

DATE: March 6, 2009

TO: Members, Local Agency Formation Commission
Interested Agencies and Individuals

FROM: Peter Banning, Executive Officer

SUBJECT: Marin Resource Conservation District Service Review and
Sphere of Influence Update

Background

The public hearing for the *Marin Resource Conservation District Service Review and Sphere of Influence Update* was opened at the Commission's September 11, 2008 meeting, continued to the November 13, 2008 meeting and continued again to March 12, 2009 to allow time for comment by the public and the governing board of Marin RCD.

Comments Received

In addition to comments received prior to the November meeting, staff has received a letter from the Marin RCD Board of Directors (attached). The MRCD board received presentations by LAFCO staff and discussed the District's sphere of influence at three different meetings following publication of the staff report and recommendation. LAFCO staff generated maps and tabular data on agricultural parcels in east Marin which were discussed at these meetings.

The MRCD Board of Directors requests that the Commission affirm the current district sphere of influence that is coterminous with its boundary. The reasons cited by the District are:

1. Low demand for services from these areas;
2. Low number of parcels affected;
3. The cost of potential boundary changes; and
4. Properties excluded from the district are not disqualified from MRCD services.

Discussion

LAFCO staff researched east Marin farmland areas and determined that in areas outside the boundaries of the MRCD, there are 5 agricultural parcels ranging in size from 10 to 20 acres and 37 agricultural parcels over 20 acres in private ownership as shown on the attached map. These parcels are interspersed with smaller parcels, publicly owned open space and other uses. It would be difficult to define a coherent extension of the MRCD sphere that would include large parcels most likely to benefit from MRCD services.

The current boundaries of Marin RCD were created in the 1960's and changed in the 1970's to include Inverness and Inverness Park. There is no record of the reasoning for the boundaries not including the east Marin area or other areas that are currently outside the district. In the 1990s, Marin RCD began to be more effective in receiving funding approval for grants to be distributed and used in agricultural areas. Historically, the focus of the District's services has been on agricultural areas in west Marin, in most cases excluding rural village areas.

At the Commission's November meeting, Commissioners expressed concerns regarding small areas around Lagunitas Creek and agricultural areas in East Marin and inquired why these areas are not proposed for inclusion in the RCD sphere of influence.

Staff researched the history for Marin RCD services in the Lagunitas watershed, specifically the Lagunitas creek area. Although parts of Lagunitas Creek are outside the District's boundary, Marin RCD still receives and distributes grant funding that benefits this area. Since 1980, Marin RCD received six grants from State and local agencies (State Dept. of Fish and Game, State Coastal Conservancy, MMWD, State Water Resources Control Board, and County Dept. of Parks and Recreation) totaling \$1,880,000 specific to the Lagunitas Creek watershed area. The exclusion of small areas of rural village in this watershed, including points at which Lagunitas Creek runs through village areas, has not inhibited conservation projects that benefit stream habitat in those areas.

Conservation programs that benefit stream habitats are not necessarily carried out in the affected streambed itself, but rather on agricultural lands that drain into those streambeds. Staff has concluded that exclusion of rural villages from MRCD boundaries will not affect the District's conservation programs as currently conducted, particularly in light of the District's willingness to overlook the details of its jurisdictional area when reviewing conservation program proposals. MRCD's funding allocation process does not necessarily exclude projects outside its boundaries.

Environmental Review

The draft Resolutions attached to this staff report includes a statement of determinations as required by Government Code Section 56425 and direction to staff to issue a Notice of Exemption from the California Environmental Quality Act based on the finding these actions will not alter the existing service availability within the study area. If approved, there could be no potential changes of organization that could alter the geographic area in which previously existing local government powers are exercised. The specific sections of the State CEQA Guidelines cited in the resolutions above are Section 15306 for the municipal service review and Sections 15061(b)(3) and 15320 for the affirmed coterminous sphere of influence.

Recommendations

Staff has concluded that expanding the District's existing coterminous sphere of influence to include rural village areas or agricultural parcels in east Marin would not serve an identifiable purpose and that the cost of annexations to the District would subtract from funds available for conservation projects. Staff therefore recommends that the Commission reaffirm the existing coterminous sphere of influence for the Marin Resource Conservation District.

Staff recommends that the Commission take action on the proposed service review findings and sphere of influence recommendations contained in the *Marin Resource Conservation Service Review and Sphere of Influence Update* report published on September 5, 2008 unless subsequent testimony at the Commission's March 12, 2009 meeting requires further consideration.

Recommended actions by resolution are:

- 1) Approve Draft Resolution 08-11 Marin Resource Conservation District Municipal Service Review
- 2) Approve Draft Resolution 08-12 Sphere of Influence of the Marin Resource Conservation District

Respectfully submitted,

Peter Banning, Executive Officer

Attachments:

- A. Draft Resolution 08-11 Marin Resource Conservation District Municipal Service Review
- B. Exhibit A, Statement of Written Determinations, Marin Resource Conservation District Service Review
- C. Draft Resolution 08-12 Sphere of Influence Marin Resource Conservation District