest of the territory was going to be zoned as open space. Mr. Schwartz stated that only the developable portion of the property is being annexed to the sanitary district and the rest of the territory will be zoned as public open space.

M/S Slavitz - Rodoni to approve the Annexation of the Lands of Daphne-Bacciocco to Las Gallinas Valley Sanitary District (File #1262) as recommended.

Approved unanimously.

7. **Throckmorton Ridge Fire Station Outside Service Agreement (File #1261):**

The Executive Officer stated the Throckmorton Ridge Fire Station located on Mount Tamalpais just above Panoramic Highway was being rebuilt by the County Fire Department and the existing septic wastewater system was failing. The Marin County Board of Supervisors had entered into an agreement with the City of Mill Valley for sewer service pending LAFCO approval. Under the Cortese Knox Hertzberg Act, LAFCO approval is required when the area to receive service is outside the sphere of influence of the agency that would provide the service.

Staff recommended approval of the Throckmorton Ridge Fire Station Outside Service Agreement to the City of Mill Valley.

Chairperson Blanchfield opened the hearing for public comment.

Commissioner Burdick inquired whether outside service agreements were only between governmental entities. Staff responded that an outside service agreement could also be extended by a public agency to a private landowner with LAFCO approval.

M/S Adams - Slavitz to close the public hearing.

Approved unanimously.

M/S Adams - Slavitz to approve the Throckmorton Ridge Fire Station Outside Service Agreement (File #1261) as recommended.

Approved unanimously.

BUSINESS ITEM(S)

8. **Selection of Chairperson**

M/S Slavitz - McGlashan to reappoint Jeff Blanchfield as Chairperson and Barbara Heller as Vice Chair.

Approved unanimously.

9. **Selection of Alternate Public Member**

M/S Adams - McGlashan to reappoint Christopher Burdick as the Alternate Public Member.

Approved unanimously.

CONTINUED PUBLIC HEARING(S)

10. **FY 2005-06 Budget**

Staff reported that no further input had been received from contributing agencies on the Draft Budget proposal. The only additional information was that application fee revenue had increased since March, but most likely would not realize the full budgeted revenues of \$35,000, leaving slightly lower funds for the reserve balance.

The Commissioners discussed what the effects the lower reserve balance would have on the remaining fund balance and the amount allocated for the reserve funds. It was decided that no significant change would result.

Chairperson Blanchfield opened the hearing for public comment. There was none.

M/S Adams - Slavitz to close the hearing.

Approved unanimously.

M/S Adams - Slavitz to approve the proposed FY 2005-2006 budget as recommended and forward to the County of Marin.

Approved unanimously.

COMMISSIONERS' REPORTS

Commissioner McGlashan thanked the Executive Officer for all his work with the Almonte Community.

EXECUTIVE OFFICER'S REPORT

11. Progress Reports

The Executive Officer added the following to his written report:

- Staff commented on the Legislative Report that had been included in the agenda packets regarding the revision of Community Services District Law (Section 6400 State Health and Safety Code). Staff suggested that the role of a Community Service District could be a topic of interest for a Commission study session.
- Staff noted that CALAFCO had surveyed other LAFCO's on their progress with service reviews and Marin LAFCO appears to be on par and in some cases ahead of other LAFCO's. The CALAFCO Legislative Committee has been working to extend the deadline for the completion date for service reviews.
- Staff has a meeting scheduled with the Association of Land Surveyors to review the mapping requirements for the LAFCO application process. The goal will be to simplify the mapping approval procedure for the applicants.
- Staff also has a meeting scheduled for May 20th with representatives for the County of Marin to discuss fire service in the San Rafael area.

Commissioner Rodoni inquired if staff had a system in place for electronic mailing of the agenda and public hearing notices. Staff responded that the new procedure for electronic mailing of the agenda and public hearing notices was in place and that all the members received an electronic copy of tonight's meeting agenda.

Commissioner Burdick asked for clarification on the date and time of the Southern Marin Sewer Study Workshop. Staff responded that the workshop had been rescheduled for June 22, from 8:30am to 12:30pm at the Bay Model in Sausalito. Staff will also email the Commissioners the copy of the workshop notice for confirmation.

ADJOURNMENT

M/S Adams - Slavitz to adjourn.

Approved unanimously.

The meeting was adjourned at 7:57 p.m. The next regular LAFCO meeting was scheduled for Thursday, July 14, 2005.

Respectfully submitted,

PETER V. BANNING, Executive Officer

ATTEST:

JEFFRY BLANCHFIELD, Chairperson