



**MINUTES OF MEETING**  
**Wednesday, December 13, 2006**

*Approved*

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

**COMMISSIONERS**

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

**ALTERNATE COMMISSIONERS**

Present 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:** The Chair called the meeting to order at 2:00 p.m.
2. **APPROVAL OF MINUTES OF MEETING:** The minutes of the November 1, 2006, meeting were unanimously approved, as distributed.
3. **GENERAL ANNOUNCEMENTS:** Upon staff's recommendation, the Commission cancelled the January 3, 2007 meeting.
4. **GENERAL PUBLIC COMMENT: ONLY ITEMS NOT CONSIDERED ON REGULAR CALENDAR:** None
5. **CONSENT CALENDAR:**
  - 5.1 File No. 06-10: Northeast Santa Rosa Reorganization No. 2-05 (Tomlinson) Involving Annexation to the City of Santa Rosa and detachment from Rincon Valley Fire Protection District and County Service Area No. 41 (Multi-Services)

**Action:** Approved as recommended by staff

Schaffner: abs Allen: abstained Smith: aye Brunton: aye Bramfitt: aye Kapolchok: aye Kelley: aye

Ayes: 5 Noes: 0 Absent/Abstain: 2

**6. REGULAR CALENDAR PUBLIC HEARING**

- 6.1 File No. 06-11: Rohnert Park Reorganization No. 06-1 (University District) Involving Annexation to the City of Rohnert Park and detachment from Adobe Fire Protection District and County Service Area No. 41 (Multi-Services)

**Applicant:** City of Rohnert Park

**Environmental Document:** Final Environmental Impact Report for the University District Specific Plan and Addendum to Final Environmental Impact Report for the University District Specific Plan

**Proposal:** Reorganization request for 17 parcels, totaling 354.0 +/- acres, involving annexation to the City of Rohnert Park and detachment from Rancho Adobe Fire Protection District and County Service Area No. 41 (Multi-Services)

**Location:** Generally located east of Snyder Lane, west of Petaluma Hill Road, south of Keiser Avenue and north of Sonoma State University, in northeast Rohnert Park

**Pre-zoning:** Specific Plan District; Public/Institutional District

David Hurst, LAFCO Counsel, informed the Commission that the project's Environmental Impact Report (EIR) and the City of Rohnert Park's Water Supply Assessment (WSA) are the subject of legal challenges. The EIR litigation has been stayed pending final resolution of the WSA litigation, which is

currently on appeal. He stated that, because no injunction or stay has been granted, CEQA requires that the Commission assume the EIR for the project complies with CEQA and either approve or disapprove the project. If the Commission approves the project, the applicant may proceed with the project at its own risk, pending the outcome of the litigation. He further stated he believed that the Commission can take the same approach on the WSA and approve or disapprove the project relying on the existing documentation.

Carole Cooper reviewed the documents relating to this proposal that had been previously provided to the Commission for review. She summarized the staff report and recommended that the Commission approve the proposed reorganization as stated in the report, conduct a public hearing, take a straw vote reflecting the staff recommendation, and direct staff to return to the Commission in February with a final resolution.

Darren Jenkins, City Engineer, City of Rohnert Park, outlined the City's evaluation of water supply available to serve proposed development in as a result of the subject project.

The Chair invited Alternate Commissioner Torliatt to sit in place of Commissioner Schaffner, who was absent.

The Chair opened the Public Hearing:

H.R. Downs, The O.W.L. Foundation, presented information and showed a power point presentation in opposition to the proposal.

Vicki Vidak-Martinez, Vice Mayor of the City of Rohnert Park, outlined the history of the City of Rohnert Park's General Plan, the City Council's support for the project, and the public review of the project.

Ron Bendorff, Director of Community Development, City of Rohnert Park, provided a short presentation on the consistency of the project with both the Sonoma LAFCO conditions of annexation and the Cortese-Knox-Hertzberg regulations concerning annexations. He also highlighted the various aspects of the development.

Kevin Pohlson, representing the Real Parties, addressed affordable housing, infrastructure, public safety, and hydrology issues as they relate to the development, in support of the project.

Frank Treanor, Chief, Rancho Adobe Fire Protection District (FPD), stated the District's opposition to the reorganization, due to projected loss of revenue, and asked for an agreement between the City and the District to allow the District to continue to receive taxes from subject parcels, if annexation were approved.

Commissioner Brunton asked for and received from Chief Treanor clarification of the District boundaries and relative response times.

Karyn Pulley, Cotati Rohnert Park Unified School District Trustee, stated that the District has sufficient capacity for additional students and supports the annexation.

Leffler Brown, Cotati Rohnert Park Unified School District Trustee, stated the Board's support of the annexation and outlined additional funds that could be generated for the District by the development.

Dawna Gallagher, City resident, stated her opposition to the annexation and offered a clarification of facts she believed to be misstated by the City of Rohnert Park.

John Hudson, City resident, stated he was the attorney for Paul Stutrud and further stated that the infrastructure for the development has been paid through an increase in sewer rates not developer fees; he stated his opposition to the annexation.

Pascal Sisich, Director of Acquisitions and Forward Planning for Burbank Housing, stated the organization's support of the project, which he felt meets all requirements for "smart growth."

Howard Daulton, President, Sonoma County Alliance, summarized positive elements of the plan and expressed the Alliance's support of the project.

Jon Harford, of Canon Manor, asked for delay of project until Rohnert Park corrects the issues relating to fee increases for sewer connections in Canon Manor.

Louis Beary, Sons of Liberty, stated opposition to the proposal.

Joe Tootle, Geotechnical Engineer of Record for University District Project, stated that he reviewed or participated in the logging of over 50 exploratory borings on site. He stated the site is covered with several feet of highly plastic, low permeability clay similar to materials used to line storage ponds and that the site specific data does not support the claims of the area being a significant groundwater recharge area.

Paul Baldacchi, founder of Canon Manor West Community Improvements Group, stated his concerns about the agreement between the City of Rohnert Park and the County of Sonoma governing sewer capacity for Canon Manor West and asked the Commission to hold the City of Rohnert Park accountable for its actions regarding the Canon Manor area by denying the annexation.

Barry Graham, President, and Louise Mason, Senior Manager for Real Estate, Exchange Bank, stated their support for the annexation, the project, and the developer.

Ed Gee, Member, Board of Directors, Rancho Adobe FPD, stated the Board's opposition to the annexation due to the loss of revenues to the District. He noted that, in 1992, an agreement was reached between the Bellevue Fire Protection District and City of Santa Rosa allowing the District to keep the base tax rate for parcels removed from the District and annexed to the City. He encouraged the Commission to consider this in their decision.

Seeing no one else rise, the Chair closed the Public Hearing and brought the proposal back to the Commission for discussion.

Commissioner Bramfitt requested that a representative of PRMD outline the Department's requests for the annexation of additional roadway.

Greg Carr, Comprehensive Planning Director, PRMD, stated that PRMD normally looks to the annexing city to take over responsibility for roadways adjoining annexations. In this case, PRMD strongly encourages the inclusion of Snyder Lane.

Commissioner Bramfitt asked for and received from Counsel a clarification of the statement made at the start of the meeting regarding the litigation over the WSA and EIR.

Commissioner Kapolchok stated that the Statement of Overriding Considerations prepared by the City of Rohnert Park was not sufficient, in her view, with regard to the open space and agricultural lands and requested that, should the Commission approve the proposal, the LAFCO resolution include in the CEQA findings statements relating to these issues in more detail. She also stated her opposition to withholding the certificate of completion for the proposal until a formalized agreement between the City of Rohnert Park and the Sonoma County Transportation Authority has been reached.

Chair Kelley stated that, should the Commission approve this proposal, those issues brought forth by Commissioner Kapolchok regarding agricultural lands can be addressed in the resolution. He also stated that he believed the deposit of the money with SCTA would fulfill the Commission obligation, and it is up to the agencies to work through and formalize the details.

Commissioner Torliatt asked for and received from Planning Director Bendorff clarification on the definition and terms of the affordable housing elements and from City Engineer Jenkins, clarification of the City's position on several points with regards to the WSA and O.W.L. presentation. She stated her concerns of the impact of this and future projects on the roadways and the need for an agreement among the cities, county and SCTA in dealing with countywide transportation infrastructure issues. She stated her hope that the issue with the fire protection district could be resolved.

Commissioner Smith asked for staff's response to possible effects to the District from the annexation of the affected territory to the City. Steve Sharpe stated that, years ago, as part of an annexation, the City of Santa Rosa and the Bellevue Fire Protection District agreed to leave with the District, after annexation, the base tax share that the District had originally received. He stated this agreement was not initiated by LAFCO, and no similar agreement had been reached between Rancho Adobe FPD and the City of Rohnert Park.

Commissioner Smith affirmed his support of this project and complemented the efforts of the City and developers to incorporate into this project many of the goals of the various public and private agencies in the county. He further stated that the deposit of revenues by the developer to the Regional Traffic Impact Mitigation Fund is an important step toward addressing regional transportation problems. He encouraged the City of Rohnert Park and the Rancho Adobe FPD to work out an agreement.

Commissioner Smith moved to approve the proposal, as recommended by staff, including in the resolution the positive amenities of the project with regards to open space, buffers and agricultural lands, and with a direction to bring back to the Commission at the next meeting a resolution for final approval on the Consent Calendar. Commissioner Bramfitt seconded the motion.

Commissioner Torliatt asked for clarification of the motion before the commission. Chair Kelley stated that it was a motion for a straw vote that would bring the final decision on the proposal back before the Commission as a consent item on the February 7 meeting agenda.

**Action:** Straw vote to approve as recommended by staff

Torliatt: aye Allen: aye Smith: aye Brunton: aye Bramfitt: aye Kapolchok: aye Kelley: aye

Ayes: 7 Noes: 0 Absent/Abstain: 0

## **7. INFORMATION/DISCUSSION/REPORT**

- 7.1 Personnel Committee Report – Chair Kelley reported that Steve Sharpe has announced his planned retirement from county service around February - March 2007. As the Chair of the Personnel Committee, Chair Kelley asked for and received from the Commission the authority to discuss with the Executive Officer options during a transition period and report to the Commission in February.

## **8. CONFIRM MEETING:**

Wednesday, February 7, 2007, at 2:00 P.M.

Budget Committee Meeting, February 7, 2007, 1:30 P.M.

## **9. ADJOURNMENT** at 4:25 p.m.