

MARIN LOCAL AGENCY FORMATION COMMISSION

RESOLUTION NO. 2016-03

APPROVING SPHERE OF INFLUENCE AMENDMENTS

**SAN RAFAEL SANITATION DISTRICT
LAS GALLINAS VALLEY SANITARY DISTRICT**

WHEREAS, Michael Muldoon has filed a validated landowner petition with the Marin Local Agency Formation Commission, hereinafter referred to as "Commission," pursuant to the Cortese-Knox-Hertzberg Local Government Reorganization Act of 2000; and

WHEREAS, the proposal seeks Commission approval to reorganize approximately 1.0 acres of unincorporated land that involves the concurrent detachment from the San Rafael Sanitation District and annexation therein to the Las Gallinas Valley Sanitary District; and

WHEREAS, the affected territory as proposed includes one recorded lot with a developed single-family residence at 91 Glenside Way and identified by the County of Marin Assessor's Office as 179-261-72; and

WHEREAS, the affected territory as proposed currently lies within the San Rafael Sanitation District's sphere of influence and outside the Las Gallinas Valley Sanitary District's sphere of influence, and as a result requirements conforming amendments to accommodate the requested reorganization under Government Code Section 56375.5; and

WHEREAS, the Executive Officer's report and recommendations on the proposal and need for concurrent sphere of influence amendments involving the San Rafael Sanitation District and Las Gallinas Valley Sanitary District have been presented to the Commission in the manner provided by law; and

WHEREAS, the Commission heard and fully considered all the evidence presented at a public hearing on the sphere of influence amendments initially scheduled for November 12, 2015 and subsequently heard on December 10, 2015 and continued to January 14, 2016, February 11, 2016, and April 14, 2016;

WHEREAS, the Commission considered all the factors required by law under Government Code Section 56425 and adopted local policies and procedures on the sphere of influence amendments.

NOW, THEREFORE, THE COMMISSION DOES HEREBY RESOLVE, DETERMINE, AND ORDER as follows:

1. The Commission's determinations on the sphere of influence amendments to the San Rafael Sanitation District and Las Gallinas Valley Sanitary District incorporate the information and analysis provided in the Executive Officer's written reports presented on December 10, 2015, January 14, 2016, and February 11, 2016

2. The Commission serves as lead agency under the California Environmental Quality Act (CEQA) in considering the impacts of the sphere of influence amendments to add remove the affected territory from the San Rafael Sanitation District and add therein to the Las Gallinas Valley Sanitary District. The Commission independently finds the action is a project under CEQA, but exempt from further CEQA review under the “general rule” pursuant to Code of Regulations Section 15301(b)(3). This exemption applies given it can be seen with certainty the spheres of influence are planning policies and the amendments do not make any changes to the environment or authorize any new uses or services.
3. The amendments to concurrently (a) remove the affected territory from the San Rafael Sanitation District and (b) add to the Las Gallinas Valley Sanitary District are APPROVED.
4. Approval of the sphere of influence amendments are CONDITIONED on the following terms being satisfied within one calendar year – or December 10, 2016 – unless a prior written request for a time extension is received and approved by the Commission.
 - a) Approval and completion of the reorganization of the affected territory – with or without any boundary amendments made by the Commission – to detach from San Rafael Sanitation District and annex to the Las Gallinas Valley Sanitary District.
 - b) An indemnification agreement signed by the applicant in a form approved by Commission Counsel.
5. The affected territory as approved is shown in Exhibit “A.”
6. The statements of the Commission addressing the mandatory factors required for consideration anytime spheres of influence are amended or updated under Government Code Section 56425 is provided as Exhibit “B.”
7. The effective date of the sphere of influence amendments shall be determined by the Executive Officer and based on successful completion of the conditions outlined in this resolution.


PASSED AND ADOPTED by the Marin Local Agency Formation Commission on April 14, 2016 by the following vote:

AYES: Connolly, Blanchfield, Arnold, Baker, Murray, and Phillips


NOES: Condon

ABSTAIN: _____

ABSENT: _____



JEFFRY BLANCHFIELD, Chairperson

ATTEST:


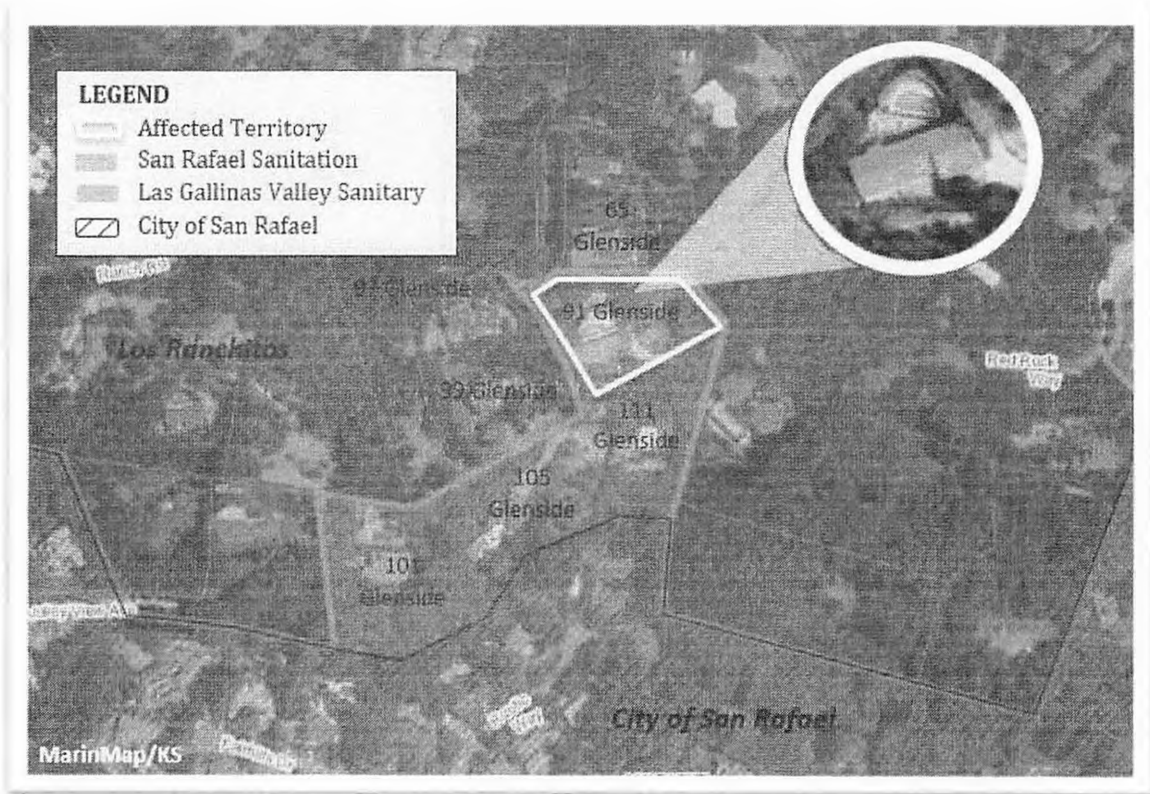
KEENE SIMONDS, Executive Officer

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EXHIBIT A

AFFECTED TERRITORY

Affected Territory



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EXHIBIT B

**SPHERE OF INFLUENCE AMENDMENTS
ANALYSIS OF MANDATORY FACTORS
GOVERNMENT CODE SECTION 56425**

1) The present and planned land uses, including agricultural and open space lands.

The affected territory as proposed is approximately 1.0 acres in size and includes one legal lot of record with an existing 2,000 +/- square foot single-family residence at 91 Glenside Way (179-261-72). This existing use conforms to the County of Marin General Plan that designates the affected territory and surrounding area for moderate to low density single-family residential uses with a prescribed range of 1 to 5 lots per acre. There are no agricultural or open space lands as defined under CKH.

2) The present and probable need for public facilities and services in the area.

The affected territory's existing single-family residence is dependent on a lateral connection to SRSD's public main to collect and discharge sewer. Access to the SRSD main requires the operation and maintenance of a private pump station to lift sewer flows from the affected territory uphill and by way of a private easement with a neighboring property. LGVSD's sewer main, conversely, affronts the affected territory on Glenside Way and can be accessed by gravity flows. Other alternatives, such as a private onsite septic system, is not economically feasible given the topography of the affected territory coupled with the presence of downhill residences.

3) The present capacity of public facilities and adequacy of public services which the agency provides or is authorized to provide.

In step with the review of the proposed reorganization and annexation of the affected territory Commission staff has confirmed LGVSD's existing service facilities have sufficient capacity to meet projected demands at maximum potential use.

4) The existence of any social or economic communities of interest in the area if the commission determines they are relevant to the agency.

LGVSD is the principal public sewer service provider for the surrounding unincorporated island community of Los Ranchitos. The affected territory is also substantially surrounded by the LGVSD's existing jurisdiction and lies immediately adjacent to the District's sewer main on Glenside Way. Adding the affected territory to the LGVSD sphere would recognize these referenced social and economic ties through the Commission's regional planning interests and policies.

5) For agencies providing water, sewer, or fire protection, the present and probable need for those services within any disadvantaged unincorporated communities within the agency's existing sphere of influence.

There is no existing evidence indicating the presence of disadvantaged unincorporated communities within either SRSD or LGVSD's sphere.