

MINUTES - MARIN LOCAL AGENCY FORMATION COMMISSION

On December 12, 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 7:10 p.m.

ROLL CALL

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

Absent: John Kress
Cynthia Murray

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

1. **Public Comment** - None

BUSINESS ITEM(S)

2. **Recognition of Service**

The Commission recognized the service of Commissioners John Kress and Richard Rubin. John Kress served as a County Member from January 1996 and would be leaving LAFCO due to his decision not to pursue reelection to the Board of Supervisors. Richard Rubin served as Alternate Public Member from October 1997 until his resignation in November when he became a Board member on the Strawberry Recreation District. Chairperson Blanchfield stated the Commission would miss the contributions of each of these members. He commended Commissioner Rubin's steady participation and the leadership he exhibited in CALAFCO matters.

CONSENT CALENDAR ITEM(S)

3. **Regular Meeting Minutes, September 12, 2002**

M/S Chapman - Heller to approve item 3 of the consent calendar. Commissioner Slavitz abstained.

Approved unanimously.

4. **Regular Meeting Minutes, November 7, 2002**

Chairperson Blanchfield and Commissioner Rodoni abstained, therefore there was not a quorum and no action was taken.

5. **Financial Report**

6. **Annexation of the Reclamation Lands of Las Gallinas Valley Sanitary District to Las Gallinas Valley Sanitary District (File #1216)**

M/S Rodoni - Slavitz to approve items 5 and 6 of the consent calendar.

Approved unanimously.

PUBLIC HEARING(S)

Chairperson Blanchfield moved agenda item 8 forward to precede item 7.

8. **Formation of County Service Area #32 - Strawberry Point (File #1228)**

The Executive Officer summarized the staff report. The County currently operates a lighting and landscape district (L&LD) that maintains trees and shrubs along streets in the Strawberry Point area. The County concluded that the fiscal procedures for the collection of a annual fee of \$200 per residence by the lighting and landscape district required an annual benefit analysis report by a qualified engineer and public hearing with a cost of about \$10,000. Since the total District expenditures for FY 2001-02 were only \$24,350, the required process was impractical and inefficient. The County wished to form a county service area to levy a simple per-parcel special tax. The proposal would facilitate the continuation of an existing service with no change to the level of service or area to which the service was provided. The process for forming a county service area would require:

- 1) LAFCO approval, with or without conditions;
- 2) If approved, proposal forwarded to the County Board of Supervisors for a public hearing;
 - a. To consider requests to reduce the area or functions of the CSA;
 - b. To hear protest against the formation;
 - c. To declare the establishment of the county service area subject to confirmation by the voters;
 - d. To call an election for the authorization of the special tax necessary to finance the activities of the CSA.

Staff recommended approval of the proposal including terms and conditions, a sphere of influence for the CSA and also an appropriations limit for the CSA. However, a request had been made by an area resident to continue the public hearing. Staff did not foresee any disadvantage with a continuance which might also provide for additional communication between the County staff and community residents.

Ron Paolini with Marin County Parks and Open Space Department gave background on the past and present function of the L&LD. He stated that their department intended to form an advisory committee of local citizens for the proposed CSA. He explained how the funds used for the engineer's report and public hearing could be better used to provide services to the community.

The Chairperson opened the public hearing:

- Bruce Corcoran, 184 Great Circle Drive, Strawberry - Mr. Corcoran questioned the need for continuance of the public hearing. Mr. Corcoran described community involvement at the inception of the lighting and landscaping district. He was concerned about perceived discrepancies between the parcel count in the proposed CSA and the number of parcels in the L&LD. He suspected the \$200 per year fee would increase because he felt some L&LD members received personal landscaping services at the district's expense.

The Chairperson stated that allowing time for broader discussion about the proposal before the Commission took action would be appropriate.

Steve Petterle of the Marin County Parks and Open Space Department explained the discrepancy between the number of lots and membership. Several lots were multi-parcel and were paying one membership fee. He stated that the district only provided services in the street right-of-way and not to private property. Mr. Petterle described the purpose and use of engineer's reports for benefit assessments.

In regard to Mr. Corcoran's concern about an increase in taxes based on the proposed district's budget in comparison with the L&LD's fee collection, the Executive Officer explained the special tax must set a maximum amount that the district will collect from each property owner. County staff had expressed no intention of proposing to set a maximum greater than the current L&LD fee.

The Commission directed staff to facilitate a community meeting to include County staff, Commission members and citizens in the L&LD.

M/S Heller - Slavitz to continue the hearing to the next regular meeting.

Approved unanimously.

7. Annexation of the Lands of Ryder to the City of Mill Valley (File #1238)

The Executive Officer summarized the staff report and recommendation. The proposal was submitted by petition of a property owner requesting annexation to the City of Mill Valley for a 0.23-acre parcel located on the northeast side of Edgewood Avenue. The purpose of the application was to obtain sewer service for a single-family residence from the existing City sewer main in Edgewood Avenue. Owners of neighboring parcels had also submitted a proposal (Lands of Zaidlin) for sewer connection to two existing homes and a vacant lot. The County Department of Public Works requested that the proposals be amended to include the street right-of-way in front of all four parcels.

After consultation with LAFCO Legal Counsel and with staff of the City of Mill Valley, LAFCO staff processed the application without first referring the applicant to the City for rezoning. Rezoning was generally required for all city annexations under provisions of the Cortese-Knox-Hertzberg Act. However, due to the very limited nature of this proposal and the near-term need to obtain sewer service, the rezoning requirement had been waived in this case and the identical case of the neighboring "Lands of Zaidlin." The City's zoning ordinance in any case would accommodate the existing residential use.

The proposal would normally be a consent calendar item, however the Executive Officer had placed the application on the agenda for discussion since staff was recommending approval with amended boundaries to include parcels from another proposal (Lands of Zaidlin) and street right-of-way. The Lands of Zaidlin proposal would also have been a consent calendar item on the next month's agenda. The recommended amendment was consistent with the Commission's adopted Policies, Procedures and Guidelines.

The Commission discussed whether to amend the proposal to include the neighboring parcels or process the proposals separately. The Lands of Ryder proposal to annex to the City of Mill Valley was instigated by findings of a failing septic system by the County Environmental Department. Continuing the Ryder proposal for further consideration of the amendment would cause a hardship. Both proposals included territory with a steep slope inappropriate for septic systems. Postponement of the hearing would eliminate the time savings and financial advantage to the applicants of combining the proposals.

The Chairperson opened the public hearing:

- Brad Chalstrom, 550 Edgewood, Mill Valley – Mr. Chalstrom was a co-applicant for the proposal for annexation of the Lands of Zaidlin to the City of Mill Valley. He stated he did have a failed septic system which he considered an emergency situation and supported the staff recommendation to save processing time by amending the boundaries of the Ryder proposal to include the territory in the Zaidlin proposal.

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

Approved unanimously.

M/S Chapman – Heller to approve the Lands of Ryder proposal with amendment of its boundaries to include the Lands of Zaidlin and the associated street right-of-way.

Approved unanimously.

BUSINESS ITEM(S) - Contd.

9. Commission's Schedule for January

The Chair noted that the regularly scheduled meeting on January 9, 2003, would have attendance conflicts. Also, the annual Strategic Planning Workshop routinely held in January needed to be scheduled. The Executive Officer recommended choosing several alternative dates for the Strategic Planning Workshop and to poll the Commission for availability.

The Commission decided the best course was to cancel the January meeting and hold the Strategic Planning Workshop the last week of January. The Executive Officer would check availability of Commissioners and facilities. The Commission discussed possible topics for the workshop and a change of facilitators.

10. Draft Letter to Marin County Human Resources

At the November meeting, the Commission directed staff to prepare a letter to the Marin County Human Resources Department requesting to be apprised of personnel transactions relative to the Commission's policy to keep LAFCO staff salaries and benefits comparable to similar County positions. The Commission discussed changes to the draft letter and directed the Executive Officer to send the revised letter.

11. Interim Appointments to LAFCO Sphere of Influence Committee

At its November meeting, the Commission discussed its intention to determine committee assignments at the annual Strategic Planning Workshop. However, interim issues revolving around the Southern Marin Sphere of Influence and Service Review Study necessitated filling recent vacancies on the Sphere of Influence (SOI) Committee. Commissioners Slavitz and Rose were added to the SOI Committee. Commissioner Heller would continue to chair the committee.

COMMISSIONER'S REPORTS

Commissioner Chapman reported that Brian Toma of Marin County Counsel attended a Tamalpais CSD meeting to give a presentation on the Brown Act.

Chair Blanchfield congratulated Commissioner Slavitz on his selection as Mayor of Tiburon. He stated that he attended a meeting calling for state managers to prepare the Governor's Environmental Goals and Policy Report. Under state law, state agencies, schools and colleges would be required to prepare an infrastructure plan presented as part of the Governor's budget on an annual basis. The Governor would then be required to prepare a report setting the administration's environmental goals consistent with three priorities: to foster infill, to foster protection of environment resources and agriculture, and to provide for the efficient allocation of land use resources. The report was to be prepared by July 2003. This report would identify these priorities from a State standpoint and where funding should be allocated. The Office of Planning and Research had opened an office for the Local Government Partnership headed by Kathryn Winters, who had been very involved with Napa LAFCO and CALAFCO.

EXECUTIVE OFFICER'S REPORTS

12. **Progress Reports**

The Executive Officer's written report included information about a wastewater management project in the Tomales Bay area and an update on the status of the Southern Marin SOI/Service Review Study.

The Executive Officer reported that the workshop for fire agencies in preparation of the Southern Marin study was very successful. He stated there was an increase in interest in consolidation of fire districts as a result of rising fiscal pressure from the State.

ADJOURNMENT

M/S Chapman - Heller to adjourn.

Approved unanimously.

The meeting was adjourned at 9:10 p.m. The next regular LAFCO meeting was scheduled for Thursday, February 13, 2003.

Respectfully submitted,

PETER V. BANNING, Executive Officer

ATTEST:

JEFFRY BLANCHFIELD, Chairperson