

**MARIN LOCAL AGENCY FORMATION COMMISSION**

**RESOLUTION 22-03**

**RESOLUTION APPROVING A SPHERE OF INFLUENCE AMENDMENT AND REORGANIZATION OF THE LANDS OF MCOSD (A DESIGNATED PORTION OF APN 033-200-01) INCLUDING DETACHMENT FROM THE CITY OF MILL VALLEY AND ANNEXATION TO THE TOWN OF CORTE MADERA AND SANITARY DISTRICT NO. 2 WITH WAIVER OF NOTICE, HEARING AND PROTEST PROCEEDINGS**

“Sphere of Influence Amendment and Reorganization of the lands of Marin County Open Space District (a designated portion of APN 033-200-01) including detachment from the City of Mill Valley and Annexation to the Town of Corte Madera and Sanitary District No. 2. (LAFCo File #1361)”

**WHEREAS** Marin County Open Space District, hereinafter referred to as “Proponent,” 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 detach approximately 22,934 square feet of incorporated land from the City of Mill Valley and annex this land to the Town of Corte Madera and Sanitary District #2 and concurrent sphere amendments; and

**WHEREAS** the affected territory represents part of the Alto Bowl Preserve, is improved with residential accessory uses consistent with the O-A zoning district, lies adjacent to 800 Corte Madera, is identified by the County of Marin Assessor’s Office as a portion of APN 033-200-01, and is specified by Exhibits “B” and “C” as the “Transfer Area”; and

**WHEREAS** the “Transfer Area” is consistent with the spheres of influence of the proposed districts it is being annexed into with a concurrent Sphere of Influence amendment that has been proposed and the Commission, pursuant to G.C. §56425(e) is conducting a concurrent service review; and,

**WHEREAS** the Commission’s staff has reviewed the proposal and prepared a report with recommendations; and

**WHEREAS** the staff’s report and recommendations on the proposal have been presented to the Commission in the manner provided by law; and

**WHEREAS** the Commission considered all the factors required by law under Government Code Section 56668 and 56668.3 and adopted local policies and procedures; and

**WHEREAS** the proposal is for an annexation of territory that is uninhabited, and no affected local agency has submitted a written demand for notice and hearing as provided for in Government Code section 56662(a).

**NOW THEREFORE**, the Marin Local Agency Formation **DOES HEREBY RESOLVE, DETERMINE AND ORDER** as follows:

Section 1. The boundaries, as set forth in the proposal, are hereby approved as submitted and are as described and depicted in Exhibits “B” and “C” attached hereto and by this reference incorporated herein.

1. Amend the Sphere of Influence of the City of Mill Valley to exclude the designated portion of APN 033-200-01 and amend the sphere of influence of the Town of Corte Madera and Sanitary District 2 to include the designated portion of APN 033-200-01 and make the written determinations pursuant to Government Code section 56245(e) as provided for in Exhibit “A” attached hereto and incorporated herein by reference.

2. Approve the proposed reorganization of the portion of APN 033-200-01 designated "Transfer Area" in Exhibits "B" and "C", including detachment from the City of Mill Valley and annexation to Sanitary District #2 and the Town of Corte Madera as shown and described in Exhibits "B" and "C."

Section 2. The territory includes 22,934 square feet and is found to be uninhabited, and the application is assigned the following distinctive short form designation: "Reorganization of the lands of Marin County Open Space District (a designated portion of APN 033-200-01) including detachment from the City of Mill Valley and annexation to the Town of Corte Madera and Sanitary District No. 2. (LAFCo File #1361)"

Section 3. The proposal is consistent with the proposed spheres of influence for the City of Mill Valley, Town of Corte Madera and Sanitary District #2, as amended.

Section 4. The Executive Officer is hereby authorized to waive notice and hearing, and protest proceedings, and complete reorganization proceedings.

Section 5. As a condition to reorganization and to filing the certificate of completion, that the Town of Corte Madera pre-zone the area to be annexed and that the Town of Corte Madera and City of Mill Valley execute a tax exchange agreement within 1 year of the date of the approval of this proposal.

Section 6. As Lead Agency under CEQA for the proposed sphere of influence amendment and reorganization, LAFCo finds that the sphere of influence change and reorganization are categorically exempt from the provisions of CEQA pursuant to State CEQA Guidelines §15319.

**PASSED AND ADOPTED** by the Marin Local Agency Formation Commission on February 10, 2021, by the following vote:

AYES: McEntee, Kious, Rodoni, Coler, Moody, Loder

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

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

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



Sashi McEntee, Chair

ATTEST:



Jason Fried, Executive Officer

APPROVED AS TO FORM:



Malathy Subramanian (Feb 14, 2022 13:20 PST)

Malathy Subramanian, LAFCo Counsel

Attachments to Resolution No. 22-03

- a) Exhibit A – SOI Determinations
- b) Exhibit B – Legal Description for reorganization of "Transfer Area" within APN 033-200-01
- c) Exhibit C – Map for Reorganization of "Transfer Area" within APN 033-200-01

## EXHIBIT A

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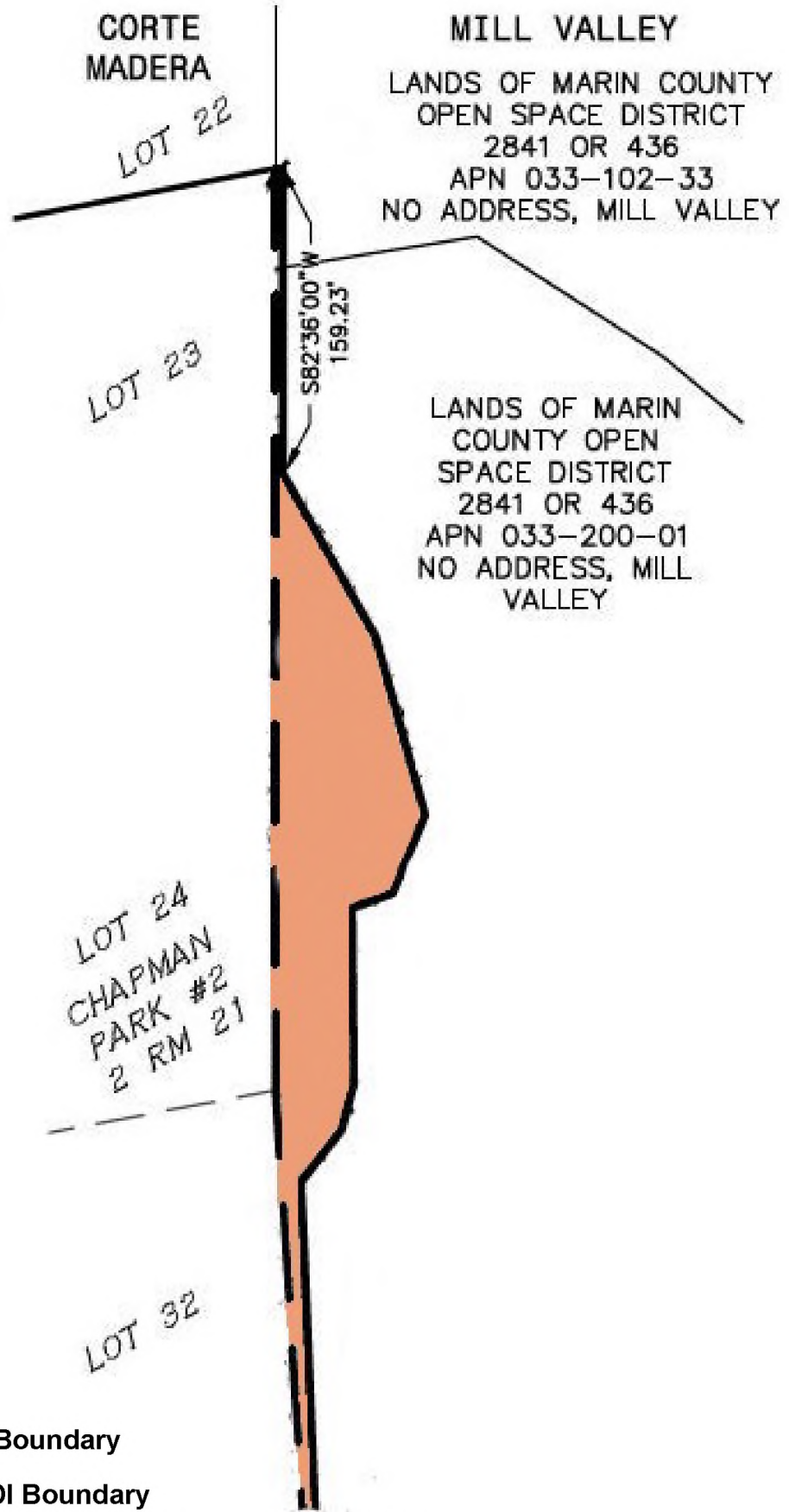
### SPHERE OF INFLUENCE DETERMINATIONS

#### GOVERNMENT CODE SECTION 56425




- 1) The present and planned land uses in the area, including agricultural and open-space lands.
  - a. This is currently a portion of an open space land in the City of Mill Valley, belonging to Marin County Open Space District. Although the land is designated for agricultural use, it is an improved area of land for residential use. The land contains portions of a basketball court, elevated garden planter boxes, stairs, retaining walls, and gravel pathways. It is associated with a single-family home located on a parcel within the Town of Corte Madera, outside of the encroachment area. The transfer area has been fenced and inaccessible as public open space for over 20 years.
- 2) The present and probable need for public facilities and services in the area.
  - a. The parcel is presently being used for residential uses. There is little to no development potential, and although the parcel is currently outside of the boundary of the areas it is being annexed into, it has been maintained by these agencies for over 2 decades now, meaning that present public service use is unlikely to significantly change after the sphere and boundary amendments.
- 3) The present capacity of public facilities and adequacy of public services that the agency provides or is authorized to provide.
  - a. The facilities and services provided by the Town of Corte Madera and Sanitary District #2 are sufficient to provide service to the area currently being served by the City of Mill Valley.
- 4) The existence of any social or economic communities of interest in the area if the commission determines that they are relevant to the district.
  - a. This area does not reside in any social or economic communities of interest.
- 5) For an update of a sphere of influence for a city that provides public facilities or services related to sewers, municipal and industrial water, or structural fire protection, that occurs on or after July 1, 2012, the present and probably need for those public facilities and services of any disadvantaged unincorporated communities within the existing sphere of influence.
  - a. There are no unincorporated communities within the Study Area that have been identified as disadvantaged.

#### Attachment to Exhibit A

- a) Map of the new SOI



**LEGEND**

-  Current SOI Boundary
-  Proposed SOI Boundary
-  Area to be added to the Town of Corte Madera and Sanitary District #2 SOIs and removed from the City of Mill Valley SOI.

# Proposed SOI Amendment

*Adapted from the Map prepared by Jason Kirchmann at B&F*

**EXHIBIT B**  
**LEGAL DESCRIPTION**  
**(TRANSFER AREA FROM MARIN COUNTY OPEN SPACE DISTRICT TO 800 CORTE MADERA**  
**HOLDINGS LLC)**

Real property situate in the City of Mill Valley, County of Marin, State of California, Being a portion of the Lands of Marin County Open Space District, as described by that Grant Deed recorded in Book 2841 of Official Records of Marin County at Page 436, said portion being described as follows;

BEGINNING at a 2" aluminum disk stamped "MARIN COUNTY OPEN SPACE DISTRICT SURVEY MARKER PLS 8806", being the common southerly corner of Lots 22 and 23 as shown on that Map of Chapman Park #2 filed in Book 2 of Maps at Page 21, Marin County Records, said point lying South 82°36'00" West, 371.97 feet from a ¾" iron pipe at the southerly terminus of Sausalito Street as shown on that Record of Survey filed in Book 18 of Official Surveys at Page 61, Marin County Records;

Thence leaving the southerly line of said Chapman Park #2, South 7°24'00" East, 3.60 feet to a 2" aluminum disk stamped "MARIN COUNTY OPEN SPACE DISTRICT SURVEY MARKER PLS 8806";

Thence parallel to and 3.60 feet southerly of said southerly line, South 82°36'00" West, 159.23 feet to a 2" aluminum disk stamped "MARIN COUNTY OPEN SPACE DISTRICT SURVEY MARKER PLS 8806";

Thence South 52°57'33" West, 98.25 feet to a 2" aluminum disk stamped "MARIN COUNTY OPEN SPACE DISTRICT SURVEY MARKER PLS 8806";

Thence South 67°02'34" West, 96.82 feet to a 2" aluminum disk stamped "MARIN COUNTY OPEN SPACE DISTRICT SURVEY MARKER PLS 8806";

Thence North 74°43'51" West, 44.24 feet to a 2" aluminum disk stamped "MARIN COUNTY OPEN SPACE DISTRICT SURVEY MARKER PLS 8806";

Thence North 27°36'30" West, 22.47 feet to a 2" aluminum disk stamped "MARIN COUNTY OPEN SPACE DISTRICT SURVEY MARKER PLS 8806";

Thence South 81°59'46" West, 91.71 feet to a 2" aluminum disk stamped "MARIN COUNTY OPEN SPACE DISTRICT SURVEY MARKER PLS 8806";

Thence North 82°07'25" West, 25.28 feet to a 2" aluminum disk stamped "MARIN COUNTY OPEN SPACE DISTRICT SURVEY MARKER PLS 8806";

Thence North 59°47'53" West, 34.48 feet to a 2" aluminum disk stamped "MARIN COUNTY OPEN SPACE DISTRICT SURVEY MARKER PLS 8806";

Thence South  $80^{\circ}10'31''$  West, 275.63 feet to a 2" aluminum disk stamped "MARIN COUNTY OPEN SPACE DISTRICT SURVEY MARKER PLS 8806";

Thence South  $68^{\circ}20'41''$  West, 131.11 feet to a 2" aluminum disk stamped "MARIN COUNTY OPEN SPACE DISTRICT SURVEY MARKER PLS 8806";

Thence North  $88^{\circ}41'52''$  West, 96.76 feet to a 2" aluminum disk stamped "MARIN COUNTY OPEN SPACE DISTRICT SURVEY MARKER PLS 8806";

Thence North  $68^{\circ}22'27''$  West, 9.01 feet to a 2" aluminum disk stamped "MARIN COUNTY OPEN SPACE DISTRICT SURVEY MARKER PLS 8806" in the southerly line of Lot 32 shown on previously described Chapman Park #2.

Thence North  $78^{\circ}18'37''$  East, 235.47 feet along southerly line of Lot 32 shown on previously described Chapman Park #2.

Thence North  $78^{\circ}54'26''$  East, 320.03 feet along southerly line of Lot 32 to the common southerly corner of Lots 24 and 32 shown on previously described Chapman Park #2.

Thence North  $82^{\circ}36'00''$  East, 481.70 feet along southerly line of Lots 24 and 23 as shown on previously described Chapman Park #2, to the POINT OF BEGINNING.

Containing: 22,934 square feet, more or less.

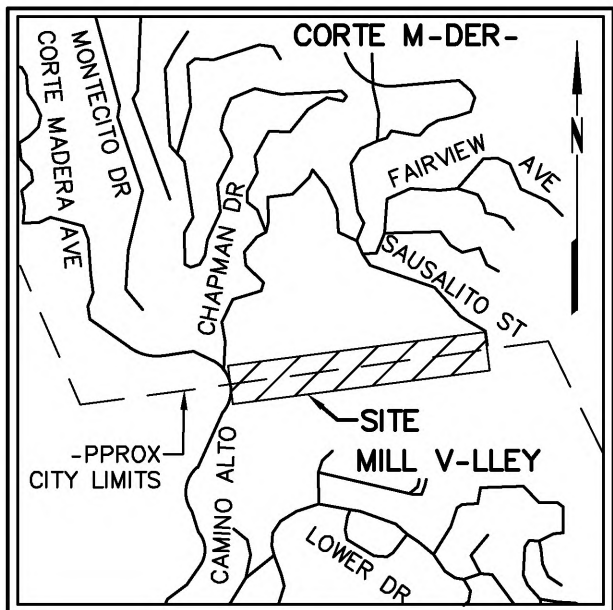
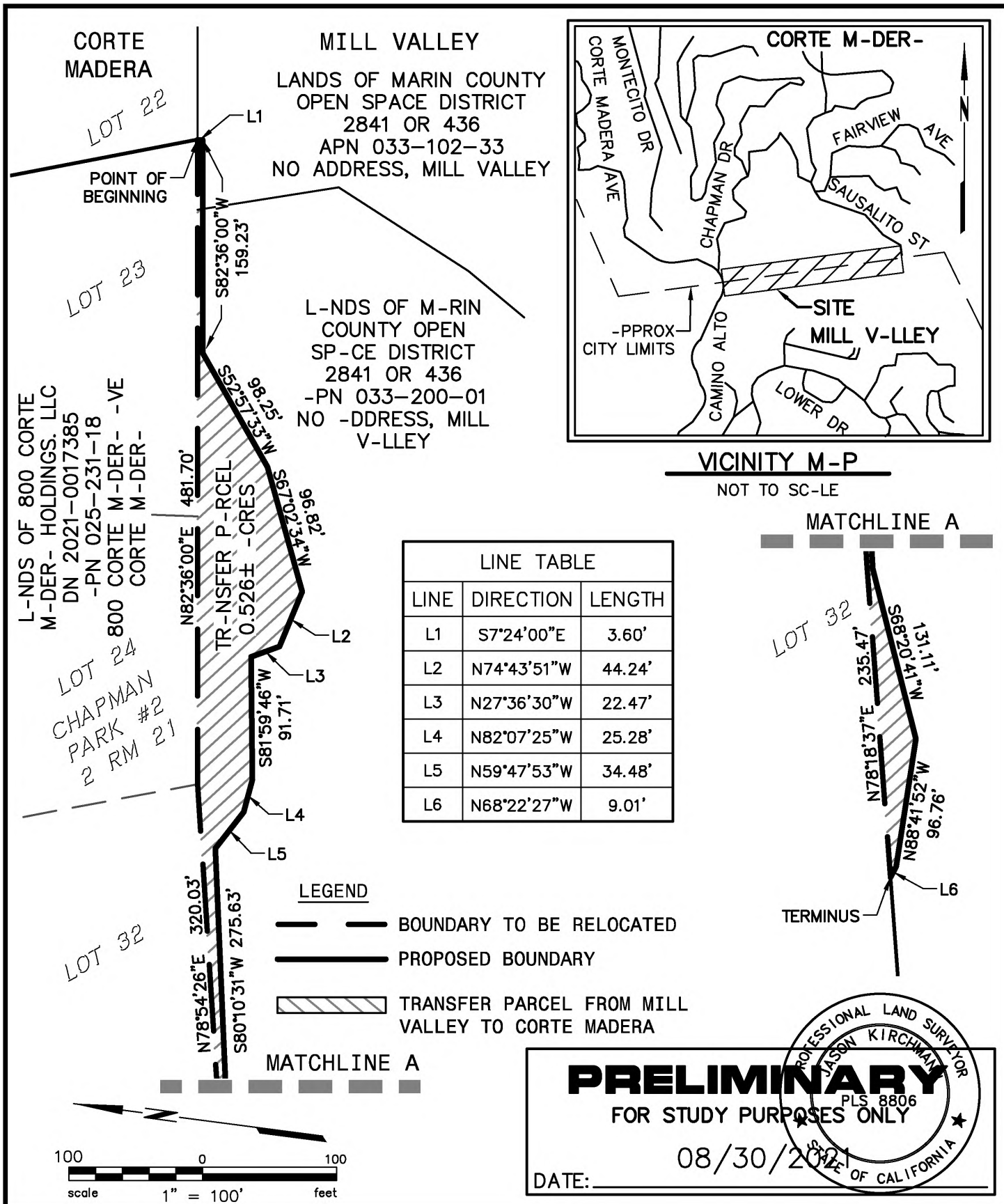
Basis of Bearings: Record of Survey filed in Book 18 of Official Surveys at Page 61, Marin County Records

**END OF DESCRIPTION**

**DRAFT**

\_\_\_\_\_  
Jason Kirchmann, PE, PLS No. 8806

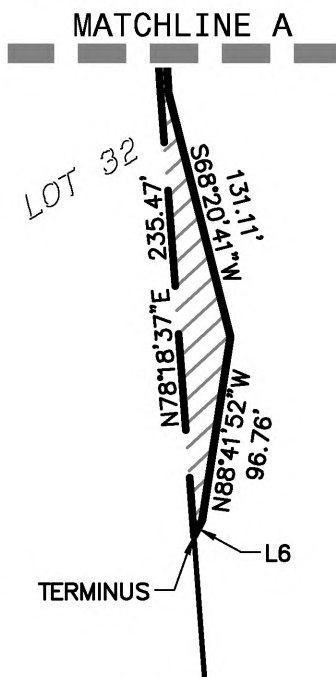
Dated: \_\_\_\_\_



VICINITY M-P  
NOT TO SCALE

LINE TABLE

LINE	DIRECTION	LENGTH
L1	S7°24'00"E	3.60'
L2	N74°43'51"W	44.24'
L3	N27°36'30"W	22.47'
L4	N82°07'25"W	25.28'
L5	N59°47'53"W	34.48'
L6	N68°22'27"W	9.01'



- LEGEND
- BOUNDARY TO BE RELOCATED
  - PROPOSED BOUNDARY
  - TRANSFER PARCEL FROM MILL VALLEY TO CORTE MADERA

**PRELIMINARY**  
FOR STUDY PURPOSES ONLY  
PLS 8806  
DATE: 08/30/2021  
PROFESSIONAL LAND SURVEYOR  
JASON KIRCHMAN  
STATE OF CALIFORNIA

Plot Aug 30, 2021 at 8:54am

**BKF**  
ENGINEERS / SURVEYORS / PLANNERS  
4040 CIVIC CENTER DR  
STE 530  
SAN RAFAEL CA 94903  
PH: 415-930-7960  
FAX: 415-930-7979

ANNEXATION OF A PORTION  
OF APN 033-200-01 INTO  
APN 025-231-18

JOB # 20181384-50  
DATE AUG/2021  
CHECKED. JAK  
SHEET 7 OF 7