

DATE: September 4, 2009

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

FROM: Peter Banning, Executive Officer

SUBJECT: Tomales Area Service Review & Sphere of Influence Update

The staff report and recommendations for the Tomales Area Service Review and Sphere of Influence Update are released herewith and posted on the LAFCO website at lafco.marin.org. The report (attached) has been distributed to public agencies and interested persons who have provided information for the study. The Commission is scheduled to open the public hearing on the report and recommendations at its September 10, 2009 meeting and to continue the hearing for additional testimony and comment to the November 12, 2009 Commission meeting.

The report contains descriptive material on how municipal services are provided in Tomales including services of the Tomales Village Community Services District (TVCS D) and staff's recommendations for updating the sphere of influence of the District as required by Sections 56425 and 56430 of the Government Code. These code sections require LAFCO to review adopted spheres of influence every five years. Under this requirement, the sphere of influence of TVCS D will be reviewed again in 2014. The Commission has also adopted policies and procedures for reviewing adopted spheres of influence at the request of interested parties as conditions warrant during the five-year interval between periodic reviews.

At the meeting of September 10th, staff will recap the contents of the report and the environmental review document prepared for it (see below); respond to the Commission's questions and correct any reporting errors identified in testimony. The Commission will receive testimony from all interested persons on the content and recommendations in the report. The anticipated schedule of hearings is planned to allow public testimony for the sphere of influence under study to be heard by the Commission during a minimum of two separate Commission meetings.

Environmental Review

Unlike recent sphere of influence updates, the proposed amendment of the TVCSD sphere of influence would expand the geographic area to which sewer service may be extended in future annexations and is therefore subject to review under the California Environmental Quality Act (CEQA). The Commission is the lead agency for environmental review in this case and appropriated funds for that review in its current budget. Staff retained Pacific Municipal Consultants Inc. (PMC) to perform the analysis.

The area recommended for addition to the TVCSD sphere of influence includes a 7.3 acre parcel bisected by Tomales Creek (APN 102-080-08) zoned for both commercial and residential uses at a wide range of theoretically permitted density¹. Site constraints and the range of uses on this parcel are problematic in determining demand for TVCSD service and other environmental impacts associated with including this parcel in the TVCSD SOI as discussed at length in the PMC report. A key mitigation measure proposed in the PMC analysis is to reduce the area to be added to the TVCSD SOI by eliminating this parcel from the proposed sphere amendment.

PMC's report (attached) recommends that the Commission adopt a Mitigated Negative Declaration of Environmental Impact. As lead agency, LAFCO is required to hear and respond to all comments on the environmental review document prior to acting to certify it.

Recommendation

Staff recommends that the Commission take the following actions:

1. Receive the staff report and presentation for the Tomales Area Service Review and Sphere of Influence Update and accompanying proposed mitigated negative declaration of environmental impact;
2. Open the public hearing and receive testimony on the report and recommendations and on the proposed mitigated declaration;
3. Continue the public hearing to the November 12, 2009 Commission meeting to provide time for review and comment by affected agencies, organizations and individuals on both the LAFCO staff report and CEQA analysis;
4. Direct staff to respond to public comments during the course of the hearing and to clarify the content of the report where necessary; and

¹ Development potential ranges from 7 to 145 residential units and up to 158,776 sq. ft of commercial development. See *Initial Study, Tomales Area Service Review & Sphere of Influence Update*.

5. Adopt resolutions for service review findings and amending the spheres of influence of the Tomales Village Community Services District at the November 12, 2009 Commission meeting.

Respectfully submitted,

Peter Banning
Executive Officer