

LOCAL AGENCY FORMATION COMMISSION OF MARIN COUNTY

RESOLUTION NO. 84-2

RESOLUTION MAKING DETERMINATIONS AND APPROVING ANNEXATION
WITH WAIVER OF NOTICE, HEARING AND ELECTION
TO THE NOVATO SANITARY DISTRICT

"TRUMBULL AVENUE ANNEXATION 1983-3"

WHEREAS, a proposal for the annexation of certain territory to the Novato Sanitary District in the County of Marin has been filed with the Executive Officer of this Commission; and

WHEREAS, said proposal was made in the form of Resolution 2040, a resolution of application adopted by the Board of Directors of the Novato Sanitary District, requesting the initiation of annexation proceedings pursuant to the District Reorganization Act of 1965, Division 1 (commencing with Section 56000) of Title 6 of the Government Code; and

WHEREAS, said resolution of application was accompanied by written consent signed by all owners of land within the territory proposed to be annexed; and

WHEREAS, pursuant to Government Code Section 56261, when a resolution of application is accompanied by written consent of all owners of land within the territory proposed to be annexed, this Commission may make determinations with respect to said annexation without notice and hearing.

NOW, THEREFORE, the Local Agency Formation Commission of the County of Marin DOES HEREBY RESOLVE, DETERMINE AND ORDER as follows:

Section 1. Subject to the terms and conditions hereinafter specified, the proposal made by Resolution No. 2040 adopted by the Board of Directors of the Novato Sanitary District, is approved.

Section 2. Adoption of said Resolution Making Determinations approving the "Trumbull Avenue Annexation 1983-3" constitutes a variance from "LAFCo's Dual Annexation Policy". Said policy requires simultaneous annexation of unincorporated lands to a city when the land is contiguous to the affected city boundary and located within its urban service area or sphere of influence, whichever is applicable. In this action, LAFCo hereby waives their "Dual Annexation Policy" based upon the following findings:

- A. Scale: The Struck property includes only two dwelling units of a total of approximately 375 homes located inside the Indian Valley planning area. Although the property is contiguous to Novato city limits, annexation, in this case, of one parcel may be considered "piecemeal" city annexation.

B. County Plan: Sewer service is consistent with the county specific plan.

C. Policy Precedent: The Commission has granted policy exceptions to your Dual Annexation Policy allowing sewer annexation without concurrent city annexation in this area. Exceptions have involved five proposals, including one in Indian Valley and four in West Novato: (1) Scholtz property (Indian Valley); (2) Sanchez subdivision; (3) Lammer parcel; (4) Padgett property; and (5) Mohtashem property.

Section 3. The boundaries of the territory proposed to be annexed shall be those set forth in Exhibit A, attached hereto and incorporated herein; and said territory shall be designated as the "Trumbull Avenue Annexation 1983-3".

Section 4. Said territory is found to be uninhabited.

Section 5. Any resolution ordering the annexation approved by this resolution shall provide that such annexation is ordered subject to Novato Sanitary District's terms and conditions as set forth in Exhibit B, attached hereto and incorporated herein.

Section 6. The Novato Sanitary District is designated as the conducting district for further proceedings, and the Board of Directors of said District is hereby directed to initiate proceedings in compliance with this resolution and is authorized to proceed without notice, or election, pursuant to Government Code Section 56261.

Section 7. The project is categorically exempt pursuant to provisions of the California Environmental Quality Act and the Commission's Environmental Guidelines.

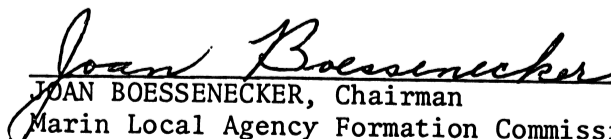
Section 8. The Executive Officer is hereby authorized and directed to mail certified copies of the resolution in the manner prescribed by Section 56272 of the Government Code.

PASSED AND ADOPTED by the Marin County Local Agency Formation Commission on this 12th day of January, 1984, by the following vote:

AYES: Commissioners Breiner, Giacomini, McCart, Stockwell, and Boessenecker

NOES: None

ABSENT: None


JOAN BOESSENECKER, Chairman
Marin Local Agency Formation Commission

ATTEST:


WARREN K. NELSON, Executive Officer

DATE: January 18, 1984