

MARIN LOCAL AGENCY FORMATION COMMISSION

RESOLUTION 17-10

**APPROVING SPHERE OF INFLUENCE AMENDMENTS
THE BOLINAS COMMUNITY PUBLIC UTILITY DISTRICT**

(LAFCO File No. 1337)

WHEREAS, the Marin Local Agency Formation Commission, hereinafter referred to as the “Commission,” is responsible for regulating boundary changes affecting cities and special districts under the Cortese-Knox-Hertzberg Local Government Reorganization Act of 2000; and

WHEREAS, an application by Brad Drury, landowner, proposing the annexation of certain unincorporated territory to the Bolinas Community Public Utility District (BCPUD) has been filed with the Commission’s Executive Officer, hereinafter referred to as “Executive Officer,” in a manner provided by law; and

WHEREAS, the proposal seeks approval to annex approximately 20.6 acres of unincorporated land to the Bolinas Community Public Utility District; and

WHEREAS, the affected territory includes one legal parcel located at 276 Mesa Road and identified by the County of Marin Assessor’s Office as 188-170-54; and

WHEREAS, the affected territory as proposed currently lies outside of the Bolinas Community Public Utility District’s established sphere of influence, and as a result requires 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 Bolinas Community Public Utility District have been presented to the Commission in the manner provided by the law; and

WHEREAS, the Commission heard and fully considered all the evidence presented at a public meeting held on October 12, 2017;

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 BCPUD proposal incorporate the information and analysis provided in the Executive Officer’s written report presented on October 12, 2017.

2. The Commission serves as lead agency under the California Environmental Quality Act (CEQA) in considering the impacts of the sphere of influence amendments. 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 sphere of influence amendments involving BCPUD as provided below are APPROVED:
 - a) 276 Mesa Road is added to the BCPUD sphere of influence
4. Approval of the sphere of influence amendments are CONDITIONED on the following terms being satisfied within one calendar year – or October 12, 2018 – 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 boundary modifications made by the Commission – to annex 276 Mesa Road to BCPUD.
 - b) An indemnification agreement submitted to the Commission signed by the applicant in a form approved by Commission Counsel.
5. The affected territory as designated by the Commission is shown in Exhibit “A.”
6. The statements of the Commission addressing the mandatory factors required for consideration anytime sphere 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.
8. As allowed under Government Code 56107, the Commission authorizes the Executive Officer to make non-substantive corrections to this resolution to address any technical defect, error, irregularity, or omission.

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

AYES: BAKER, BLANCHFIELD, CONNOLLY, CONDON, MCENTEE, MURRAY and RODONI

NOES: NONE

ABSTAIN: NONE

ABSENT: NONE

APPROVED:

ATTEST:



Jeffry Blanchfield
Chair

Rachel Jones
Interim Executive Officer