

DATE: March 3, 2006

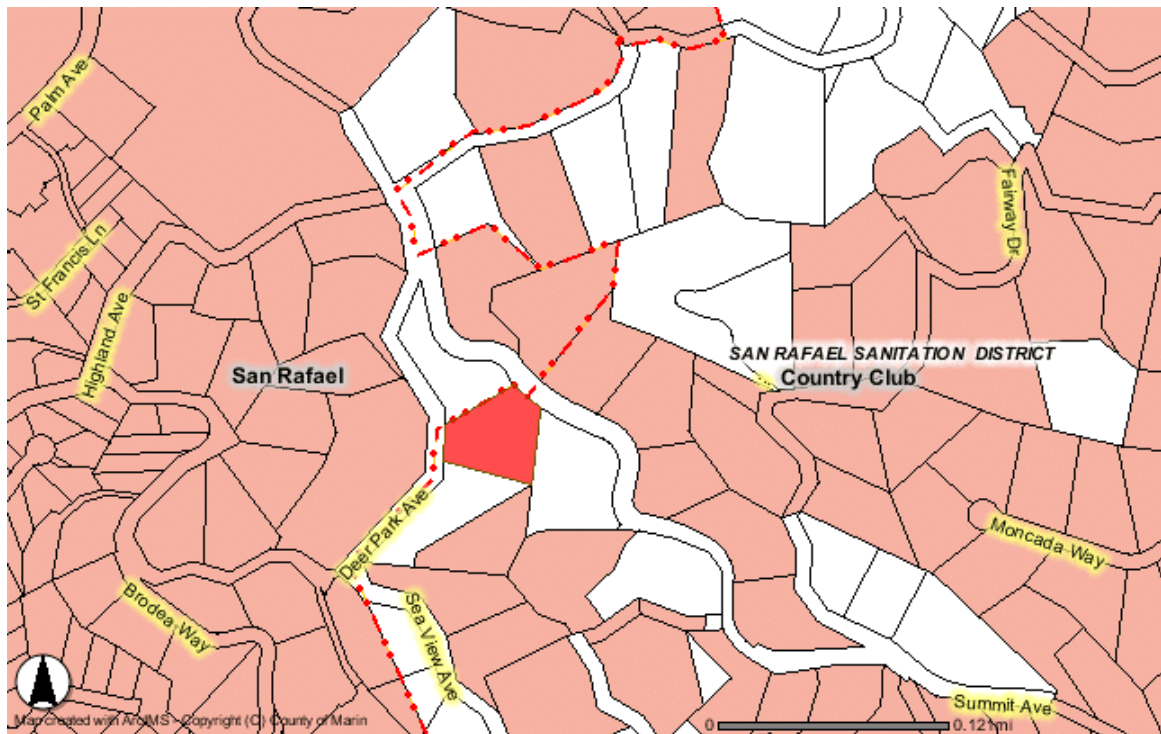
TO: Members, Local Agency Formation Commission

FROM: Peter Banning, Executive Officer
Evelyn Ellis, Assistant Planner

SUBJECT: Executive Officer's Report and Recommendation:
Proposed Annexation of the Lands of Forgan to San Rafael Sanitation District (File #1272)

Summary

This proposal requests annexation of approximately 1.0 acre with one existing single-family residence to the San Rafael Sanitation District. The proposal area is located in the in the unincorporated Country Club area bordering the City of San Rafael on Deer Park Avenue north of its intersection with Seaview Avenue. Staff recommends approval.



General Information

Proposal Description: Annexation to San Rafael Sanitation District for one existing single-family residence.

Proposal Location: On Deer Park Avenue north of its intersection with Seaview Avenue.

No. of Parcels: 1.

Acres: 1.0.

Development Potential: None.

Applicants: Jeff and Nathalie Forgan, 130 Deer Park Avenue, San Rafael, 94901.

Consent of Property Owner(s): 100%.

Public Hearing Required: No.

Number of Registered Voters: 1.

City or County: County of Marin.

Assessed Value of Land: \$427,374.

Property Tax Exchange: None.

Current and Proposed Provision of Services

	<u>Current:</u>	<u>If Approved:</u>
Police:	County of Marin (sheriff)	No Change
Fire:	CSA #19	No Change
Water:	Marin Municipal Water District	No Change
Sewer:	None	San Rafael Sanitation District
Streets:	County of Marin	No Change
Planning:	County of Marin	No Change

Comments of Affected Agencies**San Rafael Sanitation District**

The District has consented in writing to the proposed boundary change and waiver of conducting authority proceedings.

County Environmental Health Services (EHS)

County EHS notes records of failing septic systems in the neighboring lot of the proposal area. This area has a history of failing septic systems due to clay soils and aging systems.

Marin Municipal Water District

No comment.

City of San Rafael, Public Works

No comment.

Marin County Department of Public Works

The public works department recommends that the portion of the fronting property on Summit Avenue be annexed to the City of San Rafael. (LAFCO staff has established that the area suggested for annexation to the City is already within the City boundary)

Marin County Community Development Agency (CDA)

The proposal territory is designated for Single Family Residential use (0.2 to 1.0 dwelling units per acre) in the County's General Plan. Existing County zoning is Single-Family Residential (1.0 acre minimum). CDA staff notes that this property is adjacent to San Rafael city limits and is within San Rafael's Sphere of Influence. Therefore, the Commission's Dual annexation policy applies to this proposal.

Discussion & Analysis

The property owner has applied for annexation to San Rafael Sanitation District in order to connect an existing single-family home to the District's sewer. The San Rafael Sanitation District supports the proposed annexation and has submitted written consent to waiver of conducting authority proceedings.

The property proposed for annexation is currently in use as a single-family residence. The area proposed for annexation is located in the unincorporated Country Club area. Most of the residences in the surrounding area are already within the boundaries of San Rafael Sanitation District.

County of Marin zoning for the subject area is R1-B4, Single Family Residential (minimum one acre lot size). Annexation of this area to SRSD will not facilitate construction of additional housing units as the area is developed to the extent allowed by current zoning.

Because the proposal area is within the sphere of influence of the City of San Rafael, LAFCO's Dual Annexation Policy is applicable. As a condition of approval, the affected property owners should be required to enter into an agreement with the City of San Rafael providing for the future annexation of their property to the City when the City determines that services may be efficiently extended. Execution of such an agreement would fulfill the requirements of LAFCO's Dual Annexation Policy.

The proposed annexation is consistent with the sphere of influence adopted for the San Rafael Sanitation District and with all other applicable standards adopted by the Commission and contained in the Cortese-Knox-Hertzberg Act of 2000 as summarized in Attachment A.

Environmental Review

This proposal is exempt from the provisions of the California Environmental Quality Act (CEQA) under Section 15319 of the State CEQA Guidelines which provides exemption for annexations involving areas developed to the density allowed by the current zoning.

Recommendation

This proposal is consistent with the sphere of influence of the San Rafael Sanitation District and with all other pertinent LAFCO policies. Staff recommends approval.

Recommended Commission Action, by Resolution:

1. Adopt a resolution making determinations approving the proposed Annexation of the Lands of Forgan to the San Rafael Sanitation District (File #1272).
2. Authorize staff to initiate subsequent proceedings pursuant to Government Code §57000 without notice and hearing.
3. Completion of annexation proceedings shall be subject to the following conditions:
 - A. Approved map and legal description to be provided by the applicant.
 - B. Proceedings for the annexation shall not be completed until the property owner and the City of San Rafael execute and record an agreement wherein:
 1. The property owner agrees on behalf of himself, his heirs, successors and assigns that, in the event any future proceedings for the annexation of the property to the City of San Rafael shall be initiated by the City, the owner shall neither directly nor indirectly oppose or protest such annexation; and
 2. That the owner agrees that his obligations under the agreement shall run with the property and that the property shall be held, conveyed, hypothecated, encumbered, leased, rented, used and occupied subject to the provisions of the agreement and that the obligations undertaken by the owner shall be binding on all parties having or acquiring any right, title, or interest in the property.

Respectfully submitted,

Peter V. Banning
Executive Officer