



MINUTES OF MEETING
Wednesday, June 1, 2005

Board of Supervisors Meeting Room
575 Administration Drive, Room 102A
Santa Rosa, CA 95403

COMMISSIONERS

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

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 BY THE CHAIR:** Chairman Boyett called the meeting to order at 2:00 p.m.
 2. **APPROVAL OF MINUTES OF MEETING:** The minutes of the May 4, 2005 meeting were approved as distributed. Commissioners Fudge and Kelley, who were not present at the meeting, abstained.
 3. **GENERAL ANNOUNCEMENTS:** none
 4. **GENERAL PUBLIC COMMENT:** Chair Boyett opened the public comment period and, seeing no one rise to address the Commission, closed the general public comment period.
 5. **CONSENT CALENDAR:** Action items on the Consent Calendar will be taken in one motion. Any person wishing to comment on a consent item should request that the item be removed from the consent calendar at this time.
 - 5.1 File No. 05-08: Northeast Santa Rosa Reorganization No. 4-04 (Reed) Involving Annexation to the City of Santa Rosa and Detachment from County Service Area No. 40 (Fire Services) and County Service Area No. 41 (Multi-Services)

Applicant: Pamela Reed
Environmental Document: Negative Declaration
Proposal: Reorganization request for four parcels totaling 6.16+/- acres, involving annexation to the City of Santa Rosa and detachment from County Service Area No. 40 (Fire Services) and County Service Area No. 41 (Multi-Services)
Location: Generally located along the west side of Nielsen Road, north of Chanate Road and south of Buena Vista Drive, in northeast Santa Rosa
Prezoning: Single Family Residential District

Action: Approved as recommended by staff

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

Ayes: 6 Noes: 0 Absent/Abstain: 1
 - 5.2 Final Action: Denial Without Prejudice: File 04-15: Southwest Santa Rosa Reorganization No. 1-02 (Gasparini) Involving Annexation to the City of Santa Rosa and Detachment from Roseland Fire Protection District and County Service Area No. 41 (Multi-Services)

Applicant: Michael Gasparini, Allan Henderson

Environmental Document: Southwest Santa Rosa Area Plan Final Environmental Impact 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 Dutton Avenue and east of Hearn Avenue, in southwest Santa Rosa

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

Commissioners Fudge and Kelley indicated they would be voting on this item as they had listened to the tape of the last meeting, where this proposal had been discussed.

Action: Approved as recommended by staff

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

Ayes: 6 Noes: 0 Absent/Abstain: 1

5.3 Amendment to Final 2004-05 Budget

Action: Approved as recommended by staff

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

Ayes: 6 Noes: 0 Absent/Abstain: 1

6. REGULAR CALENDAR

- 6.1 File No. 05 –07: Cloverdale Reorganization No. 1-05 (Zanzi) Involving Annexation to the City of Cloverdale and Detachment from County Service Area No. 41 (Multi-Services)

Applicant: Kedric Zanzi

Environmental Document: Mitigated Negative Declaration

Proposal: Reorganization request for one parcel totaling 13.53+/- acres, involving annexation to the City of Cloverdale and detachment from County Service Area No. 41 (Multi-Services)

Location: Generally located south of West 2nd Street, north of Gamay Drive, and west of Cloverdale Blvd, in Cloverdale

Prezoning: Single Family Residential District

Carole Cooper reviewed the staff report and noted that the map sent the commissioners should have read "Urban Service Area" instead of "Urban Growth Boundary." Cloverdale does not have an Urban Growth Boundary. Staff recommended that the Commission approve the proposal and waive a protest hearing since the property owner had initiated and consented to the action. Commissioner Kelley moved to accept the proposal as recommended by staff. Commissioner Kerns seconded the motion.

Action: Approved as recommended by staff

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

Ayes: 6 Noes: 0 Absent/Abstain: 1

- 6.2 File No. 05 –04: Petaluma Reorganization No.2005-01 (Cobblestone) Involving Annexation to the City of Petaluma and Detachment from County Service Area No. 40 (Fire Services) and County Service Area No. 41 (Multi-Services)

Applicant: Cobblestone Homes, Inc.

Environmental Document: Mitigated Negative Declaration

Proposal: Reorganization request for seven parcels totaling 24.05+/- acres, involving annexation to the City of Petaluma and detachment from County Service Area No. 40 (Fire Services) and County Service Area No. 41 (Multi-Services)

Location: Generally located east of McNear Avenue and south of Petaluma Blvd, in southwest Petaluma

Prezoning: PUD (Planned Unit Development) District

Carole Cooper reviewed the staff report and pointed out the possibility of creation of county islands in the area if a proposal currently before the City of Petaluma (Lomas) is approved, along with the proposal before the Commission. Staff offered several possible options regarding action and asked the Commission for direction.

Staff and Mike Moore, Director of Community Development for the City of Petaluma, responded to commissioners' questions. It was determined that the Petaluma City Council was scheduled to consider the Lomas proposal on June 6, 2005; a mitigated negative declaration had been adopted for that project; if the City approved the Lomas project, it was uncertain when it would come before LAFCO, depending on the applicant's timing; the issue of creation of islands was briefly discussed by the City Council during its consideration of the Cobblestone proposal; the City does not force annexations but encourages applicants to bring in as many property owners as possible; the Cobblestone and Lomas proposals were submitted at different times and were considered separately; the applicant for the Lomas proposal is aware that LAFCO might not favor a proposal that created islands; while the City did not canvass properties adjacent to the Cobblestone boundary, the applicant did contact the owners.

Chair Boyett opened the public hearing.

Frank Denney, Cobblestone Homes Inc., noted that the project has been in process for several years and his company was ready to start the work; he stated that Cobblestone representatives aggressively tried to contact adjacent property owners but did not receive response. He encouraged LAFCO to look to the Lomas proposal to bring in any additional properties, since he believed his proposal did not create an island.

Commissioner Kelley stated the proposal seems to conform to LAFCO guidelines and noted that, although it is appropriate to discuss the issue of island creation by future projects, the Lomas project is not before LAFCO now and may not come before LAFCO. He moved to approve the proposal as recommended including the additional portion of McNear Ave, extending from the present boundary to the intersection with Petaluma Blvd. Commissioner Kerns seconded the motion, expressing concern to the City and developers about creation of County islands in the area.

In response to Alternate Commissioner Torliatt's question regarding who would be responsible for improvements, if any, to the section of McNear Ave that was to be added to the annexation, Mr. Moore clarified that the City of Petaluma, upon request from LAFCO to include this road in the annexation, conducted a survey of the road and determined that the road was in satisfactory condition for the anticipated traffic without additional improvements at this time and could accept LAFCO's condition for annexation. David Robertson, Sonoma County Deputy Director of Public Works, was present in the chambers and nodded his agreement.

Chair Boyett expressed his concerns that the irregular boundaries of this proposal create an island and favored continuing the proposal until the Lomas proposal comes before the City of Petaluma. Commissioner Helfrich did not feel it would be equitable, in light of the Commission's awareness of the upcoming proposal, to allow the Cobblestone proposal to go forward, as is, and force the Lomas proposal to bear the entire burden of bringing in all the additional properties. Commissioner Torliatt agreed that the Cobblestone proposal does not create an island and noted that it had been in process for a long time. Commissioner Fudge stated that she was not pleased with the burden on Lomas. Commissioner Kerns stated that Cobblestone by itself does not create an island and should be taken as a stand-alone proposal.

Chair Boyett called for a roll call vote.

Action: Approved as recommended by staff

Kelley: aye Kerns: aye Fudge: aye Schaffner: aye Brunton: abs Helfrich: no Boyett: no

Ayes: 4 Noes: 2 Absent/Abstain: 1

7. **REGULAR CALENDAR PUBLIC HEARING**

PROTEST HEARING

- 7.1 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

Carole Cooper reviewed the staff report and recommended that the Commission conduct a protest hearing and receive any additional written protests submitted by the close of the public hearing. If, at that time, the number and type of protests were conclusively "insufficient" to affect the Commission's approval of the proposal, staff recommended that the Commission order the change of organization. If it appeared that the number and type of protests received by the close of the public hearing were near or above the 25% threshold, staff recommended that the Commission direct staff to ascertain the value of these protests and report to the Commission at its next regular meeting, on July 6, 2005, regarding Commission action.

Chair Boyett opened the protest hearing.

Fred Greenstein, 5745 Futura Way, stated his opposition to the proposal.

Bob Neyman, a property owner and registered voter residing within the annexation boundaries, stated his opposition to the annexation and confirmed he had submitted a written protest to LAFCO prior to the hearing.

Seeing no one else rise, Chair Boyett closed the protest hearing. Staff stated that six protests had been submitted. Staff will verify the protests to ascertain their value, according to statutory criteria, and will provide a report to the Commission at the July 6, 2005, meeting regarding final action.

PROTEST HEARING

- 7.2 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 No. 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 reviewed the staff report and recommended that the Commission conduct a protest hearing and receive any additional written protests submitted by the close of the public hearing. If, at that time, the number and type of protests were conclusively "insufficient" to affect the Commission's approval of the proposal, staff recommended that the Commission order the change of organization. If it appeared that the number and type of protests received by the close of the public hearing were near or above the 25% threshold, staff recommended that the Commission direct staff to ascertain the value of these protests and report to the Commission at its next regular meeting, on July 6, 2005, regarding Commission action. Staff indicated that no protests had been received from the date of the publication of the Notice of Hearing until the present.

Chair Boyett asked for and received from staff an explanation of the difference between inhabited and uninhabited.

Chair Boyett opened the protest hearing and, seeing no one rise to submit written protests, closed the public hearing. Commissioner Kelley moved to approve the proposal, due to insufficient protest. Commissioner Schaffner seconded the motion.

Action: Approved as recommended by staff

Kelley: aye Kerns: aye Fudge: aye Schaffner: aye Brunton: abs Helfrich: aye Boyett: aye
Ayes: 6 Noes: 0 Absent/Abstain: 1

7.3 File 04-19: Amendment No. 8 to the Forestville County Water District Sphere of Influence and Annexation No. 04-01 to the Forestville County Water District (Ya-Ka-Ama Indian Education and Development, Inc.)

Applicant: Ya-Ka-Ama Indian Education and Development, Inc.

Environmental Document: Exemption pursuant to Section 15061(b)(3), CEQA Guidelines

Proposal: Request for amendment to sphere of influence of Forestville County Water District and annexation to Forestville County Water District of 127.44+/- acres of uninhabited territory

Location: Generally located west of Eastside Road, north of Wohler Road, east and south of the Russian River, in unincorporated Sonoma County

Carole Cooper reviewed the staff report and recommended that the Commission approve the sphere of influence amendment and the annexation, as proposed.

Commissioner Torliatt asked staff to clarify the current status of the SCWA and Forestville Water District negotiations regarding the restructuring of the water agreement and how much water the facility was currently using. Steve Sharpe stated he was not aware of the negotiations. This application clears up a long-standing issue of jurisdiction. Carole Cooper stated that a representative of Ya-Ka-Ama, Charles Starr, was present and could better answer Commissioner Torliatt's question regarding water consumption. Mr. Starr stated that water rates doubled when the service was changed from the Sonoma County Water Agency to the Forestville County Water District. He indicated the amount of water used was relatively low as they have one caretaker residing on the property, maintain only a small garden project, and do not anticipate expansion of use.

Commissioner Fudge asked Mr. Starr if Ya-Ka-Ama had approached the Town of Windsor to supply water to the facility. Mr. Starr stated that they had done so twice, but the two sides could not come to an agreement.

Commissioners Kapolchok and Torliatt stated they supported the proposal but were concerned about opportunities for future development. Commissioner Kapolchok suggested strengthening the language of the resolution to insure that the land will be used for a non-profit educational facility only. Mr. Starr asked whether that would restrict the use of the land and if so, how much and how long, noting that Ya-Ka-Ama did not ask for the change, which was instituted by County action. Commissioner Kapolchok stated these issues would be addressed in the planning and permit process. Commissioner Kerns stated that any future land use would be under the purview of the Sonoma County General Plan, and any uses outside the Plan would be addressed at that time. Commissioner Torliatt indicated an interest in limiting development potential.

Mr. Starr stated that this action was not their choice but forced on them by the County, and the action represents an administrative change in jurisdiction only, not a new extension of services.

Commissioner Kelley moved to approve the proposal with Commissioner Kapolchok's suggested changes, as discussed. Commissioner Fudge seconded the motion.

Action: Approved as recommended by staff

Kelley: aye Kerns: aye Fudge: aye Schaffner: aye Brunton: abs Helfrich: aye Boyett: aye
Ayes: 6 Noes: 0 Absent/Abstain: 1

7.4 2005-06 Final Proposed Budget and Fee Schedule

Carole Cooper reviewed the staff report and recommended that the Commission approve the proposed final budget and fee schedule. Staff also recommended that the Commission use \$15,000 from the fund balance as a credit to next year's apportionments for the county, cities and special districts, leaving approximately \$31,000 in the fund balance to cover contingency needs. Commissioner Boyett asked why charges from the Auditor's Office are higher in the 05-06 budget. Staff explained that the 05-06 budget includes funds for an audit of LAFCO operations from 2003-04 and 2004-05; the last audit was conducted two years ago. In response to Commissioner Boyett's question on what, if any, special projects they anticipated in the coming year, staff responded that consultation on the consolidation of fire districts may arise.

Commissioner Boyett opened the public hearing and seeing no one rise, closed the hearing.

Commissioner Schaffner moved to accept the final 2005-06 budget as proposed. Commissioner Kelley seconded the motion.

Action: Approved as recommended by staff

Kelley: aye Kerns: aye Fudge: aye Schaffner: aye Brunton: abs Helfrich: aye Boyett: aye
Ayes: 6 Noes: 0 Absent/Abstain: 1

7.4 LAFCO Staffing and Facilities: Memorandum of Understanding and Reappointment of Executive Officer for Fiscal Year 2005-06; Staffing Levels

Staff reviewed the staff report and recommended that the Commission continue the contract with the County Administrator's Office for professional and clerical staffing, office space, equipment and supplies. Commissioner Boyett explained that the Personnel Committee had directed the Executive Officer to conduct a survey of the staffing of other similarly sized LAFCOs and to analyze the staffing options for Sonoma LAFCO. He stated that, after discussions and in view of the fiscal constraints on the special districts and cities, the Committee recommended that the Commission maintain the existing staffing levels and sign the Memorandum of Understanding with the County of Sonoma for Fiscal Year 2005-2006.

Action: Approved as recommended by staff

Kelley: aye Kerns: aye Fudge: aye Schaffner: aye Brunton: abs Helfrich: aye Boyett: aye
Ayes: 6 Noes: 0 Absent/Abstain: 1

8. INFORMATION/DISCUSSION/REPORT ITEMS

8.1 Municipal Service Review Update: Steve Sharpe and Carole Cooper reported that they recently attended a meeting of the Sonoma County Fire Chiefs Association, along with EPS representatives. As a result of discussions with and feedback from fire personnel present, the consultant is revising the MSR on fire service providers. Staff plans to initiate a public comment period shortly and will schedule the MSR for consideration at the Commission's July meeting.

8.2 Update: Alternate Special District Member Vacancy: Carole Cooper reported that ballots have been sent to all special districts and are due into the LAFCO office by July 1, 2005. Staff will report on the result of the election at the July meeting.

9. CONFIRM MEETING WEDNESDAY, July 6, 2005, 2:00 p.m.; CONFIRM POLICY COMMITTEE MEETING, WEDNESDAY, July 6, 2005, 1:00 p.m. Confirmed

10. ADJOURNED at 3.36 p.m.



**CORRECTION TO THE MINUTES OF MEETING
Wednesday, June 1, 2005**

Board of Supervisors Meeting Room
575 Administration Drive, Room 102A
Santa Rosa, CA 95403

Item 6.2 File No. 05 –04: Petaluma Reorganization No.2005-01 (Cobblestone) Involving Annexation to the City of Petaluma and Detachment from County Service Area No. 40 (Fire Services) and County Service Area No. 41 (Multi-Services)

Replace “In response to Alternate Commissioner Torliatt’s question regarding who would be responsible for improvements, if any, to the section of McNear Ave that was to be added to the annexation, Mr. Moore clarified that the City of Petaluma, upon request from LAFCO to include this road in the annexation, conducted a survey of the road and determined that the road was in satisfactory condition for the anticipated traffic without additional improvements at this time and could accept LAFCO’s condition for annexation. David Robertson, Sonoma County Deputy Director of Public Works, was present in the chambers and nodded his agreement”.

With “In response to Alternate Commissioner Torliatt’s question regarding who would be responsible for improvements, if any, to the section of McNear Ave that was to be added to the annexation, Mr. Moore clarified that the City of Petaluma, upon request from LAFCO to include this road in the annexation, conducted a survey of the road and determined that the road, sidewalks and gutters were in satisfactory condition for the anticipated traffic without additional improvements at this time and could accept LAFCO’s condition for annexation. David Robertson, Sonoma County Deputy Director of Public Works, was present in the chambers and nodded his agreement”.