

MARIN LOCAL AGENCY FORMATION COMMISSION

RESOLUTION 20-09

RESOLUTION MAKING DETERMINATIONS AND APPROVING AN ANNEXATION TO THE MARIN MUNICIPAL WATER DISTRICT WITH WAIVER OF NOTICE, HEARING AND ELECTION

“Lucas Valley Road No. 1 Change of Organization – Marin Municipal Water District (LAFCo File No.1347)”

WHEREAS Andre Souang, hereinafter referred to as “Applicant,” 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 annex approximately 61.3 acres of unincorporated land to the Marin Municipal Water District; and

WHEREAS the affected territory represents an entire lot developed with an existing single-family residence located at 1501 Lucas Valley Road and identified by the County of Marin Assessor’s Office as 164-280-35; and

WHEREAS the Commission’s Executive Officer has reviewed the proposal and prepared a report with recommendations; and

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

WHEREAS the Commission Receipt has received the agreement between the applicant and MMWD to limit the use of public water services within the annexation area to areas as described in Exhibit C; 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.

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

1. The Commission’s determinations on the proposal incorporate the information and analysis provided in the Executive Officer’s written report presented on April 30, 2020.
2. Determines the annexation has been reviewed considering the factors for evaluation under Government Code Sections 56668 and 56668.3 as provided for in the Executive Officer’s report.

3. The Commission serves as lead agency under the California Environmental Quality Act (CEQA) in considering the impacts of the proposal. The Commission independently finds the annexation of the affected territory to the Marin Municipal Water District is exempt from further CEQA review under CEQA Guidelines Section 15319(a), given that the project is the annexation of property already developed with a single family home, and thus already developed to the density allowed by the current zoning.
4. The proposal to annex the affected territory to the Marin Municipal Water District is APPROVED with the following boundary amendments:
 - a) Modify the annexation boundary to include the entire public right-of-way adjacent to 1501 Lucas Valley Road that is approximately 6.7 acres in size.
 - b) Modify the annexation boundary to include only the portion of 1501 Lucas Valley Road that covers the existing single-family residence and improvements as prescribed.
5. The proposal approval is CONDITIONED on the following terms being satisfied within one calendar year – or April 30, 2021 – unless a prior written request for a time extension is received and approved by the Commission.
 - a) Approval and completion of the concurrent sphere of influence amendment to the Marin Municipal Water District to add the entire affected territory (1501 Lucas Valley Road), including 30-day reconsideration period under Government Code Section 56895.
 - b) Completion of the 30-day reconsideration period provided under Government Code Section 56895.
 - c) Submittal of a final map and geographic description of the affected territory as designated by the Commission conforming to the requirements of the State Board of Equalization as determined by the County Surveyor's Office.
6. The proposal is assigned the following distinctive short-term designation:

“Lucas Valley Road No. 1 Change of Organization – Marin Municipal Water District”
7. The affected territory as designated by the Commission is shown in Exhibit “A” and Exhibit “B”.
8. The affected territory as designated by the Commission is uninhabited as defined in Government Code Section 56046.
9. The Commission waives conducting authority proceedings under Government Code Section 56663.
10. The Marin Municipal Water District utilizes the regular assessment roll of the County of Marin.

11. Upon effective date of the proposal, the affected territory as designated by the Commission will be subject to all previously authorized charges, fees, assessments, and taxes that were lawfully enacted by the Marin Municipal Water District. It will also be subject to all of the rates, rules, regulations, and ordinances of the Marin Municipal Water District.

12. The effective date shall be the date of recordation of the Certificate of Completion.

PASSED AND ADOPTED by the Marin Local Agency Formation Commission on April 30, 2020 by the following vote:

AYES: Arnold, Coler, Connolly, Kious, Loder, Murray, McEntee

NOES: none

ABSTAIN: none

ABSENT: none



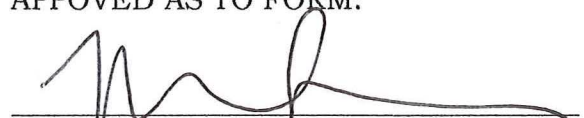
Sashi McEntee, Chair

ATTEST:



Jason Fried, Executive Officer

APPROVED AS TO FORM:



Malathy Subramanian, LAFCo Counsel

Attachments to Resolution No. 20-09

- a) Exhibit A – Map
- b) Exhibit B – Legal Description
- c) Exhibit C – Agreement between applicant and MMWD