

MARIN LOCAL AGENCY FORMATION COMMISSION

RESOLUTION 17-09

**MAKING DETERMINATIONS AND APPROVING AN ANNEXATION TO
THE BOLINAS COMMUNITY PUBLIC UTILITY DISTRICT**

“MESA ROAD NO. 1 CHANGE OF ORGANIZATION”
(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 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 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 heard and fully considered all the evidence presented at a public meeting held on October 12, 2017; and

WHEREAS, the Commission considered all the factors required by law under Government Code Section 56668 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 October 12, 2017.
2. The Commission serves as lead agency under the California Environmental Quality Act (CEQA) for the proposal given its primary role in authorizing the underlying project: annexation of the affected territory to the Bolinas Community Public Utility District for purposes of establishing public water service. The

Commission independently determines the referenced action is a “project” under CEQA, but finds it qualifies for an exemption under the Public Resources Code Section 15319. Specifically, the annexation of the given lot cannot be divided into more than three single-family residences under existing County of Marin land use policies and no extension of public infrastructure is needed to accommodate service therein.

3. The proposal to annex the affected territory to the Bolinas Community Public Utility District is APPROVED WITH AMENDMENT as follows.
 - a) The affected territory is expanded to also include the adjacent public-right-of-way on Mesa Road to BCPUD
4. Approval to annex the affected territory to the Bolinas Community Public Utility District is 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 concurrent sphere of influence amendments involving Bolinas Community Public Utility District to accommodate the annexations as stated.
 - b) Completion of the 30-day reconsideration period provided under Government Code Section 56895.
 - c) An indemnification agreement submitted to the Commission signed by the applicant in a form approved by Commission Counsel.
 - d) Submittal to the Commission of a 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.
 - e) Submittal to the Commission of the following payments:
 - A check made payable to the County of Marin – Clerk Recorder in the amount of \$50.00.
 - A check made payable to the County of Marin – Environmental Health Services in the amount of \$231.00.
 - A check made payable to the County of Marin – Community Development Department in the amount of \$75.00.
 - A check made payable to the State Board of Equalization in the amount of \$800.00
 - f) Written confirmation from the County of Marin Local Coastal Program that the landowners of the affected territory have filed a Coastal Permit.

5. The proposal is assigned the following distinctive short-term designation:

“Mesa Road No.1 Change of Organization – Bolinas Community Public Utility District”

6. The affected territory as designated by the Commission is shown in Exhibit “A” and further shown in the geographic description shown in Exhibit “B”.

(Placeholder)

7. The affected territory as designated by the Commission is uninhabited as defined in Government Code Section 56046.

8. The Commission waives conducting authority proceedings under Government Code Section 56663.

9. The Bolinas Community Public Utility District utilizes the regular assessment roll of the County of Marin.

10. 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 Bolinas Community Public Utility District. It will also be subject to all of the rates, rules, regulations and ordinances of the Bolinas Community Public Utility District.

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

12. 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: BLANCHFIELD, BAKER, CONDON, CONNOLLY, MCENTEE, MURRAY and RODONI

NOES: NONE

ABSTAIN: NONE

ABSENT: NONE

APPROVED:



Jeffrey Blanchfield
Chair

ATTEST:



Rachel Jones
Interim Executive Officer