

**RESOLUTION NO. 17-03**

**MARIN LOCAL AGENCY FORMATION COMMISSION  
APPROVING SPHERE OF INFLUENCE AMENDMENTS**

**CORTE MADERA SANITARY DISTRICT  
(County Sanitary District No. 2)**

**ROSS VALLEY SANITARY DISTRICT  
(County Sanitary District No. 1)**

**WHEREAS**, Corte Madera Sanitary District (CMSD) has filed a resolution of application 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 reorganize approximately 4.5 acres of incorporated land in the Town of Corte Madera consisting of four residential parcels at 238, 244, 246, and 260 Summit Drive with corresponding assessment numbers of 021-161-02, 021-161-20, 021-161-26, and 021-161-17, respectively; and

**WHEREAS**, the proposal specifically seeks to annex 244, 246, and 260 Summit Drive to CMSD and 238 Summit Drive to Ross Valley Sanitary District (RVSD); and

**WHEREAS**, the affected territory as proposed currently lies outside of both CMSD and RVSD’s established spheres 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 both CMSD and RVSD have been presented to the Commission in the manner provided by law; and

**WHEREAS**, the Commission heard and fully considered all the evidence presented at a noticed public hearing on the sphere of influence amendments on June 8, 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 CMSD and RVSD incorporate the information and analysis provided in the Executive Officer’s written report on June 8, 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 CMSD and RVSD as provided below are APPROVED:
  - a) All of 238 Summit Drive is added to the RVSD sphere of influence.
  - b) All of 244, 246, and 260 Summit Drive are added to the CMSD sphere of influence
4. Approval of the sphere of influence amendments are CONDITIONED on the following terms being satisfied within one calendar year – or June 8, 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 any boundary modifications made by the Commission – to annex all of 238 Summit Drive to RVSD and all of 244, 246, and 260 Summit Drive to CMSD.
  - b) An indemnification agreement signed by the applicant in a form approved by Commission Counsel.
5. The affected territory as approved is shown in Exhibit “A.”
6. The statements of the Commission addressing the mandatory factors required for consideration anytime spheres 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 June 8, 2017 by the following vote:

AYES: Baker, Murray, Condon, Connolly, McEntee, Rodoni, and Skelton

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

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

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

ATTEST:

APPROVED:



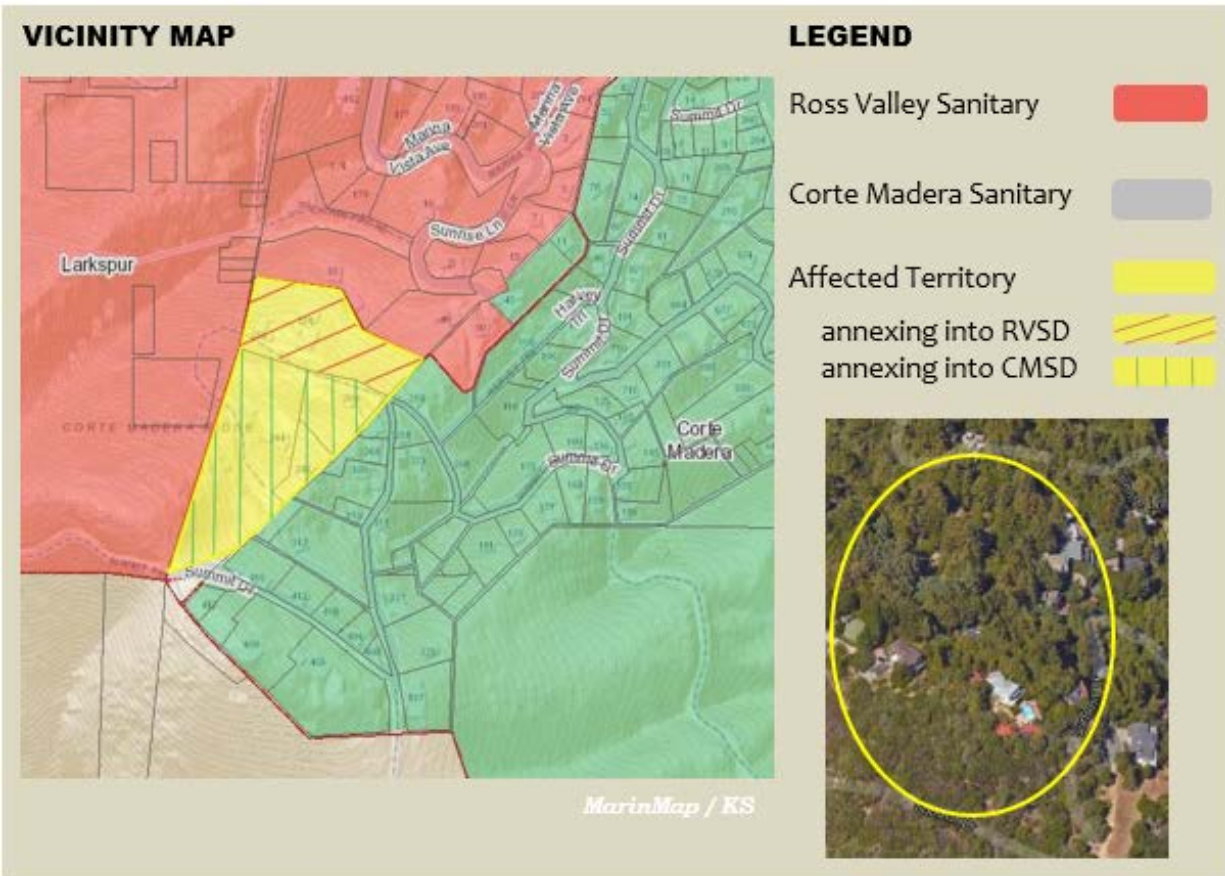
Keene Simonds  
Executive Officer

Carla Condon  
Vice Chair

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# EXHIBIT A

## AFFECTED TERRITORY



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## **EXHIBIT B**

### **SPHERE OF INFLUENCE AMENDMENTS ANALYSIS OF MANDATORY FACTORS GOVERNMENT CODE SECTION 56425**

**1. Present and Planned Land Uses (G.C. Section 56425(e)(1))**

The present and planned land uses within the affected territory as well as in the surrounding area are substantively urban in nature and marked by low to moderate dense single-family residential development. These uses are reflected in the affected territory's zoning, which provides a minimum lot size of 0.46 acres for all four parcels.

**2. Need for Affected Agency's Services (G.C. Section 56425(e)(2))**

All four parcels comprising the affected territory have demonstrated the need for wastewater services through the earlier establishment of connections – directly and indirectly – to CMSD and RVSD. This existing service supports the current residential development occupying each parcel and is a superior alternative to the construction, operation, and maintenance of installing private septic systems.

**3. Adequacy of the Affected Agency's Services (G.C. Section 56425(e)(3))**

The Commission recently prepared a municipal service review on public wastewater services within Central Marin. This includes a detailed evaluation of CMSD and RVSD. This municipal service review indicates both CMSD and RVSD have established adequate administrative, service, and financial capacities to accommodate present and planned uses associated with the affected territory.

**4. Shared Communities of Interests (G.C. Section 56425(e)(4))**

The sphere of influence amendments to add all of 244, 246, and 260 Summit Drive to the CMSD sphere and all of 238 Summit Drive to the RVSD sphere would memorialize under LAFCO law the social and economic ties existing between the subject parcels and agencies.

**5. Social Equity/Justice (G.C. Section 56425(e)(5))**

The affected territory does not lie within a disadvantaged unincorporated community, and as such does not require any additional analysis under LAFCO law.

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