



MEETING MINUTES
Wednesday, April 6, 2005
Board of Supervisors Meeting Room
575 Administration Drive, Room 102A
Santa Rosa, CA 95403

COMMISSIONERS

Present H. E. Boyett, Chair
Present Paul Kelley
Present Mike Kerns
Present Debora Fudge
Present Lisa Schaffner
Present Ray Brunton
Present Gary Helfrich

ALTERNATE COMMISSIONERS

Absent Valerie Brown
Present Jean A. Kapolchok
Present Pamela Torliatt

STAFF

Present Steven Sharpe, Executive Officer
Present Carole Cooper, Assistant Executive Officer
Present David Hurst, Legal Counsel
Present Cynthia Olson, Clerk

1. **CALL TO ORDER:** Chairman Boyett called the meeting to order at 2:00 p.m.
2. **APPROVAL OF MINUTES OF FEBRUARY 2, 2005 MEETING:** The minutes of the meeting were approved as distributed. Commissioner Helfrich, who had not been present at the meeting, abstained.
3. **NEW COMMISSIONER INTRODUCTION AND GENERAL ANNOUNCEMENTS:** Chair Boyett welcomed Gary Helfrich as the elected Special District Representative to the Commission and appointed him to fill former Commissioner Massey's remaining term on the Policy Committee. Commissioner Schaffner was congratulated on the City Selection Committee's reappointing her to the Commission. Staff noted that materials related to current agenda items had been provided to commissioners just prior to the meeting.
4. **GENERAL PUBLIC COMMENT:** None
5. **CONSENT CALENDAR:**

5.1 File 03-11: Southeast Santa Rosa Reorganization No. 1-03 (Strasser) Involving Annexation to the City of Santa Rosa and Detachment from Rincon Valley Fire Protection District and County Service Area No. 41 (Multi-Svcs.)

Applicant: Nelson Strasser

Env. Document: Categorical Exemption

Proposal: Reorganization request for one parcel totaling 0.58+/- 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 north side of Montgomery Drive, east of Brey Road in southeast Santa Rosa

Prezoning: RR-20 (Rural Residential) District

Action: Approved as recommended by staff

Kelley: aye Kerns: aye Fudge: aye Schaffner: aye Brunton: aye Helfrich: aye Boyett: aye

Ayes: 7 Noes: 0 Absent/Abstain: 0

6. **REGULAR CALENDAR PUBLIC HEARING**

6.1 File 05-01: Northwest Santa Rosa Reorganization No. 3-97 (Fulton Rd Investors) Involving Annexation to City of Santa Rosa and Detachment from Rincon Valley Fire Protection District, County Service Area 40 (Fire Services) and County Service Area No. 41 (Multi-Services)

Applicant: Fulton Road Investors, LLC

Environmental Document: Environmental Impact Report

Proposal: Reorganization request for 27 parcels, totaling 165+/- acres, involving annexation to the City of Santa Rosa and detachment from Rincon Valley Fire Protection District, County Service Area No. 40 (Fire Services) and County Service Area No. 41 (Multi-Services)
Location: Generally east of Fulton Road, north of San Miguel Avenue, south and west of Francisco Avenue, and extending to the railroad tracks at Barnes Road, in Northwest Santa Rosa
Prezoning: PC (Planned Community) District

Carole Cooper presented the staff report and recommended that the Commission approve the proposal, certify its review and consideration of the Subsequent Final Environmental Impact Report prepared by the City of Santa Rosa, make the findings described in the staff report, including finding overriding considerations for traffic/circulation and biological impacts, and set a protest hearing for June 1, 2005.

In response to Commissioner Fudge's inquiry about a neighborhood shopping center to service local residents within walking distance of the development and the location of bike lanes/sidewalks along Fulton Road, staff and developer representatives indicated that, while a shopping center was planned later in the development process, it was not required; a bike lane is planned along the west side of Fulton Road. Commissioner Kelley asked whether Francisco Avenue is to be straightened as indicated in the mitigated measures and whether the traffic signal at San Miguel / Fulton Road in combination with the widening of Fulton Road would satisfy the mitigation requirements for traffic. It was determined that Francisco Avenue and Wood Road were planned to connect. Developers of the current proposals, North Village and Woodbridge, would construct a traffic signal to mitigate impacts of those developments; an additional signal and other improvements would be required subsequently to mitigate traffic and circulation impacts.

Chairman Boyett opened the public hearing.

Elizabeth Hugill, 2514 Fulton Road, presented a PowerPoint outlining her concerns with the design elements of the proposal and their effects on the area.

Hugh Futrell, applicant, noted that the improvement of Fulton Road would be at private cost rather than using Measure M funds and, if LAFCO approved the proposal, widening of Fulton Road would begin this summer. He provided information related to shopping, in response to a question from Commissioner Fudge, indicating that the development plan for the entire annexation area includes a satellite retail/community center. City policies do not mandate but allow this use; since this is outside the current development proposals for North Village and Woodbridge, he could not project when or if it would be built.

With no other comments from the public, Chairman Boyett closed the public hearing.

Commissioner Kelley pointed out safety issues related to the school within the proposal area and noted that the annexation will help mitigate these issues. He moved that the Commission accept staff recommendations to approve the reorganization and set the protest hearing for June 1, 2005. Commissioner Kerns seconded the motion.

Action: Approved as recommended by staff

Kelley: aye Kerns: aye Fudge: aye Schaffner: aye Brunton: aye Helfrich: aye Boyett: aye
Ayes: 7 Noes: 0 Absent/Abstain: 0

6.2 File 05-02: Northeast Santa Rosa Reorganization No. 7-03 (Quayle) Involving Annexation to the City of Santa Rosa and Detachment from Rincon Valley Fire Protection District and County Services Area No. 41 (Multi-Services)

Applicant: Donald Quayle

Environmental Document: Negative Declaration

Proposal: Reorganization request for 18 parcels, totaling 20.64+/- 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 east and west of Los Alamos Road, south of Fawn Drive, and north of Wildwood Trail, in northeast Santa Rosa

Prezoning: Rural Residential and Rural Residential Scenic Road Districts

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Staff noted that, on March 16, a Notice of Public Hearing was mailed to all property owners and registered voters within the subject territory and within 300' of the outside boundary, as required by statute. On March 18, staff received a call from a property owner who had received a notice for another proposal on today's agenda. After consultation with Legal Counsel, staff immediately reissued the appropriate public notice to all those on the mailing list.

Carole Cooper reviewed the staff report and recommended that the Commission approve the reorganization as proposed, certify its review of the Negative Declaration prepared by the City of Santa Rosa, and set a protest hearing for June 1, 2005.

Commissioner Fudge asked whether there is an official Community Separator and if so, where it is located. Steve Sharpe noted that the Urban Growth Boundary for the City of Santa Rosa delineates the start of the Community Separator.

Chairman Boyett opened the public hearing.

Don Quayle, applicant and owner of one parcel within the subject territory, stated that he has attempted to annex this property for 27 years, the staff report adequately covered the issues, and the pre-zoning from RR-20 to RR-40 for all the parcels within the annexation should alleviate concerns of neighbors as to the character of the neighborhood and future development potential for the parcels. He noted that this is an existing subdivision; he and the other petitioners were not asking for anything new, only access to City services.

Fred Greenstein, 5745 Futura Way, Santa Rosa, just outside the annexation boundary, stated he spoke for many area residents who oppose the annexation, believing the boundaries are inappropriate, development should not be done piecemeal. He stated that the annexation creates a split down the center of Fawn Drive, creating confusion to service providers, will open the doors to additional annexations and development, and will create additional fire hazard, traffic problems and pressure on already crowded schools; he stated, in addition, that some of the property, east of Los Alamos Road, is in the community separator. He believed that there is no way to insure that the cumulative negative effects of any additional development are properly addressed.

Chair Boyett noted, for Mr. Greenstein, and was supported by comments from staff, that the entire width of Fawn Drive would be included in the annexation territory and not split down the middle, making maintenance the responsibility of the City of Santa Rosa. Staff clarified that the annexation is not in the county community separator but may be in a city community separator.

Mike Frey, 5710 Fawn Drive, Santa Rosa, stated his opposition to the proposed annexation because it divides the neighborhood. He indicated that he spent substantial funds to upgrade his septic system, does not want additional utility taxes, and his wife, a teacher at Austin Creek School, is concerned with the impact of additional homes on the local schools.

Bob Neyman, 5730 Fawn Drive, Santa Rosa, spoke in opposition, stating his concern with fire service availability, as the only access to the area is from Los Alamos Road.

Chair Boyett stated that a major LAFCO concern is availability of services, such as fire, and, as the annexation is contiguous to city boundary, services are readily available.

Jim Berger, 861 Wildwood Trail, Santa Rosa, spoke in favor of the annexation. He has lived in the area, called Scenic Acres, since 1967 and bought property with the intent to build. Due to tightening of county regulations on septic systems and the refusal of the city to allow annexations, the owners of the lots within the annexation have not been able to build. The majority of the people opposing the annexation live in the lots created after 1970 and it appears to him to be a case of "I have mine, now close the doors." The Rincon Valley schools have indicated to him there is adequate space for the additional children. He believes the overall area has seen, and will continue to see, failing septic systems.

Angela Stevenson, 610 Los Alamos, Santa Rosa, spoke in opposition to the annexation. She is concerned the annexation will open the area to more development and the rural area needs to be protected for all to enjoy.

With no other comments from the public, Chairman Boyett closed the public hearing.

Chair Boyett noted that, if the proposal is approved, it will be subject to a protest hearing and those qualified will have the opportunity to file a protest.

Commissioner Torliatt asked whether the parcels could be developed without city services and whether granny units are allowed. Chuck Regalia, City of Santa Rosa, indicated "second units" are allowed wherever primary dwellings are allowed.

Commissioner Kapolchok indicated that modifications of the zoning from RR-20 to RR-40 allow for development of mapped parcels only, not for additional development; in addition, from an environmental standpoint, it would be better to have city services rather than contamination of the groundwater from failing septic systems. She believed that the proposal is consistent with city and LAFCO policies.

Commissioner Kerns asked Mr. Quayle to address the question as to whether the lots could be developed without public services. Mr. Quayle stated that one property has already tried and failed to repair a septic system to a functional condition; he stated his belief that additional septic systems in the area were failing. Chairman Boyett stated, for the record, that these comments were not part of the public hearing but for clarification purposes only.

Commissioner Kelley moved that the Commission accept staff's recommendations to approve the reorganization and set the protest hearing for June 1, 2005. Commissioner Helfrich seconded the motion.

Action: Approved as recommended by staff

Kelley: aye Kerns: aye Fudge: aye Schaffner: aye Brunton: aye Helfrich: aye Boyett: aye
Ayes: 7 Noes: 0 Absent/Abstain: 0

6.3 2005-2006 LAFCO Proposed Budget and Fee Schedule

Commissioner Fudge reported that the Budget Committee had met in March to discuss and review the proposed budget, had their questions answered, and concurred with what staff presented to the Committee.

Carole Cooper reviewed the staff report, which recommended that the Commission approve the 2005-06 budget and fee schedule proposed by staff. Under this proposals, current staffing levels would be maintained; a Memorandum of Understanding with the County for facilities, equipment, staffing, and legal services would be continued; and an "unreserved /undesigned" fund balance to be maintained at \$25,000 would be authorized. The report further recommended that the Commission direct staff to refund to agencies any monies remaining beyond the established fund balance amount, in proportion to agencies' apportionment, at the end of the fiscal year, or collect from agencies the amount needed to maintain the "unreserved/undesigned" fund balance at the level established by the Commission, and prepare a final budget to be considered by the Commission in June.

In response to a question from the Chair, Carole Cooper indicated that special districts required to provide ERAF III funding were sent a listing of the amounts required earlier this year by the County Auditor. In response to Chair Boyett's question about the impact of the increased LAFCO apportionments would have on special districts. Commissioner Brunton stated that, at this time, the impacts do not appear to be significant; the special districts would work with the situation.

Steve Sharpe summarized meetings with City managers and LAFCO staff, stating that no any serious interest in renegotiating apportionment amounts had emerged in the discussions. Carole Cooper clarified, for Commissioner Schaffner, that it did not appear that local hospital districts would be charged an apportionment amount for 2005-06. Apportionments for hospital districts and health care districts operating hospitals are based on a report other than the State Controller's Annual Report. If these districts' "net from operations" is a negative number, no LAFCO apportionment would be charged until the year after that figure was a positive amount.

Chairman Boyett opened the public hearing. Seeing no one rise, he closed the public hearing.

Chairman Boyett commented that, although the 9.1% increase for salary/benefits is high, a review of details shows the factors leading to this increase are largely uncontrollable by staff; he stated his support of the budget. Commissioner Schaffner moved that the Commission accept staff's recommendations to approve the preliminary budget and set the final approval hearing for June 1, 2005. Commissioner Kelley seconded the motion.

Action: Approved as recommended by staff

Kelley: aye Kerns: aye Fudge: aye Schaffner: aye Brunton: aye Helfrich: aye Boyett: aye
Ayes: 7 Noes: 0 Absent/Abstain: 0

7. REGULAR CALENDAR:

Alternate Public Member Appointment/Reappointment – Commissioner Kerns moved that the Commission appoint Commissioner Kapolchok to another term as the Alternate Public Member. Commissioner Kelley seconded the motion. Commissioner Torliatt stated, for the record, that, as a process issue, she believed the appointments for both the Public Member and Alternate Public Member should be noticed and open to the public for submission of applications.

Action: Alternate Commissioner Kapolchok was appointed to a new four-year term of office.

Kelley: aye Kerns: aye Fudge: aye Schaffner: aye Brunton: aye Helfrich: aye Boyett: aye

Ayes: 7 Noes: 0 Absent/Abstain: 0

8. INFORMATION/DISCUSSION/REPORT ITEMS:

Presentation: Southwest Santa Rosa / Roseland island: Steve Sharpe introduced the discussion by reading an excerpt of the letter sent to the City by LAFCO regarding the Commission's concerns after discussion at the November 4, 2004, meeting. He confirmed that staff had met with the city manager, director of the Community Development Department, and Chuck Regalia, the Planning Director, to discuss this proposal and possible modifications to the annexation boundaries to avoid the creation of islands.

Chuck Regalia, City of Santa Rosa Department of Community Development, summarized the policies and procedures used by the City to consider annexations and set boundaries. He stated that the City's goal is to annex property in the most efficient and effective manner possible, with the highest probability of success. Especially with fees between \$10,000 - \$15,000, it is not in the City's or an applicant's interest to send through an annexation with a probability of failure. The City works to include as large an area as possible within an annexation proposal, within the constraints that, if LAFCO approved, those within the area would determine whether annexation would go forward. With regards to LAFCO File 04-15 (Gasparini), the City followed this process. Mr. Regalia stated that there is no City policy or Council direction to proactively pursue additional annexations in Roseland. He referred to annexations in Rincon Valley, which have occurred regularly over the years, with each one reducing the size of County islands remaining in that area.

Commissioner Boyett thanked Mr. Regalia for being present but stated that he believes that the City has a clear idea of LAFCO's position with regards to annexations, delivery of service and creation of islands.

Commissioner Kelley stated his belief that the Gasparini proposal was held over from the November 2004 meeting because no City representative was present then. Mr. Regalia apologized for his absence, noting that he is working to insure a representative from the City of Santa Rosa will attend future meetings. Commissioner Torliatt recalled that the Commission was concerned with the creation of non-contiguous islands and that there was strong opposition to moving forward with this proposal without any additional annexation territory. Commissioner Fudge agreed, stating that, while she understood the City's position and process, she was still not pleased with the application's creating more islands.

Staff requested direction as to how staff should proceed with the Gasparini application. Commissioner Kelley stated his concern about debating the merits of the project without proper notice and recommended that LAFCO staff meet with the applicant and the City, consider the discussion at the November meeting and bring the proposal back to the Commission for consideration.

8.1 Educational Revenue Augmentation Fund (ERAF): No comments or discussion.

8.2 Policy Committee Report: Commissioner Kapolchok, as Committee chair, reported that the MSRs are ahead of schedule; the committee will be reviewing and revising the current Rules of Procedures and possibly other policies; and the draft fire district reviews are in and will be sent out to the districts for comment shortly.

**9. CONFIRM NEXT MEETING: Wednesday, May 4, 2005, 2:00p.m.
CONFIRM BUDGET COMMITTEE MEETING: Wednesday, May 4, 2005, 1:30 p.m.**

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10. **ADJOURNMENT:** The meeting was adjourned at 3:35 p.m.