



LOCAL AGENCY FORMATION COMMISSION  
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March 27, 2007

To: Commissioners

From: Carole L. Cooper, Assistant Executive Officer

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

***Background***

At its meeting of December 13, 2006, in a 7-0 straw vote, the Commission approved the City of Rohnert Park's request for reorganization of 17 parcels, totaling approximately 354 acres, generally located east of Snyder Lane, west of Petaluma Hill Road, south of Keiser Avenue and north of Sonoma State University. Staff was directed to return at the February 2007 meeting with a resolution for final action.

Just prior to the February meeting, counsel for the Rancho Adobe Fire Protection District, from which the affected territory would be detached upon annexation to the City, requested that the Commission not take final action at that time. He cited state Revenue and Taxation Code ("the Code") provisions, which allow for a 60-day period when agencies affected by a change in receipt of property tax revenues, due to a change of organization, may negotiate the tax exchange; the Code designates the county Board of Supervisors as the negotiating agent for special districts. The Code also allows use of a master property tax exchange agreement; this mechanism has been in effect between the County of Sonoma and cities in the county since it was approved in 1989.

Since the 60-day negotiation period was to end on February 13, 2007, the Commission, at its February 7 meeting, agreed with LAFCO counsel's recommendation to continue final consideration until the period was concluded. Subsequently, at the request of the District and in compliance with Code requirements, the LAFCO Executive Officer granted to the District a 15-day extension of the negotiation period, to February 28, 2007.

On February 22, the District requested the Sonoma County Board of Supervisors "for assistance in negotiating with the City concerning the issue of tax allocations." At its meeting of February 27, the Board heard from representatives of the District, considered the District's request, and determined to rely on the Master Property Tax



Exchange Agreement for exchange of property tax revenue. For Commissioners' information, *Attachment 1* contains County staff's transmittal report to the Board of Supervisors, along with the District's request and the Master Property Tax Exchange Agreement. To staff's knowledge, the City and District have not agreed to a separate tax exchange.

Although the Commission was scheduled to take final action on the subject proposal at its March meeting, due to the projected absence of many commissioners, the City requested that final discussion and consideration occur before a full Commission at the Commission's regular meeting in April.

### ***Resolution for Final Action***

In accordance with prior Commission direction, LAFCO staff and legal counsel, working with counsel for the applicant, have prepared a resolution for final Commission action on the proposed reorganization. The resolution (*Attachment 2*) includes references to amendment of the annexation boundaries for a segment of Snyder Lane, from Keiser Avenue to Moura Lane. *Attachment 3a* and *3b* are maps of the affected territory.

### ***Traffic Mitigation Agreement***

The Commission conditioned its approval of the proposal on formalization of an agreement regarding disposition of regional traffic mitigation funds, before recordation of a certificate of completion. Between the December and February Commission meetings, staff from the City, Sonoma County Transportation Authority (SCTA), and County Permit and Resource Management Department and Transportation and Public Works Department worked diligently with LAFCO staff to develop an agreement that would satisfy the Commission's condition and meet the parties' needs to work cooperatively in funding and managing regional traffic projects. With the concurrence of County staff, it was determined that parties to the agreement would be the City and SCTA. The Rohnert Park City Council approved the agreement at its meeting on January 23, 2007, and the SCTA board followed at its February 5, 2007, meeting. The agreement is attached, for Commissioners' information (*Attachment 4*).

### ***Protest Proceedings***

The Commission is required to conduct a protest hearing for the reorganization proposal because Rancho Adobe Fire Protection District, a subject agency, as defined by the Cortese-Knox-Hertzberg Act, submitted written opposition to the Commission's waiver of such proceedings. Notice of proceedings will be sent to owners of land within the affected territory, affected cities and districts, the county, proponents, and anyone requesting special notice. In accordance with the Commission's meeting schedule, unless the written opposition is withdrawn, the protest proceeding is planned for the Commission's June 6, 2007, regular meeting. The right of protest is restricted to owners of land within the annexation boundaries.

### ***Recommendation***

Staff recommends that the Commission approve the resolution reflecting its December 2006 straw vote action, incorporating the following:



- a. Approve the proposed reorganization, pursuant to findings and subject to the condition that the Sonoma County Transportation Authority and the City of Rohnert Park enter into an agreement for disposition of regional traffic mitigation funds from the University District project, prior to recordation of a certificate of completion for this proposal.
- b. Certify review and consideration of the information in the Final Environmental Impact Report, prepared by the City of Rohnert Park and certified by the City Council, and the Addendum to the Final EIR prepared for this proceeding by the Environmental Review Division of Sonoma County Permit and Resource Management Department for LAFCO; make findings required of a responsible agency under the provisions of CEQA; adopt a statement of overriding considerations; and direct staff to file a notice of determination in accordance with CEQA and the state CEQA Guidelines.
- c. Notice and conduct protest proceedings, pursuant to Government Code section 57000 et seq., since a subject agency has submitted written opposition to a waiver of such proceedings.

#### Attachments

1. February 27, 2007, Agenda Item Summary Report to Sonoma County Board of Supervisors, including attachments
2. Proposed Resolution
3. Map
4. Agreement for Disposition of Regional Traffic Mitigation Funds from the University District Specific Plan between Sonoma County Transportation Authority and City of Rohnert Park