

MARIN LOCAL AGENCY FORMATION COMMISSION

RESOLUTION NO. 04-21

**RESOLUTION AMENDING THE SPHERE OF INFLUENCE
OF SANITARY DISTRICT #5 (TIBURON)**

WHEREAS, the Cortese-Knox Local Government Reorganization Act requires LAFCO to adopt and maintain spheres of influence for cities and special districts in Marin County; and

WHEREAS, the City Council of the City of Belvedere and the Board of Directors of Sanitary District #5 have requested that the sphere of influence of Sanitary District #5 be amended to include the incorporated territory of the City of Belvedere; and

WHEREAS, the Executive Officer has, prepared a report, including his recommendations thereon, the report having been presented to and considered by this Commission; and

WHEREAS, a public hearing by this Commission was held on the requested sphere of influence amendment and staff's recommendations on the date and at the time noticed thereof, and at the hearing this Commission heard and received all oral and written protests, objections and evidence which were made, presented or filed, and all persons present were given an opportunity to hear and be heard with respect to the proposed sphere of influence amendment and the Executive Officer's report.

NOW, THEREFORE, the Marin Local Agency Formation Commission **DOES HEREBY RESOLVE, DETERMINE AND ORDER**, based upon the information contained in the Executive Officer's report, correspondence from affected agencies and information received during the public hearings, as follows:

Section 1. The sphere of influence of Sanitary District #5 is hereby amended to include the incorporated territory of the City of Belvedere.

Section 2. The statement of determinations required by Government Code Section 56425 is as follows:

The present and planned land uses in the area, including agricultural and open space lands:

Present and planned land uses in the adopted sphere of influence are governed by the General Plan of the City of Belvedere adopted by the City of Belvedere.

Land uses include primarily low and medium density residential, commercial, institutional and other typically urban uses. The proposed amendment to include the City of Belvedere in the sphere of influence of Sanitary District #5 and the subsequent annexation of that area to Sanitary District #5 will have no effect on land use within the City of Belvedere.

The present and probable need for public facilities and services in the area:

The incorporated territory within the boundaries of the City of Belvedere are at or nearing build-out with little land available for further development. The present need for public services and facilities within the City boundaries is primarily for existing land uses and minor infill development. Sanitary District #5 presently provides sewage treatment service to existing land uses in the City of Belvedere. The probable additional demand for the public services and facilities of Sanitary District #5 in the area to be added to the District's sphere of influence is not expected to exceed 17 additional residential units under the terms of adopted plans.

The present capacity of public facilities and adequacy of public services which the agency provides or is authorized to provide:

The operating departments and public facilities of Sanitary District #5 are adequate to provide service to the City of Belvedere in addition to the territory currently served by the District. Sanitary District #5 would be able to provide sewage collection and treatment services to the City of Belvedere at service levels that are the same as or higher than currently provided by the City.

The existence of any social or economic communities of interest in the area if the commission determines they are relevant to the agency:

The Commission has determined that communities of interests are not relevant to its consideration of the proposed sphere of influence amendment.

Section 5. Pursuant to Section 15061 of the State CEQA Guidelines, the Commission finds that this amendment of the sphere of influence of Sanitary District #5 is exempt from the provisions of the California Environmental Quality Act.

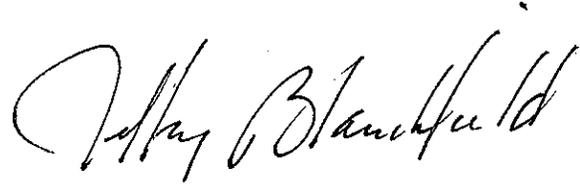
Section 6. The Executive Officer is hereby directed to mail copies of this resolution to affected local government agencies in the Tiburon area.

PASSED AND ADOPTED by the Marin Local Agency Formation Commission on this 10th day of February 2005, by the following vote:

AYES: Commissioners Adams, Asbo, Blanchfield, Heller, Kinsey and Slavitz

NOES: None

ABSENT: Commissioner Rodoni



JEFFRY BLANCHFIELD, Chairperson

ATTEST:



PETER V. BANNING, Executive Officer