

DATE: December 7, 2007

TO: Members, Local Agency Formation Commission

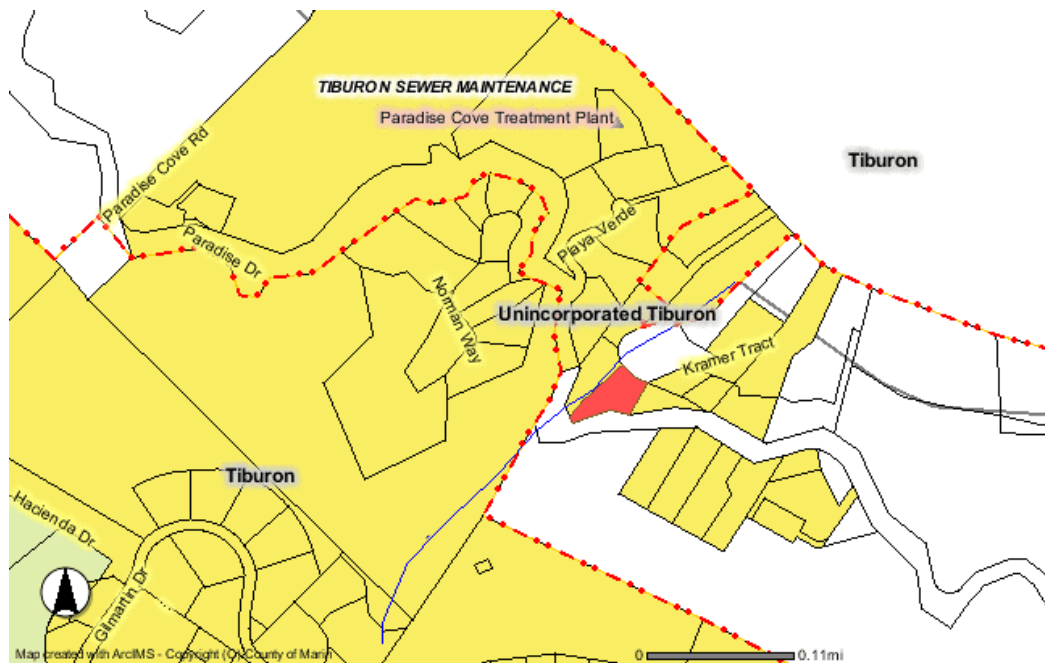
FROM: Peter Banning, Executive Officer
Evelyn Ellis, Assistant Planner

SUBJECT: Executive Officer's Report and Recommendation: **Proposed Annexation of the Lands of Israel to Sanitary District #5 (File #1290)**

Summary

The applicant requests annexation of 0.66 acres to the Tiburon Sanitary District. The purpose of the proposal is to extend the District's sewer to an existing residence and facilitate additions to the existing house. The proposal area is in unincorporated territory, located near its intersection with Playa Verde on Paradise Drive.

The proposal area is not contiguous to the boundary of the Town of Tiburon. In order to comply with the terms of LAFCO's Dual Annexation Policy, the Town recommends that property owners be required to enter into an agreement with the Town of Tiburon to provide for the future annexation to the Town, as has been the practice in recent similar annexations. Staff recommends approval subject to standard terms and conditions.



General Information

Proposal Description: Annexation to Sanitary District #5 to obtain sewer service for one existing single-family residence.

Proposal Location: Unincorporated Tiburon on Paradise Drive near Playa Verde.

No. of Parcels: 1.

Acres: 0.66 acres.

Development Potential: None.

Applicants: James and Shannon Israel, P.O. Box 2433, San Anselmo.

Consent of Property Owner(s): 100%.

Public Hearing Required: No.

Number of Registered Voters: 1.

City or County: County.

Total Land Assessed Value: \$1,375,000.

Property Tax Exchange: None.

Current and Proposed Provision of Services

	<u>Current:</u>	<u>If Approved:</u>
Police:	County of Marin	No Change
Fire:	Tiburon Fire Protection District	No Change
Water:	Marin Municipal Water District	No Change
Sewer:	None	Sanitary District #5 (Tiburon)
Streets:	County of Marin	No Change
Planning:	County of Marin	No Change

Comments of Affected Agencies

County Community Development Agency (CDA)

County CDA staff reports that the proposal area is designated SF3, 1 unit/1 to 5 acres in the County's General Plan. Zoning for the area is BFC-RSP-1 single family residential, planned district (1 acre minimum lot size).

County Environmental Health

The Environmental Health Division reports failure of septic systems on nearby parcels due to poor soils, steep slopes and aging systems. Upon connection to the public sewer, applicants will be required to obtain a permit to abandon the existing septic systems.

Town of Tiburon (Community Development)

"The Town has no record of an 'annexation agreement' existing for this property. The Town of Tiburon would support a LAFCO deferral of the dual annexation policy provisions for this application provided that such agreement is secured and recorded."

Tiburon Sanitary District

The District has given written consent to the proposed annexation and waived protest proceedings.

Discussion

The proposal area is located in the unincorporated Paradise Drive area on the Tiburon Peninsula. The applicant seeks public sewer service to replace an on-site wastewater system for an existing single family home. Neighboring residences on Paradise Drive are already receiving service from Tiburon Sanitary District. The District has sufficient treatment capacity at its Paradise Cove plant to provide service. The area is within the adopted sphere of influence of Sanitary District #5.

The proposal area is not contiguous to the boundary of the Town of Tiburon. In order to comply with the terms of LAFCO's Dual Annexation Policy, the Town recommends that property owners be required to enter into an agreement with the Town of Tiburon to provide for the future annexation to the Town, as has been the practice in recent similar annexations.

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

Sanitary District #5 has sufficient treatment capacity available to provide service to the proposal area. The proposal is consistent with the adopted sphere of influence for the District. Staff recommends approval subject to standard terms and conditions for the implementation of the Dual Annexation Policy as stated below.

Recommended Commission Action, by Resolution:

1. Adopt a resolution making determinations approving the proposed Annexation of the Lands of Israel to Sanitary District #5 (File #1290) subject to the following condition:
 - A. Proceedings for annexation shall not be completed until the property owner and the Town of Tiburon 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 Town of Tiburon 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.
 - B. The applicant shall provide a map and legal description conforming to the standards of the State Board of Equalization as determined by the County Department of Public Works.
2. Authorize staff to initiate subsequent proceedings pursuant to Government Code §57000 without notice and hearing.

Respectfully submitted,

Peter V. Banning
Executive Officer

Evelyn Ellis
Assistant Planner