

MINUTES - MARIN LOCAL AGENCY FORMATION COMMISSION

On July 11, 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
Judy Chapman
Barbara Heller
Cynthia Murray
Dennis J. Rodoni
Annette Rose
Jeffrey Slavitz

Absent: John Kress

Alternate Commissioners
Present but not seated: Richard Rubin

Staff present: Peter Banning, Executive Officer
Joel Hagedorn, Clerical Assistant

1. Public Comment - None

NOTICE OF APPLICATION (Information Only)

2. New application(s) were received for the following proposals:

Annexation of the Lands of Mavrantonis to the Tiburon Sanitary District (File #1231)
Annexation of the Lands of Clever to the Novato Sanitary District (File #1229)

CONSENT CALENDAR ITEM(S)

3. Regular Meeting Minutes, June 13, 2002
4. Annexation of the Lands of Hoffman to San Rafael Sanitation District (File #1212)
5. Annexation of the Lands of Marin County Open Space District to Novato Sanitary District (File #1217)

M/S Murray - Heller to approve the consent calendar. Commissioners Blanchfield and Rose abstained from voting on the minutes.

Approved unanimously.

CONTINUED PUBLIC HEARING(S)

6. Novato Sphere-of-Influence Study and Service Review

At the previous hearing, the Commission took action on the spheres of influence for several special districts in the Novato area. Due to tie vote, action could not be completed on the spheres of influence for the City of Novato and Novato Sanitary District.

The Executive Officer reported that, at the request of the Commission, staff had prepared alternate versions of the resolutions necessary to approve updated spheres of influence for the City of Novato and Novato Sanitary District, either including or excluding the Gness Field area. The sphere of influence recommendations presented at the June meeting excluded the Gness Field area as shown in Resolutions 02-04B (City of Novato) and 02-06B (Novato Sanitary District). These recommendations were based on the substantial distance between Gness Field and existing facilities; intervening agricultural and open space designated lands; exclusion of the area from the City's urban growth boundary and from the eastern urban corridor of the County's General Plan; and the lack of clearly defined demand for services. Mr. Banning stated, however, that if the City and County intended to prepare a specific plan for the area within the next five years, the Commission should consider leaving the area in the City and District spheres in support of that study.

The Executive Officer stated that adoption of resolutions updating the spheres of influence for the City of Novato and Novato Sanitary District would complete the Novato Area Sphere of Influence and Service Review.

Chairperson Blanchfield opened the public hearing.

- Rick Fraites of 50 Forest Road, Novato - Mr. Fraites asked if there was a legitimate need to include the Gness Field in the spheres. He remarked he could not envision the County conducting a study of Gness Field area without serious discussions with the City; therefore it would not be necessary to retain Gness Field in the Novato sphere of influence for study purposes. Mr. Fraites opined that the intent of pursuing sewer for Gness Field was to allow large-scale development and would encourage urban sprawl.
- Jennifer Barrett, Planning Manager, City of Novato - Ms. Barrett referenced the resolution adopted by the City Council requesting that Gness Field remain within the City's sphere of influence and challenging a reduction in that area based on health and safety issues related to failing septic systems. Ms. Barrett provided documentation to show inclusion of the Gness Field area in the City's sphere was addressed in the City's adopted Urban Growth Boundary. She stated having the City's 'light industrial' zoning assigned to the Gness Field area would allow regulation of land use at the City's gateway.

Commissioner Slavitz asked Ms. Barrett why the Gness Field area would need to remain in the City's SOI if the City and County could perform the studies regardless of whether it was included in the City's SOI.

- Susan Stompe, Marin Conservation League – Ms. Stompe stated that the intent of the Urban Growth Boundary was to stop annexations to the City beyond that boundary. She commented that having City's SOI include territory outside of the UGB would allow those annexations. She added that removing the Gness Field area from the City's SOI did not damage the UGB, but instead strengthened it.

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

Approved unanimously.

Commissioner Murray stated that, unlike other cities that have adopted urban growth boundaries, Novato was not a full-service city. Therefore, Novato would not have the ability to restrict urban sprawl by restricting the extension of services such as sewer, fire and water. In writing the UGB measure, there was deliberate intent not to make the UGB and the SOI coterminous because there was a clear understanding of where the growth should stop. Commissioner Murray stated progress on a specific plan study had been delayed by need to develop a planning process and to determine fair distribution of cost. She was concerned that, without the Gness Field area in the City's SOI, the City might not be interested in paying a fair share of the cost. She stated that making a change in the SOI based on fears of what might happen was not a logical planning process. A plan should be developed and put in place before making changes.

Commissioner Rodoni stated he strongly believed that voters of Novato had made their preference and it was for the SOI to match the UGB.

Commissioner Rose stated her office did a survey of cities in Sonoma that have an urban growth boundary and those responding said their UGBs and SOIs were identical with some very small exceptions.

Commissioner Murray stated that the City of Novato's UGB differs from most since their UGB was set at the current city boundary rather than the City's sphere of influence. She stated that this was done deliberately to restrain development.

Commissioner Slavitz asked LAFCO staff if Gness Field were outside of the SOI and it was determined that there were sanitary problems, who would have jurisdiction? The Executive Officer stated the jurisdiction would not be changed until changed by LAFCO. In order to consider a change of jurisdiction to address an emergency sanitary problem, the proposal would necessarily include amendment to the sphere to include the area in question and change the boundary. The proposed boundary change must be consistent with the sphere of influence.

Chairperson Blanchfield stated that the area needed a study to clarify land use issues fundamental financial questions about extending services. He felt the study should be performed before extending services to those areas.

M/S Rodoni - Chapman to adopt Resolution 02-04B designating a sphere of influence for the City of Novato which excludes Gness.

AYES: Commissioners Blanchfield, Chapman, Rodoni and Rose

NOES: Commissioners Heller, Murray and Slavitz

The motion passed (4/3).

Commissioner Rodoni stated that health issues had been the logical reason for including Gness Field in Novato Sanitary District's SOL. He stated that the Executive Officer had contacted the Regional Water Quality Control Board to enquire about the holding tank sanitary system in use at Gness Field. At Commissioner Rodoni's request, Mr. Banning related the Water Quality Control Board staff's response that the periodic pumping of the holding tank at the airport did not violate any State laws or ordinances. Commissioner Murray stated that, if the County were to receive a proposal with a similar system now, it would be denied since it is not a desirable system.

M/S Chapman - Rodoni to adopt Resolution 02-06B designating a sphere of influence for Novato Sanitary District which excludes Gness Field from Novato Sanitary District's sphere of influence.

AYES: Commissioners Blanchfield, Chapman, Rodoni and Rose

NOES: Commissioners Heller, Murray and Slavitz

The motion passed (4/3).

7. **Annexation of the Lands of Krantz to San Rafael Sanitation District (File #1220)**

The Executive Officer reported that the proposed annexation was located in the County Club area outside of San Rafael in an unincorporated island. He stated that the application was routine with the exception of a fee reduction request by the applicant. The Executive Officer recommended a reduction of 50%.

The Chairperson opened the public hearing. There was no public comment.

M/S Murray - Rodoni to close the public hearing.

Approved unanimously.

M/S Murray – Rodoni to approve staff recommendation.

Approved unanimously.

8. **Paradise Drive Area Annexations:**

Annexation of the Lands of Echenberg to Tiburon Sanitary District (File #1218)

Annexation of the Lands of Sandell et al. to Tiburon Sanitary District (File #1219)

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)

The Executive Officer summarized his report. The report included six similar proposals located along Teaberry Lane and Paradise Drive requesting annexation to the Tiburon Sanitary District. The properties were at the end of the new sewer main installed to serve a previous annexation (Lands of Shaw) approved by the Commission a year earlier. The six proposals included a total of 12.1 acres with 16 residences and one vacant lot. Staff recommended approval of the annexations with a condition that each of the owners enter into an agreement with the Town of Tiburon providing for future annexation to the Town. The Town of Tiburon supported this approach to the Dual Annexation Policy in light of the awkward boundary that would result if the area were required to annex to the Town. County Counsel had advised that joint approval of the six proposals would be acceptable.

Commissioner Chapman asked LAFCO staff if they knew if the proposals involved failing septic systems or if the applications were submitted due to opportunity resulting from the recent extension of the pipeline. The Executive Officer responded that there were no failing septic systems of which he was aware, but the property owners had incentive to apply due to limited capacity of the Playa Verde treatment plant which would restrict the number of future hookups.

Commissioner Rodoni raised concern that density be considered along with growth issues since septic systems limit development. He stated connecting to sewer could allow larger homes, guest cottages and additional units. He felt that the Commission should be researching the issue of increased density resulting from new availability of sewer service.

Commissioner Rose stated that the County had made the zoning for the areas within the Tiburon Sphere of Influence in the last Countywide Plan to be identical to the Town's zoning. Commissioner Slavitz concurred that he had met with the Tiburon Planning Director and County Planning. The Town and County Plans were reviewed and coordinated.

M/S Chapman - Slavitz to approve the Paradise Drive Area Annexations - the Lands of Echenberg, Sandell, Coury, Radu, Goldstein and Ivey - to the Tiburon Sanitary District.

Unanimously approved.

BUSINESS ITEM(S)

9. Cost of Living Adjustment to Staff Salaries

Recommended cost of living adjustments to staff salary would be equal to County adjustments for comparable staff positions.

M/S Murray - Heller to approve the salary adjustments.

Unanimously approved.

10. Campaign Contributions Report

The Executive Officer reported that, by request of the Commission, David Zaltsman's memorandum of May 22, 2002 be distributed with the July agenda and directly to the Marin Conservation League. The memorandum replied to the Marin Conservation League's question of the Commission's compliance with Section 83408 of the Government Code.

11. Legislative Committee Report

Commissioner Rubin deferred reporting until "Commissioner's Reports".

COMMISSIONER'S REPORTS

Commissioner Rubin thanked the Executive Officer for attending and recording the meeting of CALAFCO Program Planning Committee for the Fall Conference that was held in Santa Barbara on June 21st. Mr. Rubin described the movement for succession of San Fernando Valley from the City of Los Angeles and stated there would be a panel at the conference representing both parties in the succession. There would also be panels for Smart Growth, tax policy for funding LAFCOs and Sphere of Influence/Service Reviews. Mr. Rubin would be seeking re-election to the CALAFCO Executive Board.

EXECUTIVE OFFICER’S REPORTS

12. Grand Jury Report on Special Districts

The Executive Officer stated that the report provided useful information that would be beneficial to the Commission’s Southern Marin study.

Commissioner Chapman commended that the Grand Jury’s purpose for the report – to raise public awareness of the Special Districts. She disagreed with the Grand Jury’s criticism of the reserves held by the Special Districts.

Commissioner Rodoni concurred that the report had a positive effect. He stated he did not see requirements in the report for responses from cities or the County and requested comments from the city and county members about the report. Commissioner Rose responded that all Grand Jury reports are prepared as reports to the Board of Supervisors about aspects of County government. The Grand Jury had produced about twenty reports that year and all were mandated for review by the County. She stated that the Board of Supervisors and various County departments had 90 days to provide a response to all reports.

13. Progress Reports

The Executive Officer added to his written report that the Sphere of Influence Committee would need to meet to discuss the Southern Marin study.

ADJOURNMENT

M/S Blanchfield – Chapman to adjourn.

Approved unanimously.

The meeting was adjourned at 8:45 p.m. The next regular LAFCO meeting was scheduled for Thursday, September 12, 2002.

Respectfully submitted,

PETER V. BANNING, Executive Officer

ATTEST:

JEFFRY BLANCHFIELD, Chairperson