

2016-09

**RESOLUTION NO.**

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

**COMPREHENSIVE SPHERE OF INFLUENCE UPDATE  
MARIN MUNICIPAL 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 Marin Municipal 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 Marin Municipal Water District and presented it in a manner provided under law on August 11, 2016 and October 13, 2016; and

**WHEREAS**, the Commission heard and fully considered all the evidence presented at public hearings concerning the sphere of influence update on Marin Municipal Water District and most recently on October 13, 2016; and

**WHEREAS**, as part of the sphere of influence update process for the Marin Municipal 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 Marin Municipal 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 15301(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 Marin Municipal Water District and recommendations therein.
3. The Commission updates Marin Municipal Water District’s existing sphere of influence to include one distinct change and this involves removing all territory presently within the Hamilton community in Novato and shown as “A-1” in Exhibit “A.”
4. The Commission establishes the following policy statements to guide additional short and long term planning as it relates to Marin Municipal Water District’s sphere of influence and the unincorporated community of Nicasio as show as “B-1” in Exhibit “B.”
  - a) It is recommended the Commission and Marin Municipal Water District explore processes to allow limited and termed outside service extensions into Nicasio for existing development byway of truck deliveries and without the need for conforming sphere changes by making special findings under LAFCO law.
  - b) It is recommended the Commission prioritize a review of available service options and sphere of influence scenarios therein for Nicasio as part of the next five-year update for purposes of signaling intentions and generating informing discussions with Marin Municipal 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 Marin Municipal Water District as set forth in Exhibit “B.”
6. Consistent with Government Code Section 56425(i) the Commission determines Marin Municipal Water District’s active and authorized service powers involve potable water, non-potable water, and watershed management. As such, any divesture of these active service powers or activation of any latent powers enumerated under Marin Municipal Water District’s principal act requires Commission approval under Section 56824.10.

**PASSED AND ADOPTED** by the Marin Local Agency Formation Commission on October 13, 2016 by the following vote:

AYES: Murray, Condon, Arnold, Blanchfield, Baker, Connolly, McEntee

NOES: None

ABSTAIN: None

ABSENT: None

, Chair

ATTEST:



KEENE SIMONDS, Executive Officer

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# EXHIBIT A

## COMPREHENSIVE SPHERE OF INFLUENCE UPDATE MARIN MUNICIPAL WATER DISTRICT

### STUDY CATEGORIES



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## **EXHIBIT B**

### **COMPREHENSIVE SPHERE OF INFLUENCE UPDATE MARIN MUNICIPAL 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). Marin Municipal Water District is identified hereafter as MMWD.

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

Lands in the updated MMWD sphere of influence are predominately developed for urban type uses as planned for by the 11 affected land use authorities that are separately subject to Commission review and oversight directly or indirectly. Agricultural and open-space uses within the updated sphere of influence are relatively limited and generally tied to publicly owned open space and includes MMWD's watershed holdings that collectively generate the District's primary potable supplies.

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

Lands within the updated MMWD sphere of influence directly reflect the District's existing potable water service area and/or its watershed holdings; the latter of which directly contributes to the former.

#### **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 MMWD has generally established adequate administrative, service, and financial capacities to accommodate present and planned uses within the updated sphere of influence.

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

Lands in the updated MMWD sphere of influence have established social and economic interdependencies with the District that are distinct from neighboring areas and premised on the existing delivery of potable water and/or watershed management 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 two disadvantaged unincorporated communities (DUCs) within the updated MMWD sphere of influence: Alto and Marin City. Both of these communities are already within the MMWD jurisdictional boundary and receive services therein. There are no other DUCs within or adjacent to the updated sphere of influence under the statewide definition in CKH. Nevertheless, the unincorporated community of Nicasio lies immediately adjacent to the updated sphere of influence and previously qualified as a DUC, and as such may once again qualify in the near future. Accordingly, the Commission has flagged the need for more proactive discussions and analyses with MMWD regarding the potential addition of Nicasio into the sphere of influence in anticipation of revisiting the topic in the next five-year update process.