

DATE: August 4, 2006

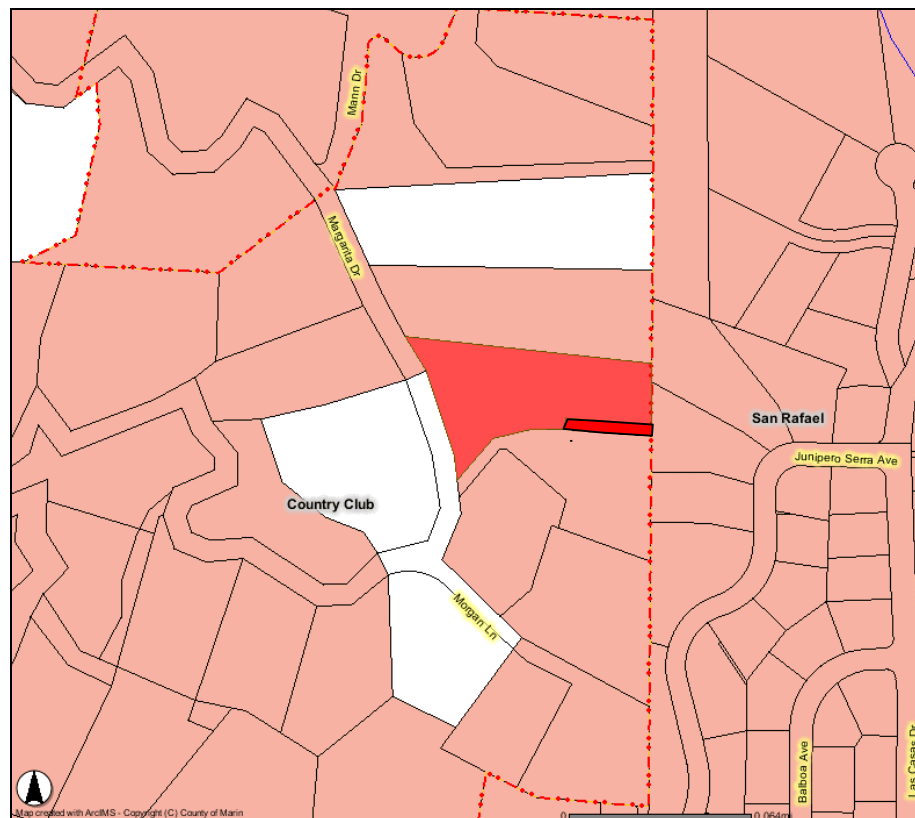
TO: Members, Local Agency Formation Commission

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

SUBJECT: Executive Officer's Report and Recommendation:
Proposed Annexation of the Lands of Kent and Pelz to San Rafael Sanitation District (File #1276)

Summary

This proposal requests annexation of one parcel of approximately 1.5 acres with an existing single-family residence to the San Rafael Sanitation District. The proposal also includes a small portion of the neighboring parcel defined as an access or utility easement. The proposal area is located in the unincorporated Country Club area bordering the City of San Rafael on Margarita Drive north of its intersection with Morgan Lane. Staff recommends approval.



General Information

Proposal Description: Annexation to San Rafael Sanitation District of one existing single-family residence and a portion of a parcel used as an easement.

Proposal Location: Margarita Drive north of its intersection with Morgan Lane.

No. of Parcels: 1 plus a portion.

Acres: 1.5.

Development Potential: None.

Applicants: Stephen F. Kent, M.D.,
15 Mt. Rainier Ct, San Rafael, CA 94903.
Peter Pelz, 5 Morgan Lane,
San Rafael, CA 94901

Consent of Property Owner(s): 100%.

Public Hearing Required: No.

Number of Registered Voters: 4.

City or County: County of Marin.

Assessed Value of Land: 016-012-61 \$81,474.
016-012-63 A portion of \$283,274 (easement)

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:	On-site system	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 of Marin, Community Development

County staff states that the parcels are zoned R-1: B4, single-family residential.

County Environmental Health Services (EHS)

County EHS notes records of failing septic systems in a neighboring lot of the proposal area. This area has a history of failing septic systems due to poor soils, steep slopes and limited replacement area available. The homeowner had an independent inspection by ILS Associates. Their septic tank collapsed and the disposal field is unknown. The system is in failure.

Marin Municipal Water District

No comment.

City of San Rafael, Public Works

No comment.

Discussion & Analysis

The property owners have applied for annexation to San Rafael Sanitation District in order to connect an existing single-family home to the District's sewer. A portion of the neighboring property used as an easement is also included in the proposal. 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 as shown on page 1.

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 Kent and Pelz to the San Rafael Sanitation District (File #1276).
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. 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