

**RESOLUTION NO. 17-12**

**RESOLUTION OF THE  
MARIN LOCAL AGENCY FORMATION COMMISSION  
MAKING DETERMINATIONS**

**COMPREHENSIVE SPHERE OF INFLUENCE UPDATE  
NORTH MARIN WATER DISTRICT**

**WHEREAS**, the Marin Local Agency Formation Commission, hereinafter referred to as the “Commission”, is a political subdivision of the State of California with regional regulatory and planning responsibilities to produce orderly growth and development under the Cortese-Knox-Hertzberg Local Government Reorganization Act of 2000; and

**WHEREAS**, the Commission is delegated regional regulatory and planning oversight of all cities, towns, and special districts within Marin County less those non-districts that meet the criteria under Government Code Section 56036.6; and

**WHEREAS**, the Commission is responsible under Government Code Section 56425 to establish and therein regularly review and update each affected local agency’s sphere of influence every five years for purposes of proactively meeting its regional growth management duties; and

**WHEREAS**, the Commission completed a municipal service review on countywide public water services at a noticed public hearing held on February 11, 2016 that culminated in the membership adopting determinations on all service, governance, and financial matters as required under Government Code Section 56430; and

**WHEREAS**, the municipal service review on countywide public water services completed on February 11, 2016 serves as the informing document for the Commission in proceeding with a scheduled sphere of influence update on the North Marin Water District; and

**WHEREAS**, the Executive Officer of the Commission, hereinafter referred to as the “Executive Officer”, prepared a written report with recommendations as part of the sphere of influence update on North Marin Water District and presented it in a manner provided under law on June 8, 2017, August 10, 2017, and October 12, 2017; and

**WHEREAS**, the Commission heard and fully considered all the evidence presented at public hearings concerning the sphere of influence update on North Marin Water District and most recently on October 12, 2017; and

**WHEREAS**, as part of the sphere of influence update process for the North Marin Water District, the Commission is required pursuant to Government Code Section 56425(e) to make a statement of written determinations with regards to certain factors.

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

1. The Commission determines the sphere of influence update on the North Marin Water District represents a project under the California Environmental Quality Act, but exempt from further review under the “general rule” provided under Regulations Code Section 15061(b)(3). This exemption applies to this project given the sphere of influence is a planning tool and it can be seen with certainty that any changes to the sphere of influence does not make any changes to the environment or authorize any new uses or services.
2. The Commission has duly considered the Executive Officer’s written report on the sphere of influence update on North Marin Water District and recommendations therein.
3. The Commission updates North Marin Water District’s existing sphere of influence to include one distinct change and this involves adding all territory shown as “A-1” in Exhibit “A.” No other changes to the sphere are approved.
4. The Commission establishes the following policy statements to guide additional and long term planning as it relates to North Marin Water District’s sphere of influence in Dillion Beach and South Sonoma County, which are shown as “B-1” and B-2” in Exhibit “A.”
  - a) It is recommended the Commission prioritize a review of available service options and sphere of influence scenarios therein for Dillon Beach and more specifically involving the Village area as part of the next five-year update for purposes of signaling intentions and generating informing discussions with – and among others – North Marin Water District and the community.
  - b) It is recommended the Commission prioritize a review of available service options and sphere of influence scenarios therein for South Sonoma County as part of the next five-year update for purposes of signaling intentions and generating informing discussions with – and among others - North Marin Water District and the community.
5. The Commission adopts the statement of written determinations generated from information presented in the Executive Officer’s written report on the sphere of influence update on North Water District as set forth in Exhibit “B.”
6. Consistent with Government Code Section 56425(i) the Commission determines North Marin Water District’s active and authorized service powers involve potable water, non-potable water, and wastewater. As such, any divesture of these active service powers or activation of any latent powers enumerated under North Marin Water District’s principal act requires Commission approval under Section 56824.10.

**PASSED AND ADOPTED** by the Marin Local Agency Formation Commission on October 12, 2017 by the following vote:

AYES: \_\_\_\_\_

NOES: \_\_\_\_\_

ABSTAIN: \_\_\_\_\_

ABSENT: \_\_\_\_\_



\_\_\_\_\_  
JEFFRY BLANCHFIELD, Chair

ATTEST:

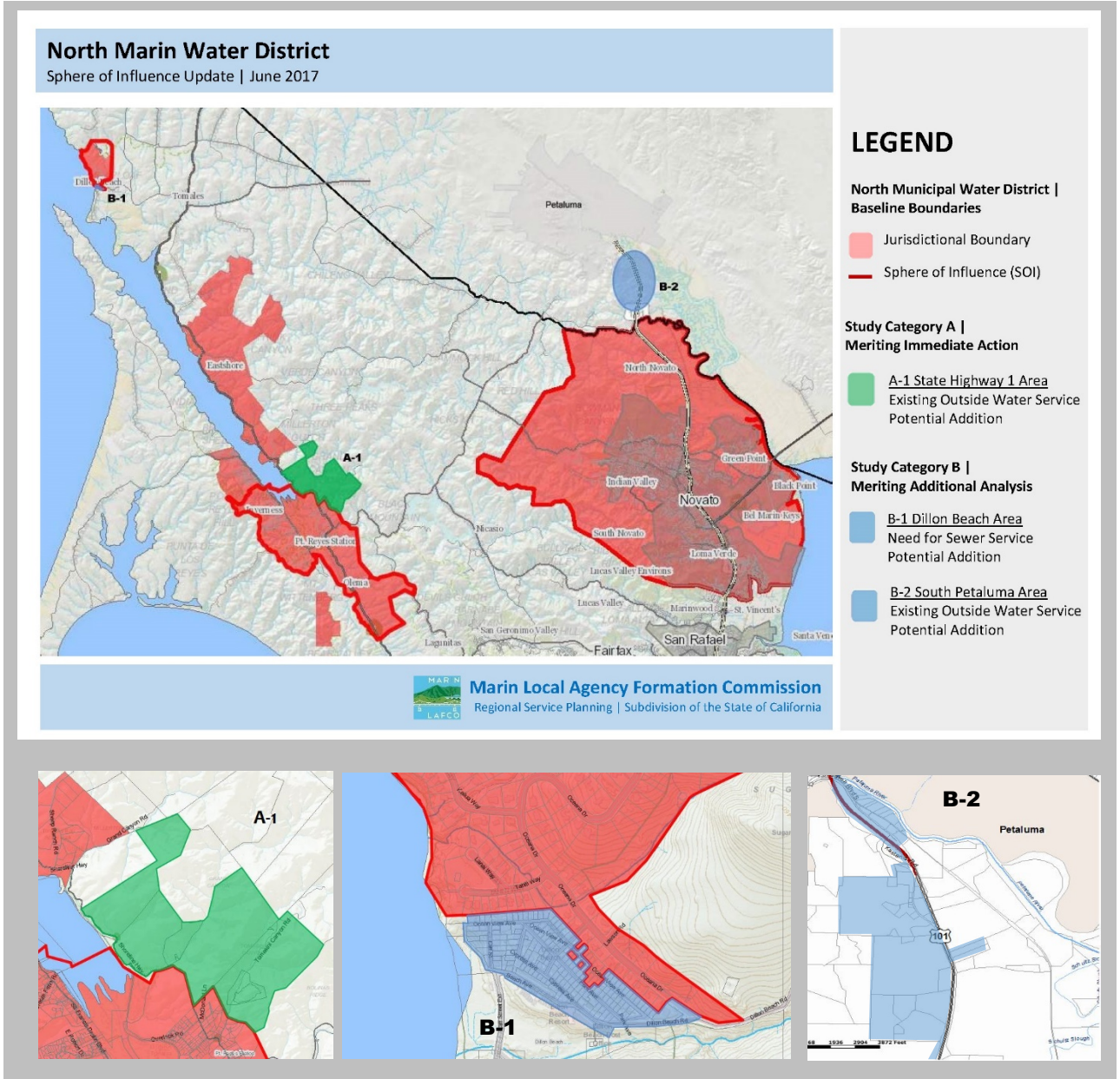


\_\_\_\_\_  
KEENE SIMONDS, Executive Officer

**Page Blank for Photocopying**

**EXHIBIT A**  
**COMPREHENSIVE SPHERE OF INFLUENCE UPDATE**  
**NORTH MARIN WATER DISTRICT**

**STUDY CATEGORIES**



**Page Blank for Photocopying**

**EXHIBIT B**  
**COMPREHENSIVE SPHERE OF INFLUENCE UPDATE**  
**NORTH MARIN WATER DISTRICT**

**WRITTEN DETERMINATIONS**

The following determinative statements address the prescribed factors required for consideration anytime the Commission updates a sphere of influence under Government Code Section 56425(e). North Marin Water District is identified hereafter as NMWD.

**1. Present and Planned Land Uses in the Area**

Lands in the updated NMWD sphere are predominately developed for urban type uses as planned for by the affected land use authorities that are separately subject to Commission review and oversight directly or indirectly. Less intensive uses – including rural residential, agricultural, and open-space – within the updated sphere are limited and their inclusion directly corresponds with local proximity and need to NMWD’s potable water system.

**2. Present and Probable Need for Public Facilities and Services in the Area**

Lands within the updated NMWD sphere reflect the appropriate current and future jurisdictional boundary and/or service area of the District as independently determined by the Commission.

**3. Present Capacity of Public Facilities and Adequacy of Public Services that the Agency Provides or is Authorized to Provide**

The Commission’s recently completed municipal service review on countywide public water services indicates NMWD has established adequate administrative, service, and financial capacities to accommodate present and planned uses in the updated sphere. An abbreviated review of NMWD’s limited wastewater options in the Dillon Beach area has also been prepared with its analysis incorporated into this update.

**4. Existence of any Social or Economic Communities of Interest in the Area if the Commission Determines they are Relevant**

Lands in the updated NMWD sphere have established social and economic interdependencies with the District that are distinct from neighboring areas and premised on the existing delivery of potable water or wastewater services. This update affirms and strengthens these ties.

**5. Present and Probable Need for Public Facilities and Services of Any Disadvantaged Unincorporated Communities Within or Adjacent to the Sphere**

There are no known disadvantaged unincorporated communities (DUCs) within or immediately adjacent to the updated NMWD sphere based on the statewide definition provided under CKH. Should the Commission adopt its own local DUC definition additional analysis will be required to revisit whether any lands within or immediately adjacent to the updated NMWD sphere qualify.