

DATE: April 6, 2007

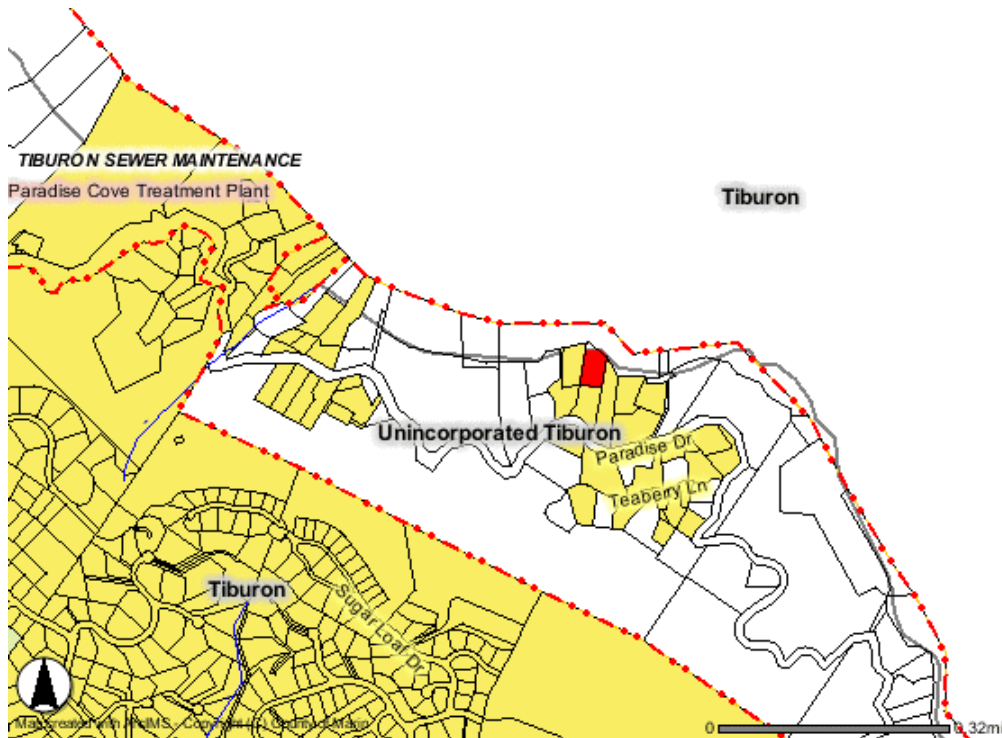
TO: Members, Local Agency Formation Commission

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

SUBJECT: Executive Officer's Report and Recommendation:
**Proposed Annexation of the Lands of McMillen to Sanitary District #5
(Tiburon) (File #1283)**

Summary

This proposal requests annexation of one existing single-family residence on 1.02 acres to the Sanitary District #5. The proposal area is located in the Paradise Cove subdivision, near Paradise Beach Park in the unincorporated Tiburon area. The applicant seeks to connect to the facilities of the Sanitary District #5 and abandon an on-site wastewater treatment system. Staff recommends approval.



General Information

Proposal Description: Annexation to Sanitary District #5 (Tiburon) for one existing single-family residence.

Proposal Location: North of Paradise Drive near Paradise Beach Park.

No. of Parcels: 1.

Acres: 1.02 acres.

Development Potential: None.

Applicants: Alan R. McMillen, 3344 Paradise Drive, Tiburon, 94920.

Consent of Property Owner(s): 100%.

Public Hearing Required: No.

Number of Registered Voters: 0.

City or County: County.

Assessed Value: \$1,667,392.

Property Tax Exchange: \$0.

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
Streets:	County of Marin	No Change
Planning:	County of Marin	No Change

Comments of Affected Agencies

Town of Tiburon Community Development Department

The Town of Tiburon will support a deferral of the dual annexation policy provisions for this application provided that an annexation agreement is secured and recorded. The Town has forwarded an application for the annexation agreement to the property owner.

Sanitary District #5

The District has waived protest proceedings and consented to this proposal under Government Code Section 56663, but has made no other comment.

Marin County Community Development Agency (CDA)

The proposal territory is designated for Single Family Residential use (1.0 dwelling units per 1 - 5 acres) in the County's General Plan. Existing County zoning is Single-Family Planned Residential (BFC-RSP-1). CDA staff notes that this property is adjacent to Tiburon town limits and is within Tiburon's Sphere of Influence. Therefore, the Commission's Dual annexation policy applies to this proposal.

Marin Municipal Water District

No comment.

County Department of Environmental Health

County EHS notes records of a failing septic system in a neighboring lot of the proposal area. This area in general is very poor for on-site waste water disposal due to steep slopes and poor percolation of soils.

Discussion & Analysis

The parcel proposed for annexation is in residential use and fully developed to the extent permitted by its zoning classification. The property owner has applied for annexation to Sanitary District #5 in order to connect an existing single-family home to the District's sewer. Sanitary District #5 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 Tiburon area. Most of the

residences in the surrounding area are already within the boundaries of Sanitary District #5 as shown on the map on page 1.

County of Marin zoning for the subject area is BFC-RSP-1, Single Family Planned Residential. Annexation of this area to Sanitary District #5 will not facilitate construction of additional housing units. The District has sufficient capacity at its Paradise Cove treatment plant to provide sewage treatment for the annexing area.

Because the proposal area is within the sphere of influence of the Town of Tiburon, LAFCO's Dual Annexation Policy is applicable. As a condition of approval, the affected property owner should be required to enter into an agreement with the Town of Tiburon providing for the future annexation of the property to the Town when the Town determines that services may be efficiently extended. Execution of such an agreement would fulfill the requirements of LAFCO's Dual Annexation Policy and has been the typical procedure during annexation of neighboring parcels.

The proposed annexation is consistent with the sphere of influence adopted for Sanitary District #5 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 15320 of the State CEQA Guidelines which provides exemption for annexations of territory developed to the extent allowed by current zoning.

Recommendation

This proposal is consistent with the sphere of influence of the Sanitary District #5 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 McMillen to the Sanitary District #5 (Tiburon) (File #1283) subject to the following condition:
 - 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 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 Town, 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.
2. Authorize staff to initiate subsequent proceedings pursuant to Government Code §57000 without notice and hearing.

Respectfully submitted,

Peter V. Banning
Executive Officer