



**MINUTES OF MEETING
Wednesday, October 4, 2006**

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

COMMISSIONERS

Present Paul Kelley, Chair
Present Mike Kerns
Present Jean Kapolchok
Present Steve Allen
Present Lisa Schaffner
Present Mark Bramfitt
Present Ray Brunton

ALTERNATE COMMISSIONERS

Absent Tim Smith
Present Mark Ihde
Present Pamela Torliatt
Present Albert Giordano

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 at 2:00 p.m.

2. APPROVAL OF MINUTES OF MEETING: The minutes of the September 13, 2006, were unanimously approved as distributed.

3. GENERAL ANNOUNCEMENTS: Carole Cooper invited Commissioners to tour the new staff office, after the conclusion of the Commission meeting. She also acknowledged the efforts of Cynthia Olson in facilitating the relocation.

4. GENERAL PUBLIC COMMENT: none

5. CONSENT CALENDAR:

5.1 Final Resolution: Sharing of LAFCO Relocation Costs with County of Sonoma:

Action: Recommendation of ad hoc committee to split costs with County, 50/50, with the County to pay costs up front and LAFCO to reimburse its share in 2007-08

Schaffner: aye Allen: aye Kerns: aye Brunton: aye Bramfitt: aye Kapolchok: aye Kelley: aye
Ayes: 7 Noes: 0 Absent/Abstain: 0

6. REGULAR CALENDAR

6.1 File No.06-06: Petaluma Reorganization 2006-01 (South Petaluma Partners, LLC) 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: South Petaluma Partners, LLC

Environmental Document: Mitigated Negative Declaration

Proposal: Reorganization request for three parcels, totaling 47.4 +/- acres, involving annexation to the City of Petaluma and detachment from County Service Area No. 40 (Fire) and County Service Area No. 41 (Multi-Services)

Location: Generally located west of U.S. 101, south of its intersection with Petaluma Boulevard South, in southwest Petaluma

Carole Cooper reviewed the staff report and recommended approval, conditioned on the City of Petaluma's taking future action to initiate annexation proceedings for 16 contiguous parcels. She

presented an alternate condition whereby, instead of annexation proceedings for these parcels being initiated before a certificate of completion is recorded for the current proposal, the City would initiate such proceedings not later than 30 days after notice by the County of completion of reclamation of the North Parcels. There was general discussion as to the terms of the existing annexation agreement and the implications of the alternate condition.

Commissioner Kapolchok requested clarification on the steps involved in the reclamation process. Chair Kelley opened a public hearing.

Mike Sotak, Permit and Resource Planning Department, summarized the reclamation process. He projected that reclamation of the South Parcels would be completed near the end of 2006 or early in 2007.

Alternate Commissioner Torliatt stated concerns regarding the applicant's possible tentative map revision, timeframes for the annexation of the additional parcels, and impact on the annexation of the North Parcels of the delay in the adoption of the City of Petaluma General Plan and EIR.

Larry Lazar, Lomas Development, addressed Alternate Commissioner Torliatt's comments and answered Commissioners' questions.

Commissioner Kapolchok, expressing concerns about creation of islands, requested clarification as to the reason all the parcels could not be annexed simultaneously while allowing the County of Sonoma to retain jurisdiction over the reclamation process. Tom Grabel, Lomas Development, clarified that, for the County to maintain jurisdiction, part of the territory must remain unincorporated. In accordance with the State Mining and Reclamation Act (SMARA), the City of Petaluma cannot act as lead agency in the reclamation process since it does not have a mining ordinance. Discussion ensued among Mr. Sotak, Greg Dion, of County Counsel's Office, the applicant's representatives, and the Commission regarding the statute and the legal implications to this proposal.

Jerry Corda, Chief of the San Antonio Volunteer Fire Department, encouraged the approval of the annexation to facilitate the building of a new fire station for the Department.

David Hurst, LAFCO Counsel, stated that, under Section 2771 of the Public Resources Code, if a mining site is in two or more jurisdictions, one jurisdiction can be designated as Lead Agency on the reclamation process.

Alternate Commissioner Torliatt urged the Commission to obtain definite information on whether annexation of all the parcels is not possible, due to SMARA, before making a decision on this proposal.

Chair Kelley closed the public hearing and brought the item back to the Commission for discussion.

Commissioner Kerns observed that the affected territory would be a blighted area if the Commission did not take action.

Commissioner Kerns moved to approve the proposal with the alternative condition. The motion was seconded by Commissioner Schaffner.

Commissioner Kapolchok stated her interest in having certainty about annexing the contiguous properties instead of action that could occur three – five years away. Without complete information that would preclude annexing all the territory and maintaining County jurisdiction, she stated that she could not support the proposal.

Chair Kelley stated his concern if the Commission did not act, especially having a barren hillside for a long period. He also indicated that the applicant had deposited a significant amount of funds with the City to follow through with annexation of the other parcels. He asked for a roll call vote.

Action: Approved as recommended by staff

Schaffner: aye Allen: aye Kerns: aye Brunton: aye Bramfitt: aye Kapolchok: no Kelley: aye

Ayes: 6 Noes: 1 Absent/Abstain: 0

7. INFORMATION/DISCUSSION/REPORT

7.1 City of Petaluma Proposed General Plan 2025: Pamela Tuft, City of Petaluma, presented an overview of the City's proposed General Plan, which is currently undergoing review.

7.2 Proposed 2007 Commission Meeting Schedule: The Commission reviewed and accepted the Proposed 2007 LAFCO and Commission and Standing Committees meeting schedule.

8. CONFIRMED MEETING on Wednesday, November 1, 2006, at 2:00 P.M.

CONFIRMED Budget Committee meeting on Wednesday, November 1, 2006, 1:30 p.m.

9. ADJOURNED at 2:56 p.m.