

## MINUTES - MARIN LOCAL AGENCY FORMATION COMMISSION

On May 9, 2002, 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 7:05 p.m.

### ROLL CALL

Commissioners Present: Jeffrey Blanchfield  
Pat Eklund  
John Kress (7:15 p.m.)  
Cynthia Murray  
George C. Quesada  
Dennis J. Rodoni  
Jeffrey Slavitz

Absent: Barbara Heller  
Judy Chapman

Alternate Commissioners

Present but not seated: Richard Rubin (7:15 p.m.)

Staff present: Peter Banning, Executive Officer  
Dory Adams, Clerk to the Commission

1. **Public Comment** - None

### NOTICE OF APPLICATION (Information Only)

2. New applications had been received for the following proposals:

Annexation of Marin Co. Open Space Lands to Novato Sanitary District (File #1217)  
Annexation of the Lands of Coury to Tiburon Sanitary District (File #1223)  
Annexation of the Lands of Radu et al. to Tiburon Sanitary District (File #1224)  
Annexation of the Lands of Goldstein et al. to Tiburon Sanitary District (File #1225)  
Annexation of the Lands of Ivey to Tiburon Sanitary District (File #1226)

### CONSENT CALENDAR ITEM(S)

3. **Regular Meeting Minutes, April 11, 2002**
4. **Financial Report**
5. **Adoption of Resolution Ordering the Reorganization of Hamilton Field Water Service Area including Detachment from Marin Municipal Water District and Annexation to North Marin Water District (File #1214)**

[Commissioners Kress and Rubin arrived at 7:15 pm.]

M/S Eklund – Murray to approve the consent calendar. Commissioners Quesada and Slavitz abstained from the April 11, 2002 meeting minutes.

Approved unanimously.

### CONTINUED PUBLIC HEARING(S)

#### 6. Policies, Procedures and Guidelines

The Executive Officer reported that the Policy Committee had completed its work drafting the Policies, Procedures and Guidelines for review of spheres of influence. The Committee and staff recommended adoption of the draft.

Commissioner Rodoni questioned the use of the term “interim sphere of influence” in sphere or service review studies if it was not defined in the policies.

Commissioner Eklund stated she did not see the need for an interim phase if reviews were conducted every five years. Would interim mean a review for that area would be conducted in less than five years?

Commissioner Murray, as a member of the Sphere-of-Influence Committee, volunteered the effort to recommend a definition for interim sphere of influence.

Chairman Blanchfield recommended that the Commission consider the draft before them and the Sphere-of-Influence Committee could return with the clarification of language as an addition later.

The Executive Officer explained that the definition of a sphere of influence is the probable boundary and service area of a local government agency. The difference with an interim SOI would be that the area could be included for study purposes and changes would be reflected in the review after the five-year period.

M/S Eklund – Murray to close the public hearing.

Approved unanimously.

M/S Murray – Slavitz to adopt the language as proposed by the Policy Committee.

Commissioner Rodoni expressed concern that there should be an understanding that the motion included a subsequent review of the language discussed. The Executive Officer

pointed out that the Strategic Plan included a review of all of the Policies, Procedures and Guidelines before the end of the year for the purpose of making such revisions.

Approved unanimously.

7. **Novato Area Service Review and Sphere-of-Influence Study**

The Executive Officer reported on the Sphere-of-Influence Committee's recommendation and on comments received from affected agencies on the Novato Area Service Review and Sphere-of-Influence Study.

The Executive Officer presented the Staff's recommendations for the revision of Spheres of Influence of local government agencies in the Novato area including three small changes or corrections to the proposed spheres of influence for the City of Novato and Novato Sanitary District.

Commissioner Eklund questioned the designation of 'interim sphere of influence' for the Gness Field area. The Executive Officer explained that this designation was assigned for the purpose of supporting a study to be performed by the city and county.

Commissioner Rodoni raised several issues and questions: that the most recent recommended changes did not allow time for adequate review by agencies and individuals before action on the recommendations; if the previous spheres of influence for Novato Sanitary District had been verified; if the project was CEQA compliant if the sanitary district's SOI were expanded; and the appropriateness of an 'interim SOI' for study purposes in the case of Gness Field.

Commissioner Murray stated the recommendations were not substantially different and were based on comments from affected agencies. Therefore the modified recommendations should not cause a delay. She supported the interim designation for the Gness Field SOI rather than to make a change that might be reversed after the study was performed. She stated CEQA concern was not valid since the sanitary district's SOI would either remain the same or be reduced.

The Commission discussed the difference between the Gness Field and Black Point/Green Point areas since both were recommended for 'interim sphere of influence' designations. Both the City of Novato and the County agreed that Black Point/Green Point should be removed from Novato's SOI and a community plan was being developed which would include language related to sewer connection, therefore it was appropriate for the area to be included in the sanitary district's SOI under this recommendation.

Commissioner Rodoni pointed out that 'interim' in the case of Gness Field concerned retaining the area in the City's SOI pending a study and without the intention of providing sewer connection, whereas with the Black Point area an interim designation would be for the purpose of providing sewer and removal from the City's SOI. The Executive Officer explained that the consistency in using the term 'interim' was that the results coming from the studies of Gness Field and the Black Point Community Plan update would determine what actions should be taken when these areas were re-examined during the next review.

Chairperson Blanchfield opened the public hearing. The following persons spoke to the Commission:

- Jennifer Barrett, Principal Planner – City of Novato: Ms. Barrett stated her agency concurred with the Staff's and Committee's recommendations, but she also had concerns with the term 'interim'. She suggested removal of the term 'interim' and addition of language in the relative resolutions to note the intention of Commission to make further determinations after the study was performed.

Ms. Barrett stated that the City's Urban Growth Boundary was not intended as a boundary against development but as a tool to develop the area already incorporated as opposed to developing the surrounding area over a twenty year period. The City would like to retain Gness Field in the City's SOI so that it could retain the ability to affect future annexations and development in the area, especially since the City could foresee use of that area to balance jobs and housing. She stated that the Urban Growth Boundary Ordinance contained language supporting correction of health or safety problems in the area.

Ms. Barrett stated the City had no problem with removing the Indian Valley area from the City's SOI since the specific plan for that area meets the City's planning requirements.

Chairperson Blanchfield asked if the City of Novato and County had a memorandum of understanding that the joint study for Gness Field would be performed. Commissioner Murray stated the County was preparing a letter to LAFCO stating this study would be performed.

Commissioner Eklund asked Ms. Barrett to elaborate on correspondence sent to LAFCO regarding the Novato SOI. Ms. Barrett stated that, when LAFCO had distributed the Novato Area Boundary Policy Study, the City had requested that Gness Field remain in the City's SOI and had requested that Indian Valley and Black Point be removed. When the SOI Staff Report and Recommendations were published in February 2002, the City had sent letters again, followed by the adoption of a resolution to make the request more formal.

- Susan Stompe – Marin Conservation League: Ms. Stompe stated the League did not concur with the recommendations of the Committee. She also stated that the recommendations contained substantive changes and there had not been enough time since they were issued. As to the Gness Field area, she stated that there was no reason that a study could not be performed by the County and City of Novato after it was removed from the City's SOI. Similarly, the Black Point Community Plan could be updated without being in the City's SOI. She felt there should be a more specific definition for 'interim SOI' and how the designation would be applied. The League's continued recommendation was to remove Gness Field and Black Point from both the City of Novato and the Novato Sanitary District SOIs.

Commissioner Kress asked Ms. Stompe if she agreed with Ms. Barrett. She stated that, like Ms. Barrett, she did not find the interim designation acceptable, although their reasons were opposed. She stated connecting sewers to areas outside of the Urban Growth Boundary would enhance the probability of some rationale for annexation which could have a growth inducing impact. The League was against including areas in the City of Novato and the Novato Sanitary District SOIs that could lead to sewer connection with the exception of Indian Valley since it did not have commercial uses identified in their community.

- Bob Abeling – Indian Valley Associates: Mr. Abeling stated he felt there had been adequate time for review since the recommendations were distributed. He also provided information regarding county service area maintenance in the Indian Valley area.
- Hank Barner – Black Point Improvement Club: Mr. Barner stated that the Improvement Club was comfortable with the recommendations. He noted that the commercial development in the area was limited to House of Daniels and a few stores. The Improvement Club had no problems with annexation to the City of the portion of the House of Daniels which was unincorporated.

Commissioner Quesada asked Mr. Barner to estimate what percentage of septic tanks in the Black Point area might be failing. Mr. Barner stated that, although many individuals complained of failing septic systems, he had no direct knowledge of any that had been condemned or abandoned.

M/S Eklund – Rodoni to close the public hearing.

Approved unanimously.

Commissioner Rodoni moved to continue the public hearing to the following month. There was no second.

M/S Murray - Eklund to approve the staff recommendation as amended for CSA #20; and to eliminate the phrase 'on an interim study basis' from Section 2 of Resolution 02-04 and globally to the agency's resolutions.

The motion was abandoned in favor of a subsequent motion.

Several Commissioners expressed dissatisfaction with the terminology of 'interim SOI' and made recommendations for other wording. There was discussion of whether verification of study research information received from agencies was necessary or if wording should be included in the resolutions to reference the sources of the information.

M/S Kress - Rodoni that the Executive Officer return to the Commission in one month with two alternative draft resolutions - one with Gness Field not in the sphere of influence of the City of Novato and the other with Gness Field included (motion amended to include similar alternative resolutions for the Novato Sanitary District SOI).

AYES: Commissioners Blanchfield, Kress, Rodoni and Slavitz

NOES: Commissioners Eklund, Murray and Quesada

The motion passed (4/3).

M/S Rodoni - Blanchfield that the Leveroni parcel be removed from the City of Novato and the Novato Sanitary District SOIs in the resolutions to be presented to the Commission at its next meeting.

AYES: Commissioners Blanchfield, Kress, Rodoni and Slavitz

NOES: Commissioners Eklund, Murray and Quesada

The motion passed (4/3).

#### 8. **FY 2002-3 Budget and Work Plan**

The Executive Officer reported that no comments had been received on the proposed budget during the two-month review period. However, during that time, the year-end projection had improved due to receipt of applications fees that had not been anticipated. Staff recommended an increase in appropriations from reserves to offset expenditures next year from \$5,000 to \$20,000. This would reduce the net cost of LAFCO's program to the County, cities and special districts.

Notice had just been received that the County's Environmental Health Department would be charging for environmental review of LAFCO applications. The Executive Officer recommended that, instead of adjusting the budget's expenditures for this cost, the Commission amend its fee schedule to recover this cost from the applicants.

M/S Slavitz - Kress to approve the proposed FY2002-3 budget and work plan as amended.

Approved unanimously.

## **BUSINESS ITEM(S)**

### 9. **Selection of Chairperson**

M/S Quesada - Kress to retain the current Chairperson and Vice-Chairperson to serve for another year.

Approved unanimously.

### 10. **Transfer of Funds**

The Executive Officer reported that staff had recently asked the Commission's computer consultant to evaluate computer equipment and software needs of the existing computer system. The consultant had recommended upgrades to improve functionality and security. The cost would be approximately \$2000 including installation. The Executive Officer explained what funds remaining in the budget could be transferred to cover this cost.

M/S Murray - Eklund to approve.

Approved unanimously.

### 11. **Legislative Committee Report**

Commissioner Rubin presented a summary of the status of proposed legislation affecting LAFCOs. AB 2370/Thomson would prevent LAFCOs from approving annexation to cities and special districts of land subject to open space, conservation or agricultural conservation easements or subject to the Williamson Act. The CALAFCO position had changed from 'Support' to 'Support if amended'. AB 2843/Thomson would require LAFCO decisions to be consistent with enumerated infill development policies. The CALAFCO position on this bill had changed from 'Support if Amended' to 'Watch'. He described other bills being introduced and CALAFCO plans for action in response.

**COMMISSIONERS' REPORTS** - None

**EXECUTIVE OFFICER'S REPORT**

12. **Progress Report**

The Executive Officer reported that the Public Information Committee met on May 6<sup>th</sup> to discuss a plan for publicizing LAFCO's website and to produce a concept for a brochure. The new LAFCO website was on-line. The office had a new staff member, Joel Hagedorn. The Executive Officer had set up a series of appearances before boards and councils as directed in the Strategic Plan and, along with the Chairman in some cases, had already attended council meetings of the cities of Novato and Belvedere and the board meeting of Tiburon Fire Protection District.

**ADJOURNMENT**

M/S Eklund - Slavitz to adjourn.

Approved unanimously.

The meeting was adjourned at 9:20 p.m. The next regular LAFCO meeting was scheduled for Thursday, June 13, 2002.

Respectfully submitted,

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PETER V. BANNING, Executive Officer

ATTEST:

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BARBARA HELLER, Vice Chair