

MINUTES - MARIN LOCAL AGENCY FORMATION COMMISSION

On December 13, 2001, the regular meeting was held at the San Rafael Council Chambers, 1400 Fifth Avenue, San Rafael. Chairperson Blanchfield called the meeting to order at 7:00 p.m.

ROLL CALL

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

Absent: Cynthia Murray

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

Chairperson Blanchfield welcomed new City Member Jeffrey Slavitz who would be completing the unfinished term of Mogens Bach.

1. **Public Comment** - None

NOTICE OF APPLICATION (Information Only)

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

Annexation of the Lands of Mazzoleni to Novato Sanitary District (File #1211)

Annexation of the Lands of Hoffman to San Rafael Sanitation District (File #1212)

BUSINESS ITEM(S)

3. **Recognition of Service**

Chairperson Blanchfield commended Commissioner Mogens Bach for his work with the Commission. Commissioner Bach ended his membership with the Commission in conjunction with completing his term of office on the Tiburon Town Council.

CONSENT CALENDAR ITEM(S)

4. **Regular Meeting Minutes, November 8, 2001**
5. **Financial Report**
6. **Adoption of Resolution Terminating Proceedings** ("Reorganization of Lark Glen Including Detachment from the City of Larkspur and Annexation to the Town of Corte Madera (File #1199)")
7. **Annexation of the Lands of Duckworth to Novato Sanitary District (File #1207)**
8. **Annexation of the Lands of Novato Community Partners to Novato Sanitary District (File #1206)**

Commissioner Slavitz abstained from voting on the meeting minutes of November 8, 2001.

M/S Kress - Chapman/Rodoni for approval of the consent calendar.

Approved unanimously.

Commissioner Rodoni asked the Executive Officer if any action could be made on the Lark Glen proposal (agenda item #6) after LAFCO has terminated the proceedings. The Executive Officer responded that it would require the submittal of a new proposal.

CONTINUED PUBLIC HEARING(S)

5. **Policies, Procedures and Guidelines**

The Executive Officer reported that the Commission has continued the hearing on Draft Policies, Procedures and Guidelines brought to the Commission by staff and the Policy Subcommittee. Three of the eventual four chapters had been reviewed and comments incorporated. Mr. Banning reviewed the revisions including substantive changes made to accommodate the new provisions of AB 948 (Kelley) relating to regulation of new services extended by special districts and to limit the circumstances in which LAFCO would initiate changes of organization of special districts.

Commissioner Kress noted that, if LAFCO were to initiate a study of the organization of a special district, it would most likely be against the wishes of that district. Theoretically, if a special district were interested in change, the district would pursue the review internally instead. The Executive Officer discussed circumstances where a special district might leave that responsibility to LAFCO and recommended that LAFCO retain that power. Members of the Commission agreed it would not be prudent to limit future Commission capabilities.

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

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

Approved unanimously.

The Commission proceeded with a comment session by chapter of the draft:

There were no comments directed toward Chapter I.

Chapter II discussion involved the implementation of compensation for alternate members attending meetings but not seated. The Commission discussed the merit of compensating alternates who are active in Commission activities and the effect on the current budget if the stipend commenced immediately.

Commissioner Chapman mentioned that the Marin County Grand Jury would be looking at each of the special districts throughout the county. The Grand Jury's focus would be on the districts' responsibilities, finances and practices.

M/S Kress – Heller that the stipend be extended to alternate members as described in Chapter II, Section 4 (page 7) of the draft Policies, Procedures and Guidelines at \$50 for alternates attending meetings at which they are not seated as voting members.

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

NOES: Commissioner Rodoni

Motion passed (5/1).

Chapter III discussion included questions about revisions to the Agricultural Land Policies and the effort to define agricultural lands. The Commission discussed the capability to amend the policy as issues regarding agricultural lands evolve. The Executive Officer responded that the Commission may adopt revisions to any portion of the Policies, Procedures and Guidelines at any time.

M/S Chapman – Kress to approve Chapters I, II and III of the Policies, Procedures and Guidelines with the stated amendments, corrections and suggestions.

Approved unanimously.

The Executive Officer stated that Chapter IV on Spheres of Influence would be drafted by staff and taken to the Policy Subcommittee before presentation to the Commission.

PUBLIC HEARINGS

10. **Annexation of the Lands of Novak to Novato Sanitary District (File #1208)**

The Executive Officer summarized the Staff Report and Recommendation. The proposal requested annexation of slightly more than .5 acres to the Novato Sanitary District. The proposal area is within the Black Point/Green Point Community Plan area, an unincorporated area between Bahia and the rest of the City of Novato. The Commission had recently approved annexation proposals in the Black Point/Green Point areas which were existing residences with failing septic systems with no feasible alternative for locating onsite waste treatment.

The Lands of Novak proposal involved annexation to the sanitary district to provide hookups for two new residential units. The parcel sizes were large enough to permit onsite wastewater treatment. The Executive Officer had requested that the applicant's engineer prepare additional information which did point out that onsite wastewater treatment was more expensive and did not offer as permanent a solution as sewer hookup. Because the property is within 400 ft. of a sewer, it is the County's policy to require the property owner to seek annexation to the district if it is legally possible. Denial of the proposal would make annexation not legally possible and provide an exemption to the County's policy. Based on the current Community Plan for Black Point/Green Point, the Executive Officer recommended denial of the application.

The Chairperson opened the item for public comment:

- Jerry Ghirardo of 2235 Laguna Vista, Novato: Mr. Ghirardo stated that he and his wife bought the subject property six or seven years ago and subsequently sold a lot to co-applicant Mr. Novak. They intended to construct a home on the property. He explained that the property was adjacent to the Novato city limits and applied for annexation to the City. During their annexation process, the City adopted the Urban Growth Boundary, therefore their annexation to the City was not pursued. Mr. Ghirardo assured the Commission that there would be no other growth other than his and Mr. Novak's homes currently under review. He stated the property was on a hillside and did not perk well, therefore the leach field would be very large and would impact the desired location of the homes on the parcels. He expressed concern about the economics of his project and public safety. He noted that all other residences that front on the street were within the Novato city limits and those not on sewer were anticipating septic problems. He expressed frustration that an expensive septic system could be installed and, in the next couple of years, a reversal in the policy already under consideration would make sewer available but too late for his project.

Chairperson Blanchfield asked if the parcels could be divided further. Mr. Ghirardo responded that they could not.

Commissioner Heller asked the applicant if the City of Novato couldn't make an exception. The Executive Officer explained that the proposal was not covered by an exception to the City's Urban Growth Boundary.

Commissioner Slavitz asked if sewer hookup would make a difference in the size of the residences. Mr. Ghirardo stated there would not be an adjustment to current plans.

Commissioner Kress stated that he did not see a deadlock for their proposal in that a septic system was feasible, so there was a remedy for wastewater treatment. If the septic system were not feasible, that would be good argument for an exception to current laws and policies. He stated it would not be good to speculate on the intent of the Community Plan or whether it would change in the future.

Mr. Ghirardo responded that their situation was unique in that they had the only property on Laguna Vista which was not inside the city limits or already on sewer. He continued that sewer was already within feet of their property and should be considered the preferable solution, especially since their application would not increase density and he considered the Community Plan outdated.

Commissioner Rodoni stated there was a density issue when considering septic versus sewer because of the potential for accessory buildings, cottages and second units which would not be possible with a septic system. Also, future size of the residence would be affected. Mr. Rodoni stated he felt assumption of a substantial change in the Community Plan in the Black Point/Green Point area was a risk. He noted there are exceptions available for public safety so he had an issue with overturning a Community Plan, especially in a case such as this application where an alternative was available.

- Laura Ghirardo of 2235 Laguna Vista, Novato: Ms. Ghirardo stated that with a septic system, planners looked at bedroom count instead of square footage. Commissioner Rodoni stated that this was not accurate.
- Jeffrey Novak, Co-applicant: Mr. Novak stated that zoning was ARP2, which meant that, whether there was septic or sewer, only two dwellings could be built on the parcels. He stated he was a builder, had built many homes in the area, and he disagreed with Commissioner Rodoni's statement. He stated this zoning would permit a second unit that did not have bedroom or a toilet, such as a barn, in either case.

M/S Kress - Rodoni to approve the Staff Recommendation (for denial of the application).

AYES: Commissioners Chapman, Kress, Rodoni and Slavitz

NOES: Commissioners Blanchfield and Heller

Motion passed (4/2).

COMMISSIONERS' REPORTS - None

EXECUTIVE OFFICER'S REPORT

6. **Progress Report**

The Executive Officer reported progress on the development of the LAFCO website; the Novato Area SOI/Service Reviews was near completion for distribution to the SOI Subcommittee; and staff was continuing to work with County mapping on an accounting system for cost recovery of map-checking charges.

ADJOURNMENT

M/S Chapman - Kress to adjourn.

Approved unanimously.

The meeting was adjourned at 8:23 p.m. The next regular LAFCO meeting was scheduled for Thursday, January 10, 2002.

Respectfully submitted,

PETER V. BANNING, Executive Officer

ATTEST:

JEFFRY BLANCHFIELD, Chairperson