

MARIN LOCAL AGENCY FORMATION COMMISSION

RESOLUTION _____

**MAKING DETERMINATIONS AND APPROVING A SPHERE OF INFLUENCE
AMENDMENT TO THE HOMESTEAD VALLEY SANITARY DISTRICT**

WHEREAS, the Marin Local Agency Formation Commission, hereinafter referred to as "Commission," received a written request from landowner Daniel Weissman for a sphere of influence amendment to the Homestead Valley Sanitary District consistent with the provisions of the Cortese-Knox-Hertzberg Local Government Reorganization Act of 2000; and

WHEREAS, the request seeks Commission approval to amend the Homestead Valley Sanitary District's sphere of influence to include approximately 8.5 acres of unincorporated land comprising an existing legal parcel at 455 Panoramic Highway and identified by the County of Marin Assessor as 046-161-11.

WHEREAS, the Executive Officer's report and recommendations on the requested sphere of influence amendment 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 hearing on the requested sphere of influence amendment on December 8, 2015;

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 amendment to the North Marin Water District.

NOW, THEREFORE, THE COMMISSION DOES HEREBY RESOLVE, DETERMINE, AND ORDER as follows:

1. The Commission's determinations on the requested sphere of influence amendment to the Homestead Valley Sanitary District incorporate the information and analysis provided in the Executive Officer's written report presented on December 8, 2016.
2. The Commission serves as lead agency under the California Environmental Quality Act (CEQA) in considering the impacts of the sphere of influence amendment to the Homestead Valley Sanitary District. 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 sphere of influence is a planning policy and the amendment and expansion to include the affected territory does not make any changes to the environment or authorize any new uses or services.

3. The Commission APPROVES the requested sphere of influence amendment to the Homestead Valley Sanitary District with the following MODIFICATIONS:
 - a) Approximately 1.8 acres of adjacent and unincorporated land consisting of 357 Panoramic Highway is added to the sphere of influence amendment; and
 - b) All adjacent public right-of-way to the modified affected territory – 455 and 357 Panoramic Highway – is added to the sphere of influence amendment sufficient to maintain sphere continuity.
4. Approval of the sphere of influence amendment is CONDITIONED on the following terms being satisfied within 90 days – or March 8, 2017 – unless a prior written request for a time extension is received and approved by the Commission.
 - a) Successful completion of the 30-day mandatory reconsideration period under Government Code Section 56895.
 - 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 a sphere of influence is amended or updated under Government Code Section 56425 is provided as Exhibit “B.”
7. The effective date of the sphere of influence amendment shall be determined by the Executive Officer and based on successful completion of the conditions outlined in this resolution.

PASSED AND ADOPTED by the Marin Local Agency Formation Commission on December 8, 2016 by the following vote:

AYES:

NOES:

ABSTAIN:

ABSENT:

JEFFRY BLANCHFIELD, Chairperson

Attest,

KEENE SIMONDS, Executive Officer