

SONOMA LOCAL AGENCY FORMATION COMMISSION

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Staff Report

Meeting Date:	March 1, 2017
Agenda No.:	Item 4.1
LAFCO File	File 2016-11: Cloverdale Reorganization No. 2016-01 (Nu Forest)
Applicant:	City of Cloverdale
Proposal:	Public hearing to consider protests for reorganization request involving annexation of seven parcels, totaling approximately 42.5 acres, to the City of Cloverdale and detachment from County Service Area No. 41 (Multi-Services)
Location:	Generally located south of Crocker Road, east of U.S. Highway 101 and Asti Road, north of the City of Cloverdale wastewater treatment plant and corporation yard, and west of the Russian River, adjacent to the City of Cloverdale
Environmental Determination:	Mitigated Negative Declaration, prepared by City of Cloverdale
General Plan:	County – Rural Residential and Limited Industrial City – General Industry, Rural Residential, Public/Quasi-Public
Staff Contact:	Carole Cooper

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ANALYSIS

Background

At its January 4, 2017, meeting, after noticing and conducting a public hearing, the Commission approved a reorganization of territory involving annexation of seven parcels, totaling 42.5 acres, to the City of Cloverdale (“City”) and detachment from County Service Area No. 41 (Multi-Services). The affected territory is generally located south of Crocker Road, east of U.S. Highway 101 and Asti Road, north of the City of Cloverdale’s wastewater treatment plant and corporation yard, and west of the Russian River, adjacent to the City.

State law requires the Commission to conduct a noticed public hearing on the merits of a proposal when not all property owners have consented. In this case, five of the six property owners consented to the reorganization.

Typically, when it approves a proposal in such a situation, the Commission must conduct a protest hearing, allowing property owners the right to protest the action. Whether the proposal can go forward or be terminated is based on the provisions of state law.

The statute does allow the Commission to waive a protest hearing if the notice of hearing on the merits of the proposal includes a statement indicating that the Commission intends to waive that hearing if written opposition is not received prior to the close of the merits hearing.

As reported at the January hearing, staff received, and provided to the Commission, a letter of written opposition from Mr. Keith Cerasoli, who owns one parcel within the subject territory (340 Asti Road; APN 116-260-033). Given that action, the Commission must notice and conduct a protest hearing.

Commission Authority

In accordance with provisions of the Cortese-Knox-Hertzberg Local Government Reorganization Act of 2000, the Commission is designated as the conducting authority for a protest hearing. Notice of the protest proceeding was published in the *Press-Democrat* and posted on the Commission’s website. Staff also sent the Notice to all owners of property within the affected territory.

The purpose of the protest hearing is to receive oral and written protests from owners of land within the affected territory regarding the proposal. For protests to be considered in ascertaining their value, they must be written; they must contain identifying information; and they must be dated and submitted between the date of publication of the hearing notice on February 8, 2017, and the close of the protest proceeding on March 1, 2017.

For uninhabited territory, the statute requires that the Commission take one of two actions:

- (1) Terminate the proceedings if landowners owning 50 percent or more of the assessed land value of the land within the affected territory file and do not withdraw their protests (majority protest) or
- (2) Order the reorganization if written protests have been filed and not withdrawn by owners of land who own less than 50 percent of the total assessed value of land within the affected territory.

Current Status of Protests

As of the writing of this report, staff has received no protests.

RECOMMENDATION

Staff recommends that the Commission conduct a protest hearing and receive any written protests submitted by the close of the public hearing. If, at that time, the number and type of protests are insufficient to affect the Commission's approval of the proposal, staff recommends that the Commission order the reorganization. In that, at this time, the number of protests received is insufficient to terminate the reorganization, staff has prepared a draft resolution indicating insufficient protest and confirming the Commission's approval.

ALTERNATE RECOMMENDATION

None

ATTACHMENTS

1. Draft Resolution