

DATE: October 7, 2005

TO: LAFCO Members

FROM: Peter Banning, Executive Officer

SUBJECT: Request for Sphere of Influence Amendment – Annexation of the Lands of Carinalli to the Tomales Village Community Services District

Summary

Staff has received an application for annexation of three parcels to the Tomales Village Community Services District. The notice of application, including a map of District boundaries and the proposal area is attached to this staff report (see Attachment 1). When the District was formed in 1999, the Commission established its sphere of influence to be coterminous with its boundaries. Therefore, any annexation will require amendment to the sphere.

Under the Cortese-Knox-Hertzberg Act, the Commission is required to determine how a request for sphere amendment will be addressed at the next meeting for which public notice can be published. The Commission must determine how the requested sphere of influence amendment will be processed before the proposed boundary change can be scheduled for hearing. The Commission may view this request as a minor sphere of influence amendment and elect to process the amendment and the boundary change at the same time. Alternatively, the Commission may determine that no sphere of influence amendment should be undertaken without a thorough review of the District's service capabilities and all of the territory in the Tomales area that might request its services. The Commission's Work Program anticipates initiation of studies of special districts in West Marin in August of 2006.

Staff recommends that the Commission view the Carinalli proposal as a minor amendment to the TCSD sphere of influence and direct staff to proceed with concurrent processing of the sphere amendment and boundary change.

Background

As summarized above, the sphere of influence of the Tomales Village CSD is coterminous with its boundaries. The District was formed in 1999 to serve the same area as had been previously served by the North Marin Water District. By keeping the service area of the new district unchanged, proponents avoided substantial costs for both mapping a new district boundary and the cost of environmental review for the inclusion of additional lands in the new district's sphere that might require service in the future.

The Carinalli proposal includes three parcels totaling 3.016 acres. Annexation would allow construction of one new residential unit on each parcel. Since only building permits will be required for construction of these units (rather than subdivision approval), LAFCO is the lead agency under the California Environmental Quality Act. After staff informed the applicant that the proposal would not be exempt from environmental review (see Attachment 2), the applicant has requested that one parcel be removed from the proposal so that the exemption would apply (See Attachment 3).

Within the next year, staff expects to receive a larger proposal for annexation of 5.23 acres to be designated as the proposed Annexation of the Lands of Sass to the Tomales Village Community Services District. If all County permits are approved, the Sass annexation would provide service to a 19-lot subdivision. The County will conduct the environmental review for this proposal including an initial study and either a mitigated negative declaration or an environmental impact report. If possible, LAFCO staff intends to contract with the County's environmental consultant for the expanded work necessary for analysis of sphere of influence alternatives for the entire Tomales community.

Alternatives

The Commission has adopted the following Policy and Procedure governing requests for sphere of influence amendments:

The Commission will at any time receive and schedule hearing requests for amendment to spheres of influence submitted by any person or by resolution of an affected local agency as required by Government Code Section 56428.

The request for sphere-of-influence amendment shall state the nature of the proposed amendment, state the reasons for the request, include a map of the proposed amendment, and contain any additional data and information as may be required by the executive officer.

Minor amendments of adopted spheres of influence may be considered by the Commission concurrently with a proposal for a change of organization. Any significant change to an

adopted sphere of influence will be considered independently of and prior to any associated boundary change proposal according to the process for periodic review and amendment of spheres of influence established elsewhere in these Policies, Procedures and Guidelines.

The Commission will undertake requested review of adopted spheres of influence where it determines that significant changes in land use, planning policy, demand for public service, service capabilities, or relationship to other government agencies have occurred.

In scheduling requests for sphere-of-influence review hearings, the Commission may at its option adhere to the five-year cycle established by this policy or set an earlier hearing date.

The Commission could choose to address this request narrowly as a “minor amendment”, focusing on the expected extension of sewer service to two new single family residences. Alternatively the Commission could choose to incorporate the applicant’s request into the sequence of its overall service review and sphere of influence update program. The second alternative would result in either withdrawal of the application by the applicant or a staff recommendation that the application be denied without prejudice at a subsequent public hearing.

Recommendation

In staff’s opinion, the requested sphere of influence amendment should be considered a minor amendment that does not include policy shifts or changes in service capability with broader implications for the Tomales Village CSD. Staff recommends that the Commission determine that this application involves minor amendment of the Tomales Village CSD sphere of influence and direct staff to concurrently process the sphere amendment and request for boundary change.

Respectfully submitted,

Peter Banning
Executive Officer