



MEETING MINUTES
Wednesday, October 6, 2004

Approved at 11/3/04 meeting

Board of Supervisors Meeting Room
575 Administration Drive, Room 102A
Santa Rosa, CA 95403
2:00 P.M.

COMMISSIONERS

Present H. E. Boyett, Chair
Absent Tim Smith
Present Debora Fudge
Present Lisa Schaffner
Absent Raymond Brunton
Absent William Massey

ALTERNATE COMMISSIONERS

Absent Bob Jabs
Present Jean A. Kapolchok
Present Paul Kelley
Present Pamela Torliatt

STAFF

Present Steven Sharpe, Executive Officer
Present Carole Cooper, Assistant Executive Officer
Present David Hurst, Legal Counsel
Absent Sally McGough, Legal Counsel
Present Nora Guy, Clerk

To speak on an item under discussion by the Local Agency Formation Commission on this agenda, you may do so upon receiving recognition from the Chair. Please step up to the rostrum, located in the center of the room, and sign in. State your name, for the record, before making your presentation. All hearings are taped. Time limitations on public testimony may be imposed at the discretion of the Chair.

1. **CALL TO ORDER BY THE CHAIR:** The Chair called the meeting to order at 2:01pm
2. **ROLL CALL**
3. **APPROVAL OF MINUTES OF MEETING:** The minutes were approved as distributed by staff
4. **GENERAL ANNOUNCEMENTS:** Carole Cooper announced that Commissioners would find at their places copies of two recently received protest letters regarding file 04-03.
5. **GENERAL PUBLIC COMMENT:** None

6. CONSENT CALENDAR

- 6.1 File 04-13: Northeast Santa Rosa Reorganization No. 03-03 (Guerrazzi) Involving Annexation to the City of Santa Rosa and Detachment From the Rincon Valley Fire Protection District and County Service Area No. 41 (Multi-Services)

Applicant: Gregory Guerrazzi

Environmental Document: Negative Declaration

Proposal: Reorganization request for seven parcels totaling 8.9+/- acres, involving annexation to the City of Santa Rosa and detachment from Rincon Valley Fire Protection District and County Service Area No. 41 (Multi-Services)

Location: Generally located along Melita Road, south of State Highway 12 and north of Santa Rosa Creek, in northeast Santa Rosa

Prezoning: Rural Residential – Scenic Road Combining District

Action: Approved as recommended by staff

Fudge: aye Schaffner: aye Massey: abs Brunton: abs Smith: abs Kelley: aye Boyett: aye
Ayes: 4 Noes: 0 Absent/Abstain: 3

- 6.2 LAFCO Records Retention Schedule

Action: Approved as recommended by staff

Fudge: aye Schaffner: aye Massey: abs Brunton: abs Smith: abs Kelley: aye Boyett: aye
Ayes: 4 Noes: 0 Absent/Abstain: 3

7. PUBLIC HEARINGS

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7.1 Water and Sewer Municipal Service Reviews

Carole Cooper provided background on municipal service reviews (MSRs) and introduced Richard Berkson and Sarah Harris, from Economic and Planning Systems, Inc., who summarized the draft MSR on water and sewer district providers in Sonoma County.

Commissioners provided comments and discussion on the report:

Alternate Commissioner Kapolchok felt it would have been beneficial to include two water districts, Airport-Larkfield-Wikiup and Geyserville Water District. It was determined, during discussion, that both are privately held. Alternate Commissioner Kelley responded that since the focus of the MSR was on public districts, he did not feel that private companies should have been reviewed. It was decided that the existence of private water companies would be noted in the final report.

Chairman Boyett indicated that he did not find a discussion in the report of the potential impacts of the possible future annexation of the Luther Burbank Center (LBC), in his opinion, a valuable asset to the community, to the Airport-Larkfield-Wikiup Sanitation Zone, or a potential new hospital nearby. Carole Cooper indicated that impacts of annexation were not included in the report since the LBC is not within the boundaries of the Airport-Larkfield-Wikiup Sanitation Zone, its sphere of influence or Urban Service Boundary. Chairman Boyett replied that he was looking at the potential of an emergency situation.

Chairman Boyett and Alternate Commissioner Kelley discussed the need to mention the two possible situations in the MSR, with the Chairman indicating that situations east of the freeway would create impacts on demand and should be mentioned and Alternate Commissioner Kelley stating his belief that the time to determine system capacity of the sanitation zone and impacts would be if annexation were proposed; he noted that many areas contiguous to all of the districts could be annexed and have impacts, and none was mentioned in the MSR.

Alternate Commissioner Torliatt asked if a capacity issue existed, with regards to the existing level of development. Steve Sharpe indicated that potentially major issues exist with any annexation. He agreed with Alternate Commissioner Kelley that analysis should be completed when a proposal is submitted but felt it worthwhile to mention potential impacts. Chairman Boyett reiterated his belief that the MSR should mention these potential impacts.

Alternate Commissioner Kelley stated that he believed that the consultant should not spend extensive time analyzing a possibility of annexation, when no proposal had been submitted. In response to a question from Commissioner Fudge, he indicated that the hospital owns a parcel south of LBC, covered by an easement with the Open Space District. To date, no permit application has been submitted. Chairman Boyett reiterated that he felt the information and data on the two potential annexations would be useful in the planning process.

The Chairman opened the public hearing.

Carl Leivo, City Manager of Rohnert Park, referred to the summary of water service providers, stating that the information in the table on page 3, regarding the depression of the water tables in the vicinity of Rohnert Park, was incorrect. The City has implemented a General Plan, and a comprehensive water supply analysis has been prepared. An administrative draft will be available within two weeks. On page 4, the statement that water resources are diminishing is incorrect, as water resources vary, depending on the year and the amount of rain. SB610 requires that water supply be analyzed through one flood year and multiple drought years, and the City's analysis has not found a diminishing supply. He stated that the water rates for Rohnert Park are not accurate and do not reflect installation of water meters; he supplied updated data.

Chairman Boyett responded that he felt the statement that water levels were diminishing was applicable to the entire county and not just the City of Rohnert Park. However, the consultant could change the table to reflect the correct rates. He did not see a need to revise the text of the report.

Mr. Leivo responded that Rohnert Park was mentioned in a list of cities experiencing a decrease in water supply. Alternate Commissioner Torliatt stated that she felt the statement was true, as areas in the vicinity of Rohnert Park had experienced a decrease in water supply, as stated in the report. Commissioner Fudge suggested that the report be revised to state that the water levels in the county were currently being studied and the source of the information quoted. Mr. Leivo added that, in an unscientific survey, people had been asked about problems with wells. He stated that the water tables in the City had not changed in 30 years.

Chairman Boyett closed the public hearing.

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Alternate Commissioner Torliatt suggested that the consultants confirm with agencies that the report had actually been received. She suggested a spreadsheet be prepared outlining system use and capacity, as well as a link to each district's budget on LAFCO's website. She also called out page 3, paragraph 1, that information is largely unavailable as the County is not willing to pursue groundwater management pursuant to a Grand Jury response on September 21, 2004. She referred to page 3, paragraph 5, regarding water quality issues, there is no watershed management plan proposed. Regarding paragraph 6, she asked about assessments on new developments. Richard Berkson replied that there are initial connection fees, and Sarah Harris added that connection fees from the sewer system come not directly from the Water Agency but from other water districts. Alternate Commissioner Torliatt asked what programs to supplement surface water and add groundwater pumping are referred to in the MSR. She noted that the County should not be relying on groundwater supplies without studies to determine the recharge rate to be sufficient to maintain existing groundwater levels. She stated she did not believe that agencies were supplementing water with groundwater pumping. Ms. Harris remarked that the Valley of the Moon Water District is pumping to increase water supply. Alternate Commissioner Torliatt noted that she had not seen documentation of this. She questioned that accuracy of the rates stated for Petaluma in the chart on page 5 and for other agencies.

Richard Berkson stated his appreciation of Commissioners' comments. He stated that, while he believed that rates for water and sewer districts are a "moving target," the EPS staff would do their best to incorporate the Commissioners' comments in the final report.

Chairman Boyett responded to Alternate Commissioner Torliatt's concern regarding agencies receiving draft MSRs. He said he believed that staff mailed MSRs to all districts mentioned in the report. Carole Cooper confirmed that drafts were mailed to the districts, the Sonoma County Water Agency and all city managers. Alternate Commissioner Torliatt replied that a lot of paper comes into the office and suggested that in the future staff follow up with a phone call. Chairman Boyett suggested that the city managers could contact the LAFCO office.

Alternate Commissioner Kapolchok expressed concern that too much change to the draft MSR would make it a "politicized" document. Chairman Boyett agreed.

Alternate Commissioner Kelley indicated agreement with Alternate Commissioner Kapolchok as well and with Commissioner Fudge's suggestion to include language that water levels were being studied. He also appreciated staff's including letters of comment on the MSR and agreed with Steve Sharpe that the potential of an impact from the annexation of the LBC and the hospital did not warrant an exhaustive study. Commissioner Fudge suggested the inclusion of a table with a summary of population capacity and demands for the districts. Alternate Commissioner Torliatt suggested that a policy statement that the districts were not pursuing groundwater plans be included. Alternate Commissioner Kelley said he felt that another table may or may not be a good idea.

Chairman Boyett said he felt that the Commission should not lose sight of the purpose of the MSR, noting that the consultants conducted the study that the Commission directed them to complete.

With the understanding that a revised report incorporating changes, as described, would be presented to the Commission, possibly at the next meeting, on the consent calendar, Commissioners took a straw vote, 4 -0 in favor of accepting the Water and Sewer District Providers Municipal Service Review.

Action: Straw vote in favor of acceptance

Fudge: aye Schaffner: aye Massey: abs Brunton: abs Smith: abs Kelley: aye Boyett: aye
Ayes: 4 Noes: 0 Absent/Abstain: 3

7.2 **Protest Hearing:** File 04-03: Southeast Santa Rosa Reorganization No. 2-02 (Leepin) Involving Annexation to the City of Santa Rosa and Detachment from the Rincon Valley Fire Protection District and County Service Area No. 41 (Multi-Services)

Applicant: Russ Leepin

Environmental Document: Categorical Exemption

Proposal: Reorganization request for 29 parcels, totaling 10.69 +/- acres, involving annexation to the City of Santa Rosa and detachment from the Rincon Valley Fire Protection District and County Service Area No. 41 (Multi-Services)

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Location: Generally located south of Channel Drive and east of Violetti Road, and including Bader and Pepperwood Roads, in Southeast Santa Rosa
Prezoning: Rural Residential

Chairman Boyett opened the public hearing; seeing no one rise to speak, the Chairman closed the public hearing. There were no comments by or questions from Commissioners.

Action: Approved as recommended by staff
Fudge: aye Schaffner: aye Massey: abs Brunton: abs Smith: abs Kelley: aye Boyett: aye
Ayes: 4 Noes: 0 Absent/Abstain: 3

7.3 Protest Hearing: File 04-10: Amendment No. 1 to the Marin/Sonoma Mosquito and Vector Control District Sphere of Influence and Annexation No. 1 to the Marin/Sonoma Mosquito and Vector Control District

Applicant: Marin/Sonoma Mosquito and Vector Control District
Environmental Document: Mitigated Negative Declaration
Proposal: Reorganization request to amend the sphere of influence of the Marin/Sonoma Mosquito and Vector Control District and to annex to the District all territory in Sonoma and Marin Counties outside present District boundaries
Location: Sonoma and Marin Counties

Chairman Boyett opened the public hearing; seeing no one rise to speak, the Chairman closed the public hearing. Commissioner Schaffner commented that, having stated, at the September 1 meeting, that she did not think there was a problem with mosquitoes in Healdsburg, not that there were no mosquitoes in Healdsburg, she has, since then, learned all she needs to know about mosquitoes.

Action: Approved as recommended by staff
Fudge: aye Schaffner: aye Massey: abs Brunton: abs Smith: abs Kelley: aye Boyett: aye
Ayes: 4 Noes: 0 Absent/Abstain: 3

8. INFORMATION/DISCUSSION/ACTION ITEMS

8.1 City of Cloverdale and Tyris Corporation: Upcoming Proposal

Robert Sexton, President of Tyris Corporation, introduced Bruce Kibby, Planning Director for the City of Cloverdale, and others and briefly described a proposed development project on 267 acres outside the City's boundaries but within the city's sphere of influence. Included in the proposal are a golf course, 130-140 residences, a three-story hotel, spa, casitas and a 13-acre shopping center. The applicant has been working on the project for the last 2 ½ years, and the City has completed an environmental impact report.

Mr. Sexton answered questions from the Commissioners and anticipated submitting an application to LAFCO by the end of 2004 or the first quarter of 2005, with construction beginning in 2006. Discussion ensued relating to land within agricultural preserve and LAFCO's policy on land under Williamson Act contracts. Mr. Sexton stated that they were working to resolve this. David Hurst noted that he had been working with the company's attorney on this issue; action to rescind the Williamson Act contract and provide an easement over other land to result in the same amount of land involved was an action being considered; this would be resolved outside LAFCO. Mr. Sexton indicated that, if proposed solutions did not work out, this portion of the territory would not be included in the annexation proposal.

8.2 Ya-Ka-Ama Fee Waiver Request

Carole Cooper gave the staff report, indicating that, in 1997, the Commission had waived an application fee for what was anticipated to be an annexation proposal from Ya-Ka-Ama, but the proposal was never submitted. Since substantial time has elapsed, staff requested direction from the Commission regarding Ya-Ka-A-Ma's present request. She noted that generally the Commission had not waived fees except for fire district consolidations. Charles Starr, representing Ya-Ka-Ama, provided history of the process. He stated that Ya-Ka-

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Ama is completing its application packet and is now waiting for the County Assessor's Office to sign off on the map. He indicated that the proposal is the same as it was in 1997 and that Ya-Ka-Ama lacks funding to pay the fee. After discussion, the Commission determined to abide by the resolution approved in 1997 and waive fees for this proposal, for a period of no more than one year.

8.3 2005 LAFCO Meeting Schedule

The Chairman noted that the schedule of committee and Commission meetings had been included in Commissioners' packets.

9. **CONFIRM MEETING WEDNESDAY, November 3, 2004, 2:00pm; confirm Budget Committee meeting: 1:30 p.m. County Administrator's Office Conference Room**

10. **ADJOURNMENT**: The meeting was adjourned at 3:30pm