

MINUTES - MARIN LOCAL AGENCY FORMATION COMMISSION

On October 9, 2003, 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 7:40 p.m.

ROLL CALL

Commissioners Present: Susan Adams
Jeffry Blanchfield
Judy Chapman
Barbara Heller
Dennis J. Rodoni
Jeffrey Slavitz

Absent: Annette Rose

Alternate Commissioners

Present but not seated: Chris Burdick
Pat Eklund
George Quesada

Staff present: Peter Banning, Executive Officer
Dory Miller, Clerk to the Commission
Terry Watt, Consultant

1. Public Comment

- Bruce Corcoran, 184 Great Circle Drive, Strawberry - Mr. Corcoran spoke to the Commission regarding the results of the mail ballot election held in August for the Formation of County Service Area #32 - Strawberry Point (File #1228).

NOTICE OF APPLICATION (Information Only)

2. New application(s) were received for the following proposals:
Annexation of the Lands of Isaac to Las Gallinas Valley Sanitary District (File #1250)

CONSENT CALENDAR ITEM(S)

3. Regular Meeting Minutes, September 11, 2003
4. Financial Report - September 2003

Commissioner Adams advised of a correction to the minutes under the section for Commissioners' Reports.

M/S Adams - Slavitz to approve the consent calendar including amendments to the minutes.

Approved unanimously.

PUBLIC HEARING(S)

5. **Reorganization of the Lands of Lucas Valley Ranch Capital Partners LLC (Including Annexations to Las Gallinas Valley Sanitary District, Marin Municipal Water District and Marinwood Community Service District) (File #1247)**

The Executive Officer summarized his report. The proposal requested annexation of 12.29 acres to three districts. Annexation to the Marinwood Community Service District would require amendment of the District's sphere of influence. The purpose of the proposal was to provide public water, sewer and structural fire protection services to one new estate residence. Provisions of CEQA would allow an exemption for up to two residences, however the annexation of a larger, 12.3-acre area to the water and sewer districts would allow six units. The County and the applicant were negotiating an open space easement limiting development in the reorganization area. Approval of the proposal would need to be conditioned on the completion of the transfer of that easement. The Executive Officer also reported that the Commission's legal counsel recommended a change in the wording of the draft resolution to exclude the phrase "not including accessory structures" from the conditions for approval.

- Tracy Anthony, representative for Lucas Valley Ranch Capital Partners LLC - Mr. Anthony stated the landowner would be deeding acreage to open space and had also proposed a restoration and stabilization project for the stream running through the property. He stated the construction of the new residence would include a detached garage and pool house allowed with the two-unit restriction.

Commissioner Adams asked if irrigation from the well on the property would undermine the planned creek restoration. Mr. Anthony replied that the irrigation would not exceed the previous use to provide water for horses.

Chairman Blanchfield opened the public hearing. There was no public comment.

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

Approved unanimously.

M/S Adams – Rodoni to adopt Resolution 03-18 amending the sphere of influence for the Marinwood Community Services District.

Approved unanimously.

Commissioner Heller noted that all of the affected agencies had responded that they had capacity to provide service.

M/S Heller – Chapman to adopt Resolution 03-19 making determinations and approving reorganization including annexation to Marin Municipal Water District, Las Gallinas Valley Sanitary District and Marinwood Community Services District with amendment to Section 4 removing the phrase “not including accessory structures”.

Approved unanimously.

6. Request for Sphere of Influence Amendment - City of San Rafael

The Executive Officer stated that the City of San Rafael had sent a letter requesting that the City’s sphere of influence be amended to exclude the St. Vincent/Silveira area. The request was based on modifications to the City’s General Plan. Under the Cortese-Knox-Hertzberg Act, the Commission would be required, at its first opportunity for which a noticed public hearing could be held, to establish how the Commission would address the request for an amendment of the sphere of influence. The Commission’s adopted policy on processing sphere of influence amendments would provide for two alternatives: 1) address the request as submitted, focusing strictly on the content of the request to remove the St. Vincent/Silveira area; or 2) incorporate the request into the Commission’s regularly scheduled update of spheres of influence. Staff recommended that the Commission direct staff to focus more broadly on all of the City’s boundaries and sphere of influence issues at the same time, concurrent with review of the associated special districts. This would address the City’s needs as rapidly as the other approach while accounting for any inter-jurisdictional factors that might enter into the Commission’s consideration.

Commissioner Adams asked for a comparison of the time frames to complete each of the options. The Executive Officer responded that incorporating the City’s request into the regular schedule of sphere of influence studies and setting the San Rafael area as the next sphere of influence study area would allow the same time frame as performing an independent study of the St. Vincent’s/Silveira area.

Chairman Blanchfield noted that the work program was funded for the current fiscal year, but if the work program were amended, current projects would have to be set aside or the Commission would need to find additional assistance. He agreed with

LAFCO staff that it would be better to finish the nearly completed Southern Marin study before proceeding with the San Rafael area study.

Commissioner Rodoni stated the two funding alternatives would be either to keep with the work program or to allow the City to be an applicant. The Executive Officer explained that, although many factors for consideration were similar, a request for a sphere of influence amendment would not be the same as an application for annexation.

Commissioner Adams asked for an estimate of the time and cost to consider only the St. Vincent's/Silveira area versus studying the entire San Rafael area. The Executive Officer stated he had concerns that an isolated study of the St. Vincent's/Silveira area would not allow a full evaluation of the relationships between the City boundaries and boundaries of the special districts in that area.

- Bob Brown, Planning Director for the City of San Rafael – Mr. Brown stated that from the City of San Rafael's perspective, there was not a dire need to address the matter immediately or to interrupt the Commission's work program. The City had adequate authority to disallow urban development on the properties and there were no anticipated political shifts on this issue.

Commissioner Rodoni asked if it was within the Commission's policy to ask the City to reimburse the study cost for a sphere-of-influence change. The Executive Officer stated it was within the Commission's authority to do so. Commissioner Heller asked if the fee would be requested from the City if the change were made in conjunction with the scheduled sphere-of-influence study. The Executive Officer said it would not.

Commissioner Slavitz noted there did not seem to be an immediate need to move this item up in the work program. Commissioner Adams stated it might give County staff some direction on where to take County growth in that area while working on 2020 Plan, but that the Plan would not be finished until June or July of next year at the earliest.

Chairman Blanchfield stated that the City of San Rafael was not requesting this to be addressed as an urgent matter and treating it as such would only move it ahead two or three months. The Executive Officer added that there was no reason staff could not begin the next sphere of influence study around the time of the next strategic planning workshop in January.

Commissioner Heller stated that it would be more reasonable to wait for the regularly scheduled study rather than to charge the City for the cost of the study.

Chairman Blanchfield opened the public hearing.

- Don Dickenson, resident of the City of San Rafael – Mr. Dickenson stated he had followed closely the planning activities on the St. Vincent's/Silveira properties. He stated the City had taken very clear and consistent actions to indicate their intent not to annex or to provide urban services to those properties. He stated he would urge the Commission to expedite the City's request, but understood looking at the issues as part of a comprehensive study would be more efficient. He noted there would be no urgency since there was no way for any party to force an annexation against the City's wishes.

M/S Adams – Chapman to close the public hearing.

Approved unanimously.

Commissioner Rodoni expressed concern that the Commission had not looked closely enough into the pros and cons of proceeding with study of the San Rafael area before the Ross Valley area. He stated he did not want to oversimplify, but felt making a change in the City of San Rafael's sphere of influence was only a matter of moving a line. He felt there was a great deal of interest in the property and the issue should be addressed more quickly than by performing a study, which he thought tended to extend the process longer than necessary.

The Executive Officer replied that, although the change would be facilitated by having fewer lines involved, there were other matters to be addressed. Chairman Blanchfield stated that the study of the San Rafael area would not include a major policy study like Novato area or the complexities found in the Southern Marin area, therefore the San Rafael study would move more quickly.

M/S Heller – Chapman to incorporate the study of San Rafael area in the Commission's work program following the conclusion of the Southern Marin study beginning early in the year 2004.

AYES: Commissioners Adams, Blanchfield, Chapman, Heller and Slavitz

NOES: Commissioners Rodoni

The motion passed (5/1).

BUSINESS ITEM(S)

7. Review of Classification for Commission Clerk

The Executive Officer stated that, based on the conclusion of the County Human Resources Department's compensation study, staff recommended that the Commission take no action with respect to the classification or compensation for the position of

Clerk to the Commission. He added that subsequent conversations with the Marin County Human Resources staff clarified that the higher compensation paid for this position compared to other LAFCO clerks was attributable to differences in job descriptions and local area prevailing wage rates.

Commissioner Chapman stated she felt the study had been well worth the effort since there would be a more accurate description of the role of the Commission's clerk.

COMMISSIONERS' REPORTS

The Commission discussed the program and activities at the CALAFCO Annual Conference held in San Francisco in September and thanked the Executive Officer for his contribution to the organization of the event.

Chairman Blanchfield congratulated Commissioner Eklund on her election to Vice-President of the California League of Cities.

EXECUTIVE OFFICER'S REPORT

8. Progress Reports

The Executive Officer reported the following items in addition to his written report:

Southern Marin Sewer Agencies

Staff had organized a meeting with Southern Marin sewer agencies for the purpose of doing a more extended study of alternatives for sewer service in Southern Marin. The meeting had been successful in generating input for drafting a Request for Proposals (RFP). The meeting had also been attended by Commissioners Chapman and Rodoni.

Commissioner Chapman stated the districts were concerned that a study of sewer services would cost more than the study of the fire districts because more districts were involved. She stated the districts were anticipating they might not get anything in return for their contribution. Since some of the districts are small, they would consider the study a waste of their limited financial resources.

Commissioner Rodoni recalled that some districts at the meeting had asked LAFCO to fund the study and it had been explained that the Commission could not do so. Commissioner Rodoni agreed that the districts were beginning to see a value in studying consolidation. He stated the Commission needed to be very clear on the benefits coming from the Southern Marin Sphere of Influence Study so the districts

would expect an extended study to provide information that would be as valuable to the districts as to the cities. He stated the Commission would need to show that it had been efficient and productive with the funds already received.

The Executive Officer stated he hoped for a good attendance to the study session that would precede the Commission's November meeting since it would include information on this topic and an attractive RFP might have been received by that time.

Commissioner Chapman stated some of the suggestions that would come from an extended study would be very volatile issues. She stated some of the smaller districts were fiercely independent and would be resistant to merging with other agencies. Chairman Blanchfield asked if getting good information would lead to a rational evaluation of the best way to proceed. Commissioner Chapman stated it would be difficult to overcome some of the history behind the districts' resistance.

Commissioner Rodoni stated that the healthy discussion of opportunities the previous evening had been encouraging. Chairman Blanchfield stated there were different levels of reorganization, one of which might include measures agreeable to all of the districts that might become the first steps toward improved organization over time. The Executive Officer stated that, with both the fire and sewer studies, there were always steps to take that would not involve political reorganization but functional consolidation through contracts.

Commissioner Heller asked if the study could be funded by only a few of the districts. The Executive Officer replied it would depend on the number of districts participating, their size and how willing those districts were to tolerate the non-participation of the other districts. He stated the development of the RFP should be followed by the request for funding of the study.

Commissioner Adams asked if the study of Southern Marin sewer agencies consolidation would interfere with the San Rafael Sphere of Influence Study. The Executive Officer replied that it would not, but the Commission would need to discuss how to proceed to the end of the Southern Marin sphere of influences updates without the completion of the extended study. He stated it might be necessary to hold the update of the sanitary district spheres of influence in abeyance until the extended study was completed.

Southern Marin Fire Agencies

The Executive Officer stated Phase I of the study of Southern Marin Fire Agency Consolidation had been completed and would be released the next week. He stated if the agencies chose to continue to Phase II, the balance of that study would be very quick, possibly a month. He stated this would be addressed in the November study session.

Website Mapping Proposal

The Executive Officer stated he had received a proposal from the Community Development Agency that afternoon and recommended that a meeting of the Public Information Committee be convened to consider the proposal before it be put before the Commission.

ADJOURNMENT

M/S Adams - Chapman to adjourn.

Approved unanimously.

The meeting was adjourned at 8:50 p.m. The next regular LAFCO meeting was scheduled for Thursday, November 13, 2003.

Respectfully submitted,

PETER V. BANNING, Executive Officer

ATTEST:

JEFFRY BLANCHFIELD, Chairperson