

Attachment One

MARIN LOCAL AGENCY FORMATION COMMISSION

RESOLUTION NO. 16-14

**MAKING DETERMINATIONS AND APPROVING AN ANNEXATION TO
THE SAN RAFAEL SANITATION DISTRICT**

"Margarita Drive No. 1 Change of Organization – San Rafael Sanitation District"
(LAFCO File No. 1333)

WHEREAS, Mt. Tam Property Capital Investments, LLC has filed an 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 approval to annex approximately 0.92 acres of unincorporated land to the San Rafael Sanitation District; and

WHEREAS, the affected territory includes one legal parcel located at 355 Margarita Drive and identified by the County of Marin Assessor's Office as 016-011-19;

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 February 9, 2017;

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 February 9, 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 San Rafael Sanitation District for purposes of establishing public sewer service. The Commission independently determines the referenced action is a "project" under CEQA, but finds it qualifies for an exemption under Public Resources Code Section 15319. Specifically, the annexation can be accommodated through existing public facilities and infrastructure and the affected territory is already developed at its highest density allowance under the County of Marin.

3. The proposal to annex the affected territory to the San Rafael Sanitation District is APPROVED WITH AMENDMENT as follows.
 - a) The affected territory is expanded to also include all of 347 Margarita Drive and as identified by the County of Marin Assessor's Office as 016-011-18. The subject landowner – John F. Porzio – has provided his written consent therein.
4. Approval to annex the affected territory to the San Rafael Sanitation District is CONDITIONED on the following terms being satisfied within one calendar year – or February 9, 2018 – unless a prior written request for a time extension is received and approved by the Commission.
 - a) Completion of the 30-day reconsideration period provided under Government Code Section 56895.
 - b) An indemnification agreement submitted to the Commission signed by the applicant in a form approved by Commission Counsel.
 - c) 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.
 - d) Submittal to the Commission of a notarized agreement between the applicant and the Commission through its Executive Officer in which the landowners of the affected territory consent to the annexation of the affected territory to the City of San Rafael if and when an application is initiated. The agreement shall run with the affected territory and in a form provided by Commission Counsel.
 - 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 \$350.00.
 - f) Written confirmation from the County of Marin Environmental Health Services the landowners of the affected territory have filed completed permit applications to abandon the private septic systems on the affected territory.
 - g) Submittal of a notarized easement agreement recorded between the landowners within the affected territory at 355 and 347 Margarita Drive in which the former allows the latter access to connect to the public sewer main.

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

“Margarita Drive No. 1 Change of Organization – San Rafael Sanitation 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 San Rafael Sanitation 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 San Rafael Sanitation District. It will also be subject to all of the rates, rules, regulations, and ordinances of the San Rafael Sanitation District.

11. 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 February 9, 2017 by the following vote:

AYES: BAKER, MCENTEE, BLANCHFIELD, BROWN and MURRAY

NOES: ARNOLD and CONNOLLY

ABSTAIN:

ABSENT:

ATTEST:



Keene Simonds
Executive Officer

APPROVED:



Jeffrey Blanchfield
Chair