

DATE: May 5, 2005

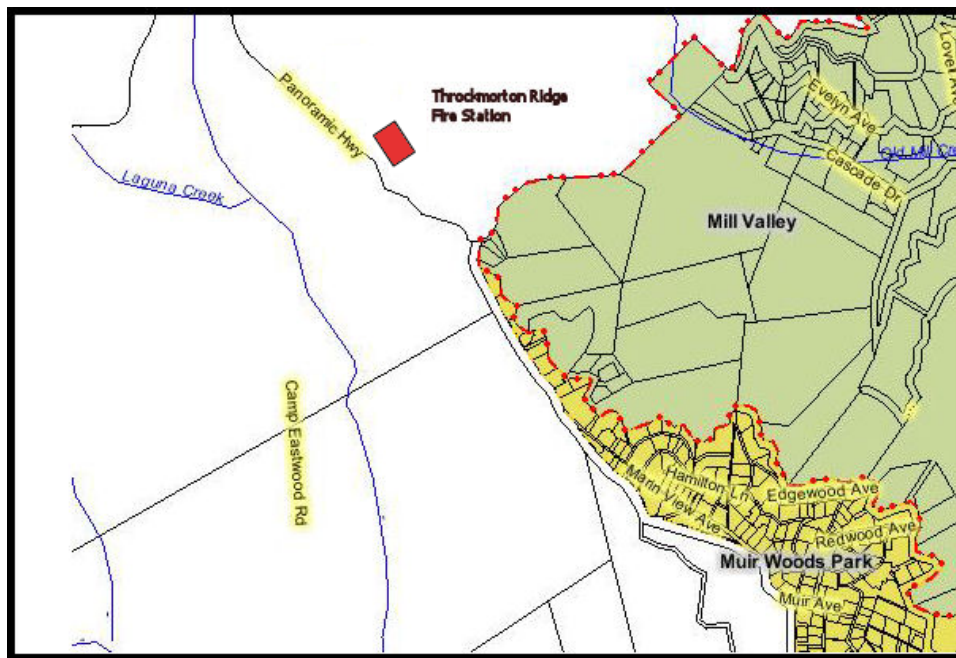
TO: Members, Local Agency Formation Commission

FROM: Peter Banning, Executive Officer

SUBJECT: Executive Officer's Report and Recommendation:
Proposed Outside Service Agreement - Provision of Sewer Service to the Throckmorton Ridge Fire Station by the City of Mill Valley (File #1261)

Summary

The Marin County Fire Department is planning the reconstruction of its existing fire station at Throckmorton Ridge Fire Station, located on the lands of the Marin Municipal Water District west of the City of Mill Valley. In the course of project planning, the station's onsite wastewater system was found to be failing due to shallow and unsuitable soils in the area. The County Board of Supervisors has adopted a resolution of application requesting LAFCO to approve a contract for extension of sewer service from the system operated by the City of Mill Valley to the Throckmorton Ridge Fire Station. Staff recommends approval.



General Information

Proposal Description:	Outside service agreement between Marin County and City of Mill Valley for provision of sewer service.
Proposal Location:	On lands owned by Marin Municipal Water District north of the Mountain Home Inn and west of the City of Mill Valley.
No. of Parcels:	None. The proposed OSA includes a description of territory leased to the County of Marin for use as a fire station. The area so defined is not a parcel of record.
Acres:	0.67 acres.
Development Potential:	None.
Applicants:	By resolution of the Marin County Board of Supervisors.
Consent of Property Owner(s):	100%.
Public Hearing Required:	No.
Number of Registered Voters:	0.
City or County:	County.
Assessed Value:	\$0.
Property Tax Exchange:	None.

Current and Proposed Provision of Services

	<u>Current:</u>	<u>If Approved:</u>
Police:	County of Marin	No Change
Fire:	County Fire	No Change
Water:	Marin Municipal Water District	No Change
Sewer:	None	City of Mill Valley
Streets:	County of Marin	No Change
Planning:	County of Marin	No Change

Comments of Affected Agencies

City of Mill Valley (Community Development): No comment.

Marin Municipal Water District (MMWD): MMWD correspondence states: "The Marin Municipal Water district supports the annexation into the Mill Valley Sewer System. The annexation (does) not conflict with our existing facilities along Panoramic Highway." (Letter of Stanley Graham, MMWD Real Property Agent)

County Environmental Health Services (EHS): EHS staff reports: "This area off of Panoramic Hwy has repeated complaints regarding failing septic systems. Poor soil, steep slopes & limited area for on site sewage disposal create challenges for siting septic systems." County policy requires public sewer connection for similar projects if located within 400 feet of an existing sewer, as applicable in this case.

Discussion & Analysis

Outside service agreements are contracts either for service outside of the boundary of a city or special district. Such agreements require LAFCO approval under the Cortese-Knox-Hertzberg Act (Government Code Section 56133) when the area to receive service is also outside the sphere of influence of the agency providing the service. The watershed lands of the Marin Municipal Water District (MMWD) are naturally outside of the sphere of influence adopted for the City of Mill Valley because those lands generally do not require urban services.

In this case, MMWD has leased the 0.67 acre site to the County of Marin for use as a fire station since 1958. The planned enlargement and reconstruction of the fire station will require sewer service due to the failure of the existing septic wastewater system. The use of an outside service agreement under these circumstances is an appropriate means of extending a needed but incidental service to an area that does not otherwise require urban services.

Alternatively, the annexation of the fire station to the City of Mill Valley would create some potential confusion with respect to extension of other unneeded city services to the site such as fire and police protection. LAFCO can also approve the proposal with modifications or conditions pursuant to Government Code Sections 56375, 56885 and 56886. Staff has not identified modifications or conditions that would enhance the proposal or be more consistent with adopted policy.

The County of Marin and the City of Mill Valley have drafted and approved an agreement for extension of sewer service that will become effective with the approval of LAFCO. The agreement is attached to this staff report.

Environmental Review

The County Board of Supervisors, acting as lead agency has determined that this proposal is exempt from the provisions of the California Environmental Quality Act (CEQA). Section 15302 of the State CEQA Guidelines provides exemption for replacement or reconstruction of existing structures and facilities where the new structure will be located on the same site as the structure replaced and will have substantially the same purpose and capacity as the structure replaced.

Recommendation

The proposed outside service agreement for provision of sewer service to the Throckmorton Ridge Fire Station is an appropriate means of extending service consistent with the policies and objectives of Marin LAFCO.

Recommended Commission Action, by Resolution:

Pursuant to Government Code Section 56133, staff recommends that the Commission adopt the attached draft resolution authorizing the County of Marin and the City of Mill Valley to enter into an agreement for provision of sewer service to the territory defined by the accompanying map and legal description. This action is not subject to further proceedings under the Cortese-Knox Act (including protest hearing and final filings) other than requests for reconsideration within 30 days of action by the Commission.

Respectfully submitted,

Peter V. Banning
Executive Officer