

DATE: October 5, 2007

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

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

SUBJECT: Muir Beach Area Service Review & Sphere of Influence Update

The staff report and recommendations for the Muir Beach Area Service Review and Sphere of Influence Update are released herewith and posted on the LAFCO website at lafco.marin.org. The report 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 October 11, 2007 meeting and to continue the hearing for additional testimony and comment to the next Commission meeting.

The report contains descriptive material on how local government services are provided by local agencies in the Muir Beach area and staff's recommendations for updating the sphere of influence of affected agencies 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 the Muir Beach Community Services District will be reviewed again in 2012. 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.

During the public hearings, staff will recap the contents of the report and correspondence received; 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 any of the spheres of influence under study to be heard by the Commission during a minimum of two separate Commission meetings.

Environmental Review

The report currently under consideration combines service review required by Government Code Section 56430 and a review of spheres of influence required by Section 56425.

Service reviews engage LAFCO in study of all agencies that provide a municipal service within a defined geographic area of a county. Upon completion of a service review, the Commission will adopt findings on the nine criteria specified under Section 56430 and described in the report. No other action is inherent in a service review.

As a study of local government, a service review is exempt from CEQA under Section 15306 of the State CEQA Guidelines, which provides exemption:

... for data collection, research, experimental management, and resource evaluation activities which do not result in a serious or major disturbance to an environmental resource. These may be strictly for information gathering purposes, or as part of a study leading to an action which a public agency has not yet approved, adopted, or funded. [emphasis added]

In this case, the service review is a part of the Commission's broader review of the adopted sphere of influence of the Muir Beach Community Services District. A review of an adopted sphere of influence may require environmental review in instances where such review results in amendment of the planned boundary and service area of a local government agency. That is, if the planned boundary of a local agency is expanded to include new areas, the potential extension of service provided by that agency could have a direct or indirect physical effect on the environment.

In the case of this report, the recommended action would amend the existing sphere of influence for the Muir Beach Community Services District to include the District's well site which is currently outside its boundaries. No extension of service to new areas is inherent in this action. Section 15320 of the State CEQA Guidelines provides exemption for LAFCO actions where the geographical area in which previously existing powers of local government (e.g. provision of services) is not changed. Staff will accordingly prepare a Certificate of Exemption, unless otherwise directed by the Commission.

Recommendation

Staff recommends that the Commission take the following actions:

1. Receive the staff report and presentation for the Muir Beach Area Service Review and Sphere of influence Update;
2. Open the public hearing and receive testimony on the report and recommendations;
3. Continue the public hearing to the December Commission meeting to provide time for review and comment by affected agencies, organizations and individuals;
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
5. Adopt the Resolutions updating the service review and sphere of influence of the Muir Beach Community Services District at the December Commission meeting.

Respectfully submitted,

Peter Banning
Executive Officer

Evelyn Ellis
Assistant Planner