



MEETING MINUTES
Wednesday, November 3, 2004

Approved February 2, 2005 meeting

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

COMMISSIONERS

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

ALTERNATE COMMISSIONERS

Present 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

1. **CALL TO ORDER BY THE CHAIR:** Chairman Pro Tem Kelley called the meeting to order at 2:05pm
2. **APPROVAL OF MINUTES OF MEETING:** Chair Kelley requested a correction to Item 7.1 of the October 6, 2004, minutes, to reflect that Sutter Hospital owns a parcel south of the LBC *covered by* an easement with the Open Space District. The Commission approved the minutes of the October 6 meeting, as amended, and the minutes of the September 22, 2004, meeting, as distributed. Commissioner Kapolchok abstained on the September minutes, and Commissioner Massey abstained on both the September and October minutes.
3. **GENERAL ANNOUNCEMENTS:** Chair Kelley announced that William Massey, Special District Representative, tendered his resignation, effective November 4, 2004; he read Mr. Massey's letter to the Commission and commended him on his service. Mr. Massey received a plant and a framed resolution, which was approved unanimously. On behalf of staff, Steve Sharpe supported Commissioner Kelley's comments and noted Commissioner Massey's extensive involvement, especially in the discussions and resolution of issues relating to Forestville and Graton reorganizations.

Carole Cooper recommended both the re-scheduling of the Commission's December 1 meeting to December 8, to accommodate protest hearings, and cancellation of the January 5, 2005, meeting. There were no objections.

Chair Kelly noted that the title on Item 6.1 should indicate "Southeast" not "Southwest" Santa Rosa.

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4. **GENERAL PUBLIC COMMENT:** Rick Savel, Penngrove, spoke in reference to a County Department of Transportation and Public Works October 2004 Community Status Report on Canon Manor West Assessment District and area map, both of which staff distributed to commissioners just before the meeting, on his behalf. The report refers to over 300 comments and over 1,000 pages of additional information on the EIR, to which DTPW was responding. Mr. Savel discussed groundwater, water levels, and water flows within and outside the study area, noted that other reports make contradictory findings about the situation, and stated his concern that conditions in the area are uncertain.

Chair Kelley closed the public comment period.

5. CONSENT CALENDAR

- 5.1 File 04-16: Northeast Santa Rosa Reorganization No. 1-03 (Henderson) 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: Nathaniel L. Henderson

Environmental Document: Negative Declaration

Proposal: Reorganization request for 10 parcels totaling 9.7+/- 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 on the south side of Montecito Avenue, at the intersection with Los Olivos Road, in northeast Santa Rosa

Prezoning: Rural Residential

Action: Approved as recommended by staff

Fudge: aye Schaffner: aye Massey: aye Brunton: abs Smith: aye Kelley: aye Kapolchok: aye
Ayes: 6 Noes: 0 Absent/Abstain: 1

6. REGULAR CALENDAR PUBLIC HEARINGS

- 6.1** File 04-15: Southwest Santa Reorganization No. 1-02 (Gasparini) Involving Annexation to the City of Santa Rosa and Detachment from the Roseland Fire Protection District, South Park County Sanitation District, and CSA No. 41 (Multi-Services)

Applicants: Michael Gasparini, Allan Henderson

Environmental Document: Southwest Santa Rosa Area Plan Final Environmental Report

Proposal: Reorganization Request for 58 parcels, totaling 27+/- acres, involving annexation to the City of Santa Rosa and detachment from Roseland Fire Protection District, South Park County Sanitation District, and County Service Area No. 41 (Multi-Services)

Location: Generally located north of Hearn Avenue and east of Dutton Avenue, in southwest Santa Rosa

Prezoning: Single Family Residential; Small Lot, Single Family Residential; Multiple Family Residential; Public Building

Carole Cooper gave the staff report, noting that the affected territory was contiguous to City boundaries and within the City's sphere of influence, Urban Growth Boundary and "urban services boundary" for the City in the Sonoma County General Plan. She stated that several issues surface with the proposal: annexation would create a peninsula of City territory between Dutton and the railroad tracks and north from Hearn Avenue; eight small parcels along Dutton, just north of the annexation boundary are left out of the proposal, creating an irregular boundary, and the annexation, while reducing the size of the Southwest Santa Rosa island, would create two more islands, between the railroad right of way to Highway 101 and just south of Dutton and Hearn, an action which would be contrary to LAFCO policies for logical growth and development. She also noted that confusion could arise among residents and in the delivery of services.

Staff recommended that the Commission consider taking one of several actions: approve the reorganization, as proposed; amend the boundary to include the eight parcels along Dutton Avenue, or amend the boundary to include additional territory to the east and south, to eliminate unincorporated islands. She stated that, if the Commission approved the proposal, as submitted, it would be required to hold a protest hearing. She also noted the presence of a representative from Sonoma County Permit and Resource Management Department.

In response to Chair Kelley's question whether the Commission could legally amend the proposal, David Hurst, Legal Counsel, stated that, if the Commission wanted to approve one of the staff-recommended alternatives, it could not act at this time because owners would not have been given notice that their property would be included. He recommended that the Commission refer any amended proposal to the City for pre-zoning after which it could come back to LAFCO for hearing and action. The Commission could, however, act on the application as submitted.

Ms. Cooper clarified that two islands would be created if the application, as proposed, was approved and noted that staff had provided to commissioners materials from individuals who live within the proposed annexation boundaries or within the vicinity.

In response to Commissioner Kapolchok's question about non-inclusion of eight parcels just to the northwest of the boundary, Ms. Cooper referred to a City-conducted sentiment survey, of approximately three years ago. It was her understanding that the city removed these parcels from the annexation area because registered voters from those eight parcels who replied to the survey were opposed to annexation. The applicants own parcels in the largely vacant northern area, which would likely be developed at a later date.

In response to a question from Commissioner Smith, Ms. Cooper stated that a City representative had intended to attend the LAFCO hearing but had just notified staff that a meeting conflict precluded this. Commissioner Smith indicated concern about using a three-year-old sentiment survey and creating more islands and felt the project needed more work before moving forward.

In response to Commissioner Torliatt's question whether the city had approached staff to discuss this proposal and subsequent creation of the islands, Steve Sharpe gave a brief history of annexations in southwest Santa Rosa. When annexations began in this area, LAFCO expressed to the city concerns about the proliferation of islands and the need for organized annexation to bring all of the Roseland area into the city. The city and county engage in ongoing discussions at the Joint Roseland Sub-Committee meetings about the many issues associated with annexation. A year ago, when the Commission asked the city for an update on progress towards overall annexation; the city indicated that significant financial concerns were limiting its ability to take on the additional territory with the inherent infrastructure and social issues in the area. While the city is committed to the annexation, no specific time commitment was given. The Commission encouraged the city to develop a plan and continue discussions and negotiations with the county as to how this annexation process would occur over the next few years.

Commissioner Torliatt noted that the area is in Supervisor Reilly's district and felt he should provide feedback on this particular issue. Steve Sharpe noted that Supervisor Reilly participates on the Roseland Joint Sub-Committee and has been briefed on proposals involving the southwest area.

Commissioner Kelley asked whether the protest forms received were from persons within or outside Area 1 (as shown on the map). Several were from outside the area. Commissioner Kelley also asked staff whether Areas 3A and 3B were currently served by sewer and water. Mr. Sharpe indicated that he believed the South Park County Sanitation District is serving both areas.

Chair Kelley opened the public hearing.

Susan Plichcik (1870 Dutton Ave, Santa Rosa), asked the Commission to vote against the proposal stating that it is a waste of taxpayers' money and that the residents of the area are opposed to annexation. As a long time resident, she cited a lack of motivating factors for the residents to annex since most properties already have city utility services due to contamination in the area. She noted that she had presented to the city 100 protest letters from area residents, copies of which were given to LAFCO. She felt that the annexation proposal was poorly planned and timed and would only benefit developers. She argued that the annexation as proposed would create confusion with the residents and fire/police services. She argued against amending boundaries, indicating that many people in the area were not aware that the proposed annexation area could be expanded, and they would oppose inclusion. She felt that the City did not properly inform the residents of this possibility and include them in the protest process before recommending that the project go forward.

Alicia Plichcik (1900 Dutton Ave, Santa Rosa) stated her opposition to the annexation and advocated for small farms.

Greg Hurd, Carlenzoli and Associates (325 Tesconi Circle, Santa Rosa), proponent for the applicants, stated that the proposal had been through a lengthy city process, where much consideration was given regarding boundaries.

Jaclyn Pieri (1870 and 1940 Dutton Ave) stated her opposition to the annexation.

Chair Kelley closed the public hearing.

Commissioner Smith stated that the project should be referred back to the city. While he recognized Mr. Hurd's comments on the amount of time committed by all parties, he believed the project as it stands did not fit in with LAFCO principles. Before moving forward, he suggested a new survey to evaluate the current sentiments of the area residents.

Commissioner Massey indicated he did not support the creation of islands of unincorporated territory.

Commissioner Kapolchok expressed concerns that, if the Commission approved this proposal, it may result in an increase of proposals for isolated annexations, which she opposes.

Commissioner Fudge was concerned that no one from the city was present to discuss issues raised. Commissioner Torliatt agreed.

Chair Kelley requested suggestions for directions to the city for further consideration. Commissioner Smith stated there must be more realistic boundaries that do not create islands. He stated that, while being sensitive to those who wish to annex and those who do not, LAFCO couldn't be in the business of creating islands. Furthermore, it did not make sense to move forward on an annexation that was going to compound the problems for the service providers, such as fire and police. He stated that LAFCO had been asking the city for over 15 years to aggressively go after annexing Roseland as a whole, not picking off individual parcels, which does not make sense from a planning viewpoint. He noted that the city had repeatedly promised to communicate more closely with the community on this issue, and perhaps that there needs to be more done on a larger scale.

Steve Sharpe asked for legal clarification on the options before the Commission. David Hurst noted that the Commission could continue consideration to a future hearing and ask the city to be present to respond to questions or refer the project to the city for further consideration. The Commission did not have to deny the proposal, without prejudice, at this meeting.

Commissioner Fudge stated she felt that the city is trying to annex individual developable parcels and leave contaminated areas behind, both of which concerned her.

Commissioner Torliatt pointed out to members of the audience the importance of residents of an area that could be the subject of a potential annexation registering to vote, to have a voice in future annexation proposals.

Commissioner Smith stated that Supervisor Reilly should be engaged to facilitate the resolution of the situation to affect a remedy.

Action: Refer proposal to City of Santa Rosa for reconsideration of annexation boundaries that do not create islands

Fudge: aye Schaffner: aye Massey: aye Brunton: abs Kapolchok: aye Smith: aye Kelley: aye
Ayes: 6 Noes: 0 Absent/Abstain: 1

6.2 File No. 04-17: Southeast Santa Rosa Reorganization No. 1-04 (Kalbfell) Involving Annexation to the City of Santa Rosa and Detachment from Rincon Valley Fire Protection District and County Service Area No. 41 (Multi-Services)

Applicant: Judith Kalbfell

Environmental Document: Negative Declaration

Proposal: Reorganization request for seven parcels, totaling 2.57+/- 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 the east side of Linwood Avenue, southeast of Aston Avenue and east of Petaluma Hill Road, in southeast Santa Rosa

Pre-zoning: Rural Residential

Carole Cooper reviewed the staff report and recommended approval of the revised resolution conditioned upon the City of Santa Rosa's abiding by a previous agreement with the Rincon Valley Fire District allowing the district to retain property taxes generated in this territory. She stated that, since not all the property owners had given their written consent to the annexation, if the Commission approves the proposal, it is required, by statute, to conduct a protest hearing, recommended to be held at the December 8 hearing.

Chair Kelley opened the public hearing.

Greg Hurd, Carlenzoli and Associates (325 Tesconi Circle, Santa Rosa), proponent for the applicant, stated that annexation was sought primarily due to failing septic systems in the area and the city requirement that the properties be annexed prior to connecting to the city sewer. Mr. Hurd pointed out that many of the property owners had prepaid their city fees in anticipation of annexation.

Chair Kelley closed the public hearing.

Action: Approved as recommended by staff

Fudge: aye Schaffner: aye Massey: aye Brunton: abs Kapolchok: aye Smith: aye Kelley: aye
Ayes: 6 Noes: 0 Absent/Abstain: 1

7. REGULAR CALENDAR PROTEST HEARING

7.1 File 04-12: Amendment No. 1 to Coast Life Support District Sphere of Influence and Annexation No.1 to the Coast Life Support District

Applicant: Coast Life Support District

Environmental Document: Negative Declaration

Proposal: Request for amendment to Coast Life Support District sphere of influence and annexation to the District of an inhabited 42,000 +/- acres, all territory within the Fort Ross School District

Location: North Sonoma County Coast, inclusive of Fort Ross School District

Carole Cooper reported that, at the September 22, 2004, meeting, the Commission approved the request of the Coast Life Support District to amend its sphere of influence and annex territory within the Fort Ross School District. Since not all property owners gave written consent, the Commission must to conduct a second public hearing to receive protests from owners of land and registered voters residing within the affected territory regarding the proposal. Notice of this hearing was published in the *Press-Democrat* and the *Independent Coast Observer* and was sent to property owners and registered voters in the affected territory along with protest forms. Ms. Cooper stated that staff has received 44 written protests from property owners or registered voters residing within the affected territory. She noted that, unless significant additional protests were filed and not withdrawn by the close of the public hearing, the number of protests would not be sufficient to reach the 25% threshold required for an election or the greater percentage required for a majority protest, which would terminate the proposal. Based on the level of protests received, staff recommended that the Commission order the annexation as approved in September.

Chair Kelley opened the public hearing.

Richard Smart (27857 Netwood Court) read a letter on behalf of his neighbor, Scott Farmer, stating that the annexation is "taxation without representation" and opposing the annexation without an election. Mr. Smart stated he attended the informational meetings of CLSD and felt they made veiled threats that if the property owners did not agree to this proposal, they would not be served. He also stated that the notifications presented to the property owners did not clearly state that the owners must protest or they will automatically be included in the annexation process.

Chair Kelley closed the public hearing.

After deliberation, it was determined that the level of written protest was insufficient. Commissioner Massey stated that, although he was not present at the September 22 meeting, he had listened to the proceedings on tape. Commissioner Kapolchok stated she was also absent but listened to the taped proceedings.

Action: Approved as recommended by staff

Fudge: aye Schaffner: aye Massey: aye Brunton: abs Kapolchok: aye Smith: aye Kelley: aye
Ayes: 6 Noes: 0 Absent/Abstain: 1

8. INFORMATION/DISCUSSION/REPORT ITEMS

8.1 Budget Committee Report: Commissioner Fudge, Budget Committee chair, reported that, for the first quarter of FY 2004-2005, salaries and benefits are on target, services and supplies are somewhat over budget, due primarily to the additional costs associated with applications from the Coast Life Support District and Marin-Sonoma Mosquito and Vector Control District and MSR projects. Revenues are on target.

9. CONFIRM MEETING WEDNESDAY, December 8, 2004, 2:00pm: Confirmed

10. ADJOURNMENT: The meeting was adjourned at approximately 3:25 p.m.